

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of Evergy)
Missouri Metro, Inc. d/b/a Evergy Missouri) **File No. EO-2023-0022**
Metro for Approval of a Special High Load)
Factor Market Rate Tariff)

PROTECTIVE ORDER

Issue Date: December 28, 2022

Effective Date: December 28, 2022

On December 16, 2022, Google LLC (Google) filed a motion asking the Commission to issue a protective order regarding information relating to data center infrastructure, competitively sensitive contracts, resource usage in other states, and other proprietary information relating to selection of data center locations and operation of data centers. Google's request centers on data request numbers 2001-2010 issued by the Office of the Public Counsel (OPC). Google's motion states that some of the information requested contains highly sensitive, competitive market data, financial information, and other proprietary transactional data that is outside the scope of this proceeding or of *de minimis* bearing to the proceeding.

More than ten days have passed since Google filed its motion for protective order, and no party has opposed that motion.¹ The Commission finds Google's unopposed motion to be reasonable and will grant it.

THE COMMISSION ORDERS THAT:

1. Google's request for a protective order is granted. The specific protections

¹ Commission Rule 20 CSR 4240-2.080(13) allows parties ten days from the filing of a pleading to respond unless otherwise ordered by the Commission.

to be afforded are as follows.

- a. Confidential information may be designated in one of two categories:
 - i. “Confidential” category of information encompassing the usual scope of protected information in Commission proceedings; and
 - ii. “Highly Confidential” category of information limited to information that is sensitive 1) confidential information relating to the data center market, including customer pricing, supply costs, business relationships, market data, other proprietary data and protected trade secrets; and 2) information relating to confidential contracts entered into by Google (or Velvet Tech Services, LLC) relating to data centers.
- b. Information designated as “Confidential” would be subject to the standard protocols included in Commission Rule 20 CSR 4240-2.135.
- c. For information designated as Highly Confidential, Google shall disclose such information only to attorneys of record for all parties, state agency parties and their employees covered by statutory confidentiality requirements, and to designated outside and inhouse experts for any non-state-agency party.
- d. Outside counsel and inhouse and outside experts may receive and review Highly Confidential information after executing the *Non-Disclosure Agreement for Highly Confidential Information* attached to this order, or after executing a certification meeting the requirements of Commission Rule 20 CSR 4240-2.135(7). No Highly Confidential information shall be provided directly or indirectly to any non-state agency party or representative thereof, except as expressed above.
- e. 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.
- f. All material and information designated as “Highly Confidential,” as well as any notes pertaining to such information, shall be

returned to the disclosing party or destroyed upon the conclusion of the referenced case, with certification of same to the disclosing party.

- g. If any party disagrees with the Highly Confidential designation of any 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.

- 2. This order shall be effective when issued.

BY THE COMMISSION



A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Charles Hatcher, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo (2016).

Dated at Jefferson City, Missouri,
on this 28th day of December, 2022.

Dated 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 28th day of December, 2022.





Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

December 28, 2022

File/Case No. EO-2023-0022

**Missouri Public Service
Commission**

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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
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.