

MEMORANDUM

TO: Missouri Public Service Commission
Official Case File, Case No. EE-2025-0084
Evergy Metro, Inc., d/b/a Evergy Missouri Metro and Evergy Missouri West, Inc.,
d/b/a Evergy Missouri West

FROM: Tammy Huber – Senior Research/Data Analyst, Customer Experience Dept.
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/s/ Contessa King 05/07/2025
Manager, Customer Experience Dept. / Date

SUBJECT: Staff Recommendation Regarding Evergy Metro, Inc., d/b/a Evergy Missouri Metro and Evergy Missouri West, Inc., d/b/a Evergy Missouri West Request for a Waiver for Various Tariffs and Regulations Related to Automated Metering Infrastructure

DATE: May 07, 2025

Overview

On January 17, 2025, Evergy Metro, Inc. d/b/a Evergy Missouri Metro (“EMM”) and Evergy Missouri West, Inc. d/b/a Evergy Missouri West (“EMW”) (collectively “Evergy” or “Company”) filed with the Missouri Public Service Commission (“Commission”) an Application¹ for Variances (“Application”). In its filing, Evergy requested variances from Commission Rules 20 CSR 4240-13.050(8), 20 CSR 4240-13.050(9), and 20 CSR 4240-13.055(3)(A)(B)(C) and (D).

On February 6, 2025, the Commission ordered Staff to file a recommendation by March 6, 2025. On March 5, 2025, Staff filed a Motion for an Extension of Time. On March 7, 2025, the Commission granted the extension and issued an Order directing Staff to file a report and recommendation by May 5, 2025. On May 1, Staff requested, and the Commission granted, a further extension to file the report on May 7, 2025.

Based upon its investigation and analysis of the variance request, Staff recommends that the Commission approve Evergy’s request for a variance from Commission Rules 20 CSR 4240-13.050(9) and 20 CSR 4240-13.055(3)(C) and (D) in part, as the variance should only cover customers with remote disconnection-enabled meters. Staff recommends that the Commission deny

¹ Evergy filed its Notice of Intended Case Filing in EFIS on September 9, 2024.

the requested variances from Commission Rules 20 CSR 4240-13.050(8) and 20 CSR 4240-13.055(3)(A) and (B) and require the Company to continue to make phone calls prior to disconnection.

THE APPLICATION

Evergy stated that it is requesting variances to utilize the full potential of Advanced Metering Infrastructure with remote disconnect capability (“AMI-SD meters”), specifically its ability to remotely disconnect and reconnect services without having to physically roll a truck and leave a notice at the premise. According to Evergy, current Commission rules and Evergy tariffs prevent both the Company and its customers from fully utilizing these features. The proposed change aims to deliver numerous advantages, including cost savings, enhanced customer satisfaction, improved safety for employees, reduced customer fraud and spam, minimized theft risk, quicker response times, better communication capabilities, and greater operational efficiency.

Evergy believes that lowering operating costs and service fees will benefit all Missouri customers by eliminating expenses tied to in-person disconnections when the technology makes such visits unnecessary. By reducing the need for service trucks, operational and maintenance savings will be shared among all customers. If the request is approved, Evergy plans to completely remove the connection/reconnection fee, which will significantly lower disconnection costs for all Missouri customers regardless of their meter type. According to Evergy, this approach aligns with the Company's Kansas operations, where a similar variance has already been granted.²

THE PROPOSAL

Evergy currently uses automated phone calls to notify customers of upcoming disconnections. In seeking this variance, Evergy would like to waive the requirement that the notification must be a phone call and instead give the customer the option of choosing how they receive the notification which will be by phone call, SMS text or by email.³ According to the Company, the variance would allow Evergy to provide the customer the option of choosing how they receive notifications, comply with the Telephone Consumer Protection Act (“TCPA”),⁴ and remain compliant with the intent of 20 CSR 4240-13.050(8) and 20 CSR 4240-13.055(3)(A) and (B) notification requirements, which state:

² Application, Pages 4-6.

³ Application, Page 6.

⁴ The TCPA is a law that prohibits, among other things, telemarketers, banks, debt collectors, and other companies from using an automatic telephone dialing system (ATDS) or an artificial or prerecorded voice to call consumers on a wireless telephone number without their consent. The intended purpose of the TCPA was to ban all automated or prerecorded calls except when the receiving party consents to receiving the call or when the call is made for emergency purposes.

20 CSR 4240-13.050(8)

(8) At least twenty-four (24) hours preceding discontinuance, a utility shall make reasonable efforts to contact the customer to advise the customer of the proposed discontinuance, and what steps must be taken to avoid it. Reasonable efforts shall include either a written notice following the notice pursuant to section (4), a doorhanger, or at least two (2) telephone call attempts reasonably calculated to reach the customer.

20 CSR 4240-13.055(3)(A) and (B)

(3) Notice Requirements. From November 1 through March 31, prior to discontinuance of service due to nonpayment, the utility shall— (A) Notify the customer, at least ten (10) days prior to the date of the proposed discontinuance, by first-class mail, and in the case of a registered elderly or handicapped customer the additional party listed on the customer’s registration form of the utility’s intent to discontinue service. The contact with the registered individual shall include initially two (2) or more telephone call attempts with the mailing of the notice; (B) Make further attempts to contact the customer within ninety-six (96) hours preceding discontinuance of service either by a second written notice as in subsection (3)(A), sent by first class mail; or a door hanger; or at least two (2) telephone call attempts to the customer;

To replace the door knock/hanger notification, the Company suggests implementing two additional communication attempts aimed at helping customers address disconnections promptly and effectively. Evergy proposes that these attempts will be made using the customer’s preferred method of contact (“PMOC”) on file with the Company. If no PMOC is associated with the customer’s account, Evergy will use the customer’s default method of communication. These additional attempts are planned to take place five (5) days before disconnection and one (1) day prior to disconnection. This variance would substitute for Evergy’s current compliance with 20 CSR 4240-13.050(9) and 20 CSR 4240-13.055(3)(C) and (D) which state:

20 CSR 4240-13.050(9)

(9) Immediately preceding the discontinuance of service, the employee of the utility designated to perform this function, except where the safety of the employee is endangered, shall make a reasonable effort to contact and identify him/herself to the customer or a responsible person then upon the premises and shall announce the purpose of his/her presence. When service is discontinued, the employee shall leave a notice upon the premises in a manner conspicuous to the customer that service has been discontinued and the address and telephone number of the utility where the customer may arrange to have service restored.

20 CSR 4240-13.055(3)(C) and (D)

(3) Notice Requirements. From November 1 through March 31, prior to discontinuance of service due to nonpayment, the utility shall—(C) Attempt to contact the customer at the time of the discontinuance of service in the manner specified by 4 CSR 240- 13.050(9);⁵ (D) Make a personal contact on the premises with a registered elderly or handicapped customer or some member of the family above the age of fifteen (15) years, at the time of the discontinuance of service[.]

In addition, Evergy proposed enhancements to existing processes, new outreach and engagement for “disabled” or “elderly” customers and revising programs, such as expanding the Special Friend Notification from November 1 through March 31 to a year- round program. The Company anticipates it will need approximately six (6) months to implement the Order.⁶

STAFF’S ANALYSIS

Staff submitted several data requests (“DRs”) to Evergy. The requests were meant to obtain clarification of Evergy’s current processes and how they would apply if variances were approved. Staff’s discovery focused on several topics to assess the benefits and the safeguards for all customers subject to disconnection and reconnection.⁷ The topics assessed were: customer communication methods, field collection and notification practices, proposed timeline changes, and oversight of Evergy’s efforts.

Meter Deployment

Evergy Missouri Metro started deployment of Advanced Metering Infrastructure (“AMI meters”) in 2014 and finished in 2015 in urban areas. started deployment of AMI meters in 2015 and completed in 2016 in urban areas. Rural areas of EMM and EMW were completed in 2020. The Company began replacing AMI meters with AMI-SD meters in late 2018.⁸ EMM’s and EMW’s current standard residential meter is Landis+Gyr Focus AXR-SD. In other words, the standard residential meter installed is considered an AMI-SD meter because it has the capability of remotely disconnecting service to a customer.

EMM’s and EMW’s current number of Non-AMI meters is 1,052. EMM and EMW currently have 673,798 AMI meters and, of those, 439,375 have disconnection capabilities. The total number of

⁵ See now 20 CSR 4240-13.050(9), (requiring the utility to make a reasonable effort to contact the customer or a responsible person prior to service discontinuance, announce when the employee of the utility is on the premises, and leave notice—in a conspicuous manner—to the customer who has lost service).

⁶ Application, Pages 6-7.

⁷ Evergy intends to seek a variance to all customers despite the customers having different meters offering different capabilities from the company.

⁸ Case Number: ER-2022-0129, Evergy Response to Staff DR No. 0283.2.

meters that do not have disconnect capabilities (“non-SD”) is 235,475.⁹ The Company is no longer in the deployment phase. The Company is not proactively changing out any properly functioning meters. When a meter is damaged or malfunctioning, the meter will be replaced with the new standard residential meter when possible.¹⁰

Division	Meter Type	Meter Count
EMM	AMI (non-SD)	100,924
EMM	AMI (Disconnect Capable)	220,361
EMM	Non-AMI	462
	Total:	321,747
EMW	AMI (non-SD)	133,499
EMW	AMI (Disconnect Capable)	219,014
EMW	Non-AMI	590
	Total:	353,103

Customer Opt-Outs

TCPA Changes Impact

Evergy cites recent amendments to the Federal Communications Commission’s (“FCC”) rules implementing the TCPA as grounds for requesting variances from Commission rules 20 CSR 4240-13.050(8), 20 CSR 4240-13.055(A) and (B). Evergy states that it is required to provide an opt-out mechanism for calls made to its customers using an automatic telephone dialing system or an artificial or prerecorded voice. The TCPA states:

It shall be unlawful for any person within the United States, or any person outside the United States if the recipient is within the United States . . . to make any call (other than a call made for emergency purposes or made with the prior express consent of the called party) using any automatic telephone dialing system or an artificial or prerecorded voice . . . to any telephone number assigned to a paging service, cellular telephone service, specialized mobile radio service, or other radio common carrier service, or any service for which the called party is charged for the call, unless such call is made solely to collect a debt owed to or guaranteed by the United States[.]

⁹ Evergy Response to Staff DR No. 0016.

¹⁰ Evergy Response to Staff DR No. 0018.

On August 4, 2016, in the Edison Electric Institute and American Gas Association Petition for Expedited Declaratory Ruling (EEI/AGA Decision),¹¹ (attached as Schedule 1) the FCC addressed whether utility companies may make robocalls (automated calls) and send automated texts to their customers about utility service-related matters if their customers gave consent to receive these calls and texts when they gave the utility company their phone numbers. Further, in EEI/AGA, utilities requested that the FCC declare that:

[B]y providing [customers] phone numbers to utility companies, consumers have consented to receive particular types of calls: calls that warn about planned or unplanned service outages; calls that provide updates about service outages or service restoration; calls that ask for confirmation of service restoration or information about lack of service; calls that provide notification of meter work, tree trimming, or other field work; calls that warn about payment or other problems that threaten service curtailment, **but not post-service termination debt collection calls; calls that notify consumers they may be eligible for subsidized or low-cost services due to certain qualifiers such as, e.g., age, low income or disability; and calls that provide information about potential brown-outs due to heavy energy usage.** [Emphasis added.]

The FCC reviewed the EEI/AGA request and defined an emergency under the TCPA as “any situation affecting the health and safety of consumers.” Non-emergency robocalls and automated texts are legal if the caller obtains the recipient's prior express consent. In response to requests like those from Evergy in this docket, the FCC stated the following:

With regard to calls regarding payment about current utility service, we provide the following guidance. [The FCC] find[s] that, in the absence of facts supporting a contrary finding, prior to the termination of a customer’s utility service, a customer who provided a wireless telephone number when he or she initially signed up to receive utility service, subsequently supplied the wireless telephone number, or later updated his or her contact information, is deemed to have given prior express consent to be contacted by their utility company for calls that are closely related to the service, calls described above and calls to warn about the likelihood that failure to make payment will result in service curtailment.

¹¹ FCC Case No. CG Docket No. 02-278 – Declaratory Ruling adopted on July 8, 2016, In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991[,], Blackboard, Inc. Petition for Expedited Declaratory Ruling [,] and Edison Electric Institute and American Gas Association Petition for Expedited Declaratory Ruling.

After a customer’s utility service has been terminated, however, routine debt collection calls by utilities to those customers will continue to be governed by existing rules and requirements, and we leave undisturbed the existing legal and regulatory framework for those calls. [Emphasis added.]

The FCC clarified that automated calls and texts are acceptable in matters closely related to utility services:

We similarly clarify that utility companies may make autodialed calls and send automated texts to their customers concerning matters closely related to the utility service, such as a service outage or warning about potential service interruptions due to severe weather conditions, because their customers provided consent to receive these calls and texts when they gave their phone numbers to the utility company.

The amended TCPA rules,¹² effective July 20, 2023, required utilities to honor opt-out requests for calls made to residential customers using an automatic telephone dialing system (“ATDS”) or an artificial or prerecorded voice. Although utility customers are considered by the FCC to have provided consent upon giving their phone numbers to the utility company, those customers have the right to revoke that consent at any time. Furthermore, utilities must offer customers the option to opt-out of automated phone calls. It is Staff’s understanding that failure to provide the option to opt-out would put utilities in violation of the TCPA. The FCC clarified in the EEI/AGA request that:

The relief we grant is limited and tailored to the set of calls before us. It does not extend to every call made by a utility company to its customer. Also as the Commission recently stated consumers may revoke consent in any reasonable manner that clearly expresses a desire not to receive further messages, and callers may not infringe on that ability by designating an exclusive means to revoke consent.

Evergy currently utilizes automated phone calls¹³ when contacting its customers of upcoming disconnections. The impact of the TCPA is on the Company’s customer notification process¹⁴ for impending discontinuances of service, because it restricts the type of automated phone calls and text messages a customer may receive if the customer has opted out of those types of messages. To comply with the TCPA amendment, Evergy stated that it began making manual phone calls to those customers who elected to opt-out of automated phone calls and texts. Evergy does not believe this is a sustainable

¹² FCC Case No. CG Docket No. 02-278 –20-186 Report and Order released on December 30, 2020, In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991.

¹³ Julie Drago Direct Testimony, Page 14.

¹⁴ The current customer notification process requires two automated phone calls to its customers.

solution for opt-out customers because the opt-out list has the potential to grow in the future.¹⁵ Evergy stated that it is seeking a variance from Commission rules so it has the flexibility to notify customers using their preferred method of contact instead of making a manual phone call. Further, Evergy said in its application that it wants a variance from 20 CSR 4240-13.050(8) and 20 CSR 4240-13.055(3)(B) so that the Company's obligation to notify customers prior to discontinuance is considered satisfied¹⁶ with the initial written notice sent via mail to those customers who have opted-out of receiving communications under the TCPA and have not selected email as the preferred method of contact.

