

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

In the Matter of the Application of)
Every Missouri West, Inc. d/b/a)
Every Missouri West for Permission)
and Approval of Certificates of)
Convenience and Necessity)
Authorizing It to Construct, Install,)
Own, Operate, Manage, Maintain and)
Control Two Solar Generation)
Facilities)

Case No. EA-2024-0292

**THE OFFICE OF THE PUBLIC COUNSEL’S RESPONSE IN OPPOSITION TO
EVERGY MISSOURI WEST’S MOTION FOR PROTECTIVE ORDER**

COMES NOW the Office of Public Counsel (“OPC”) and responds in opposition to Every Missouri West’s (“EMW’s” or “Every West’s”) motion for a protective order as follows:

1. Every Metro’s motion is based on an assumption that, absent a protective order, other parties will disclose confidential information through unsecured or generative artificial intelligence (“AI”) tools, platforms, systems, or similar technology.

2. Public Service Commission (“Commission”) rule 20 CSR 4240-2.135(6)-(8) provides the following protections for confidential information:

(6) Confidential information may be disclosed only to the attorneys of record for a party and to employees of a party who are working as subject-matter experts for those attorneys or who intend to file testimony in that case, or to persons designated by a party as an outside expert in that case.

(A) The party disclosing information designated as confidential shall serve the information on the attorney for the requesting party.

(B) If a party wants any employee or outside expert to review confidential information, the party shall identify that person to the disclosing party by name, title, and job classification before disclosure. The person to whom the information is to be disclosed shall comply with the certification requirements of section (7) of this rule.

(C) A customer of a utility may view his or her own customer-specific information, even if that information is otherwise designated as confidential.

(7) Any employee of a party or outside expert retained by a party that wishes to review confidential information shall first certify in writing that such expert or employee of a party will comply with the requirements of this rule.

(A) The certification shall include the signatory's full name, permanent address, title or position, date signed, the case number of the case for which the signatory will view the information, and the identity of the party for whom the signatory is acting.

(B) The signed certificate shall be filed in the case.

(C) The party seeking disclosure of the confidential information shall provide a copy of the certificate to the disclosing party before disclosure is made.

(8) If information to be disclosed in response to a discovery request is information concerning another entity—whether or not a party to the case—that the other entity has indicated is confidential, the disclosing party shall notify the other entity of its intent to disclose the information. If the other entity informs the disclosing party that it wishes to protect the information, the disclosing party shall designate the information as confidential under the provisions of this rule.

3. Publicly disclosing “confidential information through unsecured or generative [AI] tools, platforms, systems, or similar technology” is not permissible. The protections of rule 20 CSR 4240-2.135(6)-(8) are adequate. They obligate one who obtains information designated to be confidential not to disclose it except under limited circumstances; those circumstances do not include publishing that information by using “unsecured or generative [AI] tools, platforms, systems, or similar technology.”

4. EMW also requests that “AI Tools that operate entirely within a receiving party’s secure, closed environment,” are acceptable, but if used they must not:

- a. “transmit, store, or retain any confidential information on servers or systems that are outside the receiving party’s exclusive control”;

- b. “use confidential information for the purpose of training, fine-tuning, or otherwise improving any model or algorithm”; and
- c. “[t]he receiving party has implemented reasonable technical and organizational safeguards to prevent unauthorized access, disclosure, or use of the confidential information processed by the AI Tools”;
- d. “[t]he receiving party provides written certification to the designating party describing the AI Tools that the receiving party is using and the safeguards that are in place”; and
- e. “[t]he AI Tools must be able to delete all uploaded confidential information at the conclusion of the docket.”

5. Limitations a-c, and e above fall within the limitations of rule 20 CSR 4240-2.135(6)-(8). The certification requirement of d above is an unnecessary burden as parties already are charged with maintaining the confidentiality of information disclosed to them protected by rule 20 CSR 4240-2.135.

6. Further, with regard to the State of Missouri, State Administrative Policy SP19, Acceptable Use for Artificial Intelligence, issued July 15, 2026, also limits OPC’s use of artificial intelligence.

Wherefore, as to the Office of the Public Counsel, the OPC opposes Evergy West’s motion for protective order on the grounds that it would impose an unnecessary time consuming requirement on Public Counsel to provide written certification to the designating party describing the AI Tools that Public Counsel is using and the safeguards for them that are in place, and also because rule 20 CSR 4240-2.135 already subsume the other relief Evergy West requests.

/s/ Anna Kathryn Martin

Anna Kathryn Martin (Mo Bar #72010)

Associate Counsel

P. O. Box 2230

Jefferson City MO 65102

(573) 526-1445

(573) 751-5562 FAX

anna.martin@opc.mo.gov

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 21st day of July 2026.

/s/ Anna Martin