

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

|  |   |                                     |
|--|---|-------------------------------------|
| Staff of the Missouri Public Service Commission, | ) |                                     |
|  | ) |                                     |
|  | ) |                                     |
| Complainant,                                     | ) |                                     |
|  | ) |                                     |
| v.   | ) | <b><u>File No. EC-2015-0309</u></b> |
|  | ) |                                     |
| Kansas City Power & Light Company                | ) |                                     |
|  | ) |                                     |
| And  | ) |                                     |
|  | ) |                                     |
| KCP&L Greater Missouri Operations Company,       | ) |                                     |
|  | ) |                                     |
|  | ) |                                     |
| Respondents.                                     | ) |                                     |

**PUBLIC COUNSEL’S REPLY TO KCPL AND GMO**

COMES NOW the Office of the Public Counsel (“Public Counsel” or “OPC”) and presents its *Reply to KCPL and GMO* as follows:

**Introduction**

1. In their filing, Kansas City Power & Light Company (“KCPL”) and KCP&L Greater Missouri Operations Company (“GMO”) (collectively both GMO and KCPL will be referred to as “Companies”) request the Missouri Public Service Commission (“Commission”) approve a proposed script “to be used as a guide by the Company’s customer service representatives on and after the effective date of the *Order* (i.e. May 27, 2016).” (Doc. No. 126, p. 3).
2. The Commission found “KCP&L and GMO have violated 4 CSR 240-20.015(2)(C).” (Doc. No. 119, p. 18). As a consequence, the Commission ordered “[KCPL and GMO] shall immediately cease violating Commission Rule 4 CSR 240-20.015(2)(C).” *Id* at 23. Although the Commission’s Order directs the companies to immediately cease violating the Commission Rule, it bears an effective date of May 27, 2016 (Doc. No. 119, p. 23).

3. Until the effective date of the Commission's Order, the Companies have indicated to OPC they will continue to transfer customer calls and customer specific information to Allconnect without seeking consent.

4. The script offered by the Companies evades the Commission's transfer script requirements, ignores the direction to account for the revenue and expenses "above the line," and continues to transfer customer calls and customer information to a third-party telemarketing company without receiving informed consent.

5. Based on this failure of the Companies to follow Commission directive, the Companies' script should be rejected.

#### Direction from the Commission

6. Even if the Companies intend the non-utility services offered through the Allconnect relationship to benefit customers, the Commission stated "not all customers appreciate the offer[.]" (Doc. No. 119, p. 21). Noting some customers "seem to appreciate" the service Allconnect offers, the Commission prescribed changes the Companies "must make to bring the Allconnect relationship into compliance with the Commission's rule (Doc. No. 119, p. 21).

7. Importantly, the Commission indicated if the Companies wish to continue the relationship with Allconnect, they must change the transfer script to ensure: (1) customers understand they have the option to transfer to Allconnect; (2) they can complete their business with KCPL or GMO without having to transfer to Allconnect; and (3) Allconnect is a third-party offering services separate and apart from the services offered by the utility. *Id* at pp. 21-22.

8. In addition to the transfer script changes, the Commission required the companies "modify how they account for the revenues and expenses associated with the Allconnect relationship." *Id*.

### Companies' Proposed Transfer Script

9. The Companies plan to continue transferring customer calls and customer information to Allconnect and submitted their proposed transfer script attempting to satisfy the Commission's conditions accordingly. The Companies provided Public Counsel a draft of the proposed script. After reviewing the draft, Public Counsel sent the companies an email stating "[t]he draft language you circulated on Friday does not address the Commission's requirements." In the same email, Public Counsel offered suggestions for alternative language. Attached to this pleading, Appendix A is the email from OPC to the Companies. Without responding substantively to Public Counsel's comments, the Companies filed the revised transfer script without any changes and have not addressed any of OPC's comments since that time.

10. The Commission should reject the Companies' proposed transfer script because it continues to mislead customers into transferring to Allconnect and does not comply with the Commission's requirements. First, the proposed script refers to "our partner Allconnect" and describes Allconnect as "a company that can confirm your electric service order for accuracy[.]"(Doc. No. 126, p. 2). That language is ambiguous and does not inform customers Allconnect is a "third-party offering services separate and apart from the services offered by the utility" as prescribed by the Commission (Doc. No. 119, p. 22).

11. In its email to the Companies, Public Counsel suggested referring to Allconnect as a "separate company that can assist you with the transfer or setup of other home services not offered by KCPL/GMO." This alternative omits the Companies' proposed language "confirm your electric service order for accuracy" and appries customers Allconnect is a separate company offering services different than those offered by the utilities. This change is necessary to comply with the Commission's finding:

KCP&L and GMO attempt to mask the true nature of the transaction by having Allconnect “confirm” the accuracy of the customer information already taken by KCP&L and GMO’s customer service representatives. The evidence established that the KCP&L and GMO customer service representatives are capable of “confirming” the accuracy of the information they obtain from their customers.