According to Evergy, there is a report, provided to Staff in its response to DR No. 0009, that will identify all customers that have opted out of notifications for disconnections. Evergy manually dials the customers and a live agent¹⁷ communicates or leaves a message with the customer to ensure compliance with TCPA rules is maintained. As of April 1, 2025, Evergy reported¹⁸ 827 accounts have opted out since the compliance date¹⁹ of July 20, 2023, and, of those accounts, 516 have received a disconnection notice. Confidential Schedule 2²⁰ attached to this report includes an example of the report Evergy created to contact its customers manually that have opted out of automated phone call or text message notifications but need to be contacted before disconnection of service.

According to Evergy, it began tracking its manual call attempts on April 13, 2024. In total, since that date, 1,109 manual calls have been attempted to 454 unique account numbers. Some of the 454 accounts could have received multiple call attempts, most likely due to multiple severance processes in multiple months. If a customer has more than one account number, that customer would receive multiple calls. There have been 260 accounts that have received more than one phone call attempt; the most manual call attempts to one account was eight.²¹ Evergy's number of manual calls conducted per month since tracking began range from 49 manual calls in July of 2024 to 140 in March of 2025.

Proposed Outreach Expansion

Evergy states that it intends to enhance and introduce new practices and procedures to aide in reaching elderly and disabled customers. Evergy states that it plans to expand the Special Friend Notification²²

¹⁵ Kevin Gunn Direct Testimony, Page 9.

¹⁶ Julie Drago Direct Testimony, Pages 25-26.

¹⁷ Kevin Gunn Direct Testimony, Pages 8-9.

¹⁸ Evergy Response to Staff DR No. 0007.1.

¹⁹ The date in which the amendments to the TCPA took effect that require an opt-out mechanism for automated phone calls and text notifications made to residential customers.

²⁰ Evergy Response to Staff DR No. 0009.1, Schedule 2.

²¹ Evergy Response to Staff DR No. 0007.3.

²² Evergy's program that allows customers the ability to add another individual to their account to receive bills and disconnect notifications at the time service starts. The named individuals receive the bills and paper disconnect notifications only. 20 CSR 4240-13.055 (1) (D).

for elderly and disabled customers beyond the Cold Weather Rule (“CWR”) period (November 1st – March 31st) to a year-round program. Evergy states it “will maintain the list of customers designated as “elderly” and “disabled” customers from one year to the next on the utility’s Special Friend Notification list of vulnerable customers”²³ and will reach out annually to those customers with Special Friend contact information on file to confirm accuracy of contact information.

In addition, Evergy stated in its application that it is committed to working with Missouri Department of Health and Senior Services to promote programs and options such as: Medical Customer Program, Medical Hardship, Economic Relief Pilot Program (“ERPP”), and Critical Needs Pilot Program. Staff has not verified this information. Evergy also stated that it intends to create and launch a web page containing information specifically aimed at vulnerable customers. According to Evergy, the web page will include its own URL intended to assist customers to find information including the Medical Customer Program form, Special Friend registration form, energy assistance program information and energy savings tips.

Staff believes the expansion of the Special Friend Notification for elderly and disabled customers beyond the CWR to a year-round program would be beneficial to its customers. Staff is not opposed to the dedicated web page implementation to assist the most vulnerable customers.

Fees

Evergy witness Kevin Gunn prepared testimony in support of the application and stated that a variance from these requirements will reduce operating and maintenance costs (“O&M”). “This reduction in O&M costs will allow Evergy to reduce the fees for disconnection and remove the fee for collection and reconnection for all Evergy customers.”²⁴ The Company proposes eliminating its reconnection and collection fees entirely and in lieu of those fees assess a new but significantly reduced disconnection fee for all Evergy Missouri customers, regardless of meter type.²⁵

Reconnection Fees

Each company currently charges a fee for reconnection as listed in EMM’s and EMW’s current tariffs; 1.27 and R-66 respectively. The amount of the fee is dependent upon whether the service being reconnected at the pole or at the meter. The following table lists the current amounts for each company:

Reconnection Location	Evergy Missouri Metro	Evergy Missouri West
Meter	\$ 25.00	\$ 30.00
Pole	\$ 50.00	\$ 50.00

²³ Julie Drago Direct Testimony, Page 21.

²⁴ Kevin Gunn Direct testimony, Page 7, lines 8-10.

²⁵ Application, Page 4, Paragraph 14.

Under the current Application for Variances, these fees will be removed from the tariff sheets. Staff requested five years of data for each company for the number of reconnections performed.²⁶ Staff used data from years 2022 through 2024 to calculate the average number of reconnections per year. The data provided by the companies included only residential reconnections at the meter.²⁷

Company	Reconnects	Fee	Total Estimated Collection
Evergy Missouri Metro	14,951	\$ 25.00	\$ 373,775.00
Evergy Missouri West	13,275	\$ 30.00	\$ 398,250.00
		Total	\$ 772,025.00

Staff estimates that by removing the reconnection fee from the companies' tariff sheets, the companies' reconnection fees will be reduced by approximately \$772,025.00 annually.

Collection Fees

Each company currently charges a collection charge when it is necessary for a representative of Company to visit the service address for the purpose of disconnecting electric service and the representative collects the delinquent payment amount as listed in EMM's and EMW's current tariffs; 1.28 and R-20 respectively. The following table lists the current amounts for each company:

	Evergy Missouri Metro	Evergy Missouri West
Collection Fee	\$ 20.00	\$ 25.00

Under the current Application for Variances, these fees will be removed from the tariff sheets. Staff requested five years of data for each company for the number of collections performed.²⁸ Again, due to the COVID pandemic, Staff removed the data from years 2020 and 2021. Using the data from years 2022 through 2024, Staff calculated a three year average to determine what Staff believes is a reasonable number of collections per year.

Company	Collections	Fee	Total Estimated Collection
Evergy Missouri Metro	2,651	\$ 20.00	\$ 53,020.00
Evergy Missouri West	3,125	\$ 25.00	\$ 78,125.00
		Total	\$ 131,145.00

Staff estimates that by removing the collection fee from the companies' tariff sheets, the companies' collected fees will be reduced by approximately \$131,145.00 annually.

²⁶ Evergy Response to Staff DR No. 0012.

²⁷ Evergy Response to Staff DR No. 0012.

²⁸ Staff DR No. 0014.

Disconnection Fees

Neither company's current tariff sheets contain a disconnection fee. Under the current Application for Variances, both companies will institute a \$5.00 disconnection fee. Staff requested data from the company for the number of disconnections performed.²⁹ Using data from years 2022 through 2024, Staff calculated the average number of disconnections per year.

Company	Disconnections	Fee	Total Collected
Evergy Missouri Metro	20,464	\$ 5.00	\$ 102,320.00
Evergy Missouri West	16,427	\$ 5.00	\$ 82,135.00
		Total	\$ 184,455.00

Staff estimates that by adding the disconnection fee to the companies' tariff sheets, the companies' collected fees will increase by approximately \$184,455.00 annually.

Net Estimated Change in Fees Collected

With the removal of the reconnection and collection fees from each company's tariff sheets and the implementation of a disconnection fee by each company, Staff estimates the requested variances will result in the companies' combined collected fees being reduced by approximately \$718,715.00 annually.

	EMM	EMW
Reconnection Fees (Lost Revenue)	\$ (373,775.00)	\$ (398,250.00)
Collection Fees (Lost Revenue)	(53,020.00)	(78,125.00)
Disconnection Fees (New Revenue)	102,320.00	82,135.00
Total Company Lost Revenue	\$ (324,475.00)	\$ (394,240.00)
Total Companies Combined		\$ (718,715.00)

Operating and Maintenance Costs

Staff requested a list of the Operating and Maintenance ("O&M") savings that each company expects to reduce if the variances are allowed and how those savings will be distributed amongst the rate classes.³⁰ The companies responded saying the savings would be realized through reductions in personnel with their associated benefits along with reductions in the companies' fleet costs.³¹ The response indicated four job classifications will be affected by the variances and the reduction in workforce along with their percentage of salary to include for each employee's benefits. It also provided the annual fleet cost per truck and the expected reduction in the number of trucks.

²⁹ Staff DR Nos. 0012 and 0013.

³⁰ Staff DR Nos. 0011 and 0011.1.

³¹ Company responses to Staff DR Nos. 0011 and 0011.1.

The response did not specify how each company will be affected by reductions in workforce and equipment but rather provided a total for both companies. The companies are proposing to reduce the position of ** [REDACTED] ** from a staff of ** [REDACTED] ** to ** [REDACTED] **. ³² Staff asked how the company determined the number of positions that could be eliminated. The Company stated:

** [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] **³³

After reviewing the job description provided by the Company³⁴ Staff questions if the Company will actually be able to realize the savings listed in response to Staff's DR No. 0011.1 and continue to provide safe and adequate service to its customers as it appears only a small portion of this position's duties will be affected by the requested variances.

The table below summarizes the expected savings in O&M expenses:

**

[REDACTED]	
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If the variances listed in the application are approved, the companies will incur a net reduction in fees collected but this reduction in fees will be offset by savings in O&M costs. Staff further addresses concerns by Everygy employees' public comments later in this report.

³² Company response to Staff DR No. 0011.1.

³³ Company response to Staff DR No. 0011.3.

³⁴ Company response to Staff DR No. 0011.2.

	EMM	EMW
Reduced O&M Savings (50% each)	** [REDACTED] **	** [REDACTED] **
Total Company Lost Revenue	(324,475.00)	(394,240.00)
Net Company Savings	** [REDACTED] **	** [REDACTED] **
Combined Companies' Savings		** [REDACTED] **

With an estimated reduction in fees of \$718,715.00 and an estimated savings in O&M expenses of ** [REDACTED] **, the companies will benefit from a net increase in savings of approximately ** [REDACTED] ** annually until the companies appear before the Commission in their next general rate cases. Additionally, the companies expect to have ongoing savings from the reduction in fleet vehicles from reduced insurance premiums and not needing to replace the ** [REDACTED] ** vehicles being removed from the company fleets.

Differences Between Other Variance Requests Granted

In Evergy's Application, Paragraph 15, Evergy states, "This Commission has previously granted variances for remote disconnect/reconnect to other similarly situated utilities in Missouri. For example, Union Electric Company d/b/a Ameren Missouri ("Ameren") requested variances to support the deployment of AMI meters for its customers." Ameren did in fact receive approval after parties filed a Unanimous Stipulation and Agreement ("Ameren Stipulation") in File No. EE-2019-0382.³⁵ While Ameren's variance request focused on similar provisions of Chapter 13, the circumstances and the proposals differ.

In File No. EE-2019-0382, Ameren requested certain variances from Chapter 13. However, the Ameren Missouri variance case is different from the Evergy case. Generally, Ameren Missouri transitioned its customers from AMR meters to the AMI-SD meters with remote capabilities. In contrast, Evergy transitioned its customers from AMR to AMI and then to AMI-SD meters. Ameren's Variance Application included a detailed document to explain its Smart Meter Deployment. One reason for Ameren Missouri's transition to AMI-SD meters was related to the communication network. Ameren Missouri's AMR metering technology allowed for one-way communication through a contract with Landis+Gyr ("L+G"), the company who supported the existing communications network. L+G will no longer support the network after 2025.

Evergy originally sought similar variances in File No. EE-2022-0071 ("2022 Application") and Staff requested the Commission deny, at that time, Evergy's request and prohibit Evergy from refileing its

³⁵ In the Matter of Union Electric Company d/b/a Ameren Missouri's Request for a Waiver of Various Tariffs and Regulations to Enable the Deployment of Automated Metering Infrastructure Beginning in 2020.

variance request until after Evergy’s meter replacements were addressed in the ongoing rate cases in Case Nos. ER-2022-0129 and Case No. ER-2022-0130. At the time of that request Evergy was replacing AMI meters that were less than eight years old and Staff believed the 2022 Application included minimal information to support its request.

A significant difference between this case and Ameren’s variance request is that Evergy wants to discontinue the option of the default notification of a phone call for one of the methods required in 20 CSR 4240-13.050(8) and 20 CSR 4240-13.055(3) and use the customer’s PMOC.

The Ameren Stipulation includes:

Ameren Disconnection Schedule – MER³⁶

Day Before Disconnection	Communication
15 days before	Written notice provided via US Mail
7 days before	Written notice sent via certified US Mail
2-7 days before	Text and/or Email Alert Outbound Automated Call Attempt #1 Automated Call Attempt #2
24 hours before	Outbound Automated Call Attempt # 3

Ameren Disconnection Schedule – Non - MER

Day Before Disconnection	Communication
10 days before	Written notice provided via US Mail
2-9 days before	Text and/or Email Alert Outbound Automated Call Attempt #1 Outbound Automated Call Attempt #2
24 hours before	Outbound Automated Call Attempt # 3

Evergy is proposing the following schedule for its customers:

Evergy Proposed Disconnection Schedule

Day Before Disconnection	Communication
at least 10 days before	Written notice provided via US Mail
at least 5 days before	Contact via Customers PMOC (phone call, text message, email)
at least 2 days before	Contact via Customers PMOC (phone call, text message, email)
1 business day before	Contact via Customers PMOC (phone call, text message, email)

Bold font in table above denotes new communication

³⁶ Medical Equipment Registry.

Evergy and Ameren have similar requirements to contact their customers via written mail. The difference in Evergy's Application is that it requests to eliminate utilizing phone calls to contact its customers unless that is the customer's PMOC. Ameren's process includes three automated phone calls and an additional communication using the customer's PMOC between 9 days and 24 hours before the scheduled disconnection so that the customer has sufficient time to take corrective actions.

STAFF'S CONCERNS

Staff has multiple concerns with the disconnection notification process as proposed by Evergy, and the accompanying request for variances from Commission Rules 20 CSR 4240-13.050(8), 20 CSR 4240-13.050(9), and 20 CSR 4240-13.055(3)(A),(B), and (C). The Company proposes the elimination of a phone call requirement for *all* of its customers prior to disconnection, regardless of meter type or TCPA opt-out status, in favor of notification by PMOC. Additionally, Evergy proposes to remove the requirement for a door knock and doorhanger on the date of disconnection for *all* of its customers, in favor of a situational approach to door knocks at the Company's discretion.³⁷

In its rationale for requesting variances from the phone call requirement, Evergy points to the conflicting requirements of Commission rules and the TCPA.³⁸ Staff notes the TCPA applies to situations in which the customer has chosen to opt out of calls using an artificial or prerecorded voice and texts from the Company. For customers who do not opt out of such calls or texts, there is no conflict with either the Company's proposed communication plan or the Company's existing communications plan. As such, Staff will organize its concerns regarding the proposal by first addressing all customers and then separately addressing TCPA opt-out customers.

Disconnection Notification for All Customers

Phone Calls

Evergy's proposed disconnection communication schedule is comparable to its current schedule, which adheres to Commission rules, in that it matches the number of notifications given. Evergy currently mails one (1) disconnection notice, makes two (2) automated phone call attempts, and conducts a door knock on the day of disconnection for a total of four (4) notifications. As mentioned previously, the phone calls are manually dialed for TCPA opt-out customers. The proposed schedule contemplates one mailed notice and three attempts to contact the customer via PMOC for a total of four (4) notifications.

