

**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)	<u>File No. GR-2024-0106</u>
Increase for Natural Gas Service in the)	
Missouri Service Areas of the Company)	

ORDER GRANTING PROTECTIVE ORDER

Issue Date: August 13, 2024

Effective Date: August 13, 2024

On July 10, 2024, Liberty Utilities (Midstates Natural Gas) d/b/a Liberty Utilities (Liberty or “the Company”) filed a Motion for Protective Order. The Company stated it anticipated 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. The Motion stated that the Highly Confidential designation will prevent the creation of competitive advantage for parties to this file over Liberty and non-party competitors.

The Commission set a time for responses to Liberty’s Motion for Protective Order and received an objection from the Office of the Public Counsel (OPC). In sum, OPC objected that the Motion was overly broad and lacked specificity as to the information it sought to protect as well as how a harm to Liberty or others would arise should the information be disclosed. The Commission then directed a further response from Liberty, and also set a time for further responses to Liberty’s response.

On August 6, Liberty filed Liberty's Response to Order Directing Filing and Reply to Public Counsel's Response to Motion for Protective Order (Response). The Response noted that the intervening party in this case, Missouri School Boards Association (MSBA) stated in its application to intervene that:

MSBA has organized a purchasing cooperative denominated MOPRC (Missouri Purchasing Resource Center); also known as the MSBA Natural Gas Consortium, which is the authorized purchasing agent for over 2,100 utility accounts which purchase natural gas on the open market which is delivered to the various schools and school districts in Missouri under the statutory School Transportation Program ("STP"). There are currently school districts on the Liberty system and most have multiple Liberty gas accounts that participate in MOPRC's STP purchasing group.

The Response states that MSBA is in direct competition with Liberty for certain large customers (specifically school districts in Liberty's service area) for which the following confidential information would be helpful to the MSBA, and detrimental to the commercial interests of Liberty: the negotiated terms and conditions of contracts; pricing information for certain customers; and information regarding system planning and forecasting. The Response further states that the board of directors materials may disclose highly sensitive information about the strategies of Liberty and its parents as it competes with MSBA.

No response to Liberty's Response was filed.

Commission Rule 20 CSR 4240-2.135 regarding protective orders for confidential information states in pertinent part:

(3) Protective Order.

(A) ... A request for a protective order shall be made as follows:

2. The pleading shall state with particularity why the moving party seeks protection and what harm may occur if the information is made public;

...

(4) The commission may order greater protection than that provided by a confidential designation upon a motion explaining what information must be protected, the harm to the disclosing entity or the public that might result from disclosure of the information, and an explanation of how the information may be disclosed while protecting the interests of the disclosing entity and the public.

The Commission finds that the negotiated terms and conditions of contracts, pricing information for certain customers, board of directors materials, and information regarding system planning and forecasting is commercially sensitive information that should be afforded a higher level of protection. Therefore, the Commission finds that there is a need to protect sensitive information and that the request for a protective order is reasonable.

THE COMMISSION ORDERS THAT:

1. Liberty's Motion for Protective Order is granted 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.

2. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Nancy Dippell". The signature is written in a cursive, flowing style.

Nancy Dippell
Secretary

Charles Hatcher, Senior Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,
On the 13th day of August, 2024.

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 2024.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

August 13, 2024

File/Case No. GR-2024-0106

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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Nancy Dippell
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.