(Doc. No. 119, p. 19). As the Commission explained, “the confirmation function serves as a marketing hook to discourage utility customers from dropping off the line when their call is transferred to Allconnect.” *Id.* To ensure customers are not misled into believing the additional confirmation is required to complete the utility call, the Commission should not permit the Companies to use a different version of the same “marketing hook.” To the extent a confirmation number is necessary, the Company representatives should provide a confirmation number as “[t]hey did so for many years ... and are capable of doing so now.” (Doc. No. 119, p. 19).

12. The Companies’ proposed script does not inform callers the transfer is optional. The Commission directed the companies to “ensure that customers understand that they have the option to transfer to Allconnect; that they can complete their business with KCP&L or GMO without having to transfer to Allconnect[.]” (Doc. No. 119, p. 21). The Companies’ proposed script attempts to address this condition by including the question “[m]ay I transfer you at this time?” (Doc. 126, p. 2). The Companies’ question “may I transfer you at this time” is more polite than the previous script stating “[p]lease hold while I transfer you now” but does not ensure customers understand the transfer is optional (*See* Doc. No. 88, Attachment B).

13. In its email to the Companies, OPC suggested the company representatives inform the caller “[t]his transfer is optional; may I transfer you and your information at this time.” This

alternative language informs the customer the transfer is optional, discloses the fact customer information is also transferred, and is consistent with the Order of this Commission.

14. At this time, the Companies have not communicated whether or not they will consider modifying the transfer script to incorporate Public Counsel's suggestions. If the Companies offer alternative suggestions, OPC remains willing to participate in future discussions.

#### Revenues and Expenses

15. The Commission's Order requires the Companies "modify how they account for the revenues and expenses associated with the Allconnect relationship." (Doc. No. 119). Despite this requirement, the Companies' filing omits any reference to accounting for the revenues and expenses associated with the Allconnect relationship. Because the Commission required the Companies to account for the Allconnect revenues and expenses "above the line," it should require them to explain how each intends to comply with that aspect of the Order.

WHEREFORE Public Counsel submits its *Reply to KCPL and GMO* and asks the Commission reject the Companies' proposed transfer script.

Respectfully,

OFFICE OF THE PUBLIC COUNSEL

/s/ Tim Opitz

Tim Opitz

Senior Counsel

Missouri Bar No. 65082

P. O. Box 2230

Jefferson City MO 65102

(573) 751-5324

(573) 751-5562 FAX

Timothy.opitz@ded.mo.gov

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record this 20<sup>th</sup> day of May 2016:

**/s/ Tim Opitz**

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## Opitz, Timothy

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**From:** Opitz, Timothy  
**Sent:** Tuesday, May 10, 2016 11:50 AM  
**To:** 'Hack Rob'; Dottheim, Steve  
**Cc:** Steiner Roger; JFischerPC@aol.com; Hyneman, Charles; Marke, Geoff  
**Subject:** RE: EC-2015-0309 - Proposed revised script for transfer of calls to Allconnect

Rob,

The Draft language you circulated on Friday does not address the Commission's requirements.

The Commission's Order indicated if KCPL and GMO wish to continue their contractual relationship with Allconnect by transferring customer calls and related information, they must:

- "[E]nsure that customers understand that they have the option to transfer to Allconnect;"
- "[T]hat they can complete their business with KCPL or GMO without having to transfer to Allconnect;"
- "[A]nd that Allconnect is a third-party that offers services separate and apart from the services offered by the utility.

With this in mind, we offer the proposed change to your proposed language below:

KCPL Rep: Mr. / Ms. \_\_\_\_\_ Now that I have completed your order, I'd like to transfer you and your order information to our partner Allconnect, a separate company that can confirm your electric service order for accuracy and assist you with the transfer or setup of your other home services not offered by KCP&L/GMO, such as TV and internet. This transfer is optional; may I transfer you and your information to Allconnect at this time?

Customer: "yes."

[call is transferred]

Customer: "no."

KCPL rep: "Your call with KCP&L/GMO is complete"

End quote. The Commission also required:

- "[i]n addition to changing the script KCPL and GMO will also need to modify how they account for the revenues and expenses associated with the Allconnect relationship."

OPC would like to see the details on how the Companies plan to comply with this requirement from the Commission's order.

Thanks,  
Tim

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**From:** Hack Rob [mailto:Rob.Hack@kcpl.com]  
**Sent:** Friday, May 06, 2016 3:55 PM  
**To:** Opitz, Timothy; Dottheim, Steve  
**Cc:** Steiner Roger; JFischerPC@aol.com; Hyneman, Charles; Marke, Geoff  
**Subject:** RE: EC-2015-0309 - Proposed revised script for transfer of calls to Allconnect

KCP&L/GMO will comply with the "above the line" aspect of the order, but I don't have any details to provide at this time.

