

**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.)

**REPLY TO OFFICE OF THE PUBLIC COUNSEL REGARDING AMENDED JOINT
MOTION FOR PROTECTIVE ORDER**

Google LLC (“Google”) and Velvet Tech Services, LLC (“Velvet”) hereby file this Reply to the Office of the Public Counsel’s Response to the *Amended Joint Motion for Protective Order & Request for Expedited Treatment* (“Amended Joint Motion for Protective Order”):

1. On April 6, 2026, Google and Velvet filed an *Amended Joint Motion for Protective Order & Request for Expedited Treatment* requesting the Public Service Commission of the State of Missouri (“Commission”) to establish a Highly Confidential (“HC”) designation for certain highly sensitive commercial information.

2. On April 7, 2026, the Commission issued an Order Shortening Time for Responses, requiring responses to the Amended Joint Motion for Protective order no later than April 8, 2026.

3. Also on April 7, 2026, the Office of the Public Counsel (“OPC”) filed a Response to the Amended Joint Motion for Protective Order. OPC’s Response does not take a position on the merits of issuing the protective order that Google and Velvet seek. However, OPC requested that the Commission clarify the process for designating information as HC by requiring the person designating the information to be HC to do the following:

- (1) Designate the specific information that qualifies as highly confidential information to be highly confidential, i.e., identifying a document to be highly confidential in its entirety should be the exception, not the rule;
- (2) Mark the specific information by preceding and following it with triple asterisks and mark each page of the document in the center of the footer with “Highly Confidential”; and
- (3) Include in a cover page accompanying the submission or filing which includes information designated “highly confidential” the following:

- a. Each of the following categories the information specifically identified to be highly confidential falls into together with an explanation of why it falls into that category:
 - i. Information relating to the data center operations, including, but not limited to,
 - 1. data center customer specific data;
 - 2. data center customer pricing;
 - 3. data center supply costs;
 - 4. data center business relationships;
 - 5. data center market data;
 - 6. other data center proprietary data; and
 - 7. protected data center trade secrets; and
 - ii. Information relating to confidential contracts entered into relating to data centers, and
- b. An explanation of why disclosure of the specifically identified information would harm the person making the HC designation, or why disclosure would create a competitive advantage over the person making the HC designation for those participating in this docket over the person making the HC designation or for the non-participating competitors of the person making the HC designation.

4. To the extent OPC's requested clarifications are included in the Commission's

Protective Order, Google and Velvet recommend the following edits:

- (1) Designate the specific information that qualifies as highly confidential information to be highly confidential, i.e., identifying a document to be highly confidential in its entirety should be the exception, not the rule;
- (2) Mark the specific information by preceding and following it with triple asterisks and mark each page of the document in the ~~center of the~~ footer with "Highly Confidential" or "HC"; and
- (3) Include the following in a cover page accompanying the submission or filing which includes information designated "highly confidential" ~~the following~~:
 - a. Which of each ~~Each~~—of the following categories the information specifically identified to be highly confidential falls into, together with an explanation of why it falls into that category:
 - i. Information relating to the data center operations, including, but not limited to,
 - 1. data center customer specific data;
 - 2. data center customer pricing;
 - 3. data center supply costs;
 - 4. data center business relationships;
 - 5. data center market data;
 - 6. other data center proprietary data; and
 - 7. protected data center trade secrets; and
 - ii. Information relating to confidential contracts entered into relating to

data centers, and

- b. An explanation of why disclosure of the specifically identified information would harm the person making the HC designation and/or harm third parties to which the information relates, ~~or why disclosure would create a competitive advantage over the person making the HC designation for those participating in this docket over the person making the HC designation or for the non-participating competitors of the person making the HC designation.~~

5. The majority of the edits above are for clarity only and are non-substantive. However, subsection (3)b. of OPC's requested clarifications appears to assume that only the person making the HC designation could be harmed by disclosure of the HC information. This is not appropriate and contradicts contractual obligations of the parties. For example, Evergy Metro, Inc. d/b/a/ Evergy Missouri Metro ("Evergy") is contractually obligated to use a reasonable degree of care to prevent unauthorized use or disclosure of the proprietary information of its customers, yet Evergy may be (and already has been) subject to data request seeking such propriety information of its customers and/or potential customers. Accordingly, Evergy must be permitted to explain why disclosure of the HC information would not only cause harm to Evergy but also to its customers.

6. Accordingly, to the extent the Commission includes the clarifications requested by OPC in its Protective Order, Google and Velvet request that Subsection (3)b. be revised to read as follows: "An explanation of why disclosure of the specifically identified information would harm the person making the HC designation and/or harm third parties to which the information relates."

WHEREFORE, Velvet and Google respectfully request the Commission enter a Protective Order consistent with the Amended Joint Motion for Protective Order, 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 10, 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 8, 2026.

/s/ Andrew O. Schulte