

Exhibit No. 10

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

In the Matter of the Commission’s Proposed)
Rule 20 CSR 4240-10.175 Relating to Customer)
Information of Electrical Corporations, Gas Corporations,) **Case No. OX-2025-0106**
Heating Companies, Certain Water Corporations)
and Certain Sewer Corporations.)

JOINT COMMENTS OF THE CONSUMERS COUNCIL OF MISSOURI

The Consumers Council of Missouri (“Consumers Council”) hereby submits comments on the Commission’s proposed rule regarding the sharing of private customer information by regulated utility companies.

Consumers Council is a non-governmental, nonpartisan, nonprofit corporation that is dedicated to educating and empowering consumers statewide and to advocating for their interests. Consumers Council of Missouri was originally founded in 1971 as Utility Consumers Council of Missouri, and has participated in numerous Commission cases.

Consumers Council encourages the Commission to carefully consider the interests of the residential household utility consumers who would be impacted by the proposed rule, including vulnerable customer populations. We are concerned that sensitive consumer information in the hands of monopoly utilities could too easily be sold or abused by those third parties who are granted access to it--or even hacked by others, if that information is not sufficiently protected. We urge the Commission to put the welfare of those consumers first in any rulemaking deliberations and to significantly amend the proposed rule to protect their economic and privacy interests.

Consumers Council generally supports the proposed rule amendments and comments offered by the Office of the Public Counsel (“Public Counsel” or “OPC”), with the following concerns of paramount importance.

1. The Commission’s final rule state should clearly that utility usage information belongs to the captive customer, and (without express affirmative permission from the consumer) their private usage information should only be collected for the very limited purpose of utility billing and the provision of safe and adequate service. We support the OPC’s proposed language: **“A utility customer’s information remains the sole property of the customer at all times.”**¹
2. The customer information that utilities are allowed to share should only be shared pursuant to an affirmative permission granted by the current customer. Such permission should never be assumed pursuant to an “opt-out” provision; consumer permission to allow the utility to share private customer usage data should be required to be an affirmative (“opt-in” only), unless such information is sufficiently aggregated.
3. The definition of “aggregate customer information” must be clearly laid out in the rule, to prevent customer specific information from being inadvertently revealed. Defining how “aggregate information” will be distinguished from “customer specific information” will strike a balance between privacy rights and the need for public information and research purposes that promote good policy making. We support the proposed definition of the OPC (“fifteen (15) residential customers”)², but could also support drawing the line at some other point.

¹ Comments of the Office of the Public Counsel, December 1, 2024, p. 5.

² Comments of the Office of the Public Counsel, December 1, 2024, pp. 2-3.

With new technology changing the way that utilities interact with their consumers, it is also important to realize that there are many captive customers who are particularly vulnerable when these changes occur. The implementation of “smart meters” has coincided with sharp increases in utility disconnections, which can lead to customer mobility. This year is no exception.³ Utility service disconnections are linked with household mobility, which is statistically associated with decreases in education and health outcomes, and sometimes leads to homelessness.⁴ These side effects raise serious health and safety concerns for which the Commission should be cognizant. Customers who live on fixed incomes or who are low-income may find it much more challenging to recover economically from a data breach.

We reserve the right to suggest further consumer protections at the upcoming rulemaking hearing, and look forward to the discussion with the Commission and other stakeholders.

Respectfully submitted,

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³ <https://moconsumers.org/utilities/the-social-costs-of-energy-insecurity-on-households/>

<https://docs.google.com/spreadsheets/d/1uda-5JR2CNJGcYzBC2GAnKqxwuEKgy-97buPBYSO7ew/edit?gid=1396784595#gid=1396784595>

⁴ Colton, “A Road Oft Taken: Unaffordable Home Energy Bills, Forced Mobility And Childhood Education in Missouri” (2008).