

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

**MOTION FOR PROTECTIVE ORDER AND FOR EXPEDITED TREATMENT**

COMES NOW, Evergy Metro, Inc. d/b/a Evergy Missouri Metro (“EMM” or the “Company”), pursuant to Missouri Supreme Court Rule 56.01(c), 20 CSR 4240-2.135(3)-(4), and 20 CSR 4240-2.080(14), requests that the Missouri Public Service Commission (“Commission”) issue a Protective Order, with expedited treatment, that prohibits the parties, their counsel, and their consultants and agents from unauthorized disclosure of confidential information through unsecured or generative artificial intelligence (“AI”) tools, platforms, systems, or similar technology (collectively, “AI Tools”) in this proceeding. In support, Evergy Missouri Metro states:

**I. Background**

1. On February 6, 2026, Evergy Missouri Metro filed its request for authority to implement a general rate increase for electric service.

2. Per 20 CSR 4240-2.065(1), the Company has submitted confidential “direct testimony with the tariff” as part of its general rate increase request. Other confidential testimony will likely be filed throughout this proceeding. See 20 CSR 4240-2.130.

3. Additionally, the Staff of the Commission (“Staff”), the Office of the Public Counsel (“OPC”), and intervenors may issue data requests that will likely require producing parties to disclose confidential and proprietary information pursuant to 20 CSR 4240-2.090.

4. The rapid proliferation of AI Tools creates substantial risk that confidential information in this proceeding may be inadvertently or improperly disclosed. Specifically, using unsecured or generative AI Tools to process, summarize, analyze, or draft confidential information poses an irreversible disclosure risk. Once inputted, such information may be retained, used for model training, or otherwise distributed beyond the disclosing party's control. Given this, standard "Confidential" or "Highly Confidential" designations do not adequately protect against such risk. See 20 CSR 4240-2.135; Protective Order at 5, No. ER-2026-1043 (Apr. 13, 2026).

5. Accordingly, to foreclose disclosure of confidential information through AI Tools, Every Missouri Metro requests restrictive use of AI Tools for confidential information and a Protective Order consistent with the proposals set forth herein.

## **II. Statement of Law**

6. Missouri Supreme Court Rule 56.01(c) provides that protective orders may be issued "to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense including ... that a trade secret or other confidential research, development, or commercial information not be disclosed or be disclosed only in a designated way."

7. Parties may designate certain materials, including competitively sensitive information, reports, work papers, or other information as "Confidential." See 20 CSR 4240-2.135(2).

8. In addition, the Commission "may order greater protection than that provided by a confidential designation" so that "[a]ll persons who have access to information under this rule shall keep the information secure and may neither use nor disclose such information." See 20 CSR 4240-2.135(4), (13) (emphasis added).

### **III. Request for Restrictions on the Use of AI Tools in a Protective Order**

9. Everygy Missouri Metro requests that the Commission issue a Protective Order prohibiting 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, including, but not limited to, the use of AI meeting note takers. See Morgan v. V2X, Inc., 2026 WL 864223, at \*1 (D. Colo. Mar. 30, 2026) (“Colorado AI Protective Order”) (The Court granted defendant’s motion to amend “the Protective Order to address AI use” stating that a party “may not upload, input, or submit Confidential Information into any mainstream AI tool like standard ChatGPT, Claude, Gemini, or similar platforms.”). “Generative artificial intelligence programs that supply natural language answers to user prompts, such as ChatGPT or Google Bard, create novel risks to the security of confidential information.” See Order on Artificial Intelligence (Cases Assigned to Judge Vaden) at 1, U.S. Ct. Int’l Trade (June 8, 2023) (“Order on Artificial Intelligence”). There is a lack of “reasonable expectation of confidentiality” in a party’s use of these AI Tools because their “conversations with [another publicly accessible AI platform]” were “voluntarily disclosed.” See United States v. Heppner, 820 F. Supp. 3d 292, 296-297 (S.D.N.Y. Feb. 17, 2026). Therefore, unsecured or generative AI Tools challenge the “ability to protect confidential information and business proprietary information from access by unauthorized parties.” See Order on Artificial Intelligence at 2.

10. The Protective Order applies regardless of the AI Tools’ function or intended use. The Protective Order encompasses both direct input of confidential information into AI Tools and any indirect incorporation through uploading, attaching, or referencing documents, data, or other materials containing such information. Id. The Commission’s current Highly Confidential Protective Order requires that: “Persons afforded access to materials or information designated ‘Highly Confidential’ shall neither use nor disclose such materials or information for purposes of

business or competition or any other purpose other than in regard to the case referenced above and shall keep the materials and information secure and confidential.” See Protective Order at 4-5, No. ER-2026-0143 (Apr. 13, 2026). However, the Company believes that additional language regarding the use of generative, unsecure AI is warranted given the increasing prevalence of AI Tools. Moreover, for any avoidance of doubt per the current Highly Confidential Protective Order, the Company seeks to ensure that this Protective Order applies to both confidential and highly confidential information because the current Highly Confidential Protective Order does not apply to information designated only as confidential.

11. The Protective Order shall not be construed to prohibit the use of AI Tools that operate entirely within a receiving party’s secure, closed environment, provided that:

- a. The AI Tools do not transmit, store, or retain any confidential information on servers or systems that are outside the receiving party’s exclusive control; See, e.g., Colorado AI Protective Order at \*7.
- b. The AI Tools do not use confidential information for the purpose of training, fine-tuning, or otherwise improving any model or algorithm; Id.
- c. The 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. The 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. See Order on Artificial Intelligence at 2; Colorado AI Protective Order at \*7; and

- e. The AI Tools must be able to delete all uploaded confidential information at the conclusion of the docket.

12. Any violation of the restrictions in the Protective Order subjects the violating party to all remedies available under this Protective Order, Commission rules, Mo. R. Civ. Proc., and Missouri law. See 20 CSR 4240-2.090(1); Mo. R. Civ. Proc. § 61.01; Mo. Rev. Stat. §§ 476.110, 120. If confidential information is disclosed without authorization through any AI Tools, the receiving party must immediately notify the designating party and the Commission and must take all reasonable steps to mitigate the disclosure's effects.

13. The restrictions in this Protective Order survive termination of this proceeding and remain in full force and effect for so long as the confidential information retains its designation.

#### **IV. Request for Expedited Treatment**

14. Every Missouri Metro requests expedited treatment of this Motion pursuant to 20 CSR 4240-2.080 and a Commission order as soon as possible but no later than July 23, 2026. Expedited treatment is necessary to protect all parties' confidential information. Every Missouri Metro filed this motion promptly upon recognizing the need to protect its confidential information in this proceeding.

**WHEREFORE**, Every Missouri Metro respectfully requests the Commission enter a Protective Order consistent with the foregoing proposals, take such other actions as the Commission deems necessary to protect confidential information from unauthorized disclosure through AI Tools, and grant expedited treatment as soon as possible but no later than August 3, 2026.

Respectfully submitted,

/s/ Roger W. Steiner

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**Attorneys for Evergy Missouri Metro**

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served upon counsel for all parties on this 17<sup>th</sup> day of July 2026, by EFIS filing and notification, and/or e-mail.

/s/ Roger W. Steiner

Roger W. Steiner