However, along with the number of communications, variety in communication method is an important consideration when it comes to customer notification. Having such a variety guards against

³⁷ Julie Dragoo Direct Testimony, Page 16, line 16 through Page 17, line 3. The Company states that it may not do a door knock for apartment buildings or in other situations with easy access to the meter.

³⁸ Julie Dragoo Direct Testimony, Page 24, lines 15-22.

the two ways by which customers may miss seeing a disconnection notification: inattention and inaccessibility. Inattention can impact the timing of a customer's awareness of an impending disconnection if, for example, the customer infrequently checks their mail or voicemail. Inaccessibility can impact a customer's awareness of an impending disconnection if the customer is unable to access the communication medium by which the disconnection notice is communicated; for example, if the customer's cell phone is lost or broken. Inaccessibility is more difficult on customers because oftentimes the circumstances are unpredictable and outside of their control. In order to mitigate the potential for inattention and inaccessibility to negatively impact customers' awareness of impending disconnection, it is considered good practice to communicate pending disconnections through multiple modes of communication.³⁹

Evergy's proposed communication schedule is inferior to its current disconnection practice with regard to variety of communication method. Evergy's current disconnection practice uses three (3) types of notification: mailed notice, phone call, and door knock.⁴⁰ The proposed method employs only two (2) types of notification: mailed notice and PMOC. This also distinguishes Evergy's variance request from Ameren's variance in that Ameren's notification process preserved its prior three (3) types of notification. To compensate for the lack of a door knock notification, Ameren's process adds an email/text notification to the process.

Staff is concerned that relying on only one means of communication after the mailed notice may generally have a negative impact on customers' awareness of pending disconnections. If a customer is either inattentive or is unable to access his or her PMOC device, that customer will only have the mailed notice to fall back on in case of a pending disconnection. This has the potential to impact particularly lower-income customers if the device is broken or unavailable, as those customers will be less likely to have alternative access options or the means to quickly replace a device.⁴¹ Although this possibility cannot be eliminated entirely, multiple means of communication serve to reduce the risk. Furthermore, as of now the TCPA opt-out, upon which the request to remove the phone call requirement is based, has not been utilized by the vast majority of Evergy customers. For these reasons, Staff is opposed to eliminating the phone calls as a separate notification in Evergy's disconnection process at this time, and therefore is not in support of the Company's proposed disconnection communication schedule.

Staff recommends the Commission deny the requested variances from Commission Rules 20 CSR 4240-13.050(8) and 20 CSR 4240-13.055(3)(A) and (B).

³⁹ Sanya Carley, David Konisky, and Emily Nash. *Electric Utility Disconnections: Legal Protections and Policy Recommendations*, Page 10. [Electric Utility Disconnections: Legal Protections & Policy Recommendations](#).

⁴⁰ Kevin Gunn Direct Testimony, Page 13, line 24 to Page 14, line 13.

⁴¹ According to Pew Research, 31% of U.S. adults making less than \$30,000 rely solely on a smartphone for internet access as of 2024. A broken or lost smartphone could remove access to all proposed forms of PMOC for such a customer.

Door Knocks

Evergy has proposed a tariff sheet⁴² that removes the Company's obligation to conduct a door knock notification on the day of disconnection and leave a door hanger notification subsequent to disconnection as per Commission rules⁴³ for all customers, including those for which Evergy sends field personnel to the residence to disconnect service. Although Staff acknowledges the issues Evergy raises regarding potentially dangerous situations, that danger has always existed, is not unique to Evergy and will continue to exist for the field personnel who disconnect customers without AMI-SD meters. Furthermore, proper contemplation of the potential benefits of removing the door knock requirement must also take into account the potential detriments of removing the requirement.

Staff reviewed the public comments (attached as Schedule 3) submitted by Evergy employees and customers in this docket concerning the no-knock disconnection notice. The employees expressed concerns aimed at prioritizing the well-being of customers and fostering positive relationships between the Company and its customers. Key issues raised included maintaining customer satisfaction, building and preserving trust, strengthening customer relations, addressing safety considerations, avoiding potential employee layoffs, and ensuring effective communication, particularly for vulnerable customers.

The public comments filed in this case state that employees conducting door-knock notifications before service disconnection frequently encounter unique and impactful situations that allow them to assist customers in meaningful ways. One employee helped an elderly customer who had inadvertently missed a payment by reaching out to his son, who promptly paid the bill and committed to ensuring timely payments moving forward. In another instance, an employee assisted a single mother in preventing service disconnection after learning that her ex-boyfriend had been attempting to disconnect her power without her knowledge. The interaction allowed her to resolve the issue before any disruption of service occurred. On another occasion, while performing a door-knock visit, an employee discovered live electrical wires on the ground near a vacant property. Recognizing the serious safety hazard, the employee immediately reported the issue and remained on-site until a company serviceman arrived to secure the area, ensuring public safety.

Evergy's request for variances from 20 CSR 4240-13.050(9) and 20 CSR 4240-13.055(3)(C) and (D) for customers who do not currently have AMI-SD meters should be treated distinctly from its request for customers with AMI-SD meters. The Commission has already decided in past orders that the cost savings of remote disconnection could warrant variances from the door knock requirement.⁴⁴ However, Evergy does not identify any cost savings involved in eliminating door knocks for customers who cannot be remotely disconnected, and Evergy does not otherwise explain why its

⁴² Kevin Gunn Direct Testimony Schedule KG-1, Page 1.

⁴³ CSR 4240-13.050(9) and 20 CSR 4240-13.055(3)(C).

⁴⁴ EE-2019-0382, Order Approving Unanimous Stipulation and Agreement.

non-AMI-SD customers in particular, unlike the customers of every other Commission-regulated utility without AMI-SD meters, should be excluded from these Chapter 13 protections. Similar to Staff's opposition to eliminating phone calls for non-TCPA opt-out customers, Staff is opposed to the elimination of the door knock and door hanger requirements beyond the scope enabled by remote disconnection AMI-SD technology.

Staff recommends the Commission approve, in part, and reject, in part, the requested variances from Commission Rules 20 CSR 4240-13.050(9) and 20 CSR 4240-13.055(3)(C) and (D). The Commission should approve the requested variance for customers who have meters with remote disconnection functionality. The Commission should reject the requested variance for customers who do not have meters with remote disconnection functionality.

Disconnection Notification for TCPA Opt-Out Customers

Evergy's request for a variance from the phone call requirement⁴⁵ is based on the Company's conflict between its current practices to comply with Commission rules and the TCPA. As stated previously, Evergy currently uses automated calls to notify customers of disconnection, and the TCPA requires that Evergy offer customers an opt-out from receiving automated calls from the Company. Since July 2023, 516 Evergy customers have opted out of automated phone calls and received a disconnection notice. The Company's current solution for those customers has been to manually dial them in order to comply with Commission rules regarding disconnection notifications and the TCPA regarding automated calls. Evergy seeks more flexibility to comply with Commission rules and the TCPA by using PMOC instead.

TCPA opt-out customers are distinguishable from the rest of Evergy's customers in that, unlike the rest of Evergy's customer base, their status does present an obstacle to Evergy's current practices. However, Staff's concerns about the resulting lack of variety in disconnection notifications are the same for TCPA opt-out customers as they are for all Evergy customers, and Staff is inclined to oppose elimination of the phone call requirement for the following three reasons:

First, there is no direct conflict with the TCPA and Commission rules because Evergy already has flexibility in its options. 20 CSR 4240-13.050(8) prescribe three (3) options for a utility for contacting a customer at least twenty-four (24) hours prior to discontinuance: a written notice, a doorhanger, or at least two phone calls. Evergy recognizes that there are other options available to it, but states that in practice it has used phone calls because a doorhanger would be inefficient and expensive and a second mailed notification would be unreliable. Staff does not dispute that there are disadvantages to the other two options. However, Staff also notes that neither 20 CSR 4240-13.050(8) nor 20 CSR 4240-13.055(3)(A) and (B) require *automated* phone calls. The current situation is not one where the

⁴⁵ Commission Rules 20 CSR 4240-13.050(8), and 20 CSR 4240-13.055(3)(A)&(B).

Company must choose to abide by Commission rule or the TCPA; it is a question of which option the Company deems most palatable.

Second, there is no immediate need that has been presented in this variance application. Regardless of the method Evergy chooses to employ to comply with Commission rules, the TCPA opt-out, to date, has required only 516 non-standard disconnection notifications. Evergy states that although it is currently dialing TCPA opt-out customers manually, it expects the number of customers that will opt-out will increase over time, thus affecting its ability to do so. However, at this time it is not known how many customers will opt-out, or if those that do will require enough manual phone calls to strain Evergy's resources. The Company's request for a variance from the phone call requirement, for a circumstance that has not yet occurred, is premature. Considering the effect of the variance will be a reduction in customer protections, Staff is concerned about this approach.

Third, Staff notes that Evergy's management decisions regarding its call centers are not in line with the concerns that it raises regarding TCPA compliance. As recently as EMW's 2024 rate case, Case No. ER-2024-0189, the Company presented to the Commission its progress in implementing digital self-service tools along with an evolution of its contact center to being "high-touch." At the time, Staff expressed concerns that some of the Company's choices, such as reducing Customer Service Representative ("CSR") staffing and decreasing call center hours, had the potential to negatively impact the vital human-interaction element of Evergy's customer service.⁴⁶ Although this situation was not what Staff had in mind, the decisions to reduce call center hours and CSRs are additional factors that will strain the Company's ability to manually dial customers. For these three reasons, Staff is not inclined to recommend approval of the requested variance at this time for opt-out customers.

Finally, Evergy has also requested that the 10-day mailed notice suffice as the only notification given to customers who have opted out of automated calls and texts, and have not provided an email address as a PMOC.⁴⁷ Staff is opposed to a customer receiving only one disconnection notice prior to disconnection, even under circumstances where the customer is trying to "game"⁴⁸ the system to prevent disconnection. As discussed above, the Company still has other options of notification (written notice, doorhanger, manual phone call) which it can employ on a case-by-case basis as needed.

Staff recommends the Commission deny the requested variances from Commission Rules 20 CSR 4240-13.050(8) and 20 CSR 4240-13.055(3)(A) and (B) for TCPA opt-out customers.

⁴⁶ See Rebuttal Testimony of Scott J. Glasgow, Case No. ER-2024-0189.

⁴⁷ Julie Dragoo Direct Testimony, Page 25, line 23 through Page 26, line 7.

⁴⁸ On page 26 of Julie Dragoo's Direct Testimony, she argues the TCPA opt-out option could be abused by customers who use it to opt out of their PMOC or the default phone call in order to avoid most of the notifications Evergy is obligated to send prior to disconnection. If Evergy cannot complete the notification process because of the opt-out, it cannot disconnect those customers for non-payment.

CONCLUSION

Staff agrees the expansion of the Special Friend Notification for elderly and disabled customers beyond the CWR to a year-round program appears to be beneficial and supports the expansion. In addition, Staff does not oppose the dedicated web page implementation to assist the most vulnerable customers.

In light of its concerns, Staff recommends the Commission grant the requested variance from 20 CSR 4240-13.050(9) and 20 CSR 4240-13.055(3)(C) and (D) in part, as the variance should only cover customers with remote disconnection-enabled meters. Staff recommends that the Commission deny the requested variances from Commission Rules 20 CSR 4240-13.050(8) and 20 CSR 4240-13.055(3)(A) and (B), and that the Company continue to make phone calls prior to disconnection. Staff does not support the Company's proposed disconnection communication schedule. However, Staff would not be opposed to the Company adding additional PMOC notifications to its current disconnection communication process, particularly for customers with remote disconnection-enabled meters.

If the variances listed in the application are approved, the companies will incur a net reduction in fees collected but this reduction in fees will be offset by savings in O&M costs. When asked how the estimated O&M costs will be distributed amongst the rate classes, the companies stated the reduction in costs would first be represented by a reduced jurisdictional revenue requirement that would be distributed between the classes which will be based upon an allocation decided by a subsequent rate design application approved by the Commission.⁴⁹

The companies were asked if any portion of the variances requested were not approved and/or if the forecasted O&M savings are not realized whether the proposed changes in fees will be maintained and what level of O&M cost savings would cause the companies to reinstate the fees. The companies stated "Evergy intends to monitor the fees along with the cost reductions and will re-evaluate the appropriate level in the future if needed."⁵⁰

⁴⁹ Company response to Staff DR No. 0011.

⁵⁰ Ibid.

Reporting:

Staff recommends that if the Commission approves the changes in fees that the Commission order EMM and EMW to provide to Staff the following reports on a quarterly basis:

- Disconnection and Reconnection Data, by month, summarized in graphical text and graphical form summary along with Excel spreadsheets:
 - The number of customers, by customer class;
 - The number of customers, by customer class with AMI;
 - The number of customers, by customer class, disconnected during the period voluntarily with and w/out AMI and involuntarily with and w/out AMI; and,
 - The number of customers, by customer class, reconnected during the period voluntarily with and w/out AMI and involuntarily with and w/out AMI.
- Personnel released including position titles and corresponding reductions in salary and benefits;
- Fleet vehicles liquidated including, but not limited to, any salvage value received and any maintenance, fuel, insurance, and replacement costs to be realized as savings moving forward.

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Evergy)
Metro, Inc. d/b/a Evergy Missouri Metro and)
Evergy Missouri West, Inc. d/b/a Evergy Missouri)
West for a Waiver of Various Chapter I3)
Regulations)


Case No. EE-2025-0084

AFFIDAVIT OF TAMMY HUBER

STATE OF MISSOURI)
) ss.
COUNTY OF COLE)

COMES NOW TAMMY HUBER and on her oath declares that she is of sound mind and lawful age; that she contributed to the foregoing *Staff Recommendation, in Memorandum form*; and that the same is true and correct according to her best knowledge and belief, under penalty of perjury.

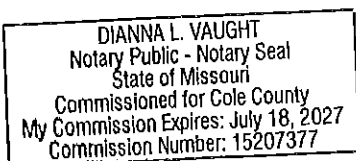
Further the Affiant sayeth not.

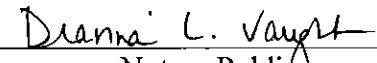


TAMMY HUBER

JURAT

Subscribed and sworn before me, a duly constituted and authorized Notary Public, in and for the County of Cole, State of Missouri, at my office in Jefferson City, on this 6th day of May 2025.





Notary Public

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Application of Evergy)
Metro, Inc. d/b/a Evergy Missouri Metro and)
Evergy Missouri West, Inc. d/b/a Evergy Missouri)
West for a Waiver of Various Chapter 13)
Regulations)

Case No. EE-2025-0084

AFFIDAVIT OF CHARLES TYRONE THOMASON

STATE OF MISSOURI)
)
COUNTY OF COLE) ss.

COMES NOW CHARLES TYRONE THOMASON and on his oath declares that he is of sound mind and lawful age; that he contributed to the foregoing *Staff Recommendation, in Memorandum form*; and that the same is true and correct according to his best knowledge and belief, under penalty of perjury.

