

**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 and Evergy	)	
Missouri West, Inc. d/b/a Evergy Missouri West	)	
for Permission and Approval of Certificates of	)	Case No. EA-2026-0343
Convenience and Necessity Authorizing them to	)	
Construct, Install, Own, Operate, Manage,	)	
Maintain, and Control a Natural Gas Production	)	
Facility and a Battery Energy Storage System	)	

**MOTION TO CHALLENGE CONFIDENTIAL DESIGNATIONS, TO REQUIRE
COMPLIANCE WITH 20 CSR 4240-2.135, AND TO REQUIRE DISCLOSURE OF
LAND-SITE AND FEASIBILITY ANALYSIS**

COMES NOW Jayson Watkins (“Intervenor”), and pursuant to 20 CSR 4240-2.135(11) and 20 CSR 4240-2.090, respectfully moves the Missouri Public Service Commission (“Commission”) for an order requiring Evergy Missouri Metro and Evergy Missouri West (collectively, “Evergy”) to substantiate and, where appropriate, withdraw or narrow its confidential designations and to provide Intervenor and the public access to information necessary to evaluate Evergy’s land-selection, site-feasibility, economic-feasibility, water-supply, and alternative-site analyses for the proposed Buchanan Bluffs Energy Center. In support, Intervenor states:

1. The Commission docket reflects that Evergy filed its CCN application in both public and confidential versions. The docket likewise reflects public and confidential versions of several material direct-testimony filings, including the direct testimony of John Carlson, Kevin D. Gunn, John M. Grace, Ronald A. Klote, J. Kyle Olson, and Cody VandeVelde. See EA-2026-0343, Docket Items 2, 3, 5, 6, 8, 9, 10, and 11. The Olson filing contains a substantially larger confidential version than the public version.

2. The Commission's rules establish a presumption that filings are public unless protected under 20 CSR 4240-2.135 or otherwise protected by law. 20 CSR 4240-2.135(1). Commission rule 20 CSR 4240-2.135(2)(B) states:

B) Any information designated as confidential shall be submitted with a coversheet 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 [20] CSR 240-2.135(2)(A) through which that information is protected.

3. The rule expressly provides that "[a] party may also challenge such a designation at any time by filing an appropriate motion with the commission." 20 CSR 4240-2.135(11).

4. Intervenor does not initially ask the Commission to make every confidential document public. Intervenor requests that Evergy justify each designation and, where confidentiality is legitimate only as to the public, provide the information to Intervenor under the protections applicable to parties. Information that does not qualify should be filed publicly.

5. The requested material is central to the CCN proceeding. Evergy seeks authority to construct the Buchanan Bluffs Energy Center at Johnson 1. The land-selection and feasibility evidence bears directly on whether the selected site is suitable and feasible, what analysis was performed by Evergy on Johnson 1 and on the Commission's evaluation of need, economic feasibility, qualifications, and public interest.

7. Intervenor's concern is whether Evergy adequately evaluated Johnson 1 against available alternatives. The requested evidence should permit testing of land availability, usable acreage, land configuration, residential proximity, environmental and permitting constraints, water availability, natural-gas access, electric interconnection, construction feasibility, transportation, site-development cost, and comparative feasibility.

8. The public record establishes that Evergy used 1898 & Co. in connection with site-selection and feasibility work. Intervenor therefore seeks the underlying criteria, scorecards, weighting, candidate-site data, maps, GIS analyses, screening results, and site-specific assumptions—not merely the ultimate conclusion that Johnson 1 was selected.

9. Intervenor requests the complete site-selection scorecards and matrices; criteria and weights; scores for candidate sites; underlying data; GIS layers and distance calculations; acreage calculations; residential/occupied-structure proximity data; land-use and zoning information; environmental/permitting screening; water-supply assumptions; gas and electric interconnection assumptions; construction-access considerations; and comparative site costs.

10. Intervenor specifically requests information showing the amount of land actually usable for the proposed facility, as distinguished from total parcel acreage, including maps and calculations showing contiguous usable acreage and the constraints that reduce usable area.

11. Intervenor requests the residential-proximity analysis used for Johnson 1, including residences and occupied structures, distance to the nearest residence or structure, residence counts/density within relevant distances, and any criteria or weighting concerning residential proximity, noise receptors, visual impacts, emergency response, or land-use compatibility.

12. This is material because Evergy's opposition to intervention acknowledges residences in the vicinity of the proposed facility, including residences approximately one-quarter mile from the site and approximately twenty houses within one-half mile. The requested material is needed to determine whether those conditions were considered in site selection and how they affected Johnson 1's evaluation.

