

**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)

NOTICE OF COMPARISON DOCUMENT

COMES NOW Staff of the Missouri Public Service Commission (“Staff”), by and through Staff Counsel’s Office, and files this Notice of Comparison Document (“Notice”).

Staff states as follows:

1. On September 16, 2019, Staff filed a revised draft rule in response to the Commission Order Directing Staff To File A Draft Rule in the instant proceeding that revised the original draft Staff filed on June 27, 2018. On November 6, 2019, contained within the Staff Response to Ameren Missouri Initial Response to Draft Rule, Staff suggested the Commission direct interested parties to file comments within 30 days. The Commission issued an Ordering Requesting Additional Responses, on November 7, 2019, directing any stakeholder wishing to respond to Staff’s draft rule filed on September 16, 2019, shall do so by December 9, 2019.

2. Attached to this Notice is a document that contains a comparison of Staff’s drafts filed on June 27, 2018, and September 16, 2019. This comparison document does not provide an explanation for the changes, but Staff reiterates that the majority of changes reflected in the comparison document originate from the stakeholder comments filed in this proceeding and comments received at the October 9, 2018, workshop.

WHEREFORE, Staff files this Notice and attached comparison document so that it may aid stakeholders who wish to respond to Staff’s draft rule by December 9, 2019.

Respectfully submitted,

/s/ Jamie S. Myers

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by electronic mail, or First Class United States Postal Mail, postage prepaid, on this 18th day of November 2019, to all counsel of record.

/s/ Jamie S. Myers

420 CSR 2404240-10.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~~personal 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~~personal 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. Each utility shall maintain a Privacy Policy consistent with this rule, and make a copy of the Privacy Policy readily available to its customers.

(1) Definitions

(A) ~~Covered utility~~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~~ (B) Customer information means any data respecting one or more customers obtained by a utility that is not obtainable by nonaffiliated entities or can only be obtained at a competitively prohibitive cost in either time or resources; and which may include personal customer information.

(C) Personal customer information means a subset of customer information that includes a utility customer's name, address, phone number, social security number, payment history, financial account number, unique electronic identifier or routing code, driver's license number, medical information, health insurance information, customer specific utility service usage data, such as the history, quantity, quality, or timing of water, natural gas, steam heat, or electricity usage, or electricity production, or other personally identifiable information. Personal customer information may include information provided to a utility by an affiliated or nonaffiliated third-party person, entity, or association. Personal customer information does not constitute information that is lawfully included in, or obtained from, publicly available sources, or federal, state, county, or local government records lawfully made available to the general public.

(D) Utility related services includes 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.

(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 specifiepersonal customer information to perform the utility related service is required, the covered utility ~~will~~ may provide the affiliate or third-party nonaffiliate with the necessary specifiepersonal customer information without customer consent, but only under the following contractual terms:~~

1. ~~The affiliate or third-party nonaffiliate shall be directed that the specifie customer information remains the sole property of the covered utility;~~

2. ~~The affiliate or third-party nonaffiliate shall be authorized to use the specifiepersonal customer information solely to perform the contracted for service and the personal customer information does not become the property of the affiliate or third-party nonaffiliate;~~

3. ~~The affiliate or third-party nonaffiliate shall be expressly prohibited from any other use of the specifiepersonal customer information with prohibitions to the affiliate or third-party nonaffiliate set out in the contract for any unauthorized use of the specifiepersonal customer information;~~

~~43.~~ The affiliate or third-party nonaffiliate shall be directed to treat the ~~specified~~personal customer information as confidential at all times with ~~specified~~specific prohibitions set out in the contract for not treating the ~~specified~~personal customer information as confidential; and

~~54.~~ The affiliate or third-party nonaffiliate, as appropriate, shall be by the utility either directed that its access to personal customer information has been terminated and that it shall be ~~make no further attempts to access said information, or~~ directed to return to the ~~covered~~ utility, within ten (10) days following the receipt of a written request, ~~all~~ specified~~personal~~ customer information provided to the ~~entity~~affiliate or third-party nonaffiliate. In either case, the affiliate or third-party nonaffiliate shall provide the utility with an attestation that all replication of the personal customer information, if any, has been returned to the ~~covered~~ utility, permanently erased from its systems, 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 permanently erased, or has had destroyed or permanently erased, all material identifying the ~~specified~~personal 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~~ Utilities shall not provide that any affiliate or third-party nonaffiliate third-party with specific personal customer information only with documented for a nonutility related service without first obtaining recorded or written affirmative customer consent, unless otherwise provided by law or the commission's rules or orders. The utility must maintain a record of each instance of affirmative consent authorizing disclosure of personal customer information.

(4) ~~General or~~ Aggregated or Anonymized Personal 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.~~ (A) Aggregated or anonymized personal customer information may be disclosed to affiliates or third-party nonaffiliates upon similar terms and conditions. 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. Aggregated or anonymized personal customer information collected by a utility in its provision of utility related service, may otherwise be disclosed to an affiliate or third-party nonaffiliate by the minimum number of customers and the maximum percentage contribution of any one customer to the total of the data for the particular category of data being disclosed in the aggregate or anonymized as determined by agreement between the utility and the affiliate or third-party nonaffiliate and submitted to the commission for authorization.

(B) In addition to use by affiliates and third-party nonaffiliates, a utility may use aggregated or anonymized personal customer data for utility related analysis, reporting, or program management if the individual identity of each customer has been removed in the aggregating or anonymizing process and staff counsel's office and the office of the public counsel are notified of the aggregating or anonymizing process by the utility.

(5) Privacy Policy

(A) Each utility shall maintain a Privacy Policy consistent with this rule, provide a copy of the Privacy Policy to customers upon establishment of service, and subsequently make the Privacy Policy readily available to its customers by advising them that a copy is available upon request. A utility's Privacy Policy shall identify what personal customer information obtained by the utility shall be made available to affiliates and nonaffiliate third-parties without the consent of the customer. The Privacy Policy also shall identify applicable

(federal, state, county, city, etc.) laws, rules, orders, or judicial processes, (e.g., subpoenas or court orders) and utility tariffs, which support, limit, or prohibit disclosure, if known.

(6) Other Notification Required Respecting Personal Customer Information

(A) A utility shall notify staff counsel's office and the office of the public counsel if personal customer information is required to be made available to either a nonaffiliated third-party or a federal, state, or local court or administrative agency pursuant to a federal, state, county, or local statute, rule, subpoena or order, without documented recorded or written customer consent. The utility shall identify for staff counsel's office and the office of the public counsel how the personal customer information is to be treated without revealing the identity of the utility customer(s).