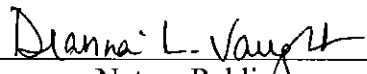
Further the Affiant sayeth not.



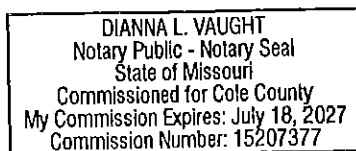
CHARLES TYRONE THOMASON

JURAT

Subscribed and sworn before me, a duly constituted and authorized Notary Public, in and for the County of Cole, State of Missouri, at my office in Jefferson City, on this 7th day of May 2025.



Notary Public



BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Evergy)
Metro, Inc. d/b/a Evergy Missouri Metro and)
Evergy Missouri West, Inc. d/b/a Evergy Missouri)
West for a Waiver of Various Chapter 13)
Regulations)

Case No. EE-2025-0084

AFFIDAVIT OF LISA A. STOCKMAN

STATE OF MISSOURI)
)
COUNTY OF COLE) ss.

COMES NOW LISA A. STOCKMAN and on her oath declares that she is of sound mind and lawful age; that she contributed to the foregoing *Staff Recommendation, in Memorandum form*; and that the same is true and correct according to her best knowledge and belief, under penalty of perjury.

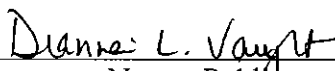
Further the Affiant sayeth not.


LISA A. STOCKMAN

JURAT

Subscribed and sworn before me, a duly constituted and authorized Notary Public, in and for the County of Cole, State of Missouri, at my office in Jefferson City, on this 7th day of May 2025.

DIANNA L. VAUGHT Notary Public - Notary Seal State of Missouri Commissioned for Cole County My Commission Expires: July 18, 2027 Commission Number: 15207377


Notary Public

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Application of Evergy)
Metro, Inc. d/b/a Evergy Missouri Metro and)
Evergy Missouri West, Inc. d/b/a Evergy Missouri)
West for a Waiver of Various Chapter 13)
Regulations)

Case No. EE-2025-0084

AFFIDAVIT OF COTY L. KING

STATE OF MISSOURI)
)
COUNTY OF COLE) ss.

COMES NOW COTY L. KING and on his oath declares that he is of sound mind and lawful age; that he contributed to the foregoing *Staff Recommendation, in Memorandum form*; and that the same is true and correct according to his best knowledge and belief, under penalty of perjury.

Further the Affiant sayeth not.


COTY L. KING

JURAT

Subscribed and sworn before me, a duly constituted and authorized Notary Public, in and for the County of Cole, State of Missouri, at my office in Jefferson City, on this 7th day of May 2025.


Notary Public

DIANNA L. VAUGHT
Notary Public - Notary Seal
State of Missouri
Commissioned for Cole County
My Commission Expires: July 18, 2027
Commission Number: 15207377

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Application of Evergy)
Metro, Inc. d/b/a Evergy Missouri Metro and)
Evergy Missouri West, Inc. d/b/a Evergy Missouri)
West for a Waiver of Various Chapter 13)
Regulations)

Case No. EE-2025-0084

AFFIDAVIT OF RANDALL T. JENNINGS

STATE OF MISSOURI)
)
COUNTY OF COLE) ss.

COMES NOW RANDALL T. JENNINGS and on his oath declares that he is of sound mind and lawful age; that he contributed to the foregoing *Staff Recommendation, in Memorandum form*; and that the same is true and correct according to his best knowledge and belief, under penalty of perjury.

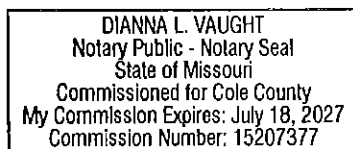
Further the Affiant sayeth not.

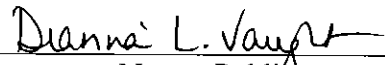


RANDALL T. JENNINGS

JURAT

Subscribed and sworn before me, a duly constituted and authorized Notary Public, in and for the County of Cole, State of Missouri, at my office in Jefferson City, on this 6th day of May 2025.





Notary Public

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Rules and Regulations Implementing the)	CG Docket No. 02-278
Telephone Consumer Protection Act of 1991)	
)	
Blackboard, Inc. Petition for Expedited)	
Declaratory Ruling)	
)	
Edison Electric Institute and)	
American Gas Association)	
Petition for Expedited Declaratory Ruling)	

DECLARATORY RULING

Adopted: July 8, 2016

Released: August 4, 2016

By the Commission: Commissioner Rosenworcel approving in part, dissenting in part and issuing a statement; Commissioner O’Rielly issuing a statement.

I. INTRODUCTION

1. Today, we confirm that school callers may lawfully make robocalls and send automated texts to student family wireless phones pursuant to an “emergency purpose” exception or with prior express consent without violating the Telephone Consumer Protection Act (TCPA).¹ We similarly clarify that utility companies may make robocalls and send automated texts to their customers concerning matters closely related to the utility service, such as a service outage or warning about potential service interruptions due to severe weather conditions, because their customers provided consent to receive these calls and texts when they gave their phone numbers to the utility company. We therefore grant substantial relief to Blackboard, Inc.² and Edison Electric Institute (“EEI”) and the American Gas Association (“AGA”) (collectively “EEI/AGA”)³ albeit on more narrow grounds than the parties seek.

2. By tailoring relief to the narrow circumstances presented in these petitions, we ensure the TCPA does not thwart welcome and expected communications from schools and utilities without diluting the TCPA’s core consumer protections.

¹ The TCPA is codified as section 227 of the Communications Act of 1934, as amended. *See* 47 U.S.C. § 227. Unless otherwise indicated, the term “robocalls” includes calls made either with an automatic telephone dialing system (“autodialer”) or with a prerecorded or artificial voice. *See, e.g., Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG Docket No. 02-278, Report and Order, 27 FCC Rcd 1830, 1831, para. 1 (2012) (*2012 TCPA Order*). We may also refer to prerecorded voice and artificial voice calls collectively as “prerecorded calls.”

² *See* Petition for Expedited Declaratory Ruling, CG Docket No. 02-278, filed by Blackboard, Inc. on Feb. 24, 2015 (*Blackboard Petition*).

³ *See* Petition for Expedited Declaratory Ruling and Clarification, CG Docket No. 02-278, filed by Edison Electric Institute and American Gas Association on Feb. 12, 2015 (*Edison Petition*).

II. BACKGROUND

A. The Telephone Consumer Protection Act

3. In 1991, Congress enacted the TCPA to address certain calling practices that invade consumer privacy and threaten public safety.⁴ In relevant part, the TCPA and the Commission's implementing rules prohibit: (1) making telemarketing calls using an artificial or prerecorded voice to *residential* telephones without prior express consent;⁵ and (2) making *any* non-emergency call using an automatic telephone dialing system ("autodialer")⁶ or an artificial or prerecorded voice to a *wireless* telephone number without prior express consent.⁷ The TCPA expressly exempts from these prohibitions calls made for "emergency purposes."⁸ If the call includes or introduces an advertisement or constitutes telemarketing, consent must be in writing. If an autodialed or prerecorded call to a wireless number is not for such purposes, consent may be oral or written.⁹ The Commission has concluded that the TCPA's protections against unwanted calls to wireless numbers encompass both voice calls and text messages, including short message service (SMS) texts, if the call is made to a telephone number assigned to such service.¹⁰

4. Most recently and in light of increasing requests for clarification of the TCPA from businesses that robocall and text, the Commission resolved more than twenty petitions on a wide variety of TCPA issues.¹¹ Particularly relevant for the instant cases, the Commission has stated that "persons who knowingly release their telephone numbers have in effect given their invitation or permission to be called at the number which they have given, absent instructions to the contrary."¹² In the *ACA Declaratory Ruling*, the Commission clarified that a party who provides his or her wireless number to a creditor as part of a credit application "reasonably evidences prior express consent by the cell phone

⁴ See 47 U.S.C. § 227.

⁵ *Id.* § 227(b)(1)(B); 47 C.F.R. § 64.1200(a)(3). Certain calls, such as those by or on behalf of a tax-exempt nonprofit organization or calls subject to the Health Insurance Portability and Accountability Act of 1996 (HIPAA), may be made without the prior express written consent of the called party. 47 C.F.R. § 64.1200(a)(3).

⁶ 47 U.S.C. § 227(a)(1) (an "automatic telephone dialing system" is "equipment which has the capacity—(A) to store or produce telephone numbers to be called, using a random or sequential number generator; and (B) to dial such numbers."); see also 47 C.F.R. § 64.1200(f)(2) ("The terms *automatic telephone dialing system* and *autodialer* mean equipment which has the capacity to store or produce telephone numbers to be called using a random or sequential number generator and to dial such numbers.").

⁷ 47 U.S.C. § 227(b)(1)(A); 47 C.F.R. § 64.1200(a)(1) (emphasis added). This restriction also applies to such calls directed to emergency numbers and other specified locations.

⁸ 47 U.S.C. § 227(b)(1)(A)-(B). The Commission's rules define "emergency purposes" to mean "calls made necessary in any situation affecting the health and safety of consumers." See 47 C.F.R. § 64.1200(f)(4).

⁹ 47 C.F.R. § 64.1200(a).

¹⁰ See *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG Docket No. 02-278, Report and Order, 18 FCC Rcd 14014, 14115, para. 165 (2003) (*2003 TCPA Order*); see also *Satterfield v. Simon & Schuster, Inc.*, 569 F.3d 946 (9th Cir. 2009) (noting that text messaging is a form of communication used primarily between telephones and is therefore consistent with the definition of a "call"). In the *2015 Omnibus TCPA Declaratory Ruling*, the Commission added that non-SMS text messages "sent from text messaging apps that enable entities to send text messages to all or substantially all text-capable U.S. telephone numbers, including through the use of autodialer applications or otherwise installed on mobile phones" also require consumer consent under the TCPA. See *2015 Omnibus TCPA Declaratory Ruling*, 30 FCC Rcd at 8020, para. 116.

¹¹ See generally *id.*

¹² *Telephone Consumer Protection Act of 1991*, CC Docket No. 92-90, Report and Order, 7 FCC Rcd 8752, 8769, para. 31 (1992) (*1992 TCPA Order*).

subscriber to be contacted at the number regarding the debt.”¹³ In the case of healthcare providers, the Commission clarified that the provision of a phone number constitutes prior express consent if the covered entities are making calls within the scope of the consent given, and absent instructions to the contrary.¹⁴ The Commission also clarified that as a general matter consent must come from the number’s subscriber and not, for example, the consumer the robocaller “intended” to call if those parties are different.¹⁵

B. Blackboard

5. On February 24, 2015, Blackboard, Inc. (Blackboard) filed a request for a declaratory ruling that “all automated informational messages sent by an educational organization via a recipient’s requested method of notification are calls made for an ‘emergency purpose’ and thus outside the requirements of the [TCPA].”¹⁶ Blackboard provides “an interactive web portal available to its educational organization customers (usually an individual school or larger system covering several school locations), which allows each school to draft informational messages and distribute them as the school chooses.”¹⁷ Blackboard argues that “automated calls made for non-commercial purposes are distinguishable from telemarketing or solicitation calls under the TCPA” and such calls from educational institutions are “the types of informational messages that consumers want to receive on their wireless devices.”¹⁸ Blackboard cites a number of informational calls made by educational institutions that it argues should be considered sent for emergency purposes including: (1) “attendance” messages, which alert parents to an unexcused absence; (2) “emergency” messages, which alert the school community to a variety of emergency situations (*e.g.* weather, fire, health risk, threat situations); (3) “outreach” messages, which provide education-related information to parents regarding school activities (*e.g.*, teacher conferences, back-to-school night); and (4) “simple survey” messages, which allow recipients to RSVP to events or provide input on an important issue.¹⁹ Blackboard also asks the Commission to declare that such informational messages sent to a wireless telephone number constitute a call made with “prior express consent” when “the wireless telephone number has been provided to the caller as a means of providing information” to the recipient, “even if the wireless telephone number later is in use by another consumer.”²⁰ Finally, Blackboard seeks a declaratory ruling that “called party” as used in the TCPA and Commission’s rules refers to the “intended recipient” of the informational message.”²¹

6. Blackboard’s petition indicates that it provides technologies and products to educational, government, and business customers including mass notification services.²² The “Blackboard Connect”

¹³ *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, Request of ACA International for Clarification and Declaratory Ruling*, CG Docket No. 02-278, 23 FCC Rcd 559, 564, para. 9 (2008) (*ACA Declaratory Ruling*).

¹⁴ *See 2015 Omnibus TCPA Declaratory Ruling*, 30 FCC Rcd at 8028, paras. 140-41, n.474 (clarifying that by “within the scope of consent given, and absent instructions to the contrary,” means “that the call must be closely related to the purpose for which the telephone number was originally provided”).

¹⁵ *Id.* at 7999-8012, paras. 71-97.

¹⁶ *See generally Blackboard Petition*.

¹⁷ *Id.* at 2.

¹⁸ *Id.* at 5-6 (noting that “[o]nly those messages with an educational purpose (as determined by the school) are transmitted to the wireless telephone number provided, and the school does not use the wireless telephone number to transmit messages for any other non-educational or telemarketing purpose”).

¹⁹ *Id.* at 8.

²⁰ *Id.* at 12-13.

²¹ *Id.* at 14.

²² *Id.* at 2.

platform “is used primarily in the educational setting to enable schools to send mass notifications to parents, guardians, students, and faculty regarding emergency weather closures, threat situations, event scheduling, or to provide other important education-related information.”²³ These messages “can be distributed as an automated/prerecorded telephone call to either a wireline or wireless telephone number, as a text message (or SMS) to a wireless device, or as an e-mail, and can be sent via all methods simultaneously if that option is selected by the school.”²⁴

7. On March 23, 2015, the Consumer and Governmental Affairs Bureau sought comment on the *Blackboard Petition*.²⁵ Ten parties filed comments and seven parties filed reply comments, including many schools.²⁶ Several commenters support Blackboard’s petition, reiterating the arguments made therein.²⁷ In particular, these commenters note the importance of automated technologies that allow educational institutions to send mass notifications to parents, students, and faculty regarding various school events and activities.²⁸ Although many of these commenters contend they obtain prior express consent to send such messages, they note the difficulties in monitoring wireless telephone numbers that have been reassigned to other parties who may not be associated with the intended recipient.²⁹

8. A few commenters oppose certain aspects of the petition.³⁰ These commenters take issue with the broad nature of Blackboard’s request arguing it brings within the emergency-purpose exception a wide range of calls that do not constitute emergencies.³¹ Joe Shields notes that the TCPA does not treat informational calls differently from telemarketing calls in protecting wireless consumers from robocalls.³² National Consumer Law Center argues that low-income consumers who have plans with limited minutes must be protected from unwanted calls by restricting emergency calls to true emergencies.³³ Randall Snyder contends that “the emergency exemption that Blackboard is seeking provides no value whatsoever, as the company claims to have already obtained prior express consent for automated calls and text messages and there is no need to obtain consent for legitimate automated emergency calls and text

²³ *Id.* We do not adjudicate herein whether Blackboard or its client schools are the party that “make” or “initiate” the automated calls under the TCPA. We note that this issue has not been raised by Blackboard nor addressed by commenters and is a fact-specific inquiry that would have to be decided on a case-by-case basis. See, e.g., *The Joint Petition filed by DISH Network, LLC, the United States of America, and the States of California, Illinois, North Carolina, and Ohio for Declaratory Ruling Concerning the Telephone Consumer Protection Act (TCPA) Rules*, CG Docket No. 11-50, Declaratory Ruling, 28 FCC Rcd 6574 (2013). For drafting simplicity, however, we refer to the calls at issue as being made by “school callers.”

