

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the 2021 Annual Update by)
The Empire District Electric Company d/b/a) **File No. EO-2021-0289**
Liberty Pursuant to Commission Rule 20)
CSR 4240-22.080(3))

PROTECTIVE ORDER

Issue Date: March 15, 2021

Effective Date: March 15, 2021

On March 15, 2021, The Empire District Electric Company d/b/a Liberty filed a motion for a protective order. Liberty stated that it anticipates the need to designate information submitted as part of its triennial compliance filing annual update report and possibly material produced during the course of discovery or otherwise in this matter as either “confidential” or “highly confidential.”

Liberty’s motion for a protective order seeks additional protection for certain competitively sensitive information regarding commodity prices 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. The Commission finds the request reasonable and will grant it.

THE COMMISSION ORDERS THAT:

1. Liberty’s motion for a protective order of information related to commodity prices and planned purchases, is granted as follows:
 - 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.

2. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Ronald D. Pridgin, Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,
on this 15th day of March, 2021.