

**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 a Certificate of Convenience and ) Case No. EA-2026-0154  
Necessity Authorizing it to Construct, Install, )  
Own, Operate, Manage, Maintain, and Control a )  
Natural Gas Electrical Production Facility )

**EVERGY MISSOURI METRO’S RESPONSE TO  
PUBLIC COUNSEL’S MOTION FOR SHOW CAUSE ORDER**

COMES NOW, Evergy Metro, Inc. d/b/a Evergy Missouri Metro (“EMM”, “Evergy”, or the “Company”) and, for its *Response* (“Response”) to the Office of the Public Counsel’s (“OPC”) *Motion for Show Cause Order* (“Motion”), states as follows:

1. On May 20, 2026, the OPC filed its Motion, which asserted that the Application (“Application”) and direct testimony of Company witnesses John M. Grace (“Grace Direct”), Kevin D. Gunn (“Gunn Direct”), Ronald A. Klote (“Klote Direct”), J Kyle Olson (“Olson Direct”), and Cody VandeVelde (“VandeVelde Direct”) (collectively the “Testimony”) did not comply with 20 CSR 4240-2.135(2)(B).
2. Rule 20 CSR 4240-2.135(2)(B) (the “Rule”) requires that information designated as confidential be submitted “with a cover sheet or pleading” describing how the information qualifies as confidential, including the specific subsection relied upon and an explanation of its applicability. The Rule also requires that each document containing confidential information bear the designation “Confidential” and the paragraph(s) of subsection (2)(A) through which the information is protected.
3. Evergy believed and continues to believe it materially complied with those requirements. With both the Application and Testimony, Evergy included, as the final page of each

document, confidential designation sheets identifying each specific schedule or page/line designated, as well as the specific confidentiality categories relied upon under the Rule (see attached Exhibit A). Evergy's understanding is that those materials satisfy the subsection (2)(B) requirement of a cover sheet or pleading and document-level citation. At minimum, they reflect a reasonable and good faith effort to comply with the Rule.

4. OPC recites at paragraph 5 of the Motion that the installed cost estimate for Mullin Creek #1 has been made public and that there are public installed cost estimates for an Ameren unit. These public installed cost estimates are for different units than the subject of this Application and are necessarily at different contract stages as the CCNs for these units have been approved. In the case of Mullin Creek #1, total costs were kept confidential until final contracting had been completed and contracts were executed. The Company requires the same level and timing of confidentiality for Mullin Creek #2 project to prevent contractors and vendors from leveraging project cost estimates during contract negotiations. This was the reason why the Company indicated on the confidential designation sheets that the information is confidential: (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; and (6) Strategies employed, to be employed, or under consideration in contract negotiations.

5. By listing the category of the confidentiality asserted, the Company is indicating that the cost estimate amounts are information that could be used against the Company in contract negotiations. Release of that information publicly now means that the final cost of Mullin Creek #2 could be higher than if the information is made public at this time. As it did with Mullin Creek

#1, the installed cost estimate information will be made public once final contracting is complete and contracts are fully executed.

6. Regardless of Evergy's belief that it complied with the Rule, the Company provides the following additional details:

a. Application: p. 6, ¶13 contains installed cost estimates, and thus fall within 20 CSR 4240-2.135(2)(A) 3, 4, and 6.

b. Grace Direct: The designated portions of Mr. Grace's direct testimony contains installed cost estimates and thus fall within 20 CSR 4240-2.135(2)(A) 3, 4, and 6.

c. Gunn Direct: The designated portions of Mr. Gunns's direct testimony contains installed cost estimates and thus fall within 20 CSR 4240-2.135(2)(A) 3, 4, and 6.

d. Klote Direct: The designated portions of Mr. Klote's direct testimony contain installed cost estimates and thus fall within 20 CSR 4240-2.135(2)(A) 3, 4, and 6.

e. Olson Direct: The designated portions of Mr. Olson's direct testimony contain installed cost estimates and thus fall within 20 CSR 4240-2.135(2)(A) 3, 4, and 6.

f. VandeVelde Direct: The designated portions of Mr. VandeVelde's direct testimony contain installed cost estimates for renewable, storage and generation resources, and thus fall within 20 CSR 4240-2.135(2)(A) 3, 4, and 6.

