

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of Evergy)
Missouri West, Inc. d/b/a Evergy Missouri)
West for Approval of an Amendment to)
Nucor Steel Sedalia, LLC Agreement)
Case No. EO-2026-0129

ORDER DENYING REQUEST FOR PROTECTIVE ORDER

Issue Date: August 14, 2026

Effective Date: August 14, 2026

On July 21, 2026, Evergy Missouri West, Inc. d/b/a Evergy Missouri West (Evergy) filed its *Motion for Protective Order and for Expedited Treatment* (Motion) 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 Missouri West requested expedited treatment of its motion.

At its core, the 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.

On July 31, the Office of the Public Counsel (OPC) filed *Public Counsel's Response in Opposition to Evergy West's Motion for Protective Order* (OPC Response) objecting to the Motion. The OPC Response argued that the current Commission Rules regarding protecting

confidential information, 20 CSR 4240-2.135(6)-(8), are adequate. The OPC 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.

Also on July 31, the Staff of the Commission (Staff) filed *Staff's Response to Evergy Missouri West's Motion for Protective Order and for Expedited Treatment* (Staff Response) objecting to the Motion. 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.

The Staff Response also cited 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.

Nucor Steel Sedalia, LLC (Nucor) also filed *Response of Nucor Sedalia Steel, LLC to Evergy Motion for Protective Order and Expedited Treatment* (Nucor Response) on July 31. The Nucor Response supports the Motion, agreeing with Evergy that additional language regarding the use of unsecured or generative AI is warranted to protect against the inadvertent release of confidential information into the public domain.

The Commission is not persuaded by the arguments set forth in Evergy's Motion and the Nucor Response. The Commission finds OPC's and Staff's arguments more persuasive – 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. Therefore, the Commission will deny the Motion.

THE COMMISSION ORDERS THAT:

1. The Motion is denied.
2. This order shall be effective upon issuance.



BY THE COMMISSION

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

Nancy Dippell
Secretary

Kenneth J. Seyer, 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: EO-2026-0129

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 West

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

Evergy Missouri West

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

Evergy Missouri West

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

Evergy Missouri West

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

Evergy Missouri West

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

Evergy Missouri West

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

Evergy Missouri West

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

MO PSC Staff

Paul Graham
200 Madison Street
Jefferson City, MO 65101
paul.graham@psc.mo.gov

Nucor Steel Sedalia, LLC

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

Nucor Steel Sedalia, LLC

Joseph Briscar
1025 Thomas Jefferson St. NW
Suite 800 West
Washington, DC 20007
jrb@smxblaw.com

Nucor Steel Sedalia, LLC

Marc Ellinger
308 E. High Street, Ste. 300
Jefferson City, MO 65101
mellinger@ellingerlaw.com

Nucor Steel Sedalia, LLC

Michael Lavanga
1025 Thomas Jefferson Street NW
Washington, DC 20007
mkl@smxblaw.com

**Office of the Public Counsel
(OPC)**

John Clizer
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
john.clizer@opc.mo.gov

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

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