BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Request of The Empire District Electric Company d/b/a Liberty for Authority to File Tariffs Increasing Rates for Electric Service Provided to Customers in its Missouri Service Area	)))))	**File No. ER-2021-0312**

ORDER ESTABLISHING PROTECTIVE ORDER

Issue Date: May 25, 2021 Effective Date: May 25, 2021

On March 26, 2021, The Empire District Electric Company d/b/a Liberty filed a *Notice of Intended Case Filing*, indicating that it intended to file a general rate case. On May 24, 2021, Liberty filed a *Motion for Protective Order*, asking that the Commission issue an order to protect certain sensitive information from unnecessary disclosure. Liberty states that due to the nature of certain material regarding commodity prices, fuel procurement, generation costs, planned purchases, and confidential information regarding wholesale electric market participants, the Commission's confidential designation may not provide adequate protection. Liberty requests a protective order for the purpose of preventing harm to Liberty and avoiding the creation of an unfair competitive advantage for parties to this proceeding and non-party competitors.

Liberty requests a protective order as follows:

a. Materials and information divulged by Liberty or other parties 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, the Office of the Public Counsel, and the Missouri Division of Energy:

    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 Empire 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.

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 concludes that a protective order should be granted. The specific extra protections afforded to the information designated as highly confidential are described in the body of this order.

THE COMMISSION ORDERS THAT:

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

2. 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.

3. 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.

4. This order shall be effective when issued.

BY THE COMMISSION

Morris L. Woodruff
Secretary

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

Dated at Jefferson City, Missouri,
on this 25th day of May, 2021.

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

_____
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

_____
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 25th day of May, 2021.

Morris L. Woodruff
Secretary

Digitally signed by MOPSC
DN: CN=MOPSC, O=MOPSC, OU="", E=kim.happy@psc.mo.gov, C=US
Reason: I attest to the accuracy and integrity of this document
Location: Cole County, Missouri
Date: 2021.05.25 13:45:49-05'00'
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MISSOURI PUBLIC SERVICE COMMISSION

May 25, 2021

File/Case No. ER-2021-0312

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

Sincerely,

Morris L Woodruff

Morris L. Woodruff
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.