

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

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| In the Matter of Kansas City Power & Light Company's | ) | <b><u>File No. ER-2016-0285</u></b> |
| Request for Authority to Implement A General Rate    | ) | <b>Tariff Nos. YE-2017-0004</b>     |
| Increase for Electric Service                        | ) | <b>&amp;YE 2017-0005</b>            |

**Staff's Response To Kansas City Power & Light  
Company's Termination Notice**

**COMES NOW** the Staff of the Missouri Public Service Commission, and files the instant response to the Kansas City Power & Light Company's ("KCPL") December 9, 2016, *Notice of Termination of Transferring Missouri Customer Calls to AllConnect* ("*Notice*"). In its *Notice*, KPCL states that it has decided to stop transferring calls from its Missouri customers to Allconnect effective January 1, 2017. As the Commission is aware, KCPL and KCP&L Greater Missouri Operations Company ("GMO") as a result of proceedings in File No. EC-2015-0309 were authorized by the Commission to transfer new or changing address customers within the KCPL-GMO's Missouri service territory to Allconnect, Inc. ("Allconnect") providing KCPL-GMO use a specific script directed to be used by the Commission in its May 26, 2016, *Order Regarding Script Revisions*. Further in response, the Staff states as follows:

1. On Wednesday, December 7, 2016, Lisa Kremer, Manager of the Commission's Consumer and Management Analysis Unit, received a phone call from Jeanne Trueit, KCPL Director of Customer Care, and Erica Penner, KCPL Manager of Performance Management, to tell her that KCPL had determined to discontinue transfers of Missouri customer calls to Allconnect effective January 1, 2017, and that a formal filing would be made with the Commission advising of this matter. In the *Notice* filed by KCPL on December 9, 2016, KCPL provided the following explanation to the Commission:

The Staff's continued opposition to this program has been manifested most recently in their insistence that compliance with the order in Case No. EC-2015-0309 requires 100% adherence by KCP&L customer service representatives to the script approved by the Commission in that case. The Company does not view this Staff position [that compliance with the order in Case No. EC-2015-0309 requires 100% adherence by KCP&L customer service representatives to the script approved by the Commission in that case] as reasonable or attainable and has told Staff so, but to no avail.

2. The Staff previously recommended, and the Commission ordered in its May 26, 2016, *Order Regarding Script Revisions* in File No. EC-2015-0309, the use of the following script:

Mr./Ms.\_\_\_\_\_. [Verify Customer Information and Provide Confirmation Number] This is your electric service confirmation number. Now that I have completed your electric service order, I'd like to transfer you and your order information to our partner Allconnect, a company that can assist you with the transfer or setup of home services, such as TV and internet. May I transfer you and your order information to Allconnect at this time?  
If the customer's answer is "yes", the call is transferred.  
If the customer's answer is "no", the call is concluded.

The Staff in paragraph 6 in its May 24, 2016 *Staff Response* to KCPL-GMO in File No. EC-2016-0309 advised the Commission and KCPL-GMO that it intended "to monitor KCP&L/GMO's compliance with the Commission's April 27, 2016, *Report and Order* and any subsequent Orders of the Commission in this File or related Files, including scripts and on occasion recordings of actual phone calls between customers and KCP&L/GMO customer service representatives and customers and Allconnect representatives."

3. Ms. Trueit and Ms. Penner have kept the Staff advised of KCPL-GMO's efforts to address the Commission's *Order Regarding Script Revisions*. The Commission issued its May 26, 2016, *Order Regarding Script Revisions* on the Thursday before the Memorial Day weekend. The Staff was advised several days after the

Memorial Day weekend that KCPL-GMO customer service representatives had stopped transferring Missouri customers to Allconnect.<sup>1</sup> On July 5, 2016, the Staff was informed that KCPL-GMO intended to resume transferring Missouri customers to Allconnect on July 7, 2016 using the “customer consent model.” On early morning July 7, 2016, a storm resulted in outages in the KCPL-GMO service territory such that relaunch of transfers to Allconnect of KCPL-GMO Missouri customers did not occur until the afternoon of July 12, 2016.