13. Water feasibility is also part of site feasibility. Evergy's direct testimony indicates that Unit 2 will share water-supply and water-treatment infrastructure with Unit 1. Intervenor therefore

requests the underlying water-feasibility studies, projected demand, peak and average requirements, treatment assumptions, provider correspondence, capacity analyses, alternative-source analyses, and assumptions concerning support for both units.

14. Intervenor also seeks the economic-feasibility material connecting site selection to project cost, including site-development costs, water-system costs, transmission/interconnection costs, gas-interconnection costs, land costs, environmental/permitting costs, contingencies, and comparative site-specific costs.

15. EFIS identifies Zachary Gladhill's direct testimony under the testimony sub-issue "Economic Feasibility." Confidential portions of other Evergy testimony should therefore be reviewed to determine whether Evergy's economic-feasibility showing depends upon undisclosed site-specific assumptions.

16. A confidential designation should not prevent an intervenor from testing whether a purported cost or feasibility advantage is attributable to Johnson 1 itself, to an assumption about water or interconnection, to a construction configuration, or to an undisclosed comparison methodology. Further to the extent that the material is not deemed competitively sensitive, proprietary, or private data the information should be made available to the public.

17. If Evergy relies on 20 CSR 4240-2.135(2)(A)(5) because a document was prepared by a consultant such as 1898 & Co., the fact that a consultant prepared a document does not, standing alone, establish that every substantive fact, map, score, calculation, or feasibility finding is confidential. The rule requires the specific information to qualify and requires an explanation.

18. If Evergy relies on subsection (2)(A)(3) or (4), Intervenor requests identification of the specific competitive or market information allegedly protected and an explanation why the particular land-selection or site-feasibility information falls within that category.

19. If Evergy relies on subsection (2)(A)(6), Intervenor requests identification of the specific contract-negotiation strategy allegedly protected and a showing that the designation is limited to strategy rather than factual information concerning acreage, water, residential proximity, engineering constraints, or comparative site characteristics.

20. If Evergy relies on subsection (2)(A)(8), Intervenor requests identification of the specific trade secret allegedly involved and the factual basis for that claim.

21. Intervenor also requests identification of any challenged information that appears elsewhere in public filings, regulatory filings, environmental documents, county records, or other public materials. Confidentiality should be narrowed where the same substantive information is already public.

22. The public versions of several Evergy filings contain substantial redactions. The Commission should determine whether those redactions comply with 20 CSR 4240-2.135(2)(B) and (10), including the requirement that only qualifying information be removed.

23. The Commission has previously received a motion specifically seeking to require Evergy to comply with 20 CSR 4240-2.135. See Office of Public Counsel's Motion for the Commission to Order Evergy Missouri Metro and Evergy Missouri West to Comply with Commission Rule 20 CSR 4240-2.135, Case No. EO-2024-0002.

24. Intervenor therefore requests an order requiring Evergy to identify the precise basis for each challenged designation and to provide the underlying land, site-selection, water, and economic-feasibility information necessary for meaningful participation in this proceeding.

25. If necessary, the Commission may conduct an in-camera review. If information is legitimately confidential as to the public, Intervenor requests access subject to the confidentiality

protections of 20 CSR 4240-2.135, including any required certification or non-disclosure agreement.

26. Because the requested information bears directly on land suitability, alternative-site comparison, water feasibility, economic feasibility, and public interest, Intervenor requests sufficient time to use any newly disclosed material in discovery, testimony, cross-examination, and briefing.

WHEREFORE, the movant respectfully requests that the Commission enter an order:

- A. Requiring Evergy to identify each challenged confidential designation by document, page, paragraph, schedule, exhibit, or data field and state the specific subsection of 20 CSR 4240-2.135(2)(A) relied upon;
- B. Requiring Evergy to withdraw or narrow designations that do not satisfy 20 CSR 4240-2.135(2)(B);
- C. Requiring public versions to contain only legitimately confidential redactions;
- D. Requiring Evergy to provide the Public the information deemed confidential that fails to satisfy 20 CSR 4240-2.135(2)(B) and is needed to evaluate Johnson 1 land selection, site feasibility, water feasibility, alternative sites, and economic feasibility;
- E. Requiring production of the underlying site-selection criteria, scoring matrices, alternative-site comparisons, maps/GIS analyses, acreage calculations, residential-proximity analyses, water-feasibility analyses, and site-specific comparative cost information described above;
- F. Alternatively, conducting an in-camera review of the challenged material;
- G. Granting sufficient additional time, if necessary, for Intervenor to conduct discovery and respond to newly disclosed evidence; and
- H. Granting such other and further relief as the Commission deems just and reasonable.

Respectfully submitted,

/s/ Jayson A. Watkins

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was filed in EFIS and served upon all parties on the Commission's certified service list on this 24th day of September, 2026.

/s/ Jayson A. Watkins

Jayson A. Watkins MO