

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of The)
Empire District Electric Company for a) File No. EA-2019-0010
Certificate of Convenience and Necessity)
Related to its Customer Savings Plan)

PROTECTIVE ORDER AND ORDER GRANTING APPLICATIONS TO INTERVENE

Issue Date: November 8, 2018

Effective Date: November 8, 2018

On October 18, 2018, The Empire District Electric Company (Empire) filed an application with the Commission seeking an order granting a Certificate of Convenience and Necessity (CCN) for two wind projects pursuant to section 393.170, RSMo 2016. Empire also filed a motion for a protective order. The Commission issued a notice and directed any requests for intervention or responses to the motion for protective order be filed no later than November 6, 2018. The notice also directed responses to the intervention requests of the Missouri Energy Consumers Group (MECG) and Renew Missouri Advocates, which were filed prior to the notice being issued.

Empire's motion for a protective order seeks additional protection for certain commercially sensitive information regarding wholesale electric market participants that will be filed, or otherwise disclosed, in this matter. Empire seeks leave to designate that information as "Highly Confidential" as permitted by the Commission's confidential information rule, 4 CSR 240-2.135(4). Empire explained that it was amenable to producing the sensitive information to each party's counsel and outside consultants who execute a Commission nondisclosure agreement on a "Highly Confidential" basis, but not to employees of parties other than the Staff of the Missouri Public Service

Commission, the Office of the Public Counsel, and the Missouri Department of Economic Development -- Division of Energy. No responses or objections to the motion for protective order were filed and the Commission will grant it.

MECG filed an application to intervene on October 19, 2018, and Renew Missouri Advocates filed a motion to intervene on October 22, 2018. No responses to those requests were filed. The Commission finds that allowing the MECG and Renew Missouri Advocates to intervene will serve the public interest. Therefore, in accordance with Commission Rule 4 CSR 240-2.075(3), the Commission will grant the applications to intervene of MECG and Renew Missouri Advocates.

THE COMMISSION ORDERS THAT:

1. Renew Missouri Advocates' application to intervene is granted.
2. The Missouri Energy Consumers Group's application to intervene is granted.
3. Non-public information about wholesale electric markets and non-public information relating to The Empire District Electric Company's Request for Proposal issued as part of its Customer Savings Plan, including responses and related information, shall be designated "Highly Confidential" at the time of its disclosure.
4. Disclosure of materials or information designated "Highly Confidential" shall be made only to the Staff of the Missouri Public Service Commission, the Office of the Public Counsel, the Missouri Department of Economic Development -- Division of Energy, counsel of record for each other party, and to outside consultants of each other party who have executed a Commission nondisclosure agreement attached to this order.

5. No “Highly Confidential” information shall be provided directly or indirectly to any employee of a party (other than Staff of the Missouri Public Service Commission, the Office of the Public Counsel, and the Missouri Department of Economic Development -- Division of Energy).
6. Persons afforded access to materials or information designated “Highly Confidential” shall neither use nor disclose such materials or information for purposes of business or competition or any other purpose other than in regard to this proceeding, and shall keep the materials and information secure and confidential and in accordance with the purposes and intent of this protective order.
7. All material and information designated as “Highly Confidential,” as well as any notes pertaining to such information, shall be returned to The Empire District Electric Company or destroyed upon the conclusion of this proceeding, with certification of same to Empire.
8. If any party disagrees with the “Highly Confidential” designation of any information, that party shall follow the informal discovery dispute resolution procedures set forth in Commission Rule 4 CSR 240-2.090(8). If these dispute resolution procedures are exhausted without resolution, the party may file a motion challenging the designation.
9. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive, flowing style.

Morris L. Woodruff
Secretary

Nancy Dippell, Senior Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,
on this 8th day of November, 2018.

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

NONDISCLOSURE AGREEMENT

For Case No.: _____
(To Access Highly Confidential Information)

I, _____, have reviewed the Commission's Rule at 4 CSR 240-2.135
on the _____ day of _____, 20_____.

I have requested review of the confidential information produced in Case No. _____
on behalf of _____.

I hereby certify that:

- (a) Only an outside expert retained by a party in this case may receive highly confidential information;
- (b) I am an employee of _____ acting as an outside expert for [state name of intervenor] _____ retained to provide expert consultation or testimony in this docket;
and
- (c) I have read and agree to abide by the Commission's Rule at 4 CSR 240-2.135 and all terms of the Protective Order issued by the Commission in this docket.

Dated this _____ day of _____, 20_____.

Signature & Title

Employer

Party

NONDISCLOSURE AGREEMENT

For Case No.: _____

(To Access Highly Confidential Information)

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Address

Telephone

E-Mail Address

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 8th day of November 2018.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

November 8, 2018

File/Case No. EA-2019-0010

Missouri Public Service Commission

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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



Morris L. Woodruff
Secretary

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.