

department. DE references this as evidence that Staff has the information requested readily available. However, reading the very pages of the transcript referenced in DE's *Motion* reveals the same answer that Staff provided in its objection to the DR: while Staff uses identifiers to catalogue its consumer complaints, there are several options and those options may not specify the topic as rate design. Additionally, to determine exactly which complaints somehow relate to rate design would require review of each individual complaint.

3. DE brushes off Staff's formal objections, however, the DR is vague and ambiguous in that it asks generally for complaints related to rate design with no specifying details; it is unduly burdensome and overly broad in that it asks for a wide berth of complaints, in fact, it would be hard to find a consumer complaint where a customer is happy with their current rates, and that Staff will be required to review each complaint to determine which are related to rate design; finally, the request is irrelevant because simply compiling customer complaints regarding rates is not likely to serve as new persuasive evidence beyond the Commission's current awareness of customer's dislike of rates.

4. DE claims that 4 CSR 240-2.135(6) permits its attorney of record to receive confidential information. However, this section specifically uses the terms "in that case," showing intent for the rule to apply to information that is a part of the matter at hand, in this situation Case No. GR-2017-0216, and not any case past or pending before the Commission. Additionally, 4 CSR 240-2.135(8) states that if information to be disclosed in response to a DR is information concerning another entity and that information is considered confidential, the disclosing party should first notify the other

entity of its intent to disclose the information. Under this provision, Staff would need to contact each individual complainant whose complaint would be disclosed to DE in response to this DR prior to releasing the information. This requirement alone makes DE's request unduly burdensome.

5. Staff is concerned with DE's request for Staff to directly violate Section 386.480, RSMo, by disclosing consumer complainant's private information in response to this DR request.

WHEREFORE, Staff requests the Commission dismiss the Division of Energy's *Motion to Compel*; and grant such other and further relief as is appropriate under the circumstances.

Respectfully submitted,

/s/ Whitney Payne

Whitney Payne

Legal Counsel

Missouri Bar No. 64078

Attorney for Staff of the

Missouri Public Service Commission

P. O. Box 360

Jefferson City, MO 65102

(573) 751-8706 (Telephone)

(573) 751-9285 (Fax)

whitney.payne@psc.mo.gov

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was served electronically, or hand-delivered, or via First Class United States Mail, postage prepaid, on all parties of record herein on this 8th day of August, 2017.

/s/ Whitney Payne