

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Eleventh Prudence Review of)
Costs Subject to the Commission-Approved Fuel) Case No. EO-2024-0241
Adjustment Clause of The Empire District Electric)
Company d/b/a Liberty)

MOTION FOR PROTECTIVE ORDER

COMES NOW The Empire District Electric Company (“Liberty” or the “Company”), by and through counsel, and for its Motion for Protective Order, respectfully states as follows to the Missouri Public Service Commission (“Commission”):

1. The Staff of the Commission (“Staff”) filed its Notice of Start of Eleventh Fuel Adjustment Clause Prudence Review on March 4, 2024, opening this docket.

2. Materials produced in the course of discovery or otherwise in this matter may be designated as Confidential in accordance with Commission Rule 20 CSR 4240-2.135(2)(A). There may also be a need for materials produced in the course of discovery or otherwise in this matter to be designated as Highly Confidential in accordance with Commission Rule 20 CSR 4240-2.135(4).

3. Missouri Supreme Court Rule 56.01(c) provides that protective orders may be issued “to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense including . . . that a trade secret or other confidential research, development, or commercial information not be disclosed or be disclosed only in a designated way.” *See also* In the Matter of the Application of Grain Belt Express Clean Line LLC, Commission File No. EA-2014-0207, 2014 Mo. PSC Lexis 858, Opinion issued September 24, 2014.

4. Due to the nature of certain material regarding the safety and security of Liberty’s facilities, commodity prices, fuel procurement, generation costs, and planned purchases, as well as competitively sensitive information regarding wholesale electric market participants, the

“confidential” designation under Commission Rule 20 CSR 4240-2.135 may not provide adequate protection.

5. To prevent harm to Liberty and/or its electric customers and to prevent the creation of a competitive advantage for those participating in this docket over Liberty and non-participating competitors, Liberty requests a protective order as set forth below. To be clear, Liberty is not requesting a variance from Commission Rule 20 CSR 4240-2.135.

a. Certain materials and information divulged by Liberty shall be considered to be “Highly Confidential” if so designated at the time of disclosure.

b. With regard to entities and individuals other than the Staff of the Commission, the Office of the Public Counsel, and the Missouri Division of Energy:

i. Disclosure of materials or information so designated shall be made only to attorneys and/or to such outside consultants who have executed a Commission Nondisclosure Agreement. No Highly Confidential information shall be provided directly or indirectly to any non-attorney individual or employee.

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

iii. All material and information designated as “Highly Confidential” in the possession of any entity or person, as well as any notes pertaining to such information, shall be returned to Liberty or destroyed upon the conclusion of the referenced case.

c. 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 20 CSR 4240-2.090(8). If the party exhausts these dispute resolution procedures, the party may file a motion challenging the designation.

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

Respectfully submitted,

/s/ Diana C. Carter

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ATTORNEYS FOR THE EMPIRE DISTRICT ELECTRIC
COMPANY d/b/a LIBERTY

CERTIFICATE OF SERVICE

I hereby certify that the above document was filed in EFIS on this 22nd day of March, 2024, with notification of the same being sent to all counsel of record, and I further certify that the above document was sent by electronic transmission to the Staff of the Commission and the Office of the Public Counsel.

/s/ Diana C. Carter