

**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)	Case No. EA-2023-0131
Convenience and Necessity to Enhance)	
System Resiliency)	

LIBERTY’S RESPONSE TO COMMISSION ORDER

COMES NOW The Empire District Electric Company d/b/a Liberty, and for its Response to Commission Order, respectfully states as follows to the Missouri Public Service Commission (“Commission”):

1. On February 14, 2023, Liberty filed its 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.

2. On March 15, 2023, 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[.]”

3. On May 9, 2023, 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.

4. On December 4, 2023, the Commission issued its Order directing Liberty to respond and state whether they still seek a ruling on their pending Motion for Protective Order or whether they are withdrawing the motion.

5. Liberty still seeks a ruling on its pending Motion for Protective Order. In addition to the subject areas previously stated, the designation is also needed for certain information and materials related to Black Start plans and processes. To date, Liberty has designated the responses to Commission Staff ("Staff") data requests 11, 34, 36, 45, and 46 as Highly Confidential.

6. The "confidential" designation under Commission Rule 2.135 does not provide adequate protection. For certain market information, commodity prices, and competitive strategies, this is because of the potential for the creation of competitive advantages/disadvantages. For certain Black Start material, this is because Liberty has a heightened obligation under the Federal Power Act to protect Critical Energy Infrastructure Information.

7. Use of the Highly Confidential designation in this proceeding has no immediate, practical effect on the parties or the processing of Liberty's CCN application herein, as only Liberty, Staff, and OPC are parties to this docket. The designation is needed, however, so that the information is properly designated and labeled. Without the designation and labeling as

“Highly Confidential,” the sensitive material could accidentally be improperly disclosed or misused in another setting.

8. To prevent harm to Liberty, prevent the creation of a competitive advantage over Liberty and other competitors, and properly preserve the security of Liberty’s electric facilities, Liberty requests a protective order to allow for the continued use of the Highly Confidential designation herein.

WHEREFORE, Liberty requests an order of the Commission, pursuant to Commission Rule 20 CSR 4240-2.135(4), granting a protective order as set forth above. Liberty requests such other and further relief as is just and proper under the circumstances.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that the above document was filed in EFIS on this 12th day of December, 2023, with notice of the same sent to all counsel of record.

/s/ Diana C. Carter