

**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 Commission Regulated	)	File No. AW-2018-0393
Electric, Gas, Steam, Heating, Water,	)	
and Sewer Utilities and their Affiliates	)	
and Non-Affiliates.	)	

**ADDITIONAL COMMENTS**

COMES NOW Union Electric Company d/b/a Ameren Missouri ("Ameren Missouri" or "Company"), and submits these Additional Comments in response to the Missouri Public Service Commission's ("Commission") October 23, 2018, Order Establishing Time to File Additional Comments ("Order on Additional Comments"). The Order on Additional Comments provides stakeholders in this proceeding the opportunity to submit additional comments in response to certain questions that were discussed, or that arose, during the Customer Information Workshop. In response to those questions, Ameren Missouri states as follows:

1. What is an appropriate definition of "utility related services" for purposes of this rule?

To define "utility related service," it is appropriate to begin with the definition of "service" as contained in Section 386.020 (48) for guidance. "Service" is defined to include "not only the use and accommodations afforded consumers or patrons but also any product or commodity furnished by any [utility and its plant] employed by [the utility] in performing any service or in furnishing any product or commodity and devoted to the public purposes of such [utility], and to the use and accommodation of consumers or patrons." This is a broad definition of "service," that can be used as the basis for a definition

of “utility related service.” Ameren Missouri suggests the following definition, intended to capture the inclusion of outsourced billing services, energy efficiency services, and the like, based on the broad nature of the preceding statutory definition of “service”: “‘Utility related service’ means ‘service’ as defined by Section 386.020(48) RSMo and regulated by the Missouri Public Service Commission, as well as any actions taken by the public utility to support the customer’s use of those services.”

2. What is an appropriate definition of “non-utility related services” for purposes of this rule?

As a complement to the definition of “utility related service,” “non-utility related service” could be defined as follows: “‘Non-utility related service’ means a service provided to a customer by a public utility unrelated to and not in support of, directly or indirectly, any service provided by the public utility to the customer that is regulated by the Missouri Public Service Commission.”

3. In what situations, and for what purposes, is it appropriate for a utility company to share specific customer information with third parties without consent of the customer?

Ameren Missouri suggests that it is appropriate to inform the customer that information is being shared when that sharing is done for a purpose associated with non-utility related services, as noted above. But, it is not appropriate to inform the customer when sharing is done for a purpose related to utility-related services, such as a third party billing contractor being provided information for the printing and mailing of customer bills. Similarly, a customer would not need to be notified when a service provider affiliate of a utility has access to customer information in order to provide utility-related services to

customers, such as when Ameren Services Company (a service affiliate of Ameren Missouri) accesses customer information to develop enhanced customer communications regarding the customer's service. However, a utility *would* need a customer's consent in order to provide their specific (un-aggregated) information to a research organization such as EEI as part of a nation-wide study. While the latter may be tied to electric service generally, the information is not being provided to EEI as part of the utility's provision of service to that customer.

Regardless of the foregoing, any final rule should be drafted in such a way that a Company may provide a customer's information without consent when required by law, as discussed in Paragraph 7 below.

4. What is an appropriate definition of "customer information" for purposes of this rule?

As noted in its initial comments submitted in this proceeding, Ameren Missouri suggests that several definitions may be reasonable to provide the most clarity regarding what should and should not be shared. The company specifically provided definitions of information, specific customer information, and aggregate customer information or consideration. At the workshop, the suggestion of examining the Illinois Commerce Commission's ("ICC") "15/15" rule was also broached. This rule requires aggregate customer data include a minimum of 15 customers, with no one customer's load exceeding 15 percent of the group's energy consumption. The Company would be amenable to amending its proposed definition of "aggregate customer information" to reflect this rule

5. How should a utility's privacy statement be shared with the public?
- (A) Appear on website – How frequently?
  - (B) Mailed to shareholders – How frequently?
  - (C) Mailed to customers – How frequently?

Ameren Missouri currently publishes a privacy policy to its website at [www.ameren.com/privacy](http://www.ameren.com/privacy), which is live at all times. As for mailing a privacy policy to its customers, the Company suggests that most customers interested in data privacy issues will look to the website before they look to hard copy mailings. This is the most cost efficient way to provide the information to customers, and is the Company's preferred method of communication of the privacy policy. For shareholders, Ameren Services Company only maintains personal and account information for those shareholders who are "record holders" – that is, shareholders who hold their shares directly with Ameren Corp. These holders represent approximately 10% of the total outstanding shares of Ameren Corp. The remaining shares are held in "street name" through a broker or bank, and the "record holder" for these shares is a depository institution, Cede & Co. Accordingly, Ameren Services Company does not have access to any personal information for the beneficial owners of these shares. For the shareholders who hold their shares directly with the Company, we believe the most efficient and effective means of providing any privacy policy or related information would be to include such information on the dedicated shareholder website that is accessible for all shareholders holding their shares directly with Ameren Corp.

6. Should utilities advise their customers that their customer information is shared with other entities? If yes, what types of customer information sharing should be disclosed to customers? How and when should this disclosure occur?

Ameren Missouri suggests that customers should be informed that their information is being shared when customer consent to share that information is needed. Otherwise, customers can be informed with a general disclaimer via the privacy policy or when signing up for programs that require the use of third-parties that their information may be shared for utility related services. For large utilities with significant customer services and offerings, providing notice every time a third party is involved in the provision of utility related services could become cumbersome. For example, Ameren Missouri utilizes third party vendors for billing and payment services, energy efficiency programs, etc. Providing notice each time the customer's information is shared, which would be a minimum of 12 times a year for residential customers using no energy efficiency or other ancillary programs, would be unreasonable.

7. The Commission also welcomes any other general comments on the proposed rule.

Ameren Missouri reiterates the need for a provision in the current versions of the rules regarding customer-specific information that allows customer information to be provided when required by law. Specifically, the Company asks that any new version of the rule contain the provision (underlined in the following quote), which is absent from the revised, consolidated draft:

Specific customer information shall be made available to affiliated or unaffiliated entities only upon consent of the customer or as otherwise provided by law or commission rules or orders....

As a public utility privy to certain customer-specific information, Ameren Missouri is often requested by various governmental entities to release customer-specific information, by such means as a subpoena or a city ordinance. There are also instances when this may be required by virtue of other existing statutes or administrative orders. The current rule allows the Company to provide the requested information in these circumstances. Omitting this provision from the revised, consolidated rule throws the ability of other legal options for appropriately garnering customer-specific information into question.

Respectfully submitted,

UNION ELECTRIC COMPANY,  
d/b/a Ameren Missouri

*/s/ Paula N. Johnson*

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### **CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been emailed to the parties of record on this 30<sup>th</sup> day of November, 2018:

*/s/ Paula N. Johnson*

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Paula N. Johnson