

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

In the Matter of the Request of The Empire     )  
District Electric Company d/b/a Liberty for     )  
Authority to File Tariffs Increasing Rates     )     Case No. ER-2024-0261  
For Electric Service Provided to Customers     )  
In its Missouri Service Area                     )

**MOTION FOR PROTECTIVE ORDER**

COMES NOW The Empire District Electric Company d/b/a Liberty (“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. Portions of Liberty’s direct testimony in this general rate case will be designated as Confidential in accordance with Commission Rule 20 CSR 4240-2.135(2)(A). Portions will also be designated as Highly Confidential in accordance with Commission Rule 20 CSR 4240-2.135(4). Both of these designations will be needed throughout the case as well.

2. 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, Order issued and effective September 24, 2014, at p. 5.

3. 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.

4. 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.

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.

5. Pursuant to Commission Rule 20 CSR 4240-2.135(4), Liberty seeks a protective order as set forth above, authorizing use of the Highly Confidential designation. Liberty is not requesting a variance from Commission Rule 20 CSR 4240-2.135.

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 4<sup>th</sup> day of November, 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