

**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 Nonaffiliates)

**STAFF MOTION FOR COMMISSION ORDER
PROVIDING NOTICE OF WORKSHOP**

COMES NOW Staff of the Missouri Public Service Commission (“Staff”), by and through Staff Counsel’s Office, and requests that the Missouri Public Service Commission (“Commission”) issue an Order providing Notice of a workshop. The workshop will be in the Governor Office Building, Conference Room 470, Jefferson City, Missouri, on Tuesday, October 9, 2018, starting at 1:00 p.m. and continue to approximately 4:00 p.m.¹ In support of its Motion, Staff states as follows:

1. Presently the Commission has a section in its Affiliate Transactions Rules for electrical corporations, gas corporations (including those engaged in gas marketing), and heating companies that addresses, among other things, making available to affiliated or unaffiliated entities specific customer information. The Commission has no similar section regarding the treatment of customer information for water corporations or sewer corporations under its jurisdiction.

2. Pursuant to Executive Order 17-03, in the last year Staff has undertaken a review of all of the Commission’s rules, and identified areas where the Commission’s

¹ This date Staff is filing a Staff Motion For Commission Order Providing Notice Of Workshop in File No. AW-2018-0394 regarding affiliate transactions for electrical corporations, gas corporations, and heating companies regulated by the Commission, and water corporations with in excess of 8,000 customers regulated by the Commission and sewer corporations with in excess of 8,000 customers regulated by the Commission, for October 9, 2018 starting at 9:00 a.m. to continue to approximately 12:00 p.m. in Conference Room 470 of the Governor Office Building in Jefferson City, Mo.

rules could be consolidated, clarified, or otherwise improved for user-friendliness. Staff is of the opinion that in the area of the treatment of customer information, there is an opportunity to make the Commission's rules clearer and easier to use. Presently, the Commission's rules on the matter of the treatment of specific customer information being made available to affiliates and nonaffiliates, among other things, appear at:

- A. 4 CSR 240-20.015(2)(C) Electrical Corporation Affiliate Transactions
- B. 4 CSR 240-40.015(2)(C) Gas Corporation Affiliate Transactions
- C. 4 CSR 240-80.015(2)(C) Heating Company Affiliate Transactions
- D. 4 CSR 240-40.016(3)(C) Gas Marketing Affiliate Transactions

3. Although the present version of the section on the treatment of customer information appears in certain separate utility industry specific affiliate transactions rules, the content of the section on the treatment of customer information does not differ by utility industry. Staff has redrafted the section on the treatment of customer information into a single rule by itself specifically addressing an array of situations when affiliates or nonaffiliates may be sought to be entrusted with customer information for a business purpose by a Commission regulated utility. These generic situations of customer information previously existed; they just were not specifically denominated by the customer information section of the Commission's rules.

4. Staff filed a Motion To Establish A Working Case on June 27, 2018, on the matter of utility companies' treatment of customer information, requesting that the Commission set a deadline for the filing of comments in response to this subject matter and a Staff draft rule, within 30 days after the Commission's establishment of a working case and an Order requesting comments. The Commission established the instant case and set August 10, 2018, as the deadline for the filing of comments. Subsequently

Staff became aware of interest among stakeholders to instill more robust protections for utility customers in relation to the implementation of Advanced Meter Infrastructure (“AMI”), or “smart meters,” to accommodate concerns regarding the collection of customer data, personal in nature, through advance metering technology.

5. Thus, on August 9, 2018, Staff filed a Motion To Extend Comment Period And Expand Scope Of The Working Case. Staff requested that the comment period be extended to August 24, 2018, and the scope of the working case be expanded to include smart meters. On August 9, 2018, the Commission issued an Order Extending Comment Period And Expanding Scope Of This Working Case to accommodate consideration of advance metering technology.

6. The entities that filed comments on August 24, 2018 included State Representative Bill E. Kidd, Attorney General Joshua D. Hawley; Union Electric Co., d/b/a Ameren Missouri; Spire Missouri, Inc.; Missouri-American Water Co.; Kansas City Power & Light Co.; KCP&L Greater Missouri Operations Co.; Office of the Public Counsel; American Civil Liberties Union (“ACLU”); TGH Litigation LLC; Consumers Council of Missouri and Empower Missouri; Missouri Division of Energy; and Liberty Utilities, et al. On August 27, 2018, ArchCity Defenders, Inc. filed comments. A person or entity may fully participate in the workshop if it/he/she did not submit comments to the Commission by August 24.

7. The meeting on October 9, 2018 at 1:00 p.m. is intended to be open to the public unless confidential information is deemed necessary to be discussed during a portion of the workshop. The rules of the Commission address such matters. If confidential information is necessary to be discussed, that part of the meeting will

need to be briefly closed only to those who are not authorized to have access to such protected information. (See 4 CSR 240-2.135).

8. Staff requests that those entities or persons who plan to attend the workshop on October 9 commencing at 1:00 p.m. should communicate with Staff counsel Mark Johnson, (573) 751-7431, mark.johnson@psc.mo.gov, or Steve Dottheim, (573) 751-7489, steve.dottheim@psc.mo.gov by the end of the day September 20 what they think should be on the Agenda for the workshop, and whether the entity/person would want to make a presentation on a topic it/he/she thinks should be on that Agenda.

9. Staff requests that the Commission serve its Order Providing Notice Of Workshop on all counsel of record for electrical corporations, gas corporations, heating companies, water corporations, and sewer corporations regulated by the Commission, and on the Office of the Public Counsel, and if possible, on all intervenors in the most recent rate cases of these electric, gas, heating, water, and sewer companies.

WHEREFORE, the Staff requests the Commission issue an Order in File No. AW-2018-0393 providing Notice that Staff will be holding a workshop on Tuesday, October 9, 2018, in the Governor Office Building in Jefferson City, Missouri, Conference Room 470, starting at 1:00 p.m. and to continue to approximately 4:00 p.m. for purposes of discussing Staff's and other persons' and entities' filings in File No. AW-2018-0393 regarding a re-writing and writing of the Commission's rule on the treatment of customer information and the collection of customer data, personal in nature, through advance metering technology, for electric, heating, gas, water, and sewer companies within the Commission's general jurisdiction.

Respectfully submitted,

/s/ Mark Johnson

Mark Johnson
Senior Counsel
Missouri Bar No. 64940
P.O Box 360
Jefferson City, Missouri 65102
Telephone: (573) 751-7431
Fax: (573) 751-9285
E-mail: mark.johnson@psc.mo.gov

/s/ Steven Dottheim

Steven Dottheim
Chief Deputy Staff Counsel
Missouri Bar No. 29149
P. O. Box 360
Jefferson City, MO 65102
Telephone: (573) 751-7489
Fax: (573) 751-9285
E-mail: steve.dottheim@psc.mo.gov

Attorneys for the Staff of the
Missouri Public Service Commission
200 Madison Street, Suite 800
P. O. Box 360
Jefferson City, MO 65102