

**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            )  
Authority to Implement a General Rate            )                    Case No. ER-2026-0143  
Increase for Electric Service                    )

**PUBLIC COUNSEL’S SURREPLY TO GOOGLE AND VELVET’S REPLY**

**COMES NOW** the Office of Public Counsel (“Public Counsel”) and surreplies to Google LLC (“Google”) and Velvet Tech Services, LLC (“Velvet”) reply to Public Counsel’s response to their motion for a protective order as follows:

1. In paragraph 5 of their reply Google and Velvet state the following:
  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.

And, to address their understanding of subsection (3)b., they propose it be modified from:

- 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.
- to
- 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.

2. Based on their reply Google and Velvet have misunderstood Public Counsel’s intent with its language—language for their requested protective order where they represented that in the past parties have requested of utilities through discovery customer information “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.”

3. The goal of Public Counsel’s language is to have the person, or persons, who designate(s) the confidential nature of the information to be the persons, or person, who justify(ies) that designation. Such persons may not be a party, and such persons may not be to whom the request for information is submitted or directed.

4. As Public Counsel stated in its response Commission rule 20 CSR 4240-2.135(1) is clear that the Commission desires transparency in case proceedings before it:

All items filed in case proceedings before the commission shall be open to the public unless protected pursuant to this rule or otherwise protected by law.

5. Public Counsel views Google and Velvet’s proposed language for subsection (3)b. to be insufficiently specific for the protective order they are seeking in this case.

**WHEREFORE**, the Office of Public Counsel surreplies to Google and Velvet as set forth above.

Respectfully,

/s/ Nathan Williams

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 10<sup>th</sup> day of April 2026.

/s/ Nathan Williams