

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

In the Matter of the tariff filing of The)	
Empire District Electric Company)	
to implement a general rate increase for)	Case No. ER-_____
retail electric service provided to customers)	
in its Missouri service area)	

MOTION FOR PROTECTIVE ORDER

COMES NOW The Empire District Electric Company (“Empire”), by counsel, and for its Motion for Protective Order pursuant to 4 CSR 240-2.085, respectfully states as follows to the Missouri Public Service Commission (“Commission”):

1. Contemporaneously herewith, Empire is providing to the Commission for filing certain tariff sheets consisting of revised electric rate schedules designed to implement a general rate increase for retail electric service provided to customers in its Missouri service area. Also contemporaneously herewith, Empire is providing to the Commission for filing in connection with said rate increase request, the direct testimony and schedules of various Empire witnesses, including the direct testimony and schedules of Empire witness Blake Mertens, which testimony contains certain Highly Confidential information, information which is not available to the general public and which cannot be found in any format in any public document. Specifically, included in Mr. Merten’s testimony is a discussion of certain nonpublic financial and business information including information concerning Empire’s maintenance contracts related to its generating units and information concerning fuel and purchased power expense, the release of which would be harmful to Empire, its contracting parties as well as to its customers.

2. In addition, Empire anticipates that during the course of this general rate proceeding, other parties will likely undertake discovery which may lead to the disclosure by Empire of other

Highly Confidential or Proprietary information and said parties may seek to introduce this information as evidence in this proceeding.

3. In view of the foregoing, Empire desires that the Commission issue in this case what has become known generally as its "standard form" protective order which contains both Highly Confidential and Proprietary categories.

4. Both a public ("NP") version and a Highly Confidential ("HC") version of Mr. Merten's direct testimony is being provided for filing in electronic form. A Highly Confidential copy of said testimony will be provided to the Commission's General Counsel and to the Office of the Public Counsel.

WHEREFORE, Empire respectfully moves the Commission to issue its standard form protective order in this case.

Respectfully submitted,



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Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent by U.S. Mail, postage prepaid, or hand-delivered, on this 30th day of April 2004, to:

General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102



A handwritten signature in cursive script, appearing to read "James C. Fitzgerald", is written over a horizontal line.