²⁴ *Blackboard Petition* at 2.

²⁵ See *Consumer and Governmental Affairs Bureau Seeks Comment on Petition for Declaratory Ruling filed by Blackboard, Inc.*, CG Docket No. 02-278, Public Notice, 30 FCC Rcd 2645 (CGB 2015) (Blackboard Public Notice).

²⁶ See Appendix A for a list of commenters and reply commenters.

²⁷ See, e.g., DC Public Schools Comments at 1-2; COHEAO Comments at 1; Fairfax Public Schools Comments at 1; LAUSD Comments at 1; Kecia Ray Comments at 1-2; EDUCAUSE Reply Comments at 1-2; Washington University Reply Comments at 1-2.

²⁸ See, e.g., DC Public School Comments at 1; COHEAO Comments at 1; LAUSD Comments at 1; Chicago Public Schools Reply Comments at 1.

²⁹ See, e.g., EDUCAUSE Comments at 2; Twitter Comments at 3.

³⁰ See generally NCLC Comments; Joe Shields Comments (filed Apr. 22, 1015); Randall Snyder Comments.

³¹ See, e.g., NCLC Comments at 9.

³² See Joe Shields Comments at 1-2, 5.

³³ See NCLC Comments at 3-4.

messages.”³⁴ Snyder contends that technologies exist for any telecommunications company to eliminate, or at least greatly reduce, the number of misdirected calls that it automatically dials.³⁵

C. Edison

9. On February 12, 2015, Edison Electric Institute and American Gas Association filed a petition for expedited declaratory ruling requesting that the Commission confirm, under the TCPA, that providing a wireless telephone number to an energy utility constitutes “prior express consent” to receive, at that number, non-telemarketing, informational calls related to the customer’s utility service, which are placed using an autodialer or an artificial or prerecorded voice.³⁶ In support of their petition, EEI/AGA note that the availability of reliable electric and gas service to the public is critically important and that interruption of these services creates enormous inconvenience and poses a risk to public safety.³⁷

10. According to EEI³⁸ and AGA,³⁹ their members often need to contact their customers, for example, to: (a) provide notification about planned or unplanned service outages; (b) provide updates about outages or service restoration; (c) ask for confirmation of service restoration or information about the lack of service; (d) provide notification of meter work, tree-trimming, or other field work; (e) verify eligibility for special rates or services, such as medical, disability, or low-income rates, programs and services; (f) warn about payment or other problems that threaten service curtailment; and (g) provide reminders about time-of-use pricing and other demand-response events.⁴⁰ EEI/AGA state that some of these notifications are mandated by state regulation, some have been adopted at the urging of regulatory authorities, and others are viewed as critical to providing safe, efficient, and reliable service and meeting their obligations to the communities they serve.⁴¹

11. EEI/AGA also state that their members have long used autodialers and prerecorded calls to reach their customers about service or related issues.⁴² Moreover, as utility customers increasingly have transitioned to using wireless phones, EEI/AGA note that their members also have transitioned to using new technologies for notifying their customers, including using wireless-only technologies, such as text messaging.⁴³ Thus, according to EEI/AGA, their member utilities use automated texting technologies to send service-related information to customers who have provided wireless numbers.⁴⁴

12. In light of these and related developments, EEI/AGA originally requested in their petition that the Commission clarify that non-telemarketing, informational communications, placed using an

³⁴ Randall Snyder Comments at 6 (arguing “Blackboard’s actual motivation for seeking this emergency exemption appears to be rooted in shirking responsibility for making misdirected calls to individuals who did not provide prior express consent”).

³⁵ Randall Snyder Comments at 9.

³⁶ *Edison Petition* at 4.

³⁷ *Id.* at 1.

³⁸ According to EEI, it is the association that represents all United States investor-owned electric companies, and its members operate in all 50 states and the District of Columbia, providing electricity for 220 million Americans. *Id.* at 2.

³⁹ According to AGA, it represents more than 200 local energy utility companies that deliver natural gas to more than 68 million homes, businesses, and industries throughout the United States, and its members deliver 94 percent of all natural gas provided by the nation’s natural gas utilities. *Id.* at 2.

⁴⁰ *Id.* at 3.

⁴¹ *Id.* at 4.

⁴² *Id.*

⁴³ *Id.* at 5.

⁴⁴ *Id.*

autodialer or a prerecorded or artificial voice, to customers about their utility service at the number provided by the customer in connection with establishing or continuing their utility service do not violate the TCPA.⁴⁵ EEI/AGA urged the Commission to make this clarification so as to ensure that energy utility industries can employ emerging communication technologies to contact their diverse customers with time-sensitive information about their utility service.⁴⁶

13. On February 24, 2015, the Consumer and Governmental Affairs Bureau sought comment on the *Edison Petition*.⁴⁷ Twenty four parties filed comments and seven parties filed reply comments, including many electric, gas and water utility companies.⁴⁸ Most commenters -- twenty three commenters and four reply commenters -- support the requested relief. Supporting commenters stated that their customers are increasingly using only wireless phones, so it is important that, given this increasing trend, utility companies develop new methods to effectively communicate with their customers.⁴⁹ A number also noted that there could be serious public safety risks to some utility customers who do not receive certain communications from their utility.⁵⁰ Furthermore, several supporting commenters stated that most of their utility customers desire to receive notifications from their utility company,⁵¹ and many commenters pointed out that granting the requested relief is consistent with the purpose of the TCPA.⁵² Additionally, several commenters highlighted a “chilling effect” on communications with customers purportedly caused by recent class action lawsuits alleging TCPA violations by utility companies, giving rise, among other things, to the need for the requested relief.⁵³ A few commenters requested additional or further relief from the Commission, such as clarifying that the requested relief be extended to include other entities including the alarm industry or customer contact centers.⁵⁴

14. One commenter, Joe Shields, opposed the requested relief, filing both comments⁵⁵ and reply comments⁵⁶ in opposition.⁵⁷ Shields contends that petitioners are seeking a blanket exemption from

⁴⁵ *Id.* at 12.

⁴⁶ *Id.* at 14.

⁴⁷ See *Consumer and Governmental Affairs Bureau Seeks Comment on Petition for Expedited Declaratory Rulemaking Filed By Edison Electric Institute and American Gas Association*, CG Docket No. 02-278, Public Notice, 30 FCC Rcd 1871 (CGB 2015). Comments were due on March 26, 2015 and reply comments were due on April 10, 2015. *Id.*

⁴⁸ See Appendix B for a list of commenters and reply commenters.

⁴⁹ See AGL at 1; AEP at 5; AWWC at 4-5; CenterPoint at 1-2; Con. Ed at 3-4; EPCOR at 1; Eversource at 1; Exelon at 5; NAWC at 2; National Grid at 5-6; NRECA at 4; NJNG at 4, 8; Oncor at 1-2; PSEG at 2-3; Puget Sound at 1-2; Southern at 5; SCEC at 2-3; Vectren at 2; WE at 3.

⁵⁰ See Southern at 6-7; Vectren at 1-2; WE at 1; EEI/AGA reply comments at 9. See also Letter dated June 8, 2015 to Marlene H. Dortch, Secretary, FCC, from Marlene Santos, Vice President, Customer Service, Florida Power and Light, CG Docket no. 02-278 at 1-2.

⁵¹ See *Edison Petition* at 4; AEP at 4; CenterPoint at 3; SCEC at 3; EEI/AGA reply comments at 2-3, 4; see also letter to Marlene H. Dortch, Secretary, FCC, from Tracy P. Marshall, counsel for NRECA, CG Docket No. 02-278, dated August 14, 2015 at 2, stating some customers have complained about *not* receiving important informational calls and texts on account of their cooperatives ceasing such communications.

⁵² See, e.g., Exelon at 9; NRECA at 5-6; NJNG at 7; PSEG at 2.

⁵³ See, e.g., AEP at 5; AWWC at 6, 8; CenterPoint at 2; SCEC at 2-3; Vectren at 2; WE at 3.

⁵⁴ Alarm Industry reply comments at 2-3; Genesys at 2-3. Other commenters requested their own unique relief as well. See, e.g., Oncor at 3 (requesting that the Commission also explicitly state that by giving the retail electric provider such consent, the customer has also given consent to receive phone calls from the transmission and distribution company that serves the customer). Because we do not have petitions and a record before us on these requests, we exercise our discretion to decline to address these requests for further relief at this time.

⁵⁵ Comments of Shields.

the TCPA without providing any evidence that a controversy or uncertainty exists that needs clarifying.⁵⁸ In addressing the purported chilling effect of recent class action lawsuits, Mr. Shields states that being sued for violating the TCPA is not a valid reason to create a blanket exemption from the consent requirement of the TCPA.⁵⁹ He also notes that the increased use of cell phones does not warrant altering the TCPA's prior express consent requirement as it is "the only protection preventing unlimited automatically dialed or prerecorded calls" to cell phone numbers.⁶⁰ In an *ex parte* filing, National Consumer Law Center urges that certain "vulnerable" wireless cell phone users who have limited minutes should be protected from too many calls.⁶¹ National Consumer Law Center also urges that the provision of a cellphone number by a consumer to a utility should only be considered consent to receive autodialed or prerecorded calls that are closely related to the purpose for which the number was provided.⁶²

15. Three parties filed reply comments supporting the requested relief in part but also opposing it to the extent the relief sought is overly broad. Specifically, the National Association of Regulatory Utility Commissioners, Pennsylvania Public Utility Commission, and the State of New Jersey Division of Rate Counsel support the requested relief in part to the extent the communications are related to emergencies, service outage, and service restoration confirmation that fall within the emergency-purpose exception, but oppose additional relief to the extent it is overly broad in seeking to exempt, for example, the entire range of utilities' customer communications from statutory prohibition.⁶³ The State of New Jersey Division of Rate Counsel also argued that equating a customer's providing a telephone number to an energy utility company with "prior express consent" to receive calls prohibited by the TCPA would violate the TCPA requirement of express consent.⁶⁴

16. In response to those reply comments that partially support the relief it seeks on the basis of the emergency-purpose exception, EEI/AGA narrowed its request to focus on relief for a narrower subset of calls based solely on consumer consent rather than the emergency-purpose exception.⁶⁵

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⁵⁶ Reply comments of Shields.

⁵⁷ See also Letter to Marlene H. Dortch, Secretary, FCC, from Robert Biggerstaff, CG Docket No. 02-278, at 1-2 (dated October 5, 2015) (contending that the problem lies in the medium chosen to relay the information and that calls made with a live human being, rather than a robot, would eliminate the problem for utility companies).

⁵⁸ Shields at 2-3.

⁵⁹ Reply comments of Shields at 7.

⁶⁰ *Id.* at 6-7.

⁶¹ Letter to Marlene H. Dortch, Secretary, FCC, from Margot Saunders, counsel for National Consumer Law Center, CG Docket No. 02-278, dated August 7, 2015 (*2015 NCLC August 7 Ex Parte Filing*) at 3-4, stating that the extent to which relief should be granted should be analyzed by examining the impact of so many more calls on the most vulnerable wireless cell phone customers who have limited minutes, especially those low-income customers who rely on the Lifeline program.

⁶² Letter to Marlene H. Dortch, Secretary, FCC, from Margot Saunders, counsel for National Consumer Law Center, CG Docket No. 02-278, dated August 24, 2015 (*2015 NCLC August 24 Ex Parte Filing*) at 2-4.

⁶³ See reply comments of NARUC at 2-3; PA PUC at 3-4; Rate Counsel at 1-3, 12. More specifically, contending that wireless consumers should not have to pay for communications from utilities that they may not wish to receive, NARUC states it would not oppose a carefully conditioned grant of petitioner's requests, but only if the Commission is confident that 47 U.S.C. § 227 provides the agency with authority to condition the grant of EEI and AGA's request to exclude communications regarding energy efficiency, service disconnections, bill collection, and other potentially unwelcome programs and alerts. Reply comments of NARUC at 3.

⁶⁴ See reply comments of Rate Counsel at 9.

⁶⁵ Letter to Marlene H. Dortch, Secretary, FCC, from Scott Blake Harris, counsel for EEI, CG Docket No. 02-278, dated June 9, 2015 (*Edison June 2015 Ex Parte Filing*); see also letter to Marlene H. Dortch, Secretary, FCC, from Scott Blake Harris, counsel for EEI, CG Docket No. 02-278, dated August 10, 2015 (*Edison August 2015 Ex Parte*

(continued....)

EEI/AGA asks the Commission to declare that by providing their phone numbers to utility companies, consumers have consented to receive particular types of calls: calls that warn about planned or unplanned service outages; calls that provide updates about service outages or service restoration; calls that ask for confirmation of service restoration or information about lack of service; calls that provide notification of meter work, tree trimming, or other field work; calls that warn about payment or other problems that threaten service curtailment, but *not* post-service termination debt collection calls; calls that notify consumers they may be eligible for subsidized or low-cost services due to certain qualifiers such as, *e.g.*, age, low income or disability; and calls that provide information about potential brown-outs due to heavy energy usage.⁶⁶

III. DISCUSSION

17. We confirm that school callers may lawfully make autodialed calls and send automated texts to student family wireless phones without consent for emergencies including weather closures, fire, health risks, threats, and unexcused absences. We grant school callers additional relief for calls and messages that, while not emergencies, nevertheless are closely related to the school's mission, such as notification of an upcoming teacher conference or general school activity, by clarifying our understanding that such calls are (absent evidence to the contrary) made with the prior express consent of the called party when a telephone number has been provided to an educational institution by that called party. We similarly clarify that utility companies may make autodialed calls and send automated texts to their customers concerning matters closely related to the utility service, such as a service outage or warning about potential service interruptions due to severe weather conditions, because their customers provided consent to receive these calls and texts when they gave their phone numbers to the utility company.

18. The relief we grant here ensures consumers will get the messages they want, indeed that are often critical, without undermining the TCPA's goal of protecting consumers from unwanted messages. On the latter point, we decline to extend the TCPA's emergency purpose exception to every automated call made by an educational organization or to extend relief to all categories of utility calls, as first requested by EEI/AGA, such as post-service termination debt collection. We therefore narrowly tailor relief to calls reasonably and closely related to school missions and utility service. Our findings here are case-specific and are based in part on the unique nature of the services and messages. For example, we find that messages about parent-teacher conferences are essential to a parent's tracking of student performance and that the messages in Edison's petition concern an essential utility service and can have implications for personal safety. Future petitioners seeking similar relief should be aware that the Commission continues to interpret "closely related" narrowly, consistent with the TCPA's goal of protecting consumers from unwanted messages while still ensuring they receive essential and desired communications.

