

BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA

IN THE MATTER OF THE APPLICATION)
OF THE EMPIRE DISTRICT ELECTRIC)
COMPANY, A KANSAS CORPORATION, FOR)
AN ADJUSTMENT IN ITS RATES AND)
CHARGES FOR ELECTRIC SERVICE IN THE)
STATE OF OKLAHOMA)
)

CAUSE NO. PUD 202100163



MOTION FOR PROTECTIVE ORDER

COURT CLERK'S OFFICE - OKC
CORPORATION COMMISSION
OF OKLAHOMA

COMES NOW The Empire District Electric Company d/b/a Liberty-Empire (“Liberty-Empire” or the “Company”) and requests this Commission to issue a Protective Order in this Cause.

On November 12, 2021, Liberty-Empire filed a Notice of Intent in this captioned proceeding providing notice to the Oklahoma Corporation Commission (“Commission”) of the Company’s intent to file an Application for a general rate change for its Oklahoma jurisdiction customers.

In the course of these proceedings, Liberty-Empire may provide or be asked to produce certain information which is considered confidential and proprietary. Without waiving any objections to future requests, Liberty-Empire believes that a Protective Order should be issued now to cover all possible areas of inquiry to avoid later delay in the discovery process.

In order to protect confidential information from unauthorized disclosure, the Protective Order should apply to the following:

1. Any non-public data, facts or other information sought in any form of discovery, including, but not limited to, data requests, interrogatories, requests for information, requests for admission, or depositions, or non-public facts or information which could be used by a competitor, potential competitor or any other person or entity to the detriment of Liberty-Empire or its affiliates, or to Empire’s vendors, suppliers or customers, including compilations, programs, methods, formulae, techniques or processes directly related to the following:

- a. Fuel supply, fuel transportation and fuel storage agreements, purchase power contracts, and other related information.
- b. Internal, non-public information regarding or related to the current, past or future configuration, operation, performance, maintenance or capital expenditures of any Liberty-Empire facility.
- c. Internal, non-public information regarding or related to the current, past or future business operations of Liberty-Empire or its related entities.
- d. Any trade secrets or non-public information of Liberty-Empire or its affiliates, and all information obtained by Liberty-Empire of any of its suppliers, vendors, or employees, which, when it was obtained by Liberty-Empire, was designated as privileged or confidential by non-affiliated counterparties, including those with whom Liberty-Empire then had a contractual or other business relationship.
- e. All current financial and financing information which would reveal competitively sensitive information (including but not limited to balance sheets, financial statements, operating statements, lending facilities, credit lines, tax returns and supporting schedules/workpapers) prior to its public disclosure.
- f. Copies of all Rating Agency presentations made to or by Liberty-Empire or any affiliate of Liberty-Empire.
- g. All customer identifiable information including names, address, telephone number, social security number, credit information, credit card numbers and account numbers.
- h. Any non-public information related to Director or employee compensation and benefits including, but not limited to, employee names, job or position titles, base salary, salary increases, salary budgeting, long-term and short-term incentives, all other compensation that may be included in an employee's W-2, relocation expenses, perquisites, deferred compensation programs, pension plans, health and welfare programs, additional insurance, and market salary survey reports related to employee compensation.
- i. All contracts between Liberty-Empire or its affiliates and third parties, including but not limited to contracts related to fuel supply, fuel transportation, consulting, purchased power, employment, asset purchases, engineering and construction.
- j. Bids from Request for Proposals, third party pricing information, price forecasts and internal models or analyses, internal and external audit reports.

WHEREFORE, Liberty-Empire requests that the Commission enter a Protective Order to be used by the Parties to the proceeding, as needed to protect proprietary, confidential and highly sensitive information and documents in this Cause.

/s/ Curtis M. Long

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**ATTORNEYS FOR THE EMPIRE DISTRICT
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CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of February, 2022, a full, true, and correct copy of the above and foregoing instrument was served on the following persons by **Electronic Mail**:

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*/s/ Curtis M. Long*_____