

# 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

Issue Date: December 18, 2018

Effective Date: December 18, 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. The CCN would authorize Empire to construct, own, and operate two wind generation facilities to be constructed in the Missouri counties of Barton, Dade, Jasper, and Lawrence.

On December 7, 2018, the Missouri Department of Conservation (Conservation) filed a motion for protective order seeking protection for certain highly detailed, site-specific information regarding sensitive species and natural community types in Missouri. Conservation normally treats that detailed information as confidential and provides it only if the person seeking the information signs a data-sharing agreement. Conservation seeks leave to designate that information as Confidential as permitted by the Commission's confidential information rule, 4 CSR 240-2.135(4), and to require the completion of a non-disclosure agreement before that information is shared.

More than ten days have passed since Conservation filed its motion for protective order, and no one has opposed that motion.<sup>1</sup> The Commission finds Conservation's motion to be reasonable, and it will be granted.

The specific extra protections to be afforded to the information designated by Conservation as confidential are described in this order.

**THE COMMISSION ORDERS THAT:**

1. Information designated by the Missouri Department of Conservation as confidential shall be disclosed only to attorneys of record for all parties, to state agency parties and their employees covered by statutory confidentiality requirements, and to persons who complete the nondisclosure agreement attached to this order as Exhibit A.
2. This order shall be effective when issued.



**BY THE COMMISSION**

A handwritten signature in black ink that reads 'Morris L. Woodruff'.

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 18<sup>th</sup> day of December, 2018.

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<sup>1</sup> Commission Rule 4 CSR 240-2.080(13) allows parties ten days from the filing of a pleading to respond unless otherwise ordered by the Commission.

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

**NONDISCLOSURE AGREEMENT  
For Case No.: EA-2019-0010  
(To Access Highly Confidential Information)**

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

I have requested review of the highly 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: EA-2019-0010**  
(To Access Highly Confidential Information)  
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Address

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Telephone

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E-Mail Address

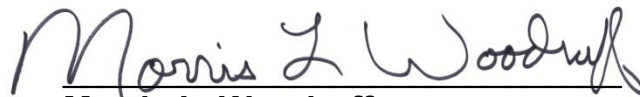
**STATE OF MISSOURI**

**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 18<sup>th</sup> day of December 2018.



  
**Morris L. Woodruff**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**December 18, 2018**

**File/Case No. EA-2019-0110**

**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,**

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive style with a large, prominent "M" and "W".

**Morris L. Woodruff  
Secretary**

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