

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

In the Matter of the Application of The)
Empire District Electric Company d/b/a) **Case No. EA-2025-0299**
Liberty for a Certificate of Convenience and)
Necessity to Support Resource Adequacy)

ORDER GRANTING PROTECTIVE ORDER

Issue Date: December 9, 2025

Effective Date: December 9, 2025

On October 24, 2025, The Empire District Electric Company d/b/a Liberty filed the above-referenced application, proposing to construct a 250 MW combustion turbine generator.

On November 24, 2025, Liberty filed a *Motion for Protective Order*, requesting the Commission issue an order to protect certain sensitive information from unnecessary disclosure. In its motion, Liberty states:

Due to the nature of certain material regarding the safety and security of Liberty's facilities, commodity prices, fuel procurement, generation costs, planned purchases, as well as competitively sensitive information regarding wholesale electric market participants and customer-specific contract negotiations, the "confidential" designation under Commission Rule 20 CSR 4240-2.135 may not provide adequate protection.

Liberty requests a protective order for the purpose of preventing harm to Liberty and/or its electric customers and to prevent the creation of a competitive advantage for non-participating competitors. Liberty requests a protective order 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 and the Office of the Public Counsel:
 - 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.

Ten days have passed since Liberty filed its motion and no parties have responded opposing the motion.¹

Upon review of the motion, the Commission finds that there is a need to protect sensitive information and the request for a protective order is reasonable. Therefore, the Commission will grant Liberty’s unopposed motion.

THE COMMISSION ORDERS THAT:

1. Liberty is granted a protective order. The specific extra protections afforded to the information designated as highly confidential are described in the body of this order.
2. Sensitive information designated by Liberty as highly confidential shall be disclosed only to attorneys of record for all parties, to state agency parties and their

¹ Under Commission Rule 20 CSR 4240-2.080(13), parties are allowed ten days from the date of filing in which to respond to any pleading, unless otherwise ordered by the Commission.

employees covered by statutory confidentiality requirements, and to designated outside experts of any non-state agency party.

3. Except for attorneys of record for all parties, and employees of state agencies covered by statutory confidentiality requirements, all persons authorized to access “confidential” information in this case shall complete the nondisclosure agreement attached to this order as Exhibit A.

4. Except for attorneys of record for all parties, and employees of state agencies covered by statutory confidentiality requirements, all persons authorized to access “highly confidential” information in this case shall complete the nondisclosure agreement attached to this order as Exhibit B.

5. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Nancy Dippell".

Nancy Dippell
Secretary

Kenneth J. Seyer, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri
on this 9th day of December, 2025.

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

NONDISCLOSURE AGREEMENT

For Case No.: _____
(To Access Confidential Information)

I, _____, have reviewed the Commission's Rule at 20 CSR 4240-2.135
on the _____ day of _____, 20_____.

I have requested review of the confidential information produced in Case No. _____
on behalf of _____.

I hereby certify that:

- (a) Only employees of a party that are acting as an expert for that party or that have been retained for this case as an outside expert for that party may receive confidential information;
- (b) An employee is a person in the service of his or her employer whose services are controllable by the employer;
- (c) I am an employee of _____[state name of intervenor]
acting as its expert and/or its employee who intends to file testimony in this docket, or
I am an outside expert for _____ [state name of
intervenor] retained to provide expert consultation or testimony in this docket;
and
- (d) I have read and agree to abide by the Commission's Rule at 20 CSR 4240-2.135.

Dated on this _____ day of _____, 20_____.

Signature & Title

NONDISCLOSURE AGREEMENT

(To Access Confidential Information)

Page 2

Employer

Party

Address

Telephone

E-Mail Address

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

NONDISCLOSURE AGREEMENT

For Case No.: _____
(To Access Highly Confidential Information)

I, _____, have reviewed the Commission's Rule at 20 CSR 4240-2.135
on the _____ day of _____, 20_____.

I have requested review of the highly confidential information produced in Case No.
_____ on behalf of _____.

I hereby certify that:

- (a) Only an outside expert retained by a party in this case may receive highly confidential information;
- (b) I am an employee of _____ acting as an outside expert
for _____ [state name of intervenor] retained
to provide expert consultation or testimony in this docket;
and
- (c) I have read and agree to abide by the Commission's Rule at 20 CSR 4240-2.135 and
all terms of the Protective Order issued by the Commission in this docket.

Dated on this _____ day of _____, 20_____.

Signature & Title

NONDISCLOSURE AGREEMENT

(To Access Highly Confidential Information)

Page 2

Employer

Party

Address

Telephone

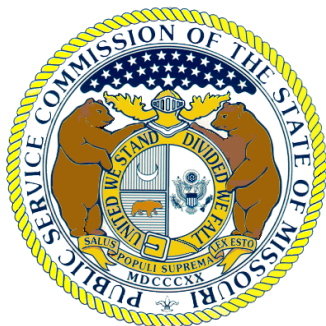
E-Mail Address

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 9th day of December 2025.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

December 9, 2025

File/Case No. EA-2025-0299

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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Nancy Dippell
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.