

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 11<sup>th</sup> day of July, 2018.

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

**ORDER OPENING A WORKING CASE TO CONSIDER A NEW RULE  
REGARDING THE TREATMENT OF CUSTOMER INFORMATION**

Issue Date: July 11, 2018

Effective Date: July 11, 2018

The Commission is opening this file to assist its Staff in its consideration of a new rule regarding the treatment of customer information by Commission-regulated electric, gas, steam heating, water, and sewer utilities. Staff has prepared a draft of such a rule for which it invites stakeholders to offer informal comments before the rule is submitted to the Commission for approval to begin the formal rulemaking process. A copy of Staff's draft rule is attached to this order.

This file shall serve as a repository for documents and comments. Using this file, anyone with an interest in this matter may view documents and may submit any pertinent responsive comments or documents. As this is not a contested case, anyone may file a comment without counsel and without *ex parte* constraints (arising from this matter). Intervention requests are not necessary to submit comments or view documents.

The public is welcome to submit comments by forwarding electronic communications through the Commission's electronic filing and information system (EFIS) or by mailing written comments. You may submit electronic comments at the Commission's website at <http://www.psc.mo.gov>. (Click on the EFIS/Case filings link on the left side of the page. Scroll down and click on the public comment link. Please refer to File No. AW-2018-0393). Written comments in hard copy should be addressed to the Commission at P.O. Box 360, Jefferson City, Missouri 65102 and should also reference File No. AW-2018-0393. The public can view the contents of the file by following the link at <http://www.psc.mo.gov>.

**THE COMMISSION ORDERS THAT:**

1. This case is established as a repository for documents and comments regarding Staff's consideration of a rule regarding the treatment of customer information by Commission-regulated electric, gas, steam heating, water, and sewer utilities.

2. The Commission's data center shall mail a copy of this order to all Missouri electric, natural gas, steam heating, water, and sewer corporations, to the Office of the Public Counsel, and to all intervening parties in the most recent rate cases for each natural gas and electric corporation.<sup>1</sup>

3. Any stakeholder wishing to file written comments regarding the draft rules prepared by Staff shall do so no later than August 10, 2018.

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<sup>1</sup> Those rate cases are as follows:  
Ameren Missouri (Electric) – ER-2016-0179  
Kansas City Power & Light – ER-2018-0145  
KCP&L Greater Missouri Operations Company – ER-2018-0146  
The Empire District Electric Company – ER-2016-0023  
Ameren Missouri (Gas) – GR-2010-0363  
Summit Natural Gas – GR-2014-0086  
Spire (East) – GR-2017-0215  
Spire (West) – GR-2017-0216  
The Empire District Gas Company – (No such rate case)  
Liberty Utilities – GR-2018-0013

4. This order shall be effective when issued.



**BY THE COMMISSION**

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff  
Secretary

Hall, Chm., Kenney, Rupp, Coleman, and  
Silvey, CC., concur.

Woodruff, Chief Regulatory Law Judge

#### **4 CSR 240-10.XXX Customer Information Of Electrical Corporations, Gas Corporations, Heating Companies, Water Corporations and Sewer Corporations**

PURPOSE: This rule is intended to prevent the misuse of customer information. All matters regarding treatment of customer information and release of specific customer information to an affiliate or a third party nonaffiliate respecting the provision of utility related services may occur without customer consent but must be a matter of written contract between the regulated electrical corporation, gas corporation, heating company, water corporation and sewer corporation (covered utility) and the affiliate or third party nonaffiliate pursuant to the conditions set out in the rule below. All matters regarding treatment of customer information and release of specific customer information to an affiliate or a third party nonaffiliate respecting the provision of a nonutility related service must be limited to situations where there is documented recorded or written customer consent and a written contract between the covered utility and the affiliate or the third party nonaffiliate.

(1) Definitions

(A) Covered utility means, for purposes of this rule, an electrical corporation, gas corporation, heating company, water corporation, or sewer corporation as defined in section 386.020, RSMo., and subject to commission regulation pursuant to Chapters 386 and 393, RSMo.,

(B) Customer information means a subset of information in general, and includes but is not limited to one or more of the following items of one or more customers on the system of a covered utility that is identifiable with one or more particular customers: name, address, phone number, social security number, utility service usage, payment history, financial account,

driver's license number, medical information, and health insurance information. Customer information includes information provided to a covered utility by an affiliated or nonaffiliated third party person, entity, or association.

(C) Information means any data obtained by a covered utility that is not obtainable by nonaffiliated entities or can only be obtained at a competitively prohibitive cost in either time or resources.

(2) Utility Related Services

(A) When any covered utility contracts with an affiliate or a third party nonaffiliate to perform a utility related service on behalf of the covered utility and specific customer information to perform the utility related service is required, the covered utility will provide the affiliate or third party nonaffiliate with the necessary specific customer information without customer consent under the following contractual terms:

1. The affiliate or third party nonaffiliate shall be directed that the specific customer information remains the sole property of the covered utility;
2. The affiliate or third party nonaffiliate shall be authorized to use the specific customer information solely to perform the contracted for service;
3. The affiliate or third party nonaffiliate shall be expressly prohibited from any other use of the specific customer information with prohibitions to the affiliate or third party nonaffiliate set out in the contract for any unauthorized use

of the specific customer information;

4. The affiliate or third party nonaffiliate shall be directed to treat the specific customer information as confidential at all times with specified prohibitions set out in the contract for not treating the specific customer information as confidential; and

5. The affiliate or third party nonaffiliate shall be directed to return to the covered utility, within ten (10) days following the receipt of a written request, all specific customer information provided to the entity with an attestation that all replication of the information has been returned to the covered utility or the affiliate or third party nonaffiliate may provide to the covered utility an attestation that the affiliate or third party nonaffiliate has destroyed or has had destroyed all material identifying the specific customer information.