4. On July 12, 2016, KCPL-GMO filed *Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company’s Notice* in File No. EC-2015-0309. Therein, KCPL-GMO “advises the Commission that it has instituted training, systems modifications and communication in connection with compliance with the [May 26, 2016] Order [Regarding Script Revisions] and, as of July 12, 2016, resumed transferring calls of its Missouri customers to Allconnect in compliance with the Order.”

5. In September 2016, the Staff began to review KCPL-GMO’s relaunch of transferring calls of Missouri customers to Allconnect after the Commission’s issuance of its May 26, 2016, *Order Regarding Script Revisions*. On September 2, 2016, the Staff requested by Staff Data Request No. 174, the KCPL-GMO response to a number of Office of the Public Counsel (“OPC”) data requests, one of which (OPC Data Request No. 1024) being a request for “a list of 50 customers who were transferred to Allconnect, Inc. by KCPL or GMO in July 2016.” On September 28, 2016, KCPL-GMO’s response to OPC was provided to the Staff. After reviewing, that same day, KCPL-GMO’s response,

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<sup>1</sup> KCPL-GMO customer representatives receive calls from both KCPL’s Kansas customers and KCPL-GMO’s Missouri customers. The KCPL-GMO customer service representatives continued to transfer KCPL’s Kansas customers to Allconnect using KCPL’s Kansas script.

the Staff submitted, that same day, a follow-up Staff Data Request No. 174.1. The Staff's follow-up Staff Data Request No. 174.1 requested "a copy of the calls (in electronic format by a physical medium, e.g. on a compact disk) of the 50 customers who were provided in [KCPL]'s response to Staff's DR 0174 . . . ."

6. The Staff received on October 17, 2016, in response to Staff Data Request No. 174.1, recorded calls of 53 KCPL-GMO Missouri customers transferred to Allconnect.<sup>2</sup> Scott Glasgow of the Staff listened to the calls, from which he noted "adherence" / "compliance" to the script ordered by the Commission on May 26, 2016, in File No. EC-2015-0309. Mr. Glasgow listened to the calls a second time from which he created a detailed matrix. The matrix, without individual customer names, is attached as Attachment 1.<sup>3</sup> The individual calls were not identified by the specific date each occurred

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<sup>2</sup> KCPL-GMO's response to Staff Data Request No. 174.1 also noted that customer data provided in response to Staff Data Request No. 174 (OPC's Data Request No. 1024) were customers who were eligible but were not transferred to Allconnect.

<sup>3</sup> On December 9, 2016, after KCPL filed its *Notice*, a Public Counsel staff member, Charles Hyneman, contacted a member of the Staff, Ms. Kremer, and asked to be informed whether there is in a Commission case any indication of KCPL noncompliance with the Commission's Allconnect decision. Ms. Kremer sought internal counsel and on the advice of the Chief Staff Counsel, pursuant to Section 386.480 RSMo. 2000, Ms. Kremer provided to Mr. Hyneman a highly confidential electronic copy of Attachment 1, containing customer names. Section 386.480 provides:

No information furnished to the commission by a corporation, person or public utility, except such matters as are specifically required to be open to public inspection by the provisions of this chapter, or chapter 610, shall be open to public inspection or made public except on order of the commission, or by the commission or a commissioner in the course of a hearing or proceeding. The public counsel shall have full and complete access to public service commission files and records. Any officer or employee of the commission or the public counsel or any employee of the public counsel who, in violation of the provisions of this section, divulges any such information shall be guilty of a misdemeanor.

Subsequently, the Staff has processed recorded calls received in response to Staff Data Requests to KCPL-GMO for the months of September, October, and November. In processing the recorded calls for these later months, the Staff changed one of the categories it had used for originally classifying the calls for July. The Staff has taken the calls for July and used the same six categories for July as it has for September, October, and November. See Attachment 3.

in July 2016. Depending upon how one defines “adherence” / “compliance”, Mr. Glasgow noted a lack of “adherence” / “compliance” by KCPL-GMO’s customer service representatives to following the script ordered by the Commission’s May 26, 2016, *Order Regarding Script Revisions* in File No. EC-2015-0309, set out below.

