

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED

FEB 16 2001

Missouri Public  
Service Commission

In the matter of tariff revisions of The )  
Empire District Electric Company designed )  
to increase rates on an interim basis for )  
electric service to customers in its )  
Missouri service area. )

Case No. ER-2001-452

**MOTION FOR PROTECTIVE ORDER**

Comes now The Empire District Electric Company, ("Empire"), by counsel, and for its Motion for Protective Order, pursuant to 4 CSR 240-2.085(2) respectfully states as follows to the Missouri Public Service Commission ("Commission"):

1. Contemporaneously herewith, Empire is filing with the Commission interim tariff sheets designed to allow Empire to put into place a two-step surcharge which will increase its electric revenues by approximately \$20,491,807 (total company) for the months of March through September, 2001, exclusive of applicable fees and taxes. This amounts to \$16,770,495 million on a Missouri jurisdictional basis. Also being filed contemporaneously herewith is the verified direct testimony of Empire witness David W. Gibson, which testimony contains information concerning projected earnings and projected returns on equity for Empire for 2001. Such projected information is not available to the general public and cannot be found in any format in any public document.

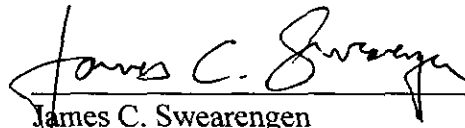
2. In view of the foregoing, Empire desires that the Commission issue in this case what has become known generally as its "standard form" protective order which contains both highly confidential and proprietary categories.

3. Pursuant to 4 CSR 240-2.085(2), RSMo, one (1) original and eight (8) copies of the public (NP) version and one (1) original and eight (8) copies of the complete (HC) version of Mr. Gibson's testimony containing the information to be protected is being filed herewith and a highly

confidential copy of said testimony will be served on the Commission's General Counsel and the Office of the Public Counsel.

WHEREFORE, Empire respectfully moves the Commission to issue its standard form protective order in this case.

Respectfully submitted,



James C. Swearingen #21510

Gary W. Duffy #24905

Brydon, Swearingen & England P.C.

P.O. Box 456

Jefferson City, MO 65102

Telephone (573) 635-7166

Facsimile (573) 635-0427

E-Mail LRackers@brydonlaw.com

Attorneys for The Empire District Electric Company

**Certificate of Service**

I hereby certify that a true and correct copy of the above and foregoing document was sent by U.S. Mail, postage prepaid, or hand-delivered, on this 16<sup>TH</sup> day of February, 2001, to:

Dan Joyce  
General Counsel  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102

John Coffman  
Office of Public Counsel  
P.O. Box 7800  
Jefferson City, MO 65102

