

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Eighth Prudence Review )  
of Costs Subject to the Commission- ) **File No. EO-2020-0059**  
Approved Fuel Adjustment Clause of The )  
Empire District Electric Company )

## PROTECTIVE ORDER

Issue Date: November 13, 2019

Effective Date: November 13, 2019

On September 4, 2019, the Staff of the Commission filed notice that it had begun its eighth fuel adjustment clause prudence review for The Empire District Electric Company, a Liberty Utilities company (Empire). On October 15, 2019, Empire filed a motion for a protective order anticipating the need to designate information submitted during the course of discovery as either “confidential” or “highly confidential.”

Empire’s motion for a protective order seeks additional protection for certain competitively sensitive information regarding commodity prices, competitive strategies, and planned purchases. Empire seeks leave to designate that information as either “Confidential” or “Highly Confidential” as permitted by the Commission’s confidential information rule at 20 CSR 4240-2.135(2) and (4). No responses or objections to the motion for protective order were filed, and the Commission will grant it.

### THE COMMISSION ORDERS THAT:

1. The Empire District Electric Company’s motion for a protective order of information related to commodity prices, competitive strategies, and planned purchases, is granted as follows:

- a. Materials and information divulged by Empire shall be considered to be “Highly Confidential” if so designated at the time of disclosure. Any such designation shall be made in good faith.

- 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 experts/consultants who have executed a Commission Nondisclosure Agreement. No Highly Confidential information shall be provided directly or indirectly to any non-attorney other than to a designated outside expert/consultant who has executed a Commission Nondisclosure Agreement and filed it herein.
  - 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 Empire 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 dark ink, reading "Morris L. Woodruff".

Morris L. Woodruff  
Secretary

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

Dated at Jefferson City, Missouri,  
on this 13<sup>th</sup> day of November, 2019.

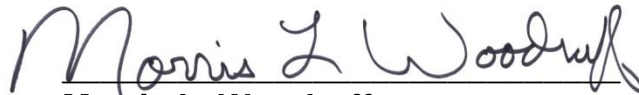
**STATE OF MISSOURI**

**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 13<sup>th</sup> day of November 2019.**



  
**Morris L. Woodruff**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**November 13, 2019**

**File/Case No. EO-2020-0059**

**Missouri Public Service  
Commission**

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

***Sincerely,***



**Morris L. Woodruff  
Secretary**

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Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.