

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of The Empire District Electric)
Company d/b/a Liberty's Application for)
Approval of New or Modified Tariffs for)
Service to Large Load Customers)
File No. ET-2026-0184

PROTECTIVE ORDER

Issue Date: September 30, 2026

Effective Date: September 30, 2026

The Empire District Electric Company d/b/a Liberty filed an application, supporting testimony, and tariff sheets requesting approval of a Large Load Customer Rate Plan. On September 11, 2026, Liberty filed a *Motion for Protective Order*, requesting a protective order under Commission Rule 20 CSR 4240-2.135 covering materials and information deemed “Confidential”, “Highly Confidential”, or “Highly Confidential/Highly Sensitive.” by Liberty.

Liberty seeks protection for commercially sensitive information regarding prospective Large Load customer arrangements, including customer-specific load, location, development, pricing, cost, operational, credit support, commercial information, and the terms and details of any Electric Service Agreement entered into with a Large Load customer and any related agreements or contracts that pertain to serving that customer.

The motion explains that Highly Competitive-Highly Sensitive protection for these materials is needed because other parties may seek disclosure of confidential and proprietary information relating to the information listed above. The motion states that disclosure of this information could irreparably harm Liberty and Large Load customers by revealing commercially sensitive terms, development plans, cost information, pricing

information, and negotiation strategy in a manner that could affect relative bargaining positions in other transactions. Google and Velvet requested the Commission issue an order no later than April 8, 2026.

The Commission will grant Liberty's motion.

THE COMMISSION ORDERS THAT:

1. Liberty's request for a protective order is granted. The specific protections to be afforded are as follows.

- A. Information designated as "Confidential" is subject to the standard protocols included in Commission Rule 20 CSR 4240-2.135. All persons authorized to access Confidential information in this case shall complete the non-disclosure agreement attached hereto as Exhibit A.
- B. Parties may additionally designate as "Highly Confidential/Highly Sensitive Information" the following categories of information: (1) the negotiated terms and conditions of any Customer Agreements, including ESAs, any related power purchase agreements; upfront, prepayment, or CIAC arrangements; interconnection agreements; credit support instruments; and, any other customer-specific agreements or instruments used to implement Schedule TS LL; (2) any documents reflecting the terms and conditions of the Customer Agreements; and (3) Large Load Customer Information, including customer specific data, customer pricing, supply costs, business relationships, market data, development plans, site-selection information, other proprietary data, and protected trade secrets.
- C. No entities or individuals other than the Commission, Commission Staff, OPC, and their respective advisors and Staff shall be permitted to access any information designated Highly Confidential Highly Sensitive.
 - a. Persons afforded access to materials or information designated "Highly Confidential/Highly Sensitive Information" shall neither use nor disclose such materials or information for any business, competitive, commercial, or other purpose unrelated to this case, and shall keep the materials and information secure and confidential in accordance with the purposes and intent of the protective order.
 - b. All materials and information designated as "Highly Confidential/Highly Sensitive Information" in the possession of any entity or person, as well as any notes, summaries, excerpts, or analyses containing or reflecting such information, shall be returned to the party disclosing the same or destroyed upon the conclusion of the referenced case.

- D. To promote administrative efficiency, consistent treatment, and the transparency contemplated by the Company's Application and supporting testimony, this Protective Order shall apply with equal force to any Customer Agreement entered into between Liberty and a counterparty related to service to a Large Load customer under Schedule TS-LL after the date the Protective Order is entered, as well as any Large Load Customer Information produced or filed in connection with such Customer Agreement.
- E. If any party disagrees with the designation of any information as Highly Confidential/Highly Sensitive Information, that party shall follow the informal discovery dispute resolution procedures set forth in Commission Rule 20 CSR 4240-2.090(8). If these dispute resolution procedures are exhausted without resolution, the party may file a motion challenging the designation.
- F. Consistent with 20 CSR 4240-2.135(10), any "Confidential" information shall be denoted as follows: **confidential information**. Relatedly, any "Highly Confidential/Highly Sensitive Information" shall be designated as follows: **highly confidential/highly sensitive information**.

2. All persons authorized to access "Confidential" information in this case shall complete the nondisclosure agreement attached to this order as Exhibit A.

3. All persons authorized to access "Highly Confidential" information in this case shall complete the nondisclosure agreement attached to this order as Exhibit B.

4. All persons authorized to access "Highly Confidential Highly Sensitive" information in this case shall complete the nondisclosure agreement attached to this order as Exhibit C.

5. This order shall be effective when issued.



BY THE COMMISSION

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

Nancy Dippell
Secretary

John T. Clark, Senior Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,
on this 30th day of September, 2026.

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

NONDISCLOSURE AGREEMENT

For Case No.: ET-2026-0184
(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. ET-2026-0184 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

Exhibit A

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.: ET-2026-0184
(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. ET-2026-0184 on behalf of

_____.

I hereby certify that:

- (a) Only certain persons may receive Highly Confidential information. These persons include outside attorneys of record for a party in the case, outside consultants retained by a party in this case, and attorneys of record for investor-owned utilities, who have executed a Highly Confidential Nondisclosure Agreement. Commission Staff and Office of Public Counsel, and their outside consultants may receive unredacted HC documents and 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.

NONDISCLOSURE AGREEMENT

(To Access Highly Confidential Information)

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Dated on this _____ day of _____, 20____.

Signature & Title

Employer

Party

Address

Telephone

E-Mail Address

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

NONDISCLOSURE AGREEMENT

For Case No.: ET-2026-0184

(To Access Highly Confidential Highly Sensitive 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 Highly Sensitive Information information produced in Case No. ET-2026-0184 on behalf of

_____.

I hereby certify that:

(a) Only certain persons may receive Highly Confidential Highly Sensitive information. These persons include outside attorneys of record for a party in the case, outside experts retained by a party in this case, attorneys of record for investor owned utilities, and state agencies and their employees.

(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.

NONDISCLOSURE AGREEMENT

(To Access Highly Confidential Highly Sensitive)

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Dated on this _____ day of _____, 20_____.

Signature & Title

Employer

Party

Address

Telephone

E-Mail Address

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

Pursuant to 386.290, RSMo., 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 30th day of September, 2026.



Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

September 30, 2026

Case No: ET-2026-0184

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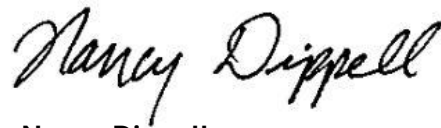
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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).¹

Sincerely,



**Nancy Dippell
Secretary**

¹

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