

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

Mark A. Hill and Bethann C. Hill,	)	
Complainants,	)	
	)	
v.	)	<u>Case No. EC-2026-0350</u>
	)	
Evergy Missouri West, Inc. d/b/a Evergy	)	
Missouri West,	)	
Respondent	)	

ORDER DENYING REQUEST FOR PROTECTIVE ORDER

Issue Date: August 14, 2026

Effective Date: August 14, 2026

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

Background

On July 21, 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 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 confidential information.

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

Responses

The Staff of the Commission (Staff) and the Office of the Public Counsel (Public-Counsel) 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.

Also on July 31, 2026, Public Counsel filed *Public Counsel's Response in Opposition to Evergy Missouri West's Motion for Protective Order* objecting to the motion. Public Counsel's 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.

Decision

The Commission is not persuaded by the arguments set forth in Evergy’s motion. The Commission finds Staff and Public Counsel’s 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.

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: EC-2026-0350

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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).¹

Sincerely,



**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.