

**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)

RESPONSE TO COMMISSION ORDER

COMES NOW The Empire District Electric Company d/b/a Liberty (“Liberty” or the “Company”), and for its Response to Commission Order regarding the *Order Granting Motion Regarding Information Designated as Confidential* issued herein on November 26, 2024, Liberty respectfully states as follows to the Missouri Public Service Commission (“Commission”):

1. On November 6, 2024, Liberty submitted its filing cover letter, revised tariffs, and the direct testimonies and schedules of 20 witnesses in support thereof. Out of the 20 Liberty witnesses who filed direct testimony, limited portions of five witnesses’ direct testimonies were designated as Confidential in accordance with Commission Rule 20 CSR 4240-2.135(2)(A). A single schedule was designated as Highly Confidential in accordance with Commission Rule 20 CSR 4240-2.135(4) and the *Order Establishing Protective Order* granted by the Commission in this matter.

2. Liberty re-reviewed its direct testimony confidential designations in response to the motion of the Office of the Public Counsel and the Commission’s *Order Granting Motion Regarding Information Designated as Confidential* and is resubmitting the direct testimonies and schedules of Shawn Eck, Candice Kelly, Leigha Palumbo, Todd Tarter, and Jeffrey Westfall in confidential and public versions. The resubmitted direct testimonies and schedules of Shawn Eck, Candice Kelly, Leigha Palumbo, Todd Tarter, and Jeffrey Westfall each contain a cover page explaining the confidential designations therein.

3. All confidential testimony (pp. 10, 12-13) and schedules (Direct Schedule SE-1) of Shawn Eck are designated “Confidential” in accordance with Commission Rule 20 CSR 4240-2.135(2)(A)7 and 8 due to the nature of the material regarding the safety and security of Liberty’s critical infrastructure and other utility facilities.

7. Relating to the security of a company’s facilities; or
8. Concerning trade secrets, as defined in section 417.453, RSMo.

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4. Candice Kelly’s Direct Schedule CK-4 is designated “Confidential” in accordance with Commission Rule 20 CSR 4240-2.135(2)(A)8 due to marketing analysis for services offered in competition with others, marketing analysis for services providing to utility customers,¹ and other trade secrets.

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8. Concerning trade secrets, as defined in section 417.453, RSMo.

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5. The confidential schedules (Direct Schedules LP-6 and LP-8) of Leigha Palumbo are designated “Confidential” in accordance with Commission Rule 20 CSR 4240-2.135(2)(A)3, as they contain marketing analysis or other market specific information related to services offered in competition with others. The portion of Direct Schedule LP-6 containing bank account numbers and financial information potentially impacting financial markets and the Company’s access to and terms for accessing capital is designated confidential. The portion of Direct Schedule LP-8 providing the heat rates for generation units is designated Highly Confidential in accordance with the Commission’s *Order Establishing Protective Order* in the case, as the information impacts the wholesale electric market.

3. Marketing analysis or other market-specific information relating to services offered in competition with others

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¹ This is language of rule 20 CSR 4240-2.135(2)(A)3: “Marketing analysis or other market-specific information relating to services offered in competition with others.”

6. All confidential testimony (pg. 11) and schedules (Direct Schedules TWT-2 and TWT-3) of Todd Tarter are designated “Confidential” in accordance with Commission Rule 20 CSR 4240-2.135(2)(A)4, as they contain marketing analyses or other market-specific information relating to services offered in competition with others, including detailed information at the resource level and market negotiated prices and conditions that could result in anti-competitive behavior that might unreasonably impact the competitive process.

4. Marketing analysis or other market-specific information relating to goods or services purchased or acquired for use by a company in providing services to customers

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7. Regarding the confidential testimony (pp. 12-13) and schedules (Direct Schedule JW-1) of Jeffery Westfall, the information provided in the “Description & Justification” column for projects DA0640, DR0188, TA0925, TA0941, and TR150 is designated “Confidential” in accordance with Commission Rule 20 CSR 4240-2.135(2)(A)7, as it contains important security, cybersecurity and safety information related to the Company’s substations and network. The information provided in the “Description & Justification” column for project DR0176 is designated “Confidential” in accordance with Commission Rule 20 CSR 4240-2.135(2)(A)1, as it contains customer-specific information.

7. Relating to the security of a company’s facilities
1. Customer-specific information

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WHEREFORE, Liberty respectfully submits its Response to Commission Order and requests such 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 20th day of December, 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 all counsel of record.

/s/ Diana C. Carter