

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held in Kansas City, Missouri on the 1st day of July, 2015.

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 STAFF'S MOTION TO SEND CUSTOMER SPECIFIC
INFORMATION TO ATTORNEY GENERAL FOR COMPARISON TO THE NO-
CALL LIST DATA BASE**

Issue Date: July 1, 2015

Effective Date: July 1, 2015

On May 20, 2015, the Staff of the Commission filed a complaint against Kansas City Power & Light Company (KCP&L) and KCP&L Greater Missouri Operations Company (GMO). The complaint alleges 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. After filing its complaint, Staff filed a motion seeking authority from the Commission to provide to the

Missouri Attorney General a list of approximately 3,636 names and addresses of KCP&L and GMO customers whose customer information was transferred by those utilities to Allconnect. Staff wants the Attorney General to compare those names with the Missouri No-Call database to determine how many of those customers have placed their names on the no-call list. Staff reports the Attorney General is willing to make that comparison and to report its findings to Staff.

After receiving Staff's motion, the Commission ordered KCP&L and GMO to respond to that motion when they filed their answer to the complaint. KCP&L and GMO filed a timely response opposing Staff's motion.

In considering the merits of Staff's motion, it is important to understand that this is not a discovery dispute. Staff has already obtained the list of customer names and addresses from the utilities. It is not asking the utilities for any additional information. Rather, it is asking the Commission for authority to share the customer information it already has with the Attorney General, for the purpose of determining whether the affected customers are on the Attorney General's no-call list. Staff does not allege that KCP&L and GMO have violated the No-Call Act, but explains that it wants the information because it believes that customers who have asked to be included on the no-call list are more likely to desire to not receive telephone solicitations.

KCP&L and GMO oppose Staff's request to share the list of customers with the Attorney General. In doing so, they assert the information Staff seeks is irrelevant because Staff does not allege a violation of the No-Call Act. Further, they argue that Staff's attempt to access the No-Call database would be a misuse of that information for a purpose unrelated to the reason the information was gathered.

As previously indicated, this is not a discovery dispute; Staff is not seeking any additional information from KCP&L or GMO. As a result, the utilities have no interest to protect and the relevance of the information Staff seeks is meaningless to them. Similarly, KCP&L and GMO have no legal interest in protecting the integrity of the No-Call database. That is the responsibility of the Attorney General and the Commission has no authority to usurp the Attorney General's role in that area. The only people with an interest in whether Staff should be allowed to share customer information with the Attorney General are those customers whose information is to be shared. Although Staff's motion makes no mention of it, the statute most implicated in this question is Section 386.480, RSMo 2000.

That statute states that information furnished to the Commission by any corporation, person, or utility is not to be made "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." Divulging information in violation of the statute is a misdemeanor. Staff obtained the information about KCP&L and GMO's customers from those utilities, so Section 386.480 applies to restrict the release of that information.

However, because the information would only be shared with the Attorney General and would not be made public, it is not clear that Staff's plan to share that information with the Attorney General, in furtherance of Staff's investigation, would fall within the statute's restriction on disclosure of information to the public. If the proposed disclosure does not fall within the statute's restrictions, then Staff does not need the Commission's permission to send that information to the Attorney General.

Staff's plan to share information with the Attorney General in an effort to investigate the utilities' alleged misuse of that information does not harm the privacy interests of

KCP&L and GMO's customers. Therefore, assuming, without deciding, that Staff needs the Commission's permission to share the customer information with the Attorney General, the Commission concludes that such permission should be granted.

THE COMMISSION ORDERS THAT:

1. Staff's Motion to Send Names and Addresses to Attorney General's Office for Comparison with No-Call List Database is granted.
2. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in cursive script that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

R. Kenney, Chm., Stoll, and Hall, CC., concur;
W. Kenney, and Rupp, CC., dissent.

Woodruff, Chief Regulatory Law Judge