

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

Linda Beecham,)	
)	
Complainant,)	
)	
v.)	<u>File No. WC-2020-0181</u>
)	
Missouri-American Water Company,)	
)	
Respondent.)	

**RESPONSE TO AUGUST 17, 2020 ORDER
REGARDING CONFIDENTIAL INFORMATION**

COMES NOW the Staff of the Missouri Public Service Commission, through counsel, and files its response to the Commission’s August 17, 2020 Order regarding confidential information.

Generally speaking, the Commission errs toward designating substantive filings in consumer complaint dockets as confidential to protect specific customer and personal information. The strong policy reason for doing this is to not discourage consumers from filing complaints. In this case, the Commission has designated all substantive pleadings as confidential in their entirety, including Ms. Beecham’s complaint, Staff’s report, and the hearing transcript. Staff’s report is automatically confidential per 20 CSR 4240-2.070(11).¹

Otherwise, the Commission ordered the parties to identify which information should be confidential in this matter. Commission Rule 20 CSR 4240-2.135(2)² lists the

¹ The exceptions to the confidentiality rule of 24 CSR 4240-2.070(11) are inapplicable here.

² 20 CSR 4240-2.135(2) states as follows:

(2) Confidential Designation.

(A) Any person may submit to the commission without first obtaining a protective order, information designated as confidential if that information is –

1. Customer-specific information;

types of information that may be designated as confidential. The following information should be designated as confidential in this matter.

1. **Ms. Beecham's home address and contact information.** Ms. Beecham's personal contact information (home address, telephone number, and email address) is customer-specific information and should be designated as confidential under 20 CSR 4240-2.135(2)(A)1. Ms. Beecham's personal contact information is listed in her *Complaint* (Exhibit No. 1) and MAWC's *Answer to Complaint*, as well as in the Family Home Inspection Reports attached to MAWC's *Answer to Complaint* (Exhibit No. 201).

2. **Photographs of Ms. Beecham's home.** Ms. Beecham attached photographs of her home to her *Complaint* (Exhibit No. 1) and to her *Additional Response to Complaint* (Exhibit No. 2). MAWC attached Google Maps photographs of Ms. Beecham's home to its *Answer to Complaint* (Exhibit No. 201). Ms. Beecham's home address can be determined from some of these photographs. Her home address is customer-specific information and is confidential under 20 CSR 4240-2.135(2)(A)1. Therefore, these photographs should be designated as confidential.

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2. Employee-sensitive personnel information;
 3. Marketing analysis or other market-specific information relating to services offered in competition with others;
 4. Marketing analysis or other market-specific information relating to goods or services purchased or acquired for use by a company in providing services to customers;
 5. Reports, work papers, or other documentation related to work produced by internal or external auditors, consultants, or attorneys, except that total amounts billed by each external auditor, consultant, or attorney for services related to general rate proceedings shall always be public;
 6. Strategies employed, to be employed, or under consideration in contract negotiations;
 7. Relating to the security of a company's facilities; or
 8. Concerning trade secrets, as defined in section 417.453, RSMo.

3. **Name of Ms. Beecham's home-based daycare business.** The name of Ms. Beecham's home-based daycare business is listed in the Articles of Organization and the State of Missouri's Certificate of Organization attached to MAWC's *Answer to Complaint* (Exhibit No. 201). Ms. Beecham's home address can be determined by searching for information about her business. Ms. Beecham's home address is customer-specific information and is confidential under 20 CSR 4240-2.135(2)(A)1. Therefore, the name of Ms. Beecham's daycare business should be designated as confidential.

4. **Names of Ms. Beecham's daycare assistants.** The names of Ms. Beecham's assistants in her daycare business is employee-sensitive personnel information and should be designated as confidential under 20 CSR 4240-2.135(2) (A) 2. Ms. Beecham's assistants are mentioned in the Family Home Inspection Reports attached to MAWC's *Answer to Complaint* (Exhibit No. 201).

5. **Quantities of water MAWC billed to Ms. Beecham.** Water usage is customer-specific information, and the amount of water MAWC billed to Ms. Beecham should be designated as confidential under 20 CSR 4240-2.135(2)(A)1. Quantities are listed in the Common Usage History attached to Ms. Beecham's *Complaint* (Exhibit No. 1) and Staff's Memorandum and Beecham Quarterly Usage graph attached to *Staff Report* (Exhibit No. 100).

6. **Ms. Beecham's MAWC billing and payment history.** Customer payment history is customer-specific information, and Ms. Beecham's billing and payment history should be designated as confidential under 20 CSR 4240-2.135(2)(A)1. Ms. Beecham attached MAWC's Account Detail attached to her *Complaint* (Exhibit 1).

WHEREFORE, Staff submits its *Response to the Commission's August 17, 2020 Order Regarding Confidential Information*.

Respectfully submitted,

/s/ Karen E. Bretz

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CERTIFICATE OF SERVICE

I certify that copies of the foregoing have been emailed to all parties and/or counsel of record on this 27th day of August, 2020.

/s/ Karen E. Bretz