

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

ORDER DENYING REQUEST FOR PROTECTIVE ORDER

Issue Date: August 14, 2026

Effective Date: August 14, 2026

This order denies the request of Evergy Metro, Inc. d/b/a Evergy Missouri Metro (Evergy) for an artificial intelligence (AI) protective order.

Background

On July 17, 2026, Evergy filed its *Motion for Protective Order and for Expedited Treatment* requesting a Protective Order concerning disclosure of its confidential and highly-confidential information through unsecured or generative artificial intelligence (AI) tools, platforms, systems, or similar technology. Evergy requested expedited treatment of its motion.

Evergy's Motion seeks to prohibit any party, counsel, or their agents to whom confidential information is disclosed from inputting, uploading, submitting, or otherwise introducing such information into any unsecured or generative AI tool (e.g. standard ChatGPT, Claude, Gemini, or similar platforms), including, but not limited to, the use of AI meeting note takers. The motion proposed five specific protections, which included restrictions on information retention and use as well as requiring disclosure of the AI tool being used by the recipient of the confidential information.

The Commission issued a preliminary protective order and set a time for any responses.

Responses

The Staff of the Commission (Staff), the Office of the Public Counsel (Public-Counsel), Midwest Energy Consumers Group (MECG), and Google LLC all filed responses in opposition to Evergy's requested protective order.

On July 31, 2026, Staff filed *Staff's Response to Evergy Missouri West's Motion for Protective Order and for Expedited Treatment* objecting to Evergy's request. Staff asserts the Commission's existing confidentiality rule already states the controlling obligation: every person with access to protected information must keep it secure and may neither use nor disclose it except for preparation and conduct of the proceeding. The Staff Response argues that the solution is not to curtail AI or another class of analytical tools, but to enforce the confidentiality duties that already govern both the producer and the recipient of confidential information.

Staff also noted the inequality of allowing Evergy to use any AI tool it wishes but other parties' use of AI would be restricted. Staff further stated that the disclosure of the AI tool used might reveal that party's analytical methods, resource allocation, proprietary software and vendor relationships, litigation preparation methods, or work-product information.

On August 5, 2026, Public Counsel filed *Public Counsel's Response in Opposition to Evergy Missouri West's Motion for Protective Order* objecting to the motion. The Public Counsel response also argued that the current Commission Rules regarding protecting confidential information, 20 CSR 4240-2.135(6)-(8), are adequate. Public Counsel's

response argues that the rules obligate one who obtains information designated to be confidential to not disclose it – which would include publishing that information by using unsecured AI tools, platforms, systems, or similar technology.

On August 6, 2026, both MEEG and Google filed responses to Evergy's request. MEEG noted that the requested order was one sided in favor of Evergy and that Evergy failed to identify a specific issue or existent concern necessitating additional protection. Google noted that Evergy's request was unclear regarding certification and ongoing compliance obligations.

Evergy replied on August 12, 2026, asserting that party responses recognized that AI is a current issue. Evergy's reply conceded that a duty to safeguard confidential information already exists under Commission Rule 20 CSR 4240-2.135, but argues that whether submission to an AI whose provider retains inputs, uses them for model training, or discloses them onward is consistent with that duty, is a different question.

Decision

The Commission is not persuaded by the arguments set forth in Evergy's motion or reply. The Commission finds other parties' responses more persuasive. There is no need to add an unnecessary protective order that is likely to become a "boilerplate" filing in any case before the Commission. The current rules restricting the dissemination of confidential information are sufficient to address any infractions with the submission of confidential information to an unsecured AI tool or analysis of confidential information by an unsecured AI tool. If Evergy believes the current Commission rule is insufficient, the appropriate way to address such insufficiency would be in a rulemaking docket.

Therefore, the Commission will deny the Motion.

THE COMMISSION ORDERS THAT:

1. Evergy's request for an AI protective order is denied.
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 14th day of August, 2026.

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

Pursuant to 386.290, RSMo., 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 14th day of August, 2026.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

August 14, 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,

A handwritten signature in black ink that reads "Nancy Dippell". The signature is written in a cursive, flowing style.

**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.