Thx -Rob

Attachment A



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**From:** Opitz, Timothy [<mailto:timothy.opitz@ded.mo.gov>]  
**Sent:** Friday, May 06, 2016 12:50 PM  
**To:** Hack Rob; Dottheim, Steve  
**Cc:** Steiner Roger; [JFischerPC@aol.com](mailto:JFischerPC@aol.com); Hyneman, Charles; Marke, Geoff  
**Subject:** RE: EC-2015-0309 - Proposed revised script for transfer of calls to Allconnect

This is an EXTERNAL EMAIL. Stop and think before clicking a link or opening attachments.

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Rob,

I think OPC will have some comments on that language and will work on getting those to you. The Commission also discussed bringing everything "above the line" as a condition, what are the details of how the company proposes to implement that aspect?

Thanks,  
Tim

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**From:** Hack Rob [<mailto:Rob.Hack@kcpl.com>]  
**Sent:** Friday, May 06, 2016 11:04 AM  
**To:** Dottheim, Steve; Opitz, Timothy  
**Cc:** Steiner Roger; [JFischerPC@aol.com](mailto:JFischerPC@aol.com)  
**Subject:** EC-2015-0309 - Proposed revised script for transfer of calls to Allconnect

Tim and Steve,

We have reviewed the Commission's order in the above-referenced case and we intend to seek Commission approval of a revised script so that KCP&L/GMO can continue transferring customer calls and information to Allconnect. The revised script we propose to use is as follows:

*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?*

The proposed revised script meets the criteria set forth in the order (pp. 21-22), as follows:

| Script Element   | Criteria it meets  |
|--|--|
| <i>Now that we have completed your order, I'd like to...</i>   | <b>They can complete their business with KCP&amp;L or GMO without having to transfer to Allconnect</b>   |
| <i>...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.</i> | <b>Allconnect is a separate company and a KCP&amp;L partner that offers services separate and apart from the electric service offered by the utility</b> |
| <i>May I transfer you at this time?</i>  | <b>They must ensure that customers understand that they have the option to transfer to Allconnect</b>  |

I would ask that you provide your feedback as soon as possible. In light of the effective date of the order (May 27) and the need to obtain Commission approval of the revised script, we intend to file the above proposed revised script around the close of business next Tuesday (May 10). Let me know if you have questions or if you would like to discuss.

Attachment A



Thx -Rob

Rob Hack

816/556-2791 (O)

816/260-5174 (C)

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Rob,

The Draft language you circulated on Friday does not address the Commission's requirements.

The Commission's Order indicated if KCPL and GMO wish to continue their contractual relationship with Allconnect by transferring customer calls and related information, they must:

- "[E]nsure that customers understand that they have the option to transfer to Allconnect;"
- "[T]hat they can complete their business with KCPL or GMO without having to transfer to Allconnect;"
- "[A]nd that Allconnect is a third-party that offers services separate and apart from the services offered by the utility.

With this in mind, we offer the proposed change to your proposed language below:

KCPL Rep: Mr. / Ms. \_\_\_\_ Now that I have completed your order, I'd like to transfer you and your order information to our partner Allconnect, a separate company that can confirm your electric service order for accuracy and assist you with the transfer or setup of your other home services not offered by KCP&L/GMO, such as TV and internet. This transfer is optional; may I transfer you and your information to Allconnect at this time?

Customer: "yes."

[call is transferred]

Customer: "no."

KCPL rep: "Your call with KCP&L/GMO is complete "

End quote. The Commission also required:

- "[I]n addition to changing the script KCPL and GMO will also need to modify how they account for the revenues and expenses associated with the Allconnect relationship."

OPC would like to see the details on how the Companies plan to comply with this requirement from the Commission's order.

Thanks,  
Tim

**Comment [o1]:** Commission order talks about "customer information" not "order information."

**Comment [o2]:** The order indicated that customer should know that the Allconnect is a separate company. Your language refers to the company as your partner and does not make clear that Allconnect is separate from the regulated utility.

**Comment [o3]:** This makes it sound like the transaction with KCPL/GMO is not complete.

**Comment [o4]:** Customers may not currently have, or want to set up other home services.

**Comment [o5]:** This makes clear that the additional service offers are not through KCPL or GMO.

**Comment [o6]:** This ensures that customers understand the transfer is optional.

**Comment [o7]:** This lets the customer know that additional information is transferred along with the call itself. In addition it lets the customer know to whom the caller is transferred.

**Comment [o8]:** This leaves no doubt the call is complete.