7. The Staff met with KCPL-GMO on November 4, 2016, for one of its regular quarterly customer service meetings<sup>4</sup> and in the context of that meeting addressed Mr. Glasgow’s analysis of the 50 customer recorded calls. Ms. Penner stated that there was some confusion around the time of the intended relaunch of the program respecting transferring Missouri customers to Allconnect because of a storm which caused the postponement of the relaunch date from July 7 to July 12, 2016. Ms. Penner said some KCPL-GMO customer service representatives started the relaunch process before the rescheduled relaunch date of July 12, 2016, without the relaunch script. Ms. Penner said that the KCPL-GMO customer service representatives that transferred customers to Allconnect before July 12, 2016, did it on their own without a script. Ms. Penner stated that KCPL-GMO had been monitoring the calls closely and the call center had improved every month with October being the best month yet.

8. Part of the Staff’s follow-up approach is not to rely on just the recorded calls from July 2016. On November 8 and November 14, 2016, the Staff submitted Staff Data Request Nos. 308 and 308.1, respectively, to KCPL-GMO in File No. ER-2016-0285 requesting the first 35 Missouri customer calls (in electronic format by a physical medium,

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<sup>4</sup> The Commission in its Report and Report and Order authorizing, among other things, Great Plains Energy, Inc. to acquire Aquila, directed in “Ordered” item 6.d. “Beginning ninety days after the closure of the authorized transactions, KCPL and Aquila will, on a quarterly basis, engage in periodic customer service performance reviews with the Commission’s Staff, including the quarterly filing with Staff of monthly service quality data” *Re Great Plains Energy, Inc., Kansas City Power & Light Co., and Aquila, Inc.*, Case No. EM-2007-0374, Slip Opinion, pp. 282-83 (July 1, 2008).

e.g., on a compact disk) that were transferred from KCPL-GMO customer service representatives to Allconnect on September 13, October 11, and November 9, 2016. Responses were received from KCPL-GMO on November 23 and December 2, 2016. Today, Mr. Glasgow completed reviewing those calls and putting together matrices (See Attachment 2) reflecting his review, including an overview matrix, for purposes of determining KCPL-GMO customer service representatives' "adherence" / "compliance" with the Commission's May 26, 2016, *Order Regarding Script Revisions*.

**Results of Calls in Percentages**

|  | July | Sept | Oct | Nov  |
|--|------|------|-----|------|
| 1. Percentage of KCPL-GMO customer service representatives ("reps") that addressed all elements of the script  | 2%   | 71%  | 85% | 62%  |
| 2. Percentage of KCPL-GMO reps that 1.) "Verified Customer Information" and 2.) "Gave Confirmation Number" prior to mentioning Allconnect                | 38%  | 85%  | 77% | 69%  |
| 3. Percentage of KCPL-GMO reps that asked for permission to transfer 1.) Customer and 2.) His/Her Information  | 24%  | 88%  | 83% | 86%  |
| 4. Percentage of KCPL-GMO reps that at least asked for permission to transfer the customer at any time during the call prior to transfer                 | 56%  | 97%  | 97% | 100% |
| 5. Percentage of KCPL-GMO reps that said Allconnect would confirm service order for 1.) Accuracy, 2.) Verify service order, or 3.) Go Over Service Order | 66%  | 0%   | 0%  | 0%   |
| 6. Percentage of KCPL-GMO reps that provided Customer a Confirmation Number at any time during the call prior to transfer                                | 44%  | 88%  | 83% | 74%  |

- 1. On number one – Percentage of KCPL-GMO customer service representatives ("reps") that addressed all elements of the script: Although the calls are not designated by the date each occurred within the month, Mr. Glasgow relates that the day of the month the call occurred is often identifiable by the content of the particular phone call. As a consequence, Mr. Glasgow believes the percentages for July reflect that a significant

number of the recorded calls the Staff received from KCPL-GMO for July were placed before the relaunch date of the Allconnect program when reps did not have the relaunch scripts to transfer calls to Allconnect.

