THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS

Before Commissioners:	Andrew J. French, Chairperson
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Dwight D. Keen Susan K. Duffy

In the Matter of the Investigation into Evergy)	
Kansas Metro and Evergy Kansas Central)	
Regarding the February 2021 Winter Weather)	Docket No. 21-EKME-329-GIE
Events, as Contemplated by Docket No. 21-)	
GIMX-303-MIS.)	

SUPPLEMENTAL PROTECTIVE AND DISCOVERY ORDERS

This Commission rules as follows:

1. Pursuant to K.S.A. 77-536(a), the Commission issued an Emergency Order directing all jurisdictional natural gas and electric utilities to coordinate efforts and take all reasonably feasible, lawful, and appropriate actions to ensure adequate transportation of natural gas and electricity to interconnected, non-jurisdictional Kansas utilities. The Commission authorized every electric and natural gas distribution utility that incurs extraordinary costs associated with ensuring its customers, or the customers of interconnected Kansas utilities that are non-jurisdictional to the Commission, continue to receive utility service during the weather event to defer those costs to a regulatory asset account. The Commission ordered each utility to file its plan to minimize the financial effects of the event into company-specific investigation dockets.

2. On April 1, 2021, Evergy Kansas Central, Inc., Evergy Kansas South, Inc., and Evergy Metro (collectively, Evergy) filed a motion to amend the protective order after recognizing certain responses to Staff's data/discovery requests (DRs) include information that would be

¹ Docket No. 21-GIMX-303-MIS, Emergency Order, Ordering Clause, ¶ A (Feb. 15, 2021).

² *Id.*, Ordering Clause, ¶ C.

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³ Order Adopting Staff's Report and Recommendation to Open Company Specific Investigations; Order on Petitions to Intervene of BlueMark Energy, LLC and CURB; Protective and Discovery Order (Mar. 9, 2021).

defined as Critical Energy Infrastructure Information (CEII), per 18 C.F.R. § 388.113(a), (c) or 10

C.F.R. § 1004.13 (c)(4), and Bulk Electric System Cyber Security Information (BCSI), as

implemented by North American Electric Reliability Corporation (NERC) regulations. 4 Evergy

requested an added level of protection to information designated as CEII or BCSI by limiting the

review of such information to only Staff and the Commission.⁵

3. On May 20, 2021, the Commission granted Evergy's request to limit the disclosure

of materials that qualify as CEII and BCSI to the Commission and Staff. Subsequently, the

Commission learned the Office of the Kansas Attorney General (AG) is also investigating the 2021

Winter Weather Event.

4. To assist the AG in performing its duties under K.S.A. 75-702 and K.S.A. 75-708,

the Commission directs Staff to share information and data obtained through discovery in this

proceeding with the AG upon request, including the CEII or BCSI summaries, but not the

underlying materials. The provisions of the Amended Protective and Discovery Orders issued on

May 20, 2021, shall govern the treatment and handling of confidential information.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Duffy, Commissioner

Dated: _____07/08/2021

Lynn M. Retz

Executive Director

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⁴ Motion of Evergy Kansas Central, Inc., Evergy Kansas South, Inc. and Evergy Metro, Inc., for Amendment of Protective Order (Apr. 1, 2021).

⁵ *Id.*, ¶¶ 11-12.

2

CERTIFICATE OF SERVICE

21-EKME-329-GIE

I, the undersigned, certif	y that a true copy of the attached (Order has been served to th	e following by means of
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electronic service on	07/08/2021	
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CERTIFICATE OF SERVICE

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/S/ DeeAnn Shupe

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