

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of The )  
Empire District Electric Company d/b/a )  
Liberty to Obtain a Certificate of ) **File No. EA-2023-0131**  
Convenience and Necessity to Enhance )  
System Resiliency )

## ORDER DIRECTING LIBERTY TO RESPOND REGARDING MOTION FOR PROTECTIVE ORDER

Issue Date: December 4, 2023

Effective Date: December 4, 2023

On February 14, 2023,<sup>1</sup> The Empire District Electric Company d/b/a Liberty filed an application with the Commission seeking an order granting a Certificate of Convenience and Necessity (CCN) authorizing Liberty to construct, install, own, operate, maintain, and otherwise control and manage two combustion turbine generators to replace existing combustion turbine generators Riverton Unit 10 and Riverton Unit 11.

On February 16, the Commission issued its *Order Directing Notice, Setting Intervention and Response Deadlines, and Directing Staff Recommendation*. The order set a March 20 deadline for parties to intervene. No motions to intervene were filed.

On March 15, Liberty filed a *Motion for Protective Order* seeking an order designating as “Highly Confidential” under Commission Rule 20 CSR 4240-2.135(4) “certain material regarding proprietary market information, commodity prices, competitive strategies, and planned purchases, as well as accredited capacity ratings for discrete units and forward resource adequacy positions[.]”

---

<sup>1</sup> Unless otherwise noted, all dates refer to the year 2023.

On May 9, Liberty filed a *Motion for Stay of Proceedings* to allow Liberty time to address additional developments regarding the generation interconnection process with the Southwest Power Pool and to provide additional information to the Staff of the Commission and other parties regarding the details of the proposed project. On May 10, the Commission granted Liberty's motion and stayed the proceedings in this matter.

On October 13, Liberty filed an *Amended Application for a Certificate of Convenience and Necessity* and requested that the stay be lifted. Given that no parties have intervened, the Commission will direct Liberty to file a response regarding their pending *Motion for Protective Order*.

**THE COMMISSION ORDERS THAT:**

1. No later than December 12, 2023, Liberty shall file a response stating whether they still seek a ruling on their pending *Motion for Protective Order* or whether they are withdrawing the motion.
2. This order shall be effective when issued.



**BY THE COMMISSION**

A handwritten signature in cursive script that reads "Nancy Dippell".

Nancy Dippell  
Secretary

Kenneth J. Seyer, Regulatory Law Judge,  
by delegation of authority pursuant to  
Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,  
on this 4<sup>th</sup> day of December, 2023.

**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 4<sup>th</sup> day of December 2023.**



*Nancy Dippell*  
\_\_\_\_\_  
**Nancy Dippell**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**December 4, 2023**

**File/Case No. EA-2023-0131**

**MO PSC Staff**

Staff Counsel Department  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, MO 65102  
staffcounsel@psc.mo.gov

**Office of the Public Counsel  
(OPC)**

Marc Poston  
200 Madison Street, Suite 650  
P.O. Box 2230  
Jefferson City, MO 65102  
opc@opc.mo.gov

**Liberty (Empire)**

Diana Carter  
428 E. Capitol Avenue, Suite 303  
Jefferson City, MO 65101  
diana.carter@libertyutilities.com

**MO PSC Staff**

Nicole Mers  
200 Madison Street  
Jefferson City, MO 65101  
nicole.mers@psc.mo.gov

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

*Sincerely,*



**Nancy Dippell  
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.