- 2. On number two – Percentage of KCPL-GMO reps that “Verified Customer Information” And “Give Confirmation Number”: If the rep “Verified Customer Information,” he/she got credit for having “Verified Customer Information” and "Gave Confirmation Number," pursuant to one other condition being met. Also, if the rep gave the customer his/her “Confirmation Number,” the rep got credit for providing the “Confirmation Number” and having “Verified Customer Information,” pursuant to one other condition being met.” Credit was only given if the rep “Verified Customer Information” and/or "Gave Confirmation Number, before the rep mentioned Allconnect.
- 3. On number three – Percentage of KCPL-GMO reps that asked for permission to transfer 1.) the Customer And 2.) His/Her Information: For the rep to get credit for this area, he/she needed to ask “may I transfer you and your order information to Allconnect.” Some reps said the first part of the ordered transcript “I’d like to transfer” you and your order information to Allconnect but later did not ask for permission to transfer, “may I transfer,” both the Customer and his/her information to Allconnect.
- 4. On number four – Percentage of KCPL-GMO reps that at least asked for permission to transfer the Customer prior to transfer to Allconnect
- 5. On number five – Percentage of KCPL-GMO reps that said Allconnect would confirm service order for 1.) Accuracy, 2.)Verify service order, or 3.) Go Over Service Order: Before the Commission’s May 26, 2016, Order, reps would say Allconnect would check accuracy, verify service order, or go over service order, such as name, service address, service commencement date, etc. For the recorded calls, Mr. Glasgow was provided for September, October, and November, no KCPL-GMO rep said Allconnect would check accuracy, verify, or go over service order information.
- 6. On number 6 – Percentage of KCPL-GMO reps that provided the Customer a Confirmation Number during the call. For the rep to get credit for this item, the “Confirmation Number” must have been given by the rep at any point in the KCPL-GMO portion of the call prior to transferring to Allconnect. The rep was given credit even if the customer had to ask the rep for his/her Confirmation Number.

9. In its May 26, 2016, *Order Regarding Script Revisions*, the Commission related the following at page 1:

. . . Following an evidentiary hearing, the Commission issued a report and order that will become effective on May 27. The Commission ordered KCP&L and GMO to immediately cease violating Commission **Rule 4 CSR 240-20.015(2)(C)** regarding the **transfer of customer**

**information without the consent of the customer. . . .** [Emphasis added.]

At page 4, the Commission stated:

The Commission finds that KCP&L and GMO's modified script does not comply with the Commission's Report and Order. The Commission will modify that script to bring it in line with the script recommended by Staff. The revised script will add back Staff's proposed notice to the customer that their order information will also be transferred to Allconnect as that is a requirement of the Commission's rule, and will add back Staff's language emphasizing the delivery of the confirmation number before the transfer to Allconnect is discussed. Further, both Staff and Public Counsel argue that KCP&L and GMO should not be allowed to inform customers that Allconnect will confirm their order for accuracy. In its Report and Order, the Commission expressed concern that **Allconnect's confirmation function was being used as a hook** to draw customers into listening to Allconnect's sales pitch, and that KCP&L and GMO could perform that function instead. The Commission still believes **the confirmation function can be performed by KCP&L and GMO without Allconnect's involvement**. Allconnect can perform that function, but telling customers that Allconnect will be confirming the accuracy of the order information could lead customers to believe they need to stay on the line with Allconnect and therefore negates the **customers' informed consent to the transfer**. The Commission will remove that provision from the approved script. [Emphasis added.]

**THE COMMISSION ORDERS THAT:**

1. KCP&L and GMO **shall use** the following script: [Emphasis added; See Paragraph 4 above for the script ordered to be used.]

10. The Staff recognizes that the script has various elements and that the KCPL-GMO customer service representatives are delivering the script to someone who may not necessarily let the KCPL-GMO customer service representatives read the script or state the script in her or his own words without interruption or variation, including interjecting questions and dialogue. The Staff recognizes that a 100% faithful reading of the ordered script for 100% of the calls, especially early in the process change may not



