

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 13th day of March, 2013.

In the Matter of a Working Docket to Address)
Effective Cybersecurity Practices for Protecting) **File No. EW-2013-0011**
Essential Electric Utility Infrastructure)

**ORDER REGARDING STAFF RECOMMENDATION AND MOTION FOR
A WAIVER OR VARIANCE**

Issue Date: March 13, 2013

Effective Date: March 13, 2013

The Commission directed the regulated electric utilities to file responses to a series of questions regarding their cybersecurity efforts. Additionally, the Commission held an On-the-Record Proceeding to aid in its investigation into these efforts. Once these initial inquiries were complete, the Commission directed its Staff to file a comprehensive report summarizing the utilities' efforts and responses, and to provide the Commission with its recommendations on how the Commission should proceed with this matter to ensure the utilities are adequately protecting their critical infrastructure. Staff filed its report on February 8, 2013. Staff's Report included several recommendations.

On February 14, 2013, The Empire District Electric Company ("Empire") filed a motion requesting a variance or waiver from the restrictions on sharing Staff's highly confidential Report with its employees. Those restrictions are articulated in Commission Rule 4 CSR 240-2.135(5). That rule only allows highly confidential information, such as Staff's Report, to be disclosed to attorneys of record or outside, retained experts. No other participant or interested entity filed a response to Empire's motion.

On February 19, 2013, Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri”) filed a response to Staff’s Report. Ameren Missouri is generally supportive of the recommendations made by Staff; however, Ameren Missouri appears to desire more clarity with regard to certain recommendations.

THE COMMISSION ORDERS THAT:

1. To the extent the Commission’s Staff’s recommendations address reporting or notification requirements to the Commission, the stakeholders shall conduct further discussions and formulate an informal reporting schedule, wherein the electric utilities shall provide information to designated members of the Commission’s Staff at timely intervals no less than annually. No notifications or reports concerning the matters outlined in Staff’s recommendation shall be made in documentary form, i.e. no physical, digital or electronic reports shall be produced or filed in any docket, workshop, investigation or case, either noncontested or contested; nor shall the information provided to Staff be transmitted electronically to Staff or shared with any other entity. The information shall only be reported orally¹ to designated Staff members, unless the Commission directs otherwise.

2. The Commission’s designated Staff shall maintain strict confidentiality and shall not convert or reproduce any company-specific information it receives to documentary form, nor transmit or relay any of the information it receives to the Commission in any physical, digital or electronic format, or mode of communication other than orally, unless otherwise ordered by the Commission.

¹ For purposes of this order, when the Commission refers to oral communications it means in-person oral communications. Oral communications shall not include transmittal of information telephonically, or by IVOIP, text message, cellular or satellite transmission or any type of video transmission.

3. ITC Midwest shall comply with Staff's recommendation for specific reporting. This report shall also be oral, pursuant to the procedure described in paragraph 1.

4. The Empire District Electric Company's request for a waiver or variance of Commission Rule 4 CSR 240-2.135(5) is granted. This grant is individual to Empire, the requesting entity, and Empire shall be solely responsible for requiring its employees, with whom any information from Staff's Report is shared, to adhere to non-disclosure agreements with regard to this information. Those non-disclosure agreements need not be filed with the Commission, but shall be maintained by Empire unless the Commission orders otherwise.

5. This file shall remain open for the stakeholders and the Commission's Staff to make filings, or alert the Commission to any concerns, until otherwise ordered by the Commission. All additional filings in File Number EW-2013-0011 shall be designated as highly confidential, unless otherwise ordered disclosed by the Commission.

6. This order shall become effective immediately upon issuance.

BY THE COMMISSION



Shelley Brueggemann
Acting Secretary

R. Kenney, Chm., Jarrett, Stoll, and
W. Kenney, CC., concur.

Stearley, Deputy Chief Regulatory Law Judge