

**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 Implement a General Rate)
Increase for Electric Service)

Case No. ER-2026-0143

**MIDWEST ENERGY CONSUMERS GROUP'S RESPONSE TO EVERGY MISSOURI
METRO'S MOTION FOR PROTECTIVE ORDER AND FOR EXPEDITED
TREATMENT**

COMES NOW, the Midwest Energy Consumers Group ("MECG") and responds in opposition to Evergy Metro, Inc., d/b/a Evergy Missouri Metro's ("Evergy") Motion for Protective Order and for Expedited Treatment ("Motion"). MECG opposes Evergy's Motion because existing Commission rule 20 CSR 4240-2.135 ("Confidentiality Rule") already protects the information at issue from unauthorized disclosure. While Evergy's Motion highlights the importance of properly handling protected information it fails to explain how the existing Confidentiality Rule and Commission protective order are inadequate or how the possibility of the use of a digital tool to analyze and summarize protected information (broadly, "AI Tools") warrants additional requirements. Instead, it makes Evergy the *de facto* arbiter of what technologies parties use in preparation of a case including a requirement that parties make disclosures and certifications to Evergy.

**EVERGY'S REQUESTED PROTECTIVE ORDER IS ADDRESSED BY EXISTING
COMMISSION RULE 20 CSR 4240-2.135**

1. Broadly speaking, Evergy's Motion seeks to require parties that are eligible to view confidential information provided in this matter to separately certify to the "designating party" that the use of AI Tools operate within a "closed environment"; are not used for "the purpose of training, fine-tuning, or otherwise improving any algorithm or model"; and that there be the ability

to “delete all uploaded confidential information at the conclusion of the docket.” The motion further requests a requirement that the “receiving party” of such information certify the compliance of its AI Tools with the requested safeguards to the “designating party.”

2. The Commission’s existing rule regarding confidential information provides: “[a]ll persons who have access to [confidential] information under this rule shall keep the information secure and may neither use nor disclose such information for any purpose other than preparation for and conduct of the proceeding for which the information was provided.”¹

3. Evergy seeks protections that are already provided by the existing Confidentiality Rule. No further order is necessary.

**THE ADDITIONAL ADMINISTRATIVE BURDENS RELATED TO CERTIFICATION
AND DISCLOSURE OF TECHNOLOGY USE IN EVERGY’S MOTION ARE
UNNECESSARY AND ASYMMETRIC**

4. Evergy’s proposal creates additional obligations on parties in the case to disclose information about how they prepare their case, while also appointing itself the arbiter of what technologies are acceptable. Notably, the company escapes these requirements in its Motion because the majority of confidential and highly confidential information in this (or any) case is submitted and designated by the company.

5. Because Evergy has provided and designated the majority of confidential and highly confidential information in this case, the Motion creates the environment where Evergy is free to use AI Tools to collect and analyze its own information whereas parties receiving that same information would first have disclose to Evergy what technology is used – if any – in preparation of their case and certify compliance with the requirements proposed in the Motion. What happens if Evergy finds a particular technology insufficiently secure is not addressed. Furthermore, Evergy

¹ 20 CSR 4240-2.135.

requests a certification process where a receiving party potentially would need to describe the operation of the AI Tools as well as the internal policy safeguards a party has in place to protect information from disclosure. Such a process invites disputes over the definition of technological terms such as what constitutes a receiving party's "exclusive control" and what are "reasonable technical and organizational safeguards." Without defining its broad terms more specifically, Evergy's Motion raises questions but provides no answers.

6. In sum, the Commission's rules already require parties to safeguard confidential information. Evergy has not identified any particular concern or issue necessitating additional safeguards. To the extent Evergy or any other party explains why additional safeguards are necessary, those reasons should be stated with particularity. In effect, the Motion is a reminder to parties to be careful with using novel technologies.

7. MCEG notes that to the extent Evergy is simply pointing out it would be helpful for the Commission to develop "rules of the road" on acceptable AI use in the context of utility commission cases generally, a request for workshop or rulemaking would be a more appropriate path.

WHEREFORE, MCEG respectfully requests the Commission deny Evergy's Motion for Protective Order and for Expedited Treatment.

Respectfully submitted,

/s/ Danny Lyskowski

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record this 6th day of August 2026:

/s/ Danny Lyskowski