

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of an Investigation of Missouri)
Jurisdictional Generator Self-Commitments into)
SPP and MISO Day-Ahead Energy Markets -)
The Empire District Electric Company)

File No. EW-2020-0035

ORDER ADDING PARTIES AND ESTABLISHING PROTECTIVE ORDER

Issue Date: August 13, 2019

Effective Date: August 13, 2019

The Commission opened File No. EW-2019-0370 as a working case to facilitate Staff's investigation of the self-commit and self scheduling practices of Missouri's investor-owned electric utilities in their respective RTO energy markets. Staff has been directed to file a report regarding its investigation by August 23, 2019. On August 12, Staff filed a motion asking the Commission to open four new files, one for each of the investor-owned electric utilities, and to issue a protective order in each new file.

Staff explained that in the course of its investigation it has obtained market specific information from each of the electric utilities that should be treated as highly confidential pursuant to the Commission's confidential information rule, 4 CSR 240-2.135(4). Staff intends to refer to that highly confidential information in its report regarding each utility, but market specific information cannot be shared with the other electric utilities. To avoid the confidentiality problem, Staff asked the Commission to open new investigative files for each of the electric utilities. Staff proposes to submit the general elements of its report in EW-2019-0370. It proposes to file its report containing the company-specific confidential and highly-confidential information in the new files established for the specific electric utilities. This file has been established for The Empire District Electric Company.

The Commission will issue a protective order in this file. The non-utility parties in EW-2019-0370 file will be made parties in this file so there is no need for any of those parties to again apply to intervene. In addition, The Empire District Electric Company will be made a party in this file so it will be able to view the confidential and highly confidential information in the Staff report.

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

THE COMMISSION ORDERS THAT:

1. All parties to File No. EW-2019-0370 are made parties to this file.
2. The Empire District Electric Company is made a party to this file.
3. Competitively sensitive information designated by Staff as highly confidential, based on the recommendation of the electric utility that provided that information to Staff, 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 designated outside experts of any non-state agency party.
4. 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.
5. 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.

6. This order shall be effective when issued.

BY THE COMMISSION



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 13th day of August, 2019.

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

NONDISCLOSURE AGREEMENT
(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

(To Access Confidential Information)

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Employer

Party

Address

Telephone

E-Mail Address

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

NONDISCLOSURE AGREEMENT
(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 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

(To Access Highly Confidential Information)

Page 2

Address

Telephone

E-Mail Address

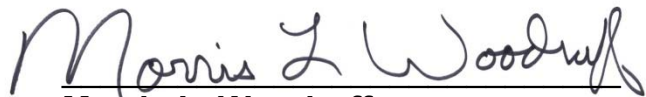
STATE OF MISSOURI

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 13th day of August 2019.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

August 13, 2019

File/Case No. EW-2020-0035

**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@psc.mo.gov

Dogwood Energy, LLC

Legal Department
P.O. Box 110
25111 E 175th Street
Pleasant Hill, MO 64080

**Empire District Electric
Company, The**

Legal Department
602 S. Joplin Avenue
P.O. Box 127
Joplin, MO 64802

Missouri Division of Energy

Legal Department
301 W. High St., Room 720
P.O. Box 1766
Jefferson City, MO 65102

**Missouri Public Service
Commission**

Jeff Keevil
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
jeff.keevil@psc.mo.gov

**Natural Resources Defense
Council**

Legal Department
20 North Wacker Drive, Suite
1600
Chicago, IL 60606

Renew Missouri

Legal Department
Building 5, Suite 205
409 Vandiver Drive
Columbia, MO 65201

Sierra Club

Legal Department
2101 Webster St., Ste. 1300
Oakland, CA 94612

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.