

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 26th day of
May, 2016.

Staff of the Missouri Public Service
Commission

Complainant,

v.

Kansas City Power & Light Company

And

KCP&L Greater Missouri Operations
Company

Respondents.

File No. EC-2015-0309

ORDER REGARDING SCRIPT REVISIONS

Issue Date: May 26, 2016

Effective Date: May 27, 2016

The Staff of the Commission brought a complaint against Kansas City Power & Light Company (KCP&L) and KCP&L Greater Missouri Operations Company (GMO), alleging that KCP&L and GMO have improperly shared customer information with Allconnect, a company that markets additional services to KCP&L and GMO customers who are attempting to obtain electric service at a new location. 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. The report and order also states:

If Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company wish to continue their contractual relationship with Allconnect, Inc. they shall file for Commission approval a modified customer service representative script to ensure that customers give their informed consent before their calls and related information are transferred to Allconnect.

KCP&L and GMO filed an amended script for Commission approval on May 10.

This is the script proposed by KCP&L and GMO in their May 10 filing:

Mr. / Ms. _____ Now that I have completed your order, I'd like to transfer you and your order information to our partner Allconnect, a company that can confirm your electric service order for accuracy and assist you with the transfer or setup of your other home services such as TV and internet. May I transfer you at this time?

Staff and Public Counsel filed separate responses to KCP&L and GMO's proposed script. Both offered their opinion that the proposed script did not comply with the Commission's order and offered alternative script language.

Staff proposed to alter the script to require the customer service representative to provide the customer's confirmation number before asking whether they can be transferred to Allconnect. Staff would also remove the language in the script that informs the customer that Allconnect will confirm the accuracy of the customer's service order. Public Counsel shared Staff's concerns about the script, and proposed its own alternative script language. In addition, Public Counsel asked the Commission to require KCP&L and GMO to provide details about how it plans to comply with another provision of the report and order that requires the company to account for Allconnect revenues and expenses "above the line", as revenues and expenses for its regulated operations.

Staff's proposed script is:

Mr. / Ms. _____. [Verify Customer Information] 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 customer's answer is "yes", the call is transferred.

If customer's answer is "no" :

Mr. / Ms. _____, your call is complete. Thank you for calling KCP&L or GMO.

Public Counsel's proposed script is:

Mr. / Ms. _____. Now that I have completed your order, I'd like to transfer you and your information to Allconnect, a separate company that can assist you with the transfer or setup of other home services not offered by KCPL/GMO, such as TV and internet. This transfer is optional; may I transfer you and your information to Allconnect at this time?

If customer's answer is "yes", the call is transferred.

If customer's answer is "no" :

Mr. / Ms. _____, your call is complete. Thank you for calling KCP&L or GMO.

KCP&L and GMO replied to both Staff and Public Counsel on May 23. The company indicated willingness to adopt the script proposed by Staff, but modified that script in several details, the most significant of which is to keep the statement that Allconnect will confirm the customer's order for accuracy. KCP&L and GMO asked the Commission to reject Public Counsel's proposed script. KCP&L and GMO's modified script is:

Mr. / Ms. _____. [Verify Customer Information and Provide 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 confirm your order for accuracy and assist you with the transfer or setup of home services, such as TV and internet. May I transfer you to Allconnect at this time?

If customer's answer is "yes", the call is transferred.

If customer's answer is "no", the call is concluded.

Staff and Public Counsel both replied to KCP&L and GMO's modifications of the script. Both contend that those modifications render the script proposed by KCP&L and GMO non-compliant. Public Counsel also asks the Commission to reconsider its decision to not seek penalties against KCP&L and GMO, arguing that the companies' proposed modifications to the script constitute a continuing attempt to mislead callers into consenting to the transfer of their calls and customer information to Allconnect

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.

Public Counsel also asked for specifics about the companies' plans to comply with the requirement to account for Allconnect revenues and expenses "above the line". The Commission expects KCP&L and GMO to comply with that requirement, but the Report and Order does not require the companies to make a filing to explain how it will comply with that requirement.

Finally, Public Counsel asks the Commission to reconsider a portion of the underlying report and order to direct its General Counsel to proceed to Circuit Court to seek financial penalties against KCP&L and GMO. The Commission will deny that request for reconsideration.

THE COMMISSION ORDERS THAT:

1. KCP&L and GMO shall use 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.**

2. This order shall be effective on May 27, 2016, when the underlying Report and Order is effective.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Hall, Chm., Stoll, Kenney, Rupp, and
Coleman, CC., concur.

Woodruff, Chief Regulatory Law Judge