(3) Nonutility Related Services

(A) When an affiliated or nonaffiliated third party person or entity contracts with the covered utility to perform a nonutility related service and that particular service requires specific customer information, the regulated electrical corporation, gas corporation, heating company, water corporation, or sewer corporation will provide that affiliate or third party nonaffiliate with specific customer information only with documented recorded or written customer consent.

(4) General or Aggregated Customer Information

(A) General or aggregated customer information shall be made available to affiliates or third

party nonaffiliates upon similar terms and conditions.

(5) Notification to Commission of Violations of Rule

(A) If a covered utility becomes aware of more than an immaterial amount of its confidential customer information having become public or passed into the possession of an unauthorized entity, the covered utility shall notify the staff counsel's office and public counsel as soon as it has verified that this has occurred.

(6) Waiver

(A) Provisions of this rule may be waived by the Commission for good cause shown.

**Title 4—DEPARTMENT OF  
ECONOMIC DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 20 – Electric Utilities**

**PROPOSED RESCISSION**

**4 CSR 240-20.015 Affiliate Transactions**

*PURPOSE: This rule is being rescinded in its entirety and consolidated into a streamlined and simplified rule in Chapter 10.*

*AUTHORITY: sections 386.250, RSMo. Supp. 1998, and 393.140, RSMo 1994.\* Original rule filed April 26, 1999, effective Feb. 29, 2000.*

*\*Original Authority: 386.250, RSMo 1963, amended 1967, 1977, 1987, 1988, 1991, 1993, 1995, 1996 and 393.140, RSMo 1939, amended 1949, 1967.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed rescission with the Missouri Public Service Commission, 200 Madison Street. P.O. Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for [time, place and address of hearing].*



**Title 4—DEPARTMENT OF  
ECONOMIC DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 40 – Gas Utilities and Gas Safety Standards**

**PROPOSED RESCISSION**

**4 CSR 240-40.015 Affiliate Transactions**

*PURPOSE: This rule is being rescinded in its entirety and consolidated into a streamlined and simplified rule in Chapter 10.*

*AUTHORITY: sections 386.250, RSMo. Supp. 1998, and 393.140, RSMo 1994. \* Original rule filed April 26, 1999, effective Feb. 29, 2000.*

*\*Original Authority: 386.250, RSMo 1963, amended 1967, 1977, 1987, 1988, 1991, 1993, 1995, 1996 and 393.140, RSMo 1939, amended 1949, 1967.*

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*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed rescission with the Missouri Public Service Commission, 200 Madison Street. P.O. Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for [time, place and address of hearing].*

**Title 4—DEPARTMENT OF  
ECONOMIC DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 80 – Steam Heating Utilities**

**PROPOSED RESCISSION**

**4 CSR 240-80.015 Affiliate Transactions**

*PURPOSE: This rule is being rescinded in its entirety and consolidated into a streamlined and simplified rule in Chapter 10.*

*AUTHORITY: sections 386.250, RSMo. Supp. 1998, and 393.140, RSMo 1994.\* Original rule filed April 26, 1999, effective Feb. 29, 2000.*

*\*Original Authority: 386.250, RSMo 1963, amended 1967, 1977, 1987, 1988, 1991, 1993, 1995, 1996 and 393.140, RSMo 1939, amended 1949, 1967.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed rescission with the Missouri Public Service Commission, 200 Madison Street. P.O. Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for [time, place and address of hearing].*

**Title 4—DEPARTMENT OF  
ECONOMIC DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 40 – Gas Utilities and Gas Safety Standards**

**PROPOSED RESCISSION**

**4 CSR 240-40.016 Marketing Affiliate Transactions**

*PURPOSE: This rule is being rescinded in its entirety and consolidated into a streamlined and simplified rule in Chapter 10.*

*AUTHORITY: sections 386.250, RSMo. Supp. 1998, and 393.140, RSMo 1994.\* Original rule filed April 26, 1999, effective Feb. 29, 2000.*

*\*Original Authority: 386.250, RSMo 1963, amended 1967, 1977, 1987, 1988, 1991, 1993, 1995, 1996 and 393.140, RSMo 1939, amended 1949, 1967.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed rescission with the Missouri Public Service Commission, 200 Madison Street. P.O. Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for [time, place and address of hearing].*

**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

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 11<sup>th</sup> day of July 2018.



  
Morris L. Woodruff  
Secretary

**MISSOURI PUBLIC SERVICE COMMISSION**

**July 11, 2018**

**File/Case No. AW-2018-0393**

**Missouri Public Service Commission**

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**KCP&L Greater Missouri Operations Company**

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**Missouri Division of Energy**

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**Missouri Joint Municipal Electric Utility Commission**

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***Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).***

***Sincerely,***



***Morris L. Woodruff  
Secretary***

**Distributed to all Missouri Electric, Natural Gas, Steam Heating, Water, and Sewer Corporations.**

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Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.