

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

In the Matter of the Request of Liberty)	
Utilities (Midstates Natural Gas) Corp.)	
d/b/a Liberty to Implement a General Rate)	Case No. GR-2024-0106
Increase for Natural Gas Service in the)	
Missouri Service Areas of the Company)	

MOTION FOR PROTECTIVE ORDER

COMES NOW Liberty Utilities (Midstates Natural Gas) d/b/a Liberty Utilities (“Liberty” or the “Company”), and, pursuant to Commission Rule 20 CSR 4240-2.135(4), requests the issuance of a protective order. In this regard, Liberty respectfully states as follows to the Missouri Public Service Commission (“Commission”):

1. Commission Rule 20 CSR 4240-2.135(6) provides that “Confidential” information shall be disclosed to attorneys of record for a party, to employees of a party who are working as subject matter experts for the party’s counsel, to employees of a party who intend to file testimony in the case, and to designated outside experts of a party. Certain items produced through the course of discovery and otherwise in this matter will be designated “Confidential” pursuant to this rule.

2. Competitively sensitive information and confidential information regarding *inter alia* system planning and forecasting will be filed and/or produced in the course of discovery or otherwise in this matter. Due to the nature of this information, the “Confidential” designation under Rule 2.135 will not provide adequate protection. Thus, there is also a need for certain information and documents 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). In contrast to items designated “Confidential,” and as set forth in more detail below, Liberty requests that items designated “Highly Confidential” in this proceeding be disclosed only to attorneys of record for a party and designated outside experts of a party (other than as to Commission Staff (“Staff”) and

the Office of the Public Counsel (“OPC”)).

3. Liberty requests the grant of this motion and issuance of a protective order prior to the effective date of any orders granting intervention in this matter.

4. 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.”

5. More specifically, the Company anticipates *at least* the following information will need to be designated as “Highly Confidential”: the negotiated terms and conditions of contracts, pricing information for certain customers, board of directors materials, and information regarding system planning and forecasting.

6. To prevent harm to Liberty and prevent the creation of a competitive advantage for parties to this proceeding over Liberty and non-party competitors, Liberty requests a protective order as follows:

a. Materials and information divulged by Liberty or other parties 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 and the Office of the Public Counsel:

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 party employee or other individual.

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 the designating party 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 in this proceeding. Liberty requests such other and further relief as is just and proper under the circumstances.

Respectfully submitted,

/s/James M. Fischer

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CERTIFICATE OF SERVICE

I hereby certify that the above document was filed in EFIS on this 10th day of July, 2024, and sent by electronic transmission to the Staff of the Commission, the Office of the Public Counsel and counsel for intervenors.

/s/ James M. Fischer