19. As a brief framework for our analysis, we start by noting that the Commission's rules define an emergency for TCPA purposes as "any situation affecting the health and safety of consumers."⁶⁷ Non-emergency robocalls and automated texts are lawful if the caller has the consumer recipient's prior express consent. The Commission determined that consent is required whether the call is telemarketing or not.⁶⁸ Neither the Commission's rules nor its orders require any specific method by which a caller must obtain such prior express consent when such calls do not introduce an advertisement or constitute

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Filing). EEI/AGA also noted in its filing that the Commission need not rule at this time on the other remaining calls for which it initially sought relief in the *Edison Petition*. See *Edison June 2015 Ex Parte Filing* at 2.

⁶⁶ *Id.* at 3.

⁶⁷ 47 C.F.R. § 64.1200(f)(4).

⁶⁸ See *2015 Omnibus TCPA Declaratory Ruling*, 30 FCC Rcd at 8022, para. 123.

telemarketing.⁶⁹ The clearest way to obtain consent is for a caller to be explicit about the types of calls he or she wishes to have consent for, and the Commission has acknowledged that in limited cases, the mere giving of a telephone number as a contact number satisfies the consent requirement as long as the call or text is closely related to the purpose for which the consumer gave the number⁷⁰ consistent with the point that “Congress did not expect the TCPA to be a barrier to normal, expected and desired business communications.”⁷¹ The “scope of consent must be determined upon the facts of each situation.”⁷²

A. Blackboard

20. *Emergency Purpose.* We grant in part and deny in part Blackboard’s request to confirm that all robocalls made by an educational organization are calls made for an “emergency purpose” that fall outside the requirements of the TCPA.⁷³ Specifically, we confirm that autodialed calls to wireless numbers made necessary by a situation affecting the health and safety of students and faculty are made for an emergency purpose. In such situations, autodialed calls made by school callers do not require consent pursuant to the TCPA’s “emergency purpose” exception as defined in the Commission’s implementing rules.⁷⁴ Even though calls made for an emergency purpose can be made without the prior express consent of the called party, we encourage educational organizations to regularly update their emergency calling lists to ensure that emergency-purpose calls do in fact reach the parent or guardian of each affected student and are not received by consumers with no connection to the school. In this context, we are concerned not only about the privacy of persons who are mistakenly called, but also about the privacy and safety of students.

21. The record provides several examples of calls and messages from school callers that we confirm impact the health and safety of students and faculty.⁷⁵ These include, for example, calls or

⁶⁹ As stated in 2012, the TCPA and our rules require “some form of prior express consent for autodialed or prerecorded non-telemarketing calls to wireless numbers” and “leave[] it to the caller to determine, when making an autodialed or prerecorded non-telemarketing call to a wireless number, whether to rely upon oral or written consent in complying with the statutory consent requirement.” *2012 TCPA Order*, 27 FCC Rcd at 1842, para. 29.

⁷⁰ As it relates to the provision of telephone numbers given to healthcare providers, the Commission has concluded that “[T]he call must be closely related to the purpose for which the telephone number was originally provided.” *See 2015 Omnibus TCPA Declaratory Ruling*, 30 FCC Rcd at 8029, para. 141, n.474; *see also 1992 TCPA Order*, 7 FCC Rcd at 8769, para. 31 (“[p]ersons who knowingly release their phone numbers have in effect given their invitation or permission to be called at the number which they have given, absent instructions to the contrary.”) In that order, the Commission cited the House Report as authority for that point and it characterized the House Report as “noting that in such instances the called party has in essence requested the contact by providing the caller with their telephone number for use in normal business communications.” *Id.*; *see also* House Report, 102-317, 1st session, 102nd Congress, at 13 (1991).

⁷¹ *GroupMe, Inc./Skype Communications S.A.R.L.*, CG Docket No. 02-278, Declaratory Ruling, 29 FCC Rcd 3442 at 3444, para. 8 (2014) (*GroupMe Order*); House Report, 102-317, 1st session, 102nd Congress, at 17 (1991).

⁷² *GroupMe Order*, 29 FCC Rcd at 3446, para. 11.

⁷³ *See Blackboard Petition* at 11-12.

⁷⁴ *See* 47 C.F.R. § 64.1200(f)(4). This is also consistent with the principles of the Communications Act of 1934, as amended, which include promoting “the safety of life and property through the use of wire and radio communications.” *See* 47 U.S.C. § 151.

⁷⁵ We note that this list is not meant to be an exhaustive list of emergency calls but represents those examples cited in the current record. Other types of calls may conceivably fall within the emergency-purpose exception if they can be shown to be made for health or safety reasons. As discussed in greater detail below, however, we also confirm that some calls cited in the record do not fall within this exception because they are not made for health or safety reasons.

messages relating to weather closures,⁷⁶ incidents of threats and/or imminent danger to the school due to fire, dangerous persons, health risks (e.g., toxic spills), and unexcused absences.⁷⁷ We find that these types of calls fall within the emergency-purpose exception because they potentially affect the health and safety of students, faculty, and other school staff members. For example, a notification to a parent of an unexcused absence can alert them to a situation potentially implicating the health and safety of an unaccounted-for child who either did not arrive at school as expected or did not stay at school.⁷⁸ In fact, under some state and local laws, schools are required to alert parents or guardians of an unexcused absence for safety reasons.⁷⁹

22. Non-Emergency Calls. We decline to extend the TCPA's emergency-purpose exception to *all* robocalls made by school callers.⁸⁰ Rather, we clarify that autodialed or prerecorded calls made for purposes that do not affect health and safety concerns fail to qualify as calls made for an emergency purpose. Instead, we agree with NCLC that the mere fact that an informational message comes from a

⁷⁶ See also 47 C.F.R. § 73.1250(a) (defining broadcast emergency information in “emergency situations” to include “school closings and changes in bus schedules resulting from [weather] conditions”). We note that third parties sending emergency messages, e.g., in cooperation with schools to disseminate time-sensitive alerts, are also exempt under the emergency exemption as long as the messages are limited to the emergency at issue and do not include any marketing. We emphasize that our finding will not promote the proliferation of unwanted robocalls from *any* third party to *any* person under the auspices of an emergency. First, purported emergency calls cannot be targeted to just any person. These calls must be about a *bona fide* emergency that is relevant to the called party. For example, calls about school closings, which we have already noted as a scenario that constitutes an emergency, would be relevant to parents or guardians of students or “other members of the school community.” See Letter to Marlene H. Dortch, Secretary, FCC, from Patrick R. Halley, counsel for Hubbard Broadcasting, Inc., CG Docket No. 02-278, dated Feb. 8, 2016 (*Hubbard Ex Parte Filing*) at 1-2. Second, our ruling addresses only the specific situation raised in the record concerning calls made by third parties who work in partnership with schools, such as “*broadcasters who work directly with schools* in order to send critical school-related public safety announcements, such as school closings.” *Id.* at 1 (emphasis added). Our ruling does not address other situations or calls made by other, unrelated third parties. Further, we note that the parents and other members of the school community who receive the messages described in the *Hubbard Ex Parte Filing* have chosen to opt in to the messaging service. *Id.* at 2. This overall approach will make it easier for parents to receive time-sensitive messages about their children’s school even where the message does not come directly from the school itself, especially since parents have expressed an interest in receiving the messages.

⁷⁷ See, e.g., Blackboard Reply Comments at 4-6.

⁷⁸ See, e.g., *id.* at 4-5 (citing example of a school that has adopted absence notifications following a kidnapping). Blackboard indicates that a majority of the automated messages it sends relate to attendance. *Id.*

⁷⁹ See *id.* at 5 (examples include Fairfax County Public School Board Policy 2232.4, Special Services, Admissions, Residency, and Attendance, § III.B. (revised Aug. 1, 2011), “When students are absent without prior communication between the parent or guardian and the school, school personnel will notify the parent or guardian by phone or electronic communication and take appropriate action based on the individual circumstances.”; Fairfax County Public School Regulation 2234.7, Special Services, Admissions, Residency, and Attendance, § IV (effective Aug. 16, 2011), “All schools shall establish a system for administrative follow-up of absences. In elementary schools, follow up with parents or guardians, via telephone or other communication, should occur within the first hour of the school day. Parents or guardians of secondary school students should be notified of unexcused absences or need for follow up as early in the day as possible.”; New Jersey Administrative Code § 6A:16-7.6(a)(4), requiring school districts to “[m]ake a reasonable attempt to notify the student’s parents of each unexcused absence”; Oregon Revised Statutes § 339.071, requiring each district school board to adopt “an attendance notification policy” that notifies parents or guardians “by the end of the school day on any day that the child has an unplanned absence”; and Florida Statutes § 1003.26, requiring schools “to respond in a timely manner to every unexcused absence” by “contact[ing] the student’s parent to determine the reason for the absence”;).

⁸⁰ See *Blackboard Petition* at 8; see also Chicago Public Schools Comments at 1; DC Public Schools Comments at 2; Blackboard Reply Comments at 6-8.

school caller does not make it an emergency.⁸¹ Even interpreted broadly, we find no reasonable health or safety concern implicated by a notification of an upcoming teacher conference, or general school activity that leads us to conclude these are the types of calls that Congress intended to fall within the emergency-purpose exception.⁸² In fact, Blackboard's own petition characterizes these types of messages as "outreach" messages separate from "emergency" messages.⁸³ In addition, as NCLC notes, concluding that all robocalls from school callers are made for an emergency purpose that requires no consumer consent under the TCPA would leave consumers without a clear means to stop such calls by revoking consent.⁸⁴

23. Non-emergency autodialed or prerecorded calls are permissible under the TCPA and our implementing rules when made with the prior express consent of the called party, however. Blackboard states that schools obtain prior consent to make such calls to wireless phones.⁸⁵ And schools filing comments in this matter confirm that they obtain prior consent to make such calls.⁸⁶ When prior express consent has been obtained from the called party and the call falls within the scope of consent given, absent instructions to the contrary, such calls are permissible under the TCPA and our implementing rules.⁸⁷ Although the scope of consent given by a parent/guardian or student can vary depending on individual factual circumstances,⁸⁸ we clarify, consistent with the Commission's rationale relating to the provision of telephone numbers to healthcare providers and debt collectors, that when a parent/guardian or student provides only their wireless number as a contact to a school, the scope of consent includes communications from the school closely related to the educational mission of the school or to official school activities absent instructions to the contrary from the party who provides the phone number.⁸⁹ In other words, a parent/guardian or student who provides their wireless number to a school as a contact has given permission to be called at that number for such purposes.

24. We clarify that, of the categories of non-emergency calls discussed in Blackboard's petition, all but one category of non-emergency calls are closely-related to the educational mission of the school and thus fall within the scope of consent for educational institutions when a parent/guardian or student provides only their telephone number. These calls include those that inform parents of teacher conferences and surveys that provide input on school-related issues because these are closely related to the purpose for which parents and students provide telephone numbers to schools. We note, for example, that calls relating to parent-teacher conferences are essential for parents to track their child's educational

⁸¹ See 2015 NCLC Ex Parte Filing at 9.

⁸² See also NCLC Comments at 9 ("the calls that Blackboard identifies include many types of calls that no reasonable consumer would consider to be school-related emergencies").

⁸³ See Blackboard Petition at 8.

⁸⁴ NCLC Comments at 9.

⁸⁵ See Blackboard Petition at 10.

⁸⁶ See Chicago Public Schools Comments at 2 (consent obtained from parents and guardians at the beginning of each school year along with request to confirm and update contact information at least twice annually); DC Public Schools Comments at 1 (message recipients give consent and designate how they prefer to be contacted); Fairfax Public Schools Comments at 5 (requires potential message recipients to provide numbers for contact purposes with ability to change this information online or by contacting the school); LAUSD Comments at 4 (requires message recipients to give consent to contact them and designate how they prefer to be contacted).

⁸⁷ The Commission has noted that "[b]y 'within the scope of consent given, and absent instructions to the contrary,' we mean that the call must be closely related to the purpose for which the telephone number was originally provided." See 2015 Omnibus TCPA Declaratory Ruling, 30 FCC Rcd at 8029, para. 141, n.474.

⁸⁸ See, e.g., GroupMe Order, 29 FCC Rcd 3442 at 3446, para. 11.

⁸⁹ See, e.g., ACA Declaratory Ruling, 23 FCC Rcd at 564, para. 9; 2015 Omnibus TCPA Declaratory Ruling, 30 FCC Rcd at 8029, para. 141, n.474.

progress and that surveys can serve as a key method to improving a school's performance on important educational issues.⁹⁰ For these reasons, we clarify that such calls are closely related to the purpose for which a parent/guardian or student would provide their telephone number to an educational institution. By limiting relief to the circumstance where the call is closely related to the purpose for which the telephone number was provided to a school, we believe that we have addressed the concerns of those commenters who caution that granting Blackboard's petition would erode the TCPA's protections against unwanted calls and texts to wireless consumers.⁹¹

25. One category of calls that Blackboard mentions - *non-school* events – does not necessarily qualify as closely related. While Blackboard does not provide details about such calls, it offers as an example calls about local community events. If such calls lacked any educational purpose or connection to official school activities, it would likely fall outside the scope of consent when the parent or student has only provided a number to the school without disclosure that they may receive such calls.⁹² As a result, we encourage schools to disclose the full range of all potential calls and messages that a parent/guardian or student should expect to receive when requesting consent from parents/guardians and students. Such disclosure will ensure that anticipated calls made by an educational institution fall within the scope of consent given by parents/guardians and students to be contacted by a school. We reiterate that consumers have a right to revoke prior consent, using any reasonable method including orally or in writing.⁹³ Schools, therefore, must be prepared to honor revocation requests from parents/guardians or students who no longer wish to receive non-emergency calls and texts from the school.

26. Reassigned Numbers. Finally, we dismiss as moot Blackboard's request to confirm that consent obtained from the original subscriber to a wireless number constitutes prior express consent when such number has been reassigned to another subscriber or when, due to inadvertence or oversight, the called party is not the intended recipient.⁹⁴ The Commission recently addressed these issues in the *2015 Omnibus TCPA Declaratory Ruling* and we decline to reconsider the *Blackboard Petition* herein.⁹⁵

B. Edison

27. We next grant in part the *Edison Petition* as modified⁹⁶ for the reasons set forth below. Because we grant in part the *Edison Petition* as modified on other grounds, we do not reach the question of whether the communications sent by utility companies to their customers would fall within the TCPA's "emergency-purpose" exception,⁹⁷ which Edison has requested that we forego, and, as requested, do not

⁹⁰ See, e.g., LAUSD Comments at 2-3; Kecia Ray Comments at 2-3.

⁹¹ See, e.g., NCLC Comments at 9; Joe Shields Comments at 1-2, 5.

