

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

In the Matter of Evergy Metro, Inc. d/b/a)
Evergy Missouri Metro’s Request for) File No. ER-2026-0143
Authority to Implement a General Rate)
Increase for Electric Service.)

**JOINT MOTION FOR PROTECTIVE ORDER & REQUEST FOR EXPEDITED
TREATMENT**

Google LLC (“Google”) and Velvet Tech Services, LLC (“Velvet”), pursuant to Missouri Supreme Court Rule 56.01(c), 20 CSR 4240-2.135(3)–(4), and 20 CSR 4240-2.080 request additional “Highly Competitive-Highly Sensitive” (“HCHS”) protection for certain highly sensitive competitive information, a Protective Order consistent with the proposals set forth herein, and expedited treatment of the same. In support of this request, Velvet and Google state the following:

I. Background

1. On February 6, 2026, Evergy Metro, Inc. d/b/a Evergy Missouri Metro (“Evergy”) filed its request before the Missouri Public Service Commission (“Commission”) for authority to implement a general rate increase for electric service. Among the many issues raised by Evergy’s rate request are questions about how to appropriately account for revenues and cost of service associated with new large load customers.¹

2. Google and Velvet each filed Applications to Intervene on February 27, 2026, both of which were granted on March 10, 2026.

3. Other parties that have been granted intervention are Missouri Industrial Energy Consumers (“MIEC”), Midwest Energy Consumers Group (“MECG”), and Renew Missouri

¹ See, e.g., Direct Testimony of Kevin D. Gunn, pp. 16–17; Direct Testimony of Graham A. Jaynes, pp. 5–6, 39–41.

Advocates (“Renew Missouri”).

4. As part of this proceeding, Staff of the Commission (“Staff”), the Office of Public Counsel (“OPC”) and Intervenors may issue data requests that may require producing parties to disclose confidential and proprietary information relating to data center infrastructure, competitively sensitive contracts and negotiations, communications subject to nondisclosure agreements, resource usage, and other proprietary information relating to selection of data center locations and operation of data centers. Information of this type has been requested in other Commission proceedings, including Case No. EO-2025-0154, which established Evergy’s Large Load Power Service (“LLPS”) Tariff. In the current proceeding, Staff has already requested information that Google and Velvet consider HCHS information.

5. Specifically, the information requested is 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. Accordingly, to protect that information, Velvet and Google request a “Highly Competitive-Highly Sensitive” or “HCHS” protection for certain highly sensitive competitive information and a Protective Order consistent with the proposals set forth herein.²

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

² Unlike other recent proceedings, no party has yet requested to establish a “Highly Confidential” designation. Joint Movants nevertheless seek to establish a “Highly Confidential Highly Sensitive” designation because (1) it is consistent with the designation used in prior cases for equivalent information and (2) it allows for other parties to request a “Highly Confidential” designation later in this proceeding, if circumstances require.

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, “Commission 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.”³ 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.”⁴

III. Request for HCHS Designation and Proposed Protective Order

9. The data center market is an extremely competitive forum where information regarding customer pricing, 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 data center infrastructure are sensitive information that impact data centers’ competitive advantage with respect to its competitors and

³ “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))).

⁴ *Id.*

with parties with whom it negotiates. Moreover, communications, negotiations, and the contents of contract are generally subject to nondisclosure agreements and many data center contracts also contain confidentiality provisions.

10. The standard Confidential designation under 20 CSR 4240-2.135 will not provide adequate protection for these categories of information (“Highly Confidential-Highly Sensitive” or “HCHS”) because it would require Velvet and Google to produce otherwise discoverable HCHS information to in-house representatives of non-state-agency parties who may have competitive relationships now or in the future, including other industrial customers and data center developers. The mere disclosure of HCHS information to these parties and their employees and representatives would irreparably harm Velvet and Google because it would give these parties knowledge of HCHS information that would affect their relative bargaining positions.

11. Accordingly, Velvet and Google propose establishing a second category of confidential information under a protective order, classified as “Highly Confidential-Highly Sensitive” or “HCHS.” Under this system, Staff and OPC, and their outside consultants, will have rights to receive unredacted HCHS documents and information. With respect to intervenors and other parties, Velvet and Google request HCHS documents and information be restricted to outside attorneys, outside consultants, and/or attorneys of record for investor-owned utilities.

12. Velvet and Google therefore request 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. Parties may additionally designate as “Highly Confidential Highly Sensitive” or “HCHS” the following: (1) confidential information relating to the data center

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 data centers.

c. With regard to intervenors and parties other than the Commission, the Staff of the Commission, and the Office of the Public Counsel:

- i. Disclosure of materials or information designated as HCHS shall be made only to outside attorneys, outside consultants, and/or attorneys of record for investor-owned utilities, who have executed an HCHS Nondisclosure Agreement. No “HCHS” information shall be provided directly or indirectly to any other individual or employee.
- ii. Persons afforded access to materials or information designated “HCHS” 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 “HCHS” 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 HCHS 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 HCHS information in this case shall complete the nondisclosure agreement attached to the hereto as Exhibit B.

13. The relief requested by this Joint Motion is similar to the relief granted in protective orders issued by this Commission in the past, including those granted recently in Case Nos. EO-2025-0154, ET-2025-0184, EA-2023-0017, and EO-2023-0022.

14. By requesting heightened protection of HCHS information, Velvet and Google do not waive their right to object to the production of HSHS information when there is a legal basis for such objection.

IV. Request for Expedited Treatment

15. Given the HCHS nature of the information, Google and Velvet request expedited treatment of this Motion pursuant to 20 CSR 4240-2.080 and a Commission Order as soon as possible but no later than April 8, 2026. Expedited treatment is necessary to prevent irreparable competitive harm and provide safeguards necessary to shield HCHS information from disclosure to competitors and other unauthorized persons. Google and Velvet filed this Motion promptly upon recognizing that discovery requests propounded in this proceeding solicit information of an HCHS nature.

16. Evergy has reviewed this Motion, does not object to its filing, and does not oppose the expedited treatment requested herein.

V. Conclusion

WHEREFORE, Velvet and Google respectfully request the Commission enter a Protective Order consistent with the foregoing proposals, take such other actions as the Commission deems necessary to protect this information, and expedited treatment of the same as soon as possible but

no later than April 8, 2026.

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 April 2, 2026.

/s/ Andrew O. Schulte

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**NONDISCLOSURE AGREEMENT FOR
HIGHLY CONFIDENTIAL HIGHLY SENSITIVE INFORMATION**

I, _____, have reviewed the Missouri Public Service Commission’s (“Commission”) Rule at 20 CSR 4240-2.135 on the ____ day of _____, 20__.

I have requested review of Highly Confidential Highly Sensitive (“HCHS”) information produced in File No. ER-2026-0143 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 consultants retained by a party in this case, and attorneys of record for investor-owned utilities, who have executed an HCHS Nondisclosure Agreement. Commission Staff and Office of Public Counsel, and their outside consultants may receive unredacted HCHS documents and information.

(b) I am an employee of _____ acting as an (outside) _____ expert on behalf of _____, and have been directed to provide expert consultation or testimony in this docket.

(c) I have read and agree to abide by the Commission’s Rule at 20 CRS 4240-2.135 and all terms of the Protective Order issued by the Commission in this docket.

(Continues on the following page)

Dated: _____

Signature

Employer and Title

Party

Address

Telephone

E-Mail Address