

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of The Empire District Electric Company's)
2018 Renewable Energy Standard Compliance Report) **File No. EE-2019-0305**
And 2019 RES Plan)

PROTECTIVE ORDER

Issue Date: April 30, 2019

Effective Date: April 30, 2019

On April 15, 2019, The Empire District Electric Company filed its 2018 Renewable Energy Standard (RES) Compliance Report and 2019 RES Compliance Plan. Empire filed portions of that Report and Plan as confidential, and other portions as highly confidential. Before filing the Report and Plan, Empire filed a motion on April 4, 2019, asking the Commission to issue a protective order seeking additional protection for certain commercially sensitive information regarding renewable energy certificate (REC) prices and payment terms. 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).

More than ten days have passed since Empire filed its motion and no party has objected to its request for a protective order.¹ The Commission will grant the request. The specific extra protections to be afforded to the information designated by Empire as highly confidential are described in this order.

THE COMMISSION ORDERS THAT:

1. Competitively sensitive information designated by The Empire District Electric Company as highly confidential shall be disclosed only to attorneys of record for all parties,

¹ Commission Rule 4 CSR 240-2.080(13) allows parties ten days from the date of filing to respond to any pleading unless otherwise ordered by the Commission.

to state agency parties and their employees covered by statutory confidentiality requirements, and to designated outside experts of any non-state agency party.

2. Except for attorneys of record for all parties, and employees of state agency employees covered by statutory confidentiality requirements, all persons authorized to access “confidential” information in this case shall complete the nondisclosure agreement attached to this order as Exhibit A.

3. Except for attorneys of record for all parties, and employees of state agency employees covered by statutory confidentiality requirements, all persons authorized to access “highly confidential” information in this case shall complete the nondisclosure agreement attached to this order as Exhibit B.

4. 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 case and shall keep the materials and information secure and confidential and in accordance with the purposes and intent of the protective order.

5. All material and information designated as “highly confidential” in the possession of any entity or persons, other than in the Commission’s file, as well as any notes pertaining to such information, shall be returned to Empire or destroyed upon the conclusion of this case.

6. If a party disagrees with the “highly confidential” designation of any information, the party shall follow the informal discovery dispute resolution procedures set forth in Commission Rule 4 CSR 240-2.090(8). If the party exhausts those dispute resolution procedures, the party may file a motion challenging the designation.

7. 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

Morris L. Woodruff, Chief Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,
on this 30th day of April, 2019.

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

NONDISCLOSURE AGREEMENT

For Case No.: _____

(To Access 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 employees of a party that are acting as an expert for that party or that have been retained for this case as an outside expert for that party may receive confidential information;
- (b) An employee is a person in the service of his or her employer whose services are controllable by the employer.
- (c) I am employee of _____ [state name of intervenor] acting as its expert and/or its employee who intends to file testimony in this docket, or I am an outside expert for _____ [state name of intervenor] retained to provide expert consultation or testimony in this docket;
and
- (d) I have read and agree to abide by the Commission's Rule at 4 CSR 240-2.135.

Dated this _____ day of _____, 20_____.

Signature & Title

NONDISCLOSURE AGREEMENT

For Case No.: _____

(To Access Confidential Information)

Page 2

Employer

Party

Address

Telephone

E-Mail Address

**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)

Page 2

Address

Telephone

E-Mail Address

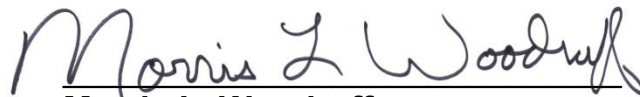
STATE OF MISSOURI

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 30th day of April 2019.**




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

April 30, 2019

File/Case No. EE-2019-0305

**Missouri Public Service
Commission**

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

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

**Empire District Electric
Company, The**

Diana C Carter
312 E. Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
DCarter@brydonlaw.com

**Missouri Public Service
Commission**

Steve Dottheim
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
steve.dottheim@psc.mo.gov

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.