

**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 RESPONSE TO AMEREN MISSOURI**  
**INITIAL RESPONSE TO DRAFT RULE**

**COMES NOW** Staff of the Missouri Public Service Commission (“Staff”), by and through Staff Counsel’s Office, and files a response to Union Electric Company’s, d/b/a Ameren Missouri (“Ameren Missouri”) September 20, 2019, Initial Response To Draft Rule (“Initial Response”). In support of Staff’s response, Staff states as follows:

1. On July 17, 2019, the Commission issued an Order Directing Staff To File A Draft Rule in the instant proceeding regarding the treatment of customer information by Commission regulated electric, steam-heating, gas, water, and sewer utilities no later than September 16, 2019. Presently the Commission has a section in its Affiliate Transactions Rules (“ATRs”) for electrical corporations, gas corporations (including those engaged in gas marketing), and heating companies that addresses, among other things, making available to affiliated or nonaffiliated entities specific customer information. The Commission presently has no similar section regarding the treatment of customer information for water corporations or sewer corporations.

2. The explanation for the changes in the June 27, 2018, draft potential new rule on the treatment of customer information to the September 16, 2019, Staff Draft Customer Information Rule filing with the Commission include a number of sources. Such sources are the comments that were submitted in response to the June 27, 2018, draft, the expansion of the scope of the working case to allow for interested stakeholders

to provide written comments and best practices related to the incorporation of language into the proposed draft rule meant to address issues pertaining to customer privacy and data gathering through the use of advanced metering infrastructure (“AMI”) meters,<sup>1</sup> and the discussions that occurred at the October 9, 2018, Customer Information Workshop. On October 22, 2018, based on a set of questions which specifically arose or were discussed at the Customer Information Workshop, Staff filed a Motion For Commission Order providing Notice of a Request For Comments in the instant working case requesting responses no later than November 30, 2018, addressing various items. Based on the rounds of comments, proposed language and discussions that occurred at the Customer Information Workshop itself, Staff revised the original draft customer information rule it filed in this proceeding on June 27, 2018.

3. Before the Office of the Public Counsel (“Public Counsel”) filed a Response to Staff’s proposed draft ATRs in File No. AW-2018-0394 proposing a procedural schedule for Staff’s draft ATRs, Ameren Missouri proposed what Staff interpreted as being equivalent to Staff’s first option included in its *Staff Draft Customer Information Rule* filed on September 20, 2019: (1) continue the File No. AW-2018-0393 working case and issue an order requesting comments from stakeholders within 30 days after the date of said Order addressing consideration of the draft potential new rule on the treatment of customer information. It is significant that Ameren Missouri entitled its filing as an “Initial Response” and stated in Paragraph 2 of its September 20, 2019, Initial Response that although it was submitting additional comments in Paragraph 2, it had in process a more

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<sup>1</sup> The Commission’s expanded scope has been addressed in the September 16, 2019, revised draft proposed rule through the definition of the term “personal customer information.”

substantive and thorough response including but not limited to the items it listed in its Paragraph 2.

4. Continuing the procedural process for File No. AW-2018-0394 and File No. AW-2018-0393 on similar schedules makes sense to Staff because the treatment of customer information is presently addressed in subsection (2)(C) of the existing ATRs except for 20 CSR 4240-40.016(3)(C) for the Gas Marketing ATR:

- A. 20 CSR 4240-20.015(2)(C) Electrical Corporation Affiliate Transactions
- B. 20 CSR 4240-40.015(2)(C) Gas Corporation Affiliate Transactions
- C. 20 CSR 4240-80.015(2)(C) Heating Company Affiliate Transactions
- D. 20 CSR 4240-40.016(3)(C) Gas Marketing Affiliate Transactions Rule

5. Staff suggests the Commission direct interested parties to file comments within 30 days stating their proposed changes and/or response to Staff's proposed changes. After a further round of comments have been filed, Staff and the Commission will be better able to determine what next step is most appropriate.

6. Further, Staff requests that stakeholders begin considering, if they have not done so already an estimate of the costs of compliance with the discrete sections of the proposed new rule on the treatment of customer information. Staff is not requesting that stakeholders perform specific calculations at this time, as Staff recognizes that its September 16, 2019, draft rule will likely not be the final version submitted to the Commission. Should you have any questions, do not hesitate to contact:

Mark Johnson, Deputy Counsel  
Staff of the Missouri Public Service Commission  
200 Madison Street  
P. O. Box 360  
Jefferson City, MO 65102  
Telephone: (573) 751-7431  
Fax: (573) 751-9285  
E-mail: [mark.johnson@psc.mo.gov](mailto:mark.johnson@psc.mo.gov)

James A. Busch, Regulatory Manager  
of the Water & Sewer Department  
Staff of the Missouri Public Service Commission  
200 Madison Street  
P.O. Box 360  
Jefferson City, MO 65102  
Telephone: (573) 751-7529  
Fax: (573) 751-1847  
E-mail: [jim.busch@psc.mo.gov](mailto:jim.busch@psc.mo.gov)

**WHEREFORE**, Staff files a response to Union Electric Company's, d/b/a Ameren Missouri September 20, 2019, Initial Response To Draft Rule and requests that the Commission adopt the procedural schedule proposed by Staff set out above.

Respectfully submitted,

**/s/ Mark Johnson**

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

Jamie S. Myers, Mo. Bar No. 68291  
Legal Counsel  
Telephone: 573-526-6036  
Fax: 573-751-9285  
E-mail: jamie.myers@psc.mo.gov

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

Attorneys for the Staff of the  
Missouri Public Service Commission

**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 6<sup>TH</sup> day of November 2019, to all counsel of record.

**/s/ Mark Johnson**