⁹² While not squarely before us in this proceeding, reports of schools using platforms to call about ballot issues or marketing of any kind raise serious TCPA concerns. See, e.g., *Brevard Public Schools to Review Its Robocall Policy*, Oct. 20, 2015 available at <http://news.brevardtimes.com/2015/10/brevard-public-schools-to-review-its.html>. These types of messages appear to stray far from the educational mission of the school or specific school activities and thus likely are not encompassed by the consent consumers grant when they provide phone numbers. We strongly encourage schools and other robocallers to be clear to consumers about the type of messages they would like to send to consumers, or risk TCPA enforcement.

⁹³ See *2015 Omnibus TCPA Declaratory Ruling*, 30 FCC Rcd at 7996, para. 64.

⁹⁴ See *Blackboard Petition* at 9-11.

⁹⁵ See *2015 Omnibus TCPA Declaratory Ruling*, 30 FCC Rcd at 8000-10, paras. 73-92 (concluding that callers are liable for robocalls to reassigned wireless numbers when the current subscriber to or customary user of the number has not consented, subject to a limited, one-call opportunity for cases in which the caller does not have actual or constructive knowledge of the reassignment.).

⁹⁶ See *Edison June 2015 Ex Parte Filing* at 3.

⁹⁷ See 47 U.S.C. § 227(b)(1)(A); *In the Matter of the Telephone Consumer Protection Act of 1991*, CC Docket No. 92-90, Notice of Proposed Rulemaking, 7 FCC Rcd at 2738, para. 17 (1992).

rule at this time on the other remaining calls.⁹⁸ We emphasize that our clarification in no way alters the Commission's prior statements regarding how the TCPA's "emergency-purpose" exception applies to calls made by utility companies.

28. Turning to the petitioners' representations about the critical nature of the utility services provided by their members, we agree with many in the record who highlight the wide range of potential risks to public health and safety presented by an interruption of utility service due to extreme weather conditions that can lead to unexpected service outages, or even service outages necessitated by repair and maintenance work.⁹⁹ We also agree that speeding the dissemination of information regarding service interruptions or other potential public safety hazards can be critically important. In fact, the Commission has long recognized that "[s]ervice outages and interruptions in the supply of water, gas or electricity could in many instances pose significant risks to public health and safety, and the use of prerecorded message calls could speed the dissemination of information regarding service interruptions or other potentially hazardous conditions to the public."¹⁰⁰

29. We agree with the majority of commenters who urge us to grant the requested relief and clarify our requirements. Specifically, we clarify that consumers who provide their wireless telephone number to a utility company when they initially sign up to receive utility service, subsequently supply the wireless telephone number, or later update their contact information, have given prior express consent to be contacted by their utility company at that number with messages that are closely related to the utility service so long as the consumer has not provided "instructions to the contrary."¹⁰¹

30. Specifically, we find that calls closely related to the service include those that warn about planned or unplanned service outages; provide updates about service outages or service restoration; ask for confirmation of service restoration or information about lack of service; provide notification of meter work, tree trimming, or other field work that directly affects the customer's utility service;¹⁰² notify consumers they may be eligible for subsidized or low-cost services due to certain qualifiers such as, *e.g.*, age, low income or disability;¹⁰³ and calls that provide information about potential brown-outs due to heavy energy usage. We agree with petitioners and many commenters who described many of these

⁹⁸ See *supra* para. 16; *Edison June 2015 Ex Parte Filing* at 2.

⁹⁹ See, *e.g.*, *Edison Petition* at 1; *Southern* at 6-7; *Vectren* at 1-2; *WE* at 1; *EEI/AGA reply comments* at 9; *see also Edison August 2015 Ex Parte Filing* at 1.

¹⁰⁰ *1992 TCPA Order*, 7 FCC Rcd at 8778, para. 51.

¹⁰¹ *1992 TCPA Order*, 7 FCC Rcd at 8769, para. 31.

¹⁰² There is evidence in the record that maintenance and field work can be important to aid in preventing power outages. For example, tree pruning provides a necessary safety buffer between people working near high voltage lines and helps prevent power outages during storms. See, *e.g.*, Letter dated May 12, 2015 to Marlene H. Dortch, Secretary, FCC, from The Honorable Annise D. Parker, Mayor of the City of Houston, Texas, CG Docket no. 02-278 at 1-2; Letter dated May 13, 2015 to Marlene H. Dortch, Secretary, FCC, from Stephen C. Costello, Houston City Council At-Large, Position 1, Texas, CG Docket no. 02-278 at 1; Letter dated May 14, 2015 to Marlene H. Dortch, Secretary, FCC, from Jack Christie, D.C., Houston City Council Member, At-Large 5, Texas, CG Docket no. 02-278 at 1-2; Letter dated May 18, 2015 to Marlene H. Dortch, Secretary, FCC, from Michael Kubosh, Houston City Council At-Large, Position 3, Texas, CG Docket no. 02-278 at 1-2; Letter dated May 22, 2015 to Marlene H. Dortch, Secretary, FCC, from Richard A. Nguyen, Houston City Council Member, District F, Texas, CG Docket no. 02-278 at 1. Moreover, timely contact regarding field work on a customer's property can avoid unnecessary surprise or confusion on the part of the homeowner, help safeguard utility workers' safety while performing such work, and ensure the work is performed without any delay. *Id.*

¹⁰³ This category of calls is limited to notification about eligibility or qualification to participate in a particular subsidy or subsidized program. This category of calls is not intended to include calls soliciting voluntary participation in programs such as, for example, energy saving programs to reduce monthly energy bills or donations to subsidize other energy consumers.

communications as being critical to providing safe, efficient and reliable service.¹⁰⁴ Because the relief we provide is tailored more narrowly than Edison's original request and is limited to calls closely related to the service, we resolve concerns raised in the record that the relief requested is "overly broad." This relief is not, as some commenters feared,¹⁰⁵ a blanket exemption from the TCPA for utility companies; we are reasonably interpreting the scope of utility customers' consent. Further, the record indicates that many customers would welcome alerts warning them of extreme weather conditions approaching that might cause service outages, alerts about utility repair work in their immediate vicinity that might inconvenience them, or alerts notifying them of tree trimming or meter reading that may be conducted on their property or near their residence.¹⁰⁶ Additionally, there is evidence in the record that low-income households -- especially those in urban and minority communities more reliant upon wireless phones as their primary source of communications -- are particularly vulnerable to service interruptions, making it even more imperative that they receive appropriate notice, especially before, during and after emergency situations.¹⁰⁷ This evidence supports our conclusion that these communications are among those to which consumers have consented.

31. To ensure that utility companies call only those consumers who have consented to receive autodialed and prerecorded calls and that such calls are closely related to the provision of service, we conclude that the utility company should be responsible for demonstrating that the consumer provided prior express consent as it is in the best position to keep records in the usual course of business showing such consent, and the utility company will bear the burden of showing it obtained the necessary prior express consent.¹⁰⁸ In this regard, we strongly encourage utility companies, and all robocallers, to inform customers during the service initiation process or when updating contact information on the account as an additional safeguard that, by providing a wireless telephone number to them, the customer consents to receiving autodialed and prerecorded message calls at that number, to the extent such calls are closely related to the service purchased by the customer. This additional safeguard will also help ensure that certain "vulnerable" wireless cell phone customers with limited minutes are afforded opportunities at that time to limit calls to their devices if needed.¹⁰⁹

32. With regard to calls regarding payment about current utility service, we provide the following guidance. We find that, in the absence of facts supporting a contrary finding, prior to the termination of a customer's utility service, a customer who provided a wireless telephone number when he or she initially signed up to receive utility service, subsequently supplied the wireless telephone number, or later updated his or her contact information, is deemed to have given prior express consent to be contacted by their utility company for calls that are closely related to the service, calls described

¹⁰⁴ See *Edison Petition* at 1, 4, Southern at 6-7; Vectren at 1-2, WE at 1; and EEI/AGA reply comments at 9. See also Letter dated June 8, 2015 to Marlene H. Dortch, Secretary, FCC, from Marlene Santos, Vice President, Customer Service, Florida Power and Light, CG Docket no. 02-278 at 1-2.

¹⁰⁵ See, e.g., reply comments of Shields at 2-3, 7; reply comments of Rate Counsel at 6-8.

¹⁰⁶ *Edison Petition* at 4, AEP at 4, CenterPoint at 3, SCEC at 3, EEI/AGA reply comments at 2-3, 4; see also letter to Marlene H. Dortch, Secretary, FCC, from Tracy P. Marshall, counsel for NRECA, CG Docket No. 02-278, at 2 (dated August 14, 2015) (stating some customers have complained about *not* receiving important informational calls and texts on account of their cooperatives ceasing such communications); Letter to Marlene H. Dortch, Secretary, FCC, from Scott Blake Harris, counsel for EEI, CG Docket No. 02-278, at 2-3 (dated September 30, 2015) (*Edison September 2015 Ex Parte Filing*) (noting that many studies and media reports show that consumers want more, not less, contact from their utility companies).

¹⁰⁷ See Letter dated June 17, 2015 to the Honorable Tom Wheeler, Chairman, FCC, from the Reverend Jesse L. Jackson, Founder and President, Rainbow Push Coalition in CG Docket No. 02-278 at 1.

¹⁰⁸ See *2015 Omnibus TCPA Declaratory Ruling*, 30 FCC Rcd at 7989-90, para. 47; *ACA Declaratory*, 23 FCC Rcd at 565, para. 10.

¹⁰⁹ See *2015 NCLC August 7 Ex Parte Filing* at 3-4.

above¹¹⁰ and calls to warn about the likelihood that failure to make payment will result in service curtailment. After a customer's utility service has been terminated, however, routine debt collection calls by utilities to those customers will continue to be governed by existing rules and requirements, and we leave undisturbed the existing legal and regulatory framework for those calls.¹¹¹

33. The relief we grant is limited and tailored to the set of calls before us. It does not extend to every call made by a utility company to its customer. Also as the Commission recently stated, consumers may revoke consent in any reasonable manner that clearly expresses a desire not to receive further messages, and callers may not infringe on that ability by designating an exclusive means to revoke consent.¹¹²

34. We agree with petitioners and other commenters that these certain calls by the utility company solely for the purpose of communicating with its customer about the utility services it provides and the maintenance thereof as described above are not telephone solicitations and do not constitute telemarketing.¹¹³ Therefore, we find that these certain calls by a utility company regarding the utility services it provides and the maintenance thereof as described above are not subject to the TCPA's separate restrictions on "telephone solicitations."¹¹⁴

IV. ORDERING CLAUSES

35. For the reasons stated above, IT IS ORDERED, pursuant to sections 4(i), 4(j) and 227 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), 227, and sections 1.2 and 64.1200 of the Commission's Rules, 47 C.F.R. §§ 1.2, 64.1200, Petition for Declaratory Ruling filed by Blackboard, Inc. in CG Docket No. 02-278 on February 24, 2015, IS GRANTED IN PART and IS OTHERWISE DENIED to the extent discussed herein.

36. IT IS FURTHER ORDERED, pursuant to sections 4(i), 4(j) and 227 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), 227, and sections 1.2 and 64.1200 of the Commission's Rules, 47 C.F.R. §§ 1.2, 64.1200, that the Petition for Expedited Declaratory Ruling filed by Edison Electric Institute and the American Gas Association IS GRANTED IN PART and IS OTHERWISE DENIED to the extent indicated herein.

¹¹⁰ See *supra* para. 30.

¹¹¹ See *ACA Declaratory Ruling*, 23 FCC Rcd at 564-65, paras. 9-11; see also *2015 NCLC Ex Parte Filing* at 7-8 ("[w]hen a person signs up for utility service and is required to provide his or her phone number as a condition of receiving that service, it is unreasonable to assume that there was express consent to receive debt collection robocalls after the service has been disconnected"). We do not address other agencies' rules and regulations that may apply.

¹¹² See *2015 Omnibus TCPA Declaratory Ruling*, 30 FCC Rcd at 7996, para. 63.

¹¹³ See *ACA Declaratory Ruling*, 23 FCC Rcd at 565, para. 11; 47 C.F.R. § 64.1200 (e).

¹¹⁴ Accordingly for those reasons and others more fully described above regarding prior Commission precedent, we disagree with the State of New Jersey's argument that equating a customer's provision of a telephone number to an energy utility company with "prior express consent" violates the TCPA's requirement of express consent. See reply comments of Rate Counsel at 9. We find that these certain calls by a utility company regarding the utility services it provides and the maintenance thereof are reasonable normal business communications that a consumer expects to receive.

37. IT IS FURTHER ORDERED that this Declaratory Ruling shall be effective upon release.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

APPENDIX A**List of Commenters on the Blackboard Petition****Commenter**

Coalition of Higher Education Assistance Organization
District of Columbia Public Schools
Education Finance Council
Fairfax County Public Schools
Los Angeles Unified School District
National Consumer Law Center et al.
Kecia Ray
Joe Shields
Randall Snyder
Twitter, Inc.

Abbreviation

COHEAO
DC Public Schools
EFC
Fairfax Public Schools
LAUSD
NCLC
Kecia Ray
Joe Shields
Randall Snyder
Twitter

Reply Commenters

Blackboard, Inc.
Board of Education of the City of Chicago
Campus Safety Health and Environmental Management Assoc.
EDUCAUSE
National Association of College and University Business Officers
National Association of Chain Drug Stores
Washington University in St. Louis

Blackboard
Chicago Public Schools
CSHEMA
EDUCAUSE
NACUBO
NACDS
Washington University

APPENDIX B

List of Commenters on the Edison Petition

Commenter**Abbreviation**

AGL Resources	AGL
Alliant Energy	Alliant
American Electric Power	AEP
American Water Works Company, Inc.	AWWC
Brian Moore	Moore
CenterPoint Energy Houston Electric LLC & CenterPoint Energy Resources Corporation	CenterPoint
Consolidated Edison Company of New York, Inc. & Orange and Rockland Utilities, Inc.	Con. Ed.
EPCOR Water (USA) Inc.	EPCOR
Eversource Energy	Eversource
Exelon Corporation	Exelon
Genesys Telecommunications Laboratories, Inc.	Genesys
Joe Shields	Shields
MidAmerican Energy Company	MidAmerican
National Association of Water Companies	NAWC
National Grid USA, Inc.	National Grid
National Rural Electric Cooperative Association	NRECA
New Jersey Natural Gas Company	NJNG
Oncor Electric Delivery Company, LLC	Oncor
Public Service Electric and Gas Company	PSEG
Puget Sound Energy, Inc.	Puget Sound
Southern Company	Southern
Southern California Edison Company	SCEC
Vectren Corporation	Vectren
We Energies	WE

Reply Commenters

Alarm Industry Communications Industry	Alarm Industry
Edison Electric Institute & American Gas Association	EEI/AGA
Genesys Telecommunications Laboratories, Inc.	Genesys
Joe Shields	Shields
National Association of Regulatory Utility Commissioners	NARUC
Pennsylvania Public Utility Commission	PA PUC
State of New Jersey Division of Rate Counsel	Rate Counsel

**STATEMENT OF
COMMISSIONER JESSICA ROSENWORCEL
APPROVING IN PART, DISSENTING IN PART**

Re: *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991; Blackboard, Inc. Petition for Expedited Declaratory Ruling; and Edison Electric Institute and American Gas Association Petition for Expedited Declaratory Ruling, Declaratory Ruling, CG Docket No. 02-278*

It is no secret that consumers detest robocalls. Every month we receive thousands of complaints about them here at the Commission. Across town, our friends at the Federal Trade Commission log even more. It is no wonder these complaints keep rolling in—Consumer Reports estimates that robocalls now make up 35 percent of all phone calls placed in the United States.

