

Evergy Metro filed a response in opposition to Public Counsel's request arguing that this is a discovery dispute and therefore Public Counsel failed to follow the procedural protocols for a discovery dispute prior to filing a request for a Commission order. Evergy Metro asserts that making the information public is an inappropriate remedy.

Relevant Law

Commission Rule 20 CSR 4240-2.135(2)(B) states in part:

Any information designated as confidential shall be submitted with a cover sheet or pleading describing how such information qualifies as confidential under subsection (2)(A) of this rule, including the specific subsection relied upon and an explanation of its applicability. Only the specific information that qualifies as confidential shall be designated as such.

Decision

The Commission is not persuaded by Evergy Metro's argument that this is a "discovery dispute". This dispute concerns prefiled direct testimony and schedules, not discovery. Evergy Metro misreads subsection (5) as addressing the designation, it only addresses discovery information that is designated confidential. Public Counsel is not seeking discovery of the prefiled testimony nor disagreeing with the confidential designation. What is at issue is whether Evergy Metro has complied with the Commission's rule concerning how confidential information is designated, which it has not.

Evergy Metro is aware of the requirements of Commission Rule 20 CSR 4240-2.135(2)(B). Evergy Metro cited to that very rule in its *Reply in Support of Google and Velvet Tech's Motion for Protective Order* filed on April 9, 2026, in this docket. Where it stated:

OPC's cover-page proposal depends on importing the requirements of Rule 20 CSR 4240-2.135(2)(B) into a different subsection that does not contain

them. Subsection (2)(B) applies to ordinary “Confidential” designations and expressly provides that information designated as confidential “shall be submitted with a cover sheet or pleading” describing how the information qualifies as confidential, identifying the specific subsection relied upon, and explaining its applicability.

The Commission’s confidentiality rules are not overly burdensome or difficult to comply with. All that is required is an explanation as to which of several categories the specific information falls into, and why it belongs in that category. Evergy Metro has provided the category but not the necessary explanation. The Commission will direct Evergy Metro to do so.

However, Public Counsel cites no law that would support the Commission making confidential information public, nor is that remedy in the public interest. The appropriate remedy for non-conforming testimony would be to not allow its admission.

Therefore, the Commission will direct Evergy Metro to resubmit conforming testimony and schedules with the necessary Commission Rule 20 CSR 4240-2.135(2)(B) explanations.

THE COMMISSION ORDERS THAT:

1. No later than May 5, 2026, Evergy Metro shall resubmit the prefiled direct testimony and schedules at issue in compliance with Commission Rule 20 CSR 4240-2.135.
2. This order is effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Nancy Dippell".

Nancy Dippell
Secretary

John T. Clark, Senior Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2016.

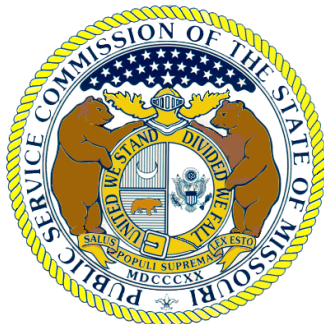
Dated at Jefferson City, Missouri,
on this 15th day of April, 2026.

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 15th day of April 2026.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

April 15, 2026

Case No: ER-2026-0143

MO PSC Staff

Staff Counsel Department
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
staffcounselservice@psc.mo.gov

Office of the Public Counsel (OPC)

Marc Poston
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opcservice@opc.mo.gov

Evergy Missouri Metro

Cole Bailey
1200 Main St
Kansas City, MO 64105
cole.bailey@evergy.com

Evergy Missouri Metro

James Fischer
2081 Honeysuckle Lane
Jefferson City, MO 65109
jfischerpc@aol.com

Evergy Missouri Metro

Chandler Hiatt
4520 Main St #1100
Kansas City, MO 64111
chandler.hiatt@dentons.com

Evergy Missouri Metro

Mike Robinson
4520 Main St
Suite 1100
Kansas City, MO 64111
michael.robinson@dentons.com

Evergy Missouri Metro

Roger Steiner
1200 Main Street, 16th Floor
P.O. Box 418679
Kansas City, MO 64105-9679
roger.steiner@evergy.com

Evergy Missouri Metro

Jacqueline Whipple
4520 Main Street, Ste. 1100
Kansas City, MO 64111
jacqueline.whipple@dentons.com

Evergy Missouri Metro

Karl Zobrist
4520 Main Street, Suite 1100
Kansas City, MO 64111
karl.zobrist@dentons.com

Google LLC

Allee Armitage
900 W 48th Pl.
Kansas City, MO 64112
aarmitage@polsinelli.com

Google LLC

Frank Caro
900 W. 48th Place, Suite 900
Kansas City, MO 64112
fcaro@polsinelli.com

Google LLC

Jared Jevons
900 W. 48th Place, Suite 900
Kansas City, MO 64112
jjevons@polsinelli.com

Google LLC

Andrew Schulte
900 W. 48th Place, Suite 900
Kansas City, MO 64112-6411
aschulte@polsinelli.com

Midwest Energy Consumers Group

Daniel Lyskowski
308 E. High St.
Ste. B101
Jefferson City, MO 65101
danny.lyskowski@opitzlawfirm.com

Midwest Energy Consumers Group

Tim Opitz
308 E. High Street, Suite B101
Jefferson City, MO 65101
tim.opitz@opitzlawfirm.com

**Missouri Industrial Energy
Consumers (MIEC)**
Diana Plescia
7701 Forsyth Blvd. Ste. 1200
St. Louis, MO 63105
dianaplescia@dmpfirm.com

MO PSC Staff
Tracy Johnson
200 Madison Street
Jefferson City, MO 65101
tracy.johnson@psc.mo.gov

Renew Missouri
Nicole Mers
501 Fay Street
Suite 206
Columbia, MO 65101
nicole@renewmo.org

Velvet Tech Services, LLC
Stephanie Bell
308 East High Street, Suite 300
Jefferson City, MO 65101
sbell@ellingerlaw.com

Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).¹

Sincerely,



**Nancy Dippell
Secretary**

¹

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.