

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

In the Matter of The Empire District)
Electric Company’s Request for Authority)
to File Tariffs Increasing Rates for Electric)
Service Provided to Customers in its)
Missouri Service Area)

Case No. ER-2019-0374

**PUBLIC COUNSEL’S RESPONSE TO THE EMPIRE
DISTRICT ELECTRIC COMPANY’S MOTION FOR PROTECTIVE ORDER**

COMES NOW the Office of Public Counsel (Public Counsel) and responds to The Empire District Electric Company’s *Motion for Protective Order* as follows:

1. The Commission opened this Case No. ER-2019-0374 in response to Empire filing on May 29, 2019, its notice of its intention to file a general rate case prior to October 9, 2019. Only Empire, Public Counsel and the Commission’s Staff are on the Commission’s service list for this case. At this time Empire has not filed its general rate case, and the Commission has neither issued public notice of Empire’s general rate case nor set a date by which individuals or entities are to seek to intervene as parties. Empire’s protective order seeks to establish now procedures for conduct by those future intervenors without those intervenors being known or having any opportunity to respond to those requested procedures.

2. More troubling to Public Counsel is Empire’s apparent request that it have unfettered discretion to designate any material or information it divulges to a party to be “highly confidential.” Public Counsel’s consternation with Empire’s request would be assuaged if the Commission (1) limits Empire’s authority to designate material or information as “highly confidential” only to materials and information regarding commodity prices, fuel procurement, generation costs, and planned energy and capacity purchases that are not publicly available and which would provide any intervenor in this case a competitive advantage relative to Empire or

anyone else, and (2) requires Empire to explain why the specific material or information it designates as “highly confidential” would provide an intervenor a competitive advantage.

WHEREFORE, the Office of the Public Counsel responds to The Empire District Electric Company’s *Motion for Protective Order* as set forth above.

Respectfully,

 /s/ Nathan Williams
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 13th day of August 2019.

/s/ Nathan Williams