

**The Missouri Division of Energy's Response to PSC Staff Questions
In File No. AW-2018-0393
In the Matter of the Establishment of a Working Case for the Writing of a New Rule on the
Treatment of Customer Information by Commission Regulated Electric, Gas, Steam
Heating, Water and Sewer Utilities and Their Affiliates and Nonaffiliates**

Question 1.

What is an appropriate definition of "utility related services" for purposes of this rule?

Utility related services should be, "... defined as all services required in the provision of regulated utility service as specified in RSMo 386 and 393.¹"

Question 2.

What is an appropriate definition of "non-utility related services" for purposes of this rule?

Non-utility related services are any and all services that are not part of "utility-related services" as such services are defined by Chapters 386 and 393, RSMo.

Question 3.

In what situations and for what purposes is it appropriate for a utility company to share specific customer information with third parties without the consent of the customer?

This type of information sharing is only appropriate in those situations when the third party is providing a service necessary to the provision of regulated utility service as such service is defined in Chapters 386 and 393, RSMo.²

Question 4.

What is an appropriate definition of "customer information" for the purposes of this rule?

Customer information should be defined as follows:

Customer information means a subset of information in general, and includes but is not limited to one or more of the following items of one or more customers on the system of a covered utility that is identifiable with one or more particular customers: name, address, phone number, social security number, utility service usage, payment history, financial account(s), driver's license number, medical information, and health insurance information. Financial account(s) include all forms of financial information associated with the customer's account including but not limited to: financial institution account and

¹ As provided in the Missouri Division of Energy's filed rule comments in File No. AW-2018-0393 on August 24, 2018 at Definitions (1)(C).

² As provided in the Missouri Division of Energy's filed rule comments in File No. AW-2018-0393 on August 24, 2018 at (3) Utility Related Services.

financial institution routing numbers, credit and debit card numbers and trust information. Customer information includes information provided to a covered utility by an affiliated or nonaffiliated third party person, entity or association through all means the covered utility has the opportunity to collect and obtain customer information by virtue of its covered utility standing and includes customer information contained within the covered utility's customer information and meter reading systems, customer responses to survey instruments and all other covered utility processes and systems.³ Examples of "other covered utility processes and systems" include but are not limited to: in-house or outsourced/contracted contact centers, web-sites, phone applications and others.

Question 5.

How should a utility's privacy statement be shared with the public?

(A) Appear on a website – How frequently?

A utility's privacy statement should be permanently posted on the utility's website.⁴

(B) Mailed to shareholders – How frequently?

The mailing of a utility's privacy statement to shareholders should be left to the discretion of utility management and shareholders.

(C) Mailed to customers – How frequently

The mailing of a utility's privacy statement to customers should occur not less than once per year, as well as every time the policy changes.

Question 6.

Should utilities advise their customers that their customer information is shared with other entities? If yes, what type of customer information sharing should be disclosed to customers? How and when should this disclosure occur?

For utility-related services, the Missouri Division of Energy recommends as follows:

All matters regarding the treatment of customer information and release of specific customer information to an affiliate or a third party nonaffiliate respecting the provision of utility related services may occur without customer consent but must be a matter of written contract between the regulated electrical corporation, gas corporation, heating company, water corporation or sewer corporation and the affiliate or third party nonaffiliated pursuant to the conditions set out in the rule.⁵

³ As provided in the Missouri Division of Energy's filed rule comments in File No. AW-2018-0393 on August 24, 2018 at Definitions (1)(B).

⁴ As provided in the Missouri Division of Energy's filed rule comments in File No. AW-2018-0393 on August 24, 2018 at (5) Customer Privacy Notification.

⁵ As provided in the Missouri Division of Energy's filed rule comments in File No. AW-2018-0393 on August 24, 2018 at (3) Utility Related Services (A)(6).

For non-utility-related services, the Missouri Division of Energy recommends as follows:

When an affiliated or nonaffiliated third party person or entity contracts with the covered utility to perform a nonutility related service and that particular affiliated or nonaffiliated third party person or entity requests specific utility customer information, the regulated electrical corporation, gas corporation, heating company, water corporation, or sewer corporation will provide that affiliate or third party nonaffiliated with specific customer information **only** with written or retained recorded customer consent (both of which must be able to be demonstrated and/or produced by the utility) and a written contract between the covered utility and the affiliate or the third party nonaffiliate specifying the precise manner in which the information will be used.⁶

⁶ As provided in the Missouri Division of Energy's filed rule comments in File No. AW-2018-093 on August 24, 2018 at (4) Nonutility Related Services (A).