be possible for the Staff definition of “adherence” / “compliance” with the Commission’s May 26, 2016, *Order Regarding Script Revisions* in File No. EC-2015-0309. So in conceptualizing its definition of “adherence” / “compliance,” the Staff decided to ask KCPL-GMO the very same questions it was asking itself. The Staff was delayed in finalizing these data requests due to the rate case filings late last month and earlier this month, and other Commission business. The Staff did not finalize its data requests (See Attachment 3) before Lisa Kremer was informed that KCPL planned to make a formal filing with the Commission advising that KCPL planned to stop transferring calls from its Missouri customers to Allconnect effective January 1, 2017. Arguably, even if someone might want to argue that “adherence” / “compliance” requires 100% performance, KCPL-GMO could ask for clarification of the Commission’s May 26, 2016, *Order Regarding Script Revisions* based on the Staff’s data requests or however it chose to do so. Also, for compliance with 4 CSR 240-20.015(2)(C), the Commission’s Affiliate Transactions Rule provides for the possibility of a variance(s), 4 CSR 240-20.015(10) or 4 CSR 240-2.015 and 4 CSR 240-2.060(4)

11. Should KCPL-GMO reconsider its decision to discontinue the transfer of Missouri customer calls to Allconnect effective January 1, 2017, the Staff offers its own conceptualization of this matter of and draft data requests respecting how to determine an appropriate definition of “compliance” / “adherence” with the Commission’s May 26, 2016, *Order Regarding Script Revisions* in File No. EC-2015-0309.

12. The May 26, 2016, Commission-ordered script has various elements that the KCPL-GMO customer service representatives are expected to comply:

**KCPL-GMO customer service representative:**

- a. **Verifies customer information**
- b. **Provides service confirmation number**
- c. **States I'd like to transfer you**
- d. **States I'd like to transfer your customer service order information [i.e., name, service address, service commencement date, etc.]**
- e. **Asks may I transfer you**
- f. **Asks may I transfer your customer service order information [i.e., address, service address, service commencement date, etc.]**
- g. **States our partner is Allconnect**
- h. **States Allconnect can assist you with the transfer or setup of home services**

Questions for KCPL-GMO:

Situation A: Do KCPL-GMO view that so long as KCPL-GMO customer service representatives in essence make a discernable good faith effort to use the script directed by the Commission for use, making an effort to cover all of the elements of the Commission directed script, KCPL-GMO should be deemed to be in compliance with the Commission's May 26, 2016, *Order Regarding Script Revisions* in File No. EC-2015-0309?

Situation B: Do KCPL-GMO view that KCPL-GMO customer service representatives may use substitute language in place of the script directed by the Commission for use, so long as it covers all of the elements of the Commission directed script, and if the KCPL-GMO customer service representatives in essence make a discernable good faith effort to use the substitute language, KCPL-GMO should be deemed to be in compliance with the Commission's May 26, 2016, *Order Regarding Script Revisions* in File No. EC-2015-0309?

Situation C: Do KCPL-GMO consider that the Commission ordered script has various elements, one or more element(s) of which may be more significant than others, such that so long as the KCPL-GMO customer service representative covers the one or more significant element(s), but may miss the remaining element(s), the call should be evaluated as having been handled in a compliant manner? If the answer is "yes," what does KCPL-GMO consider to be the key element(s), which must be covered by the KCPL-GMO customer service representative for the call to be compliant with the Commission's May 26, 2016, *Order Regarding Script Revisions* in File No. EC-2015-0309?

Overall Compliance: If a call in which the customer chooses not to be transferred is considered compliant, as are calls which meet the criteria designated by KCPL-GMO as Situation A, Situation B, or Situation C, what

percentage of the number of completed calls must be deemed compliant for the entire program to be deemed compliant?

13. The Staff recognizes and acknowledges KCPL-GMO's right to choose to cease transferring calls of its Missouri customers to Allconnect. The Staff denies that its efforts to determine compliance with the Commission's May 26, 2016, *Order Regarding Script Revisions* have been unreasonable and, in order to assist the Commission in understanding the nature and extent of Staff's activities, has provided the foregoing detailed description. The Staff plans to take no further action until and unless directed by the Commission.

**WHEREFORE** the Staff files the instant response to KCPL's December 9, 2016, *Notice of Termination of Transferring Missouri Customer Calls to AllConnect*.

Respectfully submitted,

**/s/ Kevin A. Thompson**

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**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing was served electronically, or hand-delivered, or via First Class United States Mail, postage prepaid, on all parties of record herein on this 19th day of December, 2016.

**/s/ Kevin A. Thompson**