**WHEREFORE**, Evergy Missouri Metro respectfully requests that the Commission deny OPC's Motion. In the alternative, if the Commission concludes that any additional explanation is warranted under 20 CSR 4240-2.135(2)(B), Evergy Missouri Metro requests that the Commission deny OPC's request to open the challenged information to public view and instead permit Evergy Missouri Metro to submit a targeted supplemental filing, revised cover sheets or pleadings, or revised public versions limited to any specific line or schedule the Commission identifies.

Respectfully submitted,

*/s/ Roger W. Steiner*

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Roger W. Steiner, MBN 39586  
Cole Bailey, MBN 77268  
Corporate Counsel  
Evergy, Inc.  
1200 Main Street  
Kansas City, MO 64105  
Phone: (816) 556-2314  
roger.steiner@evergy.com  
cole.bailey@evergy.com

Karl Zobrist, MBN 28325  
Jacqueline M. Whipple, MBN 65270  
Chandler Hiatt, MBN 75604  
Dentons US LLP  
4520 Main Street, Suite 1100  
Kansas City, MO 64111  
Phone: (816) 460-2400  
Fax: (816) 531-7545  
karl.zobrist@dentons.com  
jacqueline.whipple@dentons.com  
chandler.hiatt@dentons.com

James M. Fischer, MBN 27543  
Fischer & Dority, P.C.  
2081 Honeysuckle Lane  
Jefferson City, MO 65109  
Phone: (573) 353-8647  
[jfischerpc@aol.com](mailto:jfischerpc@aol.com)

**Attorneys for Evergy Missouri Metro**

**CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing document has been hand-delivered, emailed, mailed postage-prepaid, or filed and served via EFIS to the parties in this proceeding this 29<sup>th</sup> day of May 2026.

*/s/ Roger W. Steiner*

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Attorney for Evergy Missouri Metro

**Evergy Metro, Inc. d/b/a Evergy Missouri Metro**

Docket No.: EA-2026-0154

Date: May 14, 2026

**CONFIDENTIAL INFORMATION**

The following information is provided to the Missouri Public Service Commission under CONFIDENTIAL SEAL:

<b>Document/Page</b>	<b>Reason for Confidentiality from List Below</b>
Application, ¶13, p. 6	3,4, and 6

Rationale for the “confidential” designation pursuant to 20 CSR 4240-2.135 is documented below:

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.
9. Other (specify) \_\_\_\_\_.

Should any party challenge the Company’s assertion of confidentiality with respect to the above information, the Company reserves the right to supplement the rationale contained herein with additional factual or legal information.

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Grace Direct, p. 3, ln. 18	3, 4, and 6

Rationale for the “confidential” designation pursuant to 20 CSR 4240-2.135 is documented below:

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Gunn Direct, p. 20, Ins. 6-8	3, 4, and 6

Rationale for the “confidential” designation pursuant to 20 CSR 4240-2.135 is documented below:

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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;
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Klote Direct, p. 5, ln. 6	3, 4, and 6

Rationale for the “confidential” designation pursuant to 20 CSR 4240-2.135 is documented below:

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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;
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Olson Direct, p. 20, lns. 13-14	3, 4, and 6
Schedule JKO-3	3, 4, and 6

Rationale for the “confidential” designation pursuant to 20 CSR 4240-2.135 is documented below:

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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;
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8. Concerning trade secrets, as defined in section 417.453, RSMo.
9. Other (specify) \_\_\_\_\_.

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**Evergy Metro West, Inc. d/b/a Evergy Missouri West**

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Date: May 14, 2026

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VandeVelde Direct, p. 11, ln. 5	3, 4, and 6
VandeVelde Direct, p. 12, ln. 15	3, 4, and 6
VandeVelde Direct, p. 13, ln. 8	3, 4, and 6

Rationale for the “confidential” designation pursuant to 20 CSR 4240-2.135 is documented below:

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