

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of Evergy Metro, Inc. d/b/a)
Evergy Missouri Metro's 2026 Integrated) **Case No. EO-2026-0188**
Resource Plan Annual Update Filing)

ORDER DENYING REQUEST FOR PROTECTIVE ORDER

Issue Date: August 14, 2026

Effective Date: August 14, 2026

On July 21, 2026,¹ Evergy Missouri Metro, Inc. d/b/a Evergy Missouri Metro (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 requested expedited treatment of its motion. On July 21, 2026, the Commission issued a Preliminary Protective Order and set a time for responses.

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

¹ All dates refer to 2026 unless otherwise indicated.

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 *The Office of the Public Counsel's Response in Opposition to Evergy Missouri Metro'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 Metro'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.

On August 13, Evergy filed a reply to Staff and the OPC's responses asserting that those responses recognized that AI is a current issue. Evergy's reply conceded that a duty to safeguard confidential information already exists under Commission Rule 20 CSR 4240-2.135 but argues that whether submission to an AI whose provider retains inputs, uses them for model training, or discloses them onward is consistent with that duty, is a different question.

The Commission is not persuaded by the arguments set forth in Evergy's Motion or the reply. 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. The Preliminary Protective Order is of no further effect.
3. This order shall be effective upon issuance.



BY THE COMMISSION

Nancy Dippell

Nancy Dippell
Secretary

Nancy Dippell, Chief 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-2026-0188

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

AARP

Legal Department
601 E Street, NW
Washington, DC 20049

City of Kansas City, Missouri

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

City of Kansas City, Missouri

Cole Bradbury
308 E High St
Suite 300
Jefferson City, MO 65101
cbradbury@ellingerlaw.com

City of Kansas City, Missouri

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

Consumers Council of Missouri

Legal Department
20 S. Sarah St.
St. Louis, MO 63108
john@johncoffman.net

Council for the New Energy Economics

Alissa Greenwald
1580 Lincoln Street, Suite 1105
Denver, CO 80203
agreenwald@keyesfox.com

Evergy Missouri Metro

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

Evergy Missouri Metro

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

Evergy Missouri Metro

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

Evergy Missouri Metro

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

Evergy Missouri Metro

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

Evergy Missouri Metro

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

Evergy Missouri Metro

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

Evergy Missouri West

Legal Department
One Kansas City Place, 1200 Main
Street
P.O. Box 418679
Kansas City, MO 64105
roger.steiner@evergy.com

Google LLC

Frank Caro
900 W. 48th Place, Suite 900
Kansas City, MO 64112
fcaro@polsinelli.com

Google LLC

Sean Pluta
7676 Forsyth Blvd
Suite 800
St. Louis, MO 63105
spluta@polsinelli.com

Google LLC

Andrew Schulte
900 W. 48th Place, Suite 900
Kansas City, MO 64112-6411
aschulte@polsinelli.com

IBEW Local 304

Legal Department
3906 NW 16th Street
Topeka, KS 66615
nolandbrian@gmail.com

Midwest Energy Consumers Group

Daniel Lyskowski
308 E. High St.
Ste. B101
Jefferson City, MO 65101
danny.lyskowski@opitzlawfirm.com

Missouri Division of Energy

Legal Department
1101 Riverside Drive, 2nd Floor
P.O. Box 176
Jefferson City, MO 65102-0176

Missouri Electric Commission

Legal Department
2200 Maguire Blvd.
Columbia, MO 65201-7608
tjarrett@mpua.org

MO PSC Staff

Tracy Johnson
200 Madison Street
Jefferson City, MO 65101
tracy.johnson@psc.mo.gov

MO PSC Staff

Carolyn Kerr
200 Madison Street
Jefferson City, MO 65101
carolyn.kerr@psc.mo.gov

**Natural Resources Defense
Council**

Legal Department
20 North Wacker Drive, Suite 1600
Chicago, IL 60606

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

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

Lindsay VanGerpen
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
lindsay.vangerpen@opc.mo.gov

Renew Missouri

Nicole Mers
501 Fay Street
Suite 206
Columbia, MO 65101
nicole@renewmo.org

Sierra Club

Elizabeth Hubertz
Washington University Law School
Campus Box 1120 1 Brookings Drive
St. Louis, MO 63130
ejhubertz@wustl.edu

Sierra Club

Laura Robb
1 Brookings Drive
St. Louis, MO 63130
lrobb@wustl.edu

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

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.