

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

In the Matter of the Application of        )  
Evergy Missouri West, Inc.                )  
d/b/a Evergy Missouri West                )        File No. EO-2026-0129  
For Approval of an Amendment to        )  
Nucor Steel Sedalia, LLC Agreement    )

**MOTION FOR PROTECTIVE ORDER**

COMES NOW Nucor Steel Sedalia, LLC (“Nucor”), pursuant to 20 CSR 4240-2.135(3) and (4), and for its Motion for Protective Order respectfully states as follows:

**I. Background**

1. On December 18, 2025, Evergy Missouri West (“Evergy”) filed for approval to amend the approved contract between Evergy and Nucor to permit Nucor to participate in any demand response programs offered by Evergy.

2. Nucor filed its Application to Intervene on January 8, 2026, which was granted on January 21, 2026.

3. No other parties have sought or been granted intervention.

4. Nucor has received and reasonably anticipates receiving further requests from the parties in this case that may require Nucor to produce and disclose confidential and proprietary information relating to its facility operations, its usage and timing, competitively sensitive contracts and negotiations, communications subject to nondisclosure agreements, , and other proprietary information relating to selection of data center locations and operation of data centers. *See, e.g.*, Data Request 0012.1 submitted by Staff to Nucor, attached hereto as Exhibit A.

5. Some of the information requested may contain 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.

## **II. Statement of Law**

6. Missouri Supreme Court Rule 56.01(c) provides that protective orders may be issued “to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense including . . . that a trade secret or other confidential research, development, or commercial information not be disclosed or be disclosed only in a designated way.”

7. Commission Rule 20 CSR 4240-2.135(2) provides that parties may designate certain materials, including trade secrets and competitively sensitive information, as “Confidential.” Pursuant to Commission Rule 20 CSR 4240-2.135(6), “Confidential” information shall be disclosed to attorneys of record for a party, to employees of a party who are working as subject-matter experts for the party’s counsel, to employees of a party who intend to file testimony in the case, and to designated outside experts of a party.

8. The Commission has previously noted that, “[c]ommission rules provide for the issuance of protective orders when necessary to protect information from discovery more rigorously than would be provided from a confidential designation.”<sup>1</sup> The Commission has further explained that, “The Commission may order such greater protection by a party explaining what information must be protected, the harm to the disclosing party that might result from disclosure of the information, and how the information may be disclosed while protecting the interests of the disclosing party.”<sup>2</sup>

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<sup>1</sup> “Order Granting Motion to Compel, in Part, and Granting Motion for Protective Order, in Part,” File No. EA-2016-0358 (issued December 13, 2018) at 4 citing Commission Rule 4 CSR 240-2.135(3) (now 20 CSR 4240-2.135(3)).

<sup>2</sup> *Id.*

### **III. Argument**

9. Nucor's market is an extremely competitive forum where information regarding operational matters, resource usage, supply costs, business relationships, market data, and other proprietary data are closely guarded trade secrets. This information, as well as terms and details relating to business contracts and other information relating to Nucor's operations are sensitive information that impact Nucor's competitive advantage with respect to its competitors and with parties with whom it negotiates. Communications and negotiations with respect to site selection and contract negotiations are generally subject to nondisclosure agreements.

10. The "Confidential" designation under 20 CSR 4240-2.135 will not provide adequate protection for these categories of information ("Highly Confidential" or "HC") because it would require Nucor to produce otherwise discoverable HC information to in-house representatives who are not counsel. The disclosure of HC information to these individuals, in the absence of a Non-Disclosure Agreement ("NDA") would irreparably harm Nucor.

11. A fair tradeoff for all parties is to limit disclosure of HC information for entities and individuals, other than the Commission, Commission staff and the Office of the Public Counsel (who are covered by 20 CSR 4240-2.135(16)) and counsel for parties, to non-counsel individuals who have executed a Commission Nondisclosure Agreement for Highly Confidential Information. Such HC information should not be provided directly or indirectly to any other individual or employee.

12. Nucor therefore requests the Commission issue a Protective Order as follows:

a. Information designated as "Confidential" would be subject to the standard protocols included in Commission Rule 20 CSR 4240-

2.135.

- b. Allowing parties to additionally designate as “Highly Confidential or HC the following (1) confidential information relating to Nucor’s operations, including customer specific data, customer pricing, supply costs, business relationships, market data, other proprietary data and protected trade secrets; and (2) information relating to confidential contracts entered into relating to Nucor.
- c. With regard to entities and individuals other than the Commission, 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 individuals, who have executed a Commission Nondisclosure Agreement. No “HC” information shall be provided directly or indirectly to any other individual or employee.
  - ii. Persons afforded access to materials or information designated “HC” shall neither use nor disclose such materials or information for purposes 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 “HC” in the possession of any entity or person, as well as any notes pertaining to such information, shall be returned to the party disclosing the same or destroyed upon the

conclusion of the referenced case.

- d. If any party disagrees with the HC 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.
- e. All persons authorized to access "Highly Confidential" information in this case shall complete the nondisclosure agreement attached to the hereto as Exhibit B.

13. Counsel for Nucor has contacted counsel for all other parties and there is no objection to this Motion.

#### **IV. Conclusion**

WHEREFORE, Nucor respectfully requests the Commission grant this Motion for Protective Order and take such other actions as the Commission deems necessary to protect this information.

Respectfully submitted,

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#### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served upon all of the parties of record or their counsel, pursuant to the Service List maintained by the Data Center of the Missouri Public Service Commission on February 9, 2026.

*/s/ Marc H. Ellinger*

**NONDISCLOSURE AGREEMENT For Case No.: EO-2026-0129**

(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. EO-2026-0129 on behalf of \_\_\_\_\_.

I hereby certify that:

(a) Only an employee of or an outside expert retained by a party in this case may receive highly confidential information;

(b) I am an employee of or acting as an outside expert for [state name of party] 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 this day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature & Title

\_\_\_\_\_  
Employer

\_\_\_\_\_  
Party

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
E-Mail Address