

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

In the Matter of the Application of Evergy)
Metro, Inc., d/b/a/ Evergy Missouri Metro)
for Permission and Approval of)
Certificates of Convenience and Necessity)
Authorizing them to Construct, Install,)
Own, Operate, Manage, Maintain, and)
Control Natural Gas Electrical Production)
Facilities)

Case No. EA-2026-0154

PUBLIC COUNSEL’S MOTION FOR SHOW CAUSE ORDER

COMES NOW the Office of Public Counsel (“Public Counsel”) and moves the Commission to issue an order that directs Evergy Missouri Metro to show cause within ten days of that order why the Commission should not make public the information Evergy Missouri Metro sealed from public access and designated to be confidential in its May 14, 2026, filings to initiate and support its application for a certificate of convenience and necessity “authoriz[ing] it to construct, install, own, operate, manage, maintain, and control a 440 MW simple-cycle gas turbine electric generating facility known as Mullin Creek #2 which will be located in Nodaway County, Missouri” as follows:

1. Commission rule 20 CSR 4240-2.135(1) shows that the Commission strongly favors transparency to the public:

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.

2. As to confidential information, Commission rule 20 CSR 4240-2.135(2) authorizes the following:

(A) Any person may submit to the commission, without first obtaining a protective order, information designated as confidential if that information is—

1. Customer-specific information;
2. Employee-sensitive personnel information;

3. Marketing analysis or other market-specific information relating to services offered in competition with others;
4. Marketing analysis or other market-specific information relating to goods or services purchased or acquired for use by a company in providing services to customers;
5. Reports, work papers, or other documentation related to work produced by internal or external auditors, consultants, or attorneys, except that total amounts billed by each external auditor, consultant, or attorney for services related to general rate proceedings shall always be public;
6. Strategies employed, to be employed, or under consideration in contract negotiations;
7. Relating to the security of a company's facilities; or
8. Concerning trade secrets, as defined in section 417.453, RSMo.

3. Subpart (B) of Commission rule 20 CSR 4240-2.135(2) imposes certain requirements for information to qualify for confidentiality under Commission rule 20 CSR 4240-2.135(2)(A):

(B) 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. In addition, each document that contains confidential information shall bear the designation "Confidential" and the paragraph(s) of 4 CSR [4]240-2.135(2)(A)¹ through which that information is protected.

4. Evergy Missouri Metro cites the text of subparts 3, 4, and 6 of Commission rule 20 CSR 4240-2.135(2)(A) for why the information from its application that it sealed qualifies for confidential treatment under Commission rule 20 CSR 4240-2.135. For example, Evergy Missouri Metro redacted its cover pleading (p. 6, ¶ 13) as follows: "The estimated costs for the complete scope of the construction of Mullin Creek #2, excluding allowance for funds used during construction ("AFUDC") and the effect of any CWIP allowed in rate base, is ** [REDACTED] **."² Evergy Missouri Metro redacted the same or similar type cost language from the witness testimonies it prefiled as part of its application: **John M. Grace** direct, p. 3., l. 18; **Kevin D. Gunn** direct, p. 20,

¹ The published rule is not updated to reflect its move from 4 CSR 240 to 4 CSR 4240.

² Application pleading, p. 6, ¶ 13.

ll. 6-8; **Ronald A. Klote** direct, p. 5, l. 6; **J Kyle Olson** direct, p. 20, ll. 13-14 & Sch. JKO-3; and **Cody VandeVelde** direct, p. 11, l. 5; p. 12, l. 15; p. 13, l. 8.

5. Public Counsel notes that Evergy Missouri Metro’s affiliate Evergy Missouri West stipulated with others in a publicly available agreement dated May 29, 2025, that the installed cost estimate for Mullin Creek #1, a 440 MW SCGT, was \$835 million³ Further, the public version of Evergy Missouri West’s First Quarter 2026 Quarterly Report for Mullin Creek #1 filed in Case Nos. EA-2025-0075 and EO-2026-0031 on May 8, 2026, shows a current forecast total cost at completion of \$835 million. Public Counsel also notes that in a publicly available *Gas Turbine Costs Report* published September 2025 by GridLAB there is an installed cost estimate of \$900 million for Ameren Missouri’s Castle Bluff 800 MW Simple Cycle Gas Turbine.⁴

6. Evergy Missouri Metro has not explained how any of the information it asserts qualifies for confidentiality on each, or even one, of the three bases (20 CSR 4240-2.135(2)(A)4,4&6) that it quotes or to which it cites: “Marketing analysis or other market-specific information relating to services offered in competition with others.” 20 CSR 4240-2.135(2)(A)3. “Marketing analysis or other market-specific information relating to goods or services purchased or acquired for use by a company in providing services to customers.” 20 CSR 4240-2.135(2)(A)4. “Strategies employed, to be employed, or under consideration in contract negotiations.” 20 CSR 4240-2.135(2)(A)6.

7. Evergy Missouri Metro used this same approach—merely reciting or citing to the language of the rule—for sealing from public access certain information in its general electric rate

³ See the settlement agreement appended to the Commission *Report and Order* issued July 31, 2025, in Case No. EA-2025-0075, *In the Matter of the Application of Evergy Missouri West, Inc. d/b/a Evergy Missouri West and Evergy Metro, Inc. d/b/a Evergy Missouri Metro for Permission and Approval of Certificates of Convenience and Necessity for Natural Gas Electrical Production Facilities*.

⁴ See appendix to a Gas Turbine Costs Report published September 2025 by GridLAB (<https://gridlab.org/portfolio-item/gas-turbine-cost-report/>).

increase application and supporting testimony in Case No. ER-2026-0143. After Public Counsel challenged Evergy Missouri Metro's compliance with Commission rule 20 CSR 4240-2.135, the Commission in its April 15, 2026, *Order Directing Filing in Compliance with Commission Rule 20 CSR 4240-2.135* said,

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.

and ordered

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.

8. Just as it failed to comply with Commission rule 20 CSR 4240-2.135(2)(B) for its redactions based on confidentiality in its general electric rate case application in Case No. ER-2026-0143, Evergy Missouri Metro has failed to comply with Commission rule 20 CSR 4240-2.135(2)(B) for its redactions based on confidentiality in this case.

9. Public Counsel has access to the information Evergy Missouri Metro has sealed from the public, but, as the Commission has recognized in its confidentiality rule, the public is entitled to a meaningful explanation of why it should not have access to that information.

10. Not only has Evergy Missouri Metro not complied with Commission Rule 20 CSR 4240-2.135, Evergy Missouri Metro has neither asserted any other ground for redacting information from its application nor does it have an order authorizing it to seal information from public view.

Wherefore, the Office of Public Counsel moves the Commission to issue an order that directs Evergy Missouri Metro to show cause within ten days of that order why the Commission should not make public the information Evergy Missouri Metro designated to be confidential in

its May 14, 2026, filings to initiate and support its application for a certificate of convenience and necessity “authoriz[ing] it to construct, install, own, operate, manage, maintain, and control a 440 MW simple-cycle gas turbine electric generating facility known as Mullin Creek #2 which will be located in Nodaway County, Missouri” for Evergy Missouri Metro’s failure to comply with the Commission rule 20 CSR 4240-2.135(2)(B) requirement of including cover sheets or pleadings including Evergy Missouri Metro’s explanation for how the information it has designated to be confidential qualifies as confidential under the three specific subsections of 20 CSR 4240-2.135 (2)(A) upon which it relies, or to produce an order which authorizes Evergy Missouri Metro to seal that information from public access.

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 20th day of May 2026.

/s/ Nathan Williams