

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

In the Matter of the Establishment of a Working )  
Case for the Writing of a New Rule on the )  
Treatment of Customer Information by ) **File No. AW-2018-0393**  
Commission Regulated Electric, Gas, Steam )  
Heating, Water, and Sewer Utilities and their )  
Affiliates and Non-Affiliates )

**MISSOURI-AMERICAN’S RESPONSE  
TO ORDER REQUESTING ADDITIONAL RESPONSES**

**COMES NOW** Missouri-American Water Company (Missouri-American or Company) and provides the following comments to the Customer Information draft rule submitted by Staff in this docket on September 16, 2019:

Aggregated or Anonymized Personal Customer Information

1. As expressed in its previous filings, it remains Missouri-American’s position that any draft rule concerning the treatment of customer information by water and sewer corporations maintain the flexibility to use aggregate customer information to identify ways to better serve Missouri-American customers.

2. Missouri-American currently shares its aggregate customer information with its affiliates so that it can take advantage of data analytics and other technological developments to better serve customers. While the information shared by Missouri-American does not include any personal identifiable information such as social security numbers, driver’s license, or medical information, the draft rule proposes a requirement for Missouri-American to first seek the Commission’s authorization prior to any such sharing.

3. Paragraph (4)(A) of the draft rule reads: “A utility may disclose aggregated or anonymized personal customer information for a particular category or categories of data collected in the provision of utility service as determined by agreement between the utility and the affiliate

or third-party nonaffiliate and submitted to the commission for authorization.”<sup>1</sup> As the sharing of aggregated data poses no risk to the customer, such a requirement unnecessarily complicates improvements in utility services by expending both Missouri-American’s resources in preparing such a filing, and the Commission’s time and resources in reviewing and authorizing such sharing.

4. Aggregating customer information allows Missouri-American to take information about specific customers and combine it in a manner that leaves individual customers unidentifiable to the recipient - and allows program administrators, program administrative contractors, and energy efficiency service providers to determine trends and evaluate results so that they, for example, can identify specific geographic areas or demographic groups that may have a higher ability to benefit from certainty efficiency programs or services.

#### Definition of Utility Related Services

5. Within Missouri-American’s previously filed comments, the Company recommended adding a definition of “utility related services” to the rule. Missouri-American was concerned about whether customer information could be shared with entities to facilitate water service turn-offs for sewer non-pay, as well as collection actions on accounts. These activities are part of Missouri American’s normal operations and should fit within any definition of “utility related services.”

6. Utility Related Services is now defined in paragraph (1)(D) as:

...those services provided by a utility in furtherance of the provision of regulated utility service pursuant to Chapters 386 and 393, RSMo., as well as actions taken by the utility to support customer use of those services, and pursuant to a utility’s commission approved tariffs.<sup>2</sup>

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<sup>1</sup> See *Staff Draft Customer Information Rule*, Attachment p. 4.

<sup>2</sup> *Id.* at p. 2.

As interpreted by Missouri-American, the proposed definition would include contracts for the termination of water services for nonpayment of a sewer bill under Section 393.015, RSMo.

7. However, Missouri-American remains unclear on whether its collection activities are considered “utility related services.” As proposed, “utility related services” are those actions taken in furtherance of the provision of service or to support customer use of service. Collection activities appear to fall outside this definition. If not “utility related services,” collection actions would fall under the proposed requirements for “nonutility related services” by default. Paragraph (3)(A) sets out the requirements for “nonutility related services” and requires a utility to obtain affirmative customer consent prior to providing an affiliate or non-affiliate third party with personal customer information. Working with third party collection agencies necessitates the exchange of customer information and Missouri-American believes such actions should not require prior customer consent.

**WHEREFORE**, Missouri-American respectfully requests that the Commission consider these comments and include the changes proposed herein in any Order of Rulemaking.

Respectfully submitted,

**MISSOURI-AMERICAN WATER COMPANY**

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**ATTORNEYS FOR MISSOURI-AMERICAN  
WATER COMPANY**

**CERTIFICATE OF SERVICE**

I hereby certify that true and accurate copies of the foregoing response have been transmitted by electronic mail to all counsel of record on this 9<sup>th</sup> day of December 2019.

**/s/ Jennifer L. Hernandez**