Twenty-five years ago Congress passed the Telephone Consumer Protection Act to protect consumers from what was then a small but growing scourge of unwanted calls. While this law is showing its age, the Commission still has the power to use it to help consumers receive the calls they want and avoid the ones they do not want to receive.

To this end, here we address two petitions before the Commission under this law. First, we make clear that if you have provided energy and utility companies with your number, they can reach out to you when the power goes out, when service is being restored, and when dangerous work is being done on electrical facilities near your home. In other words, they have the ability to reach out to you when safety is at stake. Second, we make clear that schools, which act *in loco parentis*, can reach out to a student's family or guardian in emergency situations.

As these petitions demonstrate, the Commission has the power to call balls and strikes when it comes to the Telephone Consumer Protection Act. Doing so to promote safety and prevent emergencies strikes me as an appropriate use of this authority. But I believe this is a power we need to use carefully—and sparingly. So I regretfully dissent to a small component of today's decision. The Commission goes a step too far when it deduces from its conclusion that schools may make certain calls in emergency situations—that *any* third party can also make a robocall or send a text message to *any* person under the auspices of an emergency. Nothing in the petitions before us sought such a sweeping conclusion. No rulemaking was started. No comment was sought from the public. Instead, the Commission takes the unorthodox approach of creating a third party carve-out and burying it in a footnote without proper notice or a full examination of its likely result. The Commission simply does not know what the consequences will be of inviting any third party to place a robocall or send a text. But given the number of complaints we receive on this subject, it is the Commission's responsibility to thoroughly vet any potential changes to our robocall policies. While perhaps unintended, this overbroad conclusion has the potential to become a gaping loophole that multiplies the number of unwanted robocalls consumers receive. If it does, that would be a shame. It is certainly not the outcome consumers complaining to this Commission want.

For the above reasons, I approve in part and dissent in part.

**STATEMENT OF
COMMISSIONER MICHAEL O'RIELLY**

*Re: Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991;
Blackboard, Inc. Petition for Expedited Declaratory Ruling; Edison Electric Institute and
American Gas Association Petition for Expedited Declaratory Ruling, CG Docket No. 02-278*

I support the relief provided in this Declaratory Ruling, which should help schools and utilities provide information that their respective audiences want and need. The fact that the Commission must continually grant exemptions or clarifications to its TCPA framework for these and other valuable purposes, however, highlights that its interpretations of the law are overly restrictive, unrealistic, and unworkable.

The petitions at issue here are a perfect illustration. Parents and kids can benefit greatly when schools call or text parents to let them know that their child did not arrive at school. Think about a parent's worst nightmare: the instances of the thousands of children abducted annually or other horrible events. Under the Commission's TCPA approach, the parents may not learn for hours or a full school day of their missing child unless the administrator had the chance that day to manually call each and every absentee child's parent. Autodialing or texting can be a lifesaver. Similarly, homeowners and renters of all make-ups, including the elderly, can benefit when utilities call or text residents to let them know it is safe to return home after an outage. Just imagine those citizens who await the all clear signal after a gas leak in a neighborhood, their daily lives disrupted as they find shelter at neighbors, friends, community centers or otherwise. And the only legal option for the company to pursue, absent this item, is to manually dial each and every subscriber, all to the detriment of resources to assist those in need or detect and solve the problem at hand.

If parties have to spend resources to come before the Commission to ensure that they won't face needless liability for such vital messages, then the Commission's framework has missed the mark by a very wide margin indeed. It is disappointing, but not surprising, that these practices were caught up in the Commission's misapplication of the TCPA law last year.

These experiences, and many others, are not the types of calls that the statute was intended to cover. Instead of focusing on protecting Americans from abusive telemarketing calls, the Commission is curtailing critical communications between companies and consumers. Moreover, even when the Commission claims to provide relief, it leaves petitioners subject to the reassigned number liability trap, which I do not support and is in woeful need of reform. While I am glad that the Commission is providing some modicum of relief for some of those that are forced to pursue it, I remain hopeful that the Commission's general framework will be overturned in court (assuming the Commission does not see the error of its ways beforehand) and the Commission will chart a more rational course in the future.

Case No. EE-2025-0084

SCHEDULE 2

HAS BEEN DEEMED

CONFIDENTIAL

IN ITS ENTIRETY

P202502806

From: Nichole
To: Missouri Public Service Commission
Subject: Case number EE 2025 0084
Date: Thursday, May 1, 2025 12:59:47 PM

Subject: Strong Opposition to Evergy's "No Knock" Waiver -- Case No. EE-2025-0084

Dear Missouri Public Service Commission,

I am writing to strongly oppose the request from Evergy Missouri Metro and Evergy Missouri West in Case No. EE-2025-0084, which seeks permission to stop knocking on customers' doors before disconnecting service or performing critical field work.

Frankly, this proposal is horrible—not just for customer service, but for basic human decency. Removing this last point of direct contact between the utility and the people it serves is cold, impersonal, and dangerous. A knock on the door may be the final warning someone receives before they lose power. It can give a struggling family a chance to ask for help, or prevent a misunderstanding from escalating. Taking that away strips away empathy and replaces it with automation and distance.

This is not just a minor policy change—it's a betrayal of the trust customers place in their utility providers. It turns what should be a service relationship into an enforcement action. And beyond that, this move threatens to eliminate at least 30 good jobs—people who play a critical role in keeping customers informed and safe.

I urge the Commission to deny this waiver and send a clear message that customers are not just numbers on a meter. Respect, accountability, and compassion must remain part of how utilities operate in Missouri.

From: Bethany Arnes
To: Missouri Public Service Commission
Subject: Opposition to "no knock"
Date: Thursday, May 1, 2025 12:38:30 PM

Attn: Case No. EE-2025-0084

To the Honorable Members of the Missouri Public Service Commission:

I am writing to express my concern regarding the request submitted by Evergy Missouri Metro and Evergy Missouri West for a waiver that would allow them to implement what is commonly referred to as a "no knock" policy. As a customer and a stakeholder in the integrity of Missouri's utility services, I respectfully urge the Commission to deny this request.

Utility companies are not only service providers; they are long-standing members of the communities they serve. With that role comes a responsibility to uphold transparency, accountability, and customer trust. Allowing utility employees or contractors to enter customer premises without prior notice or consent sets a dangerous precedent that undermines those principles.

We have spent decades establishing a standard for customer service rooted in respect, communication, and cooperation. Approving this waiver would send a message that customer rights and expectations can be set aside for the sake of operational convenience. This move could irreparably damage the relationship between Evergy and its customers—residential and commercial alike—leading to increased public resistance, mistrust, and possibly safety concerns for employees as well.

While I understand the importance of efficient operations, efficiency should not come at the expense of customer dignity and transparency.

In conclusion, I urge the Commission to consider the long-term implications this policy could have on the customer-provider relationship and to uphold the standards of service that Missourians have come to expect and deserve.

Thank you for your time and your continued commitment to fair and balanced oversight.

Sincerely,
Bethany Arnes

Consumer Comment

P202502044

Date Filed

3/25/2025 10:23 AM

Submitted By

Jordyn Pitts

Name

Unknown Mitchel

Address

Unknown

Kansas City, MO 64131

Phone

(Cell)

(816) 304-5975

Email Address**Related Submission No.****Company**

Evergy Missouri Metro (Electric) (Investor)

Consumer Comments

"I heard that Evergy is trying to pass a law that allows them to not collection payments to avoid disconnection at the door. That doesn't seem fair to elderly customers who don't use online payment or billing systems or customers who may not receive the notices in the mail."

Attachments ▼

No Attachments Found

From: [Vernon Woodard Jr](#)
To: [Missouri Public Service Commission](#)
Subject: Case number EE-2025-0084
Date: Monday, April 14, 2025 3:14:45 PM

I want to speak up not just for myself, but for my fellow employees who are being put in a tough, unfair situation. What the company is pushing for with this case isn't just a policy change—it's something that could cause real harm, both to us and to the communities we serve.

Giving a utility company the green light for no-knock entry into someone's yard is crossing a line. It's not just about access—it's about trust, safety, and basic respect. As workers, we're the ones out there, face-to-face with customers. We're the ones who could end up in dangerous situations if someone mistakes us for a threat.

We should be protecting our people and strengthening our relationship with the public, not putting everyone at risk. No employee should be asked to walk into a situation where they're vulnerable to harm just because the company wants to cut corners or save time.

This isn't right, and it's not what we signed up for. Sent from my iPhone

From: Gretchen Bratten
To: Missouri Public Service Commission
Subject: regarding EE-2025-0084
Date: Monday, April 14, 2025 1:45:20 PM

Dear sirs and madams,

I am writing to let you know what a horrible idea this would be to let Evergy become exempt from knocking on a customer's door to let them know they are about to be disconnected . This will invariably hurt the most vulnerable people in our area . The elderly who have no internet access, (and wouldn't know what to do with it if they had it) the poor who must pay for their phones and internet access upfront , the people in small towns and rural communities who again have minimal internet access and even cell phone access, all these will be hurt if this proposal passes . Most people work an 8-5 workday and it's no surprise that Evergy makes sure their employees, (what's left of them) work those hours as well. This leaves their customers scrambling to call on their lunch breaks or after work , and forces them to wait on hold for an interminable amount of time, so many have to hang up or take their chances on emailing (again , due to the lack of manpower , it could take days to get a response to said email) This leaves the most vulnerable in our community without the means to gather information about their bills and possible disconnections . It's bad enough that customers are automatically enrolled in paperless billing (I am talking about elderly or mentally challenged people who are not told they have a choice to get a paper bill but forced on email billing . Evergy workers will never offer. This happened to an elderly neighbor of mine and I had to tell her she could call and ask to have a paper bill sent to her . She had fallen behind and was about to be disconnected because she could not access her account online or through the Evergy app, as her phone had limited data and she had no idea how to offload the apps that were using it up when she was not even active on them. Evergy already makes the ratepayers do the work that its agents used to . Don't let people in our rural communities , our elderly and our poor become victims to this company's cost cutting measures that only enrich its shareholders and C-suite.

Gretchen Bratten

Consumer Comment

P202502139

Date Filed

4/10/2025 4:25 PM

Submitted By

Mariya Stewart

Name

Laura Mika

Address

Undisclosed

Undisclosed, MO 00000

Phone**Email Address**

laura.mika@ymail.com

Related Submission No.

EE-2025-0084

Company

Evergy Missouri Metro (Electric) (Investor)

Consumer Comments

"I wanted to bring to your attention a critical safety issue that occurred this morning. We had a scheduled shutoff for a traffic light at the busy intersection of 75th and Ward Parkway. Had I not physically gone out to the site and we proceeded with a remote shutoff instead, this would have created a highly dangerous situation for both motorists and pedestrians. The intersection experiences heavy traffic, and disabling the signal remotely without on-site control could have easily resulted in accidents or major disruptions."

Attachments ▼

No Attachments Found

P202502132

From: Laura Mika
To: Missouri Public Service Commission
Subject: Case number # EE-2025-0084
Date: Wednesday, April 9, 2025 12:20:46 PM

To Whom It May Concern,

I am writing as an employee who has worked in the field for Evergy to provide clarity and insight regarding safety-related incidents that have occurred during service visits.

Firstly, I was the employee involved in the recent dog bite incident. I want to make it clear that this incident did not involve an aggressive or uncontrolled animal. The customer had a dog door, and the bite appeared to be a startled reaction, not a deliberate attack. It was an unfortunate but isolated event that does not reflect a broader pattern of danger associated with door-knocking protocols.

Additionally, I want to clarify another incident being referenced in support of this proposed policy. The individuals who had knives pulled on them were not performing non-payment disconnection visits. They were investigating suspected utility theft, which is a completely separate type of field activity with a different level of risk and procedure.

It's important that the Commission considers the context of these incidents before supporting a no-knock disconnection policy. Knocking or making contact before service disconnection provides customers with a final opportunity to resolve billing issues and often prevents unnecessary hardship or escalation. It also offers an opportunity for field employees to gauge the safety and circumstances on-site.

Thank you for considering this statement as part of Case No. EE-2025-0084. I am available to provide further clarification if needed.

Sincerely,

From: Laura Mika
To: Missouri Public Service Commission
Subject: Case number # EE-2025-0084
Date: Wednesday, April 9, 2025 10:46:00 AM

To Whom It May Concern,

I am writing to provide clarification regarding an incident that occurred while I was performing my duties as a field service professional on behalf of Evergy.

During a visit to a customer's property, I was unfortunately bitten by a dog. I want to emphasize that the incident did not appear to be aggressive in nature. The customer had a dog door installed, which allowed the dog to access the area where I was working. The bite seemed to be more of a startled or reactive response rather than a deliberate act of aggression.

I would like to clarify an incident involving individuals who had knives pulled on them while in the field. It has come to my attention that there may be some confusion regarding the nature of their visit to the property.

The individuals involved were not engaging in door-knocking activities for non-payment purposes. They were responding to and investigating a suspected case of utility theft. Their presence at the location was part of a theft-related service call and not part of a collections or disconnection effort.

It is important to distinguish between these two types of field visits to avoid any misunderstanding. The safety of our employees is a top priority, and accurate reporting helps ensure proper procedures are followed.

I understand the importance of documenting and reporting such incidents, and I appreciate the opportunity to clarify the circumstances. Please let me know if any further information is required.

Sincerely,

Laura

Field Service Professional

816-408-9089

From: Bradley Naugle
To: Missouri Public Service Commission
Subject: Case number # EE-2025-0084
Date: Wednesday, April 2, 2025 7:09:40 PM

Hello, as a current employee for evergy I have multiple concerns of taking away the no knock of residential/commercial customers that we service within the metro of Kansas City and surrounding areas. I would like to voice my concerns for the main reason as if this passes, multiple people within our department will be losing jobs within the company who have been doing this 5+ years or more, we all enjoy the interactions with customers wether they are past due or not. I've listed other multiple reasons provided below of why I do not agree for this to pass.

1. Customer Relations & Trust – Personal interaction helps maintain a positive relationship with customers, showing empathy and giving them a final chance to resolve the issue before disconnection.
2. Error Prevention – Remote shutoffs can lead to mistakes, such as disconnecting the wrong account or cutting off service despite a pending payment or billing error.
3. Consideration for Vulnerable Customers – Elderly individuals, disabled residents, or those relying on medical equipment may not be aware of the shutoff and need time to make arrangements.
4. Legal & Regulatory Compliance – Some areas have regulations requiring in-person notice before disconnection, ensuring the company follows all due process.
5. Preventing Safety & Property Risks – A sudden shutoff can cause problems like food spoilage, frozen pipes, or sump pump failure. Knocking gives customers time to prepare and avoid damage.
6. Last-Minute Payment Opportunities – Speaking with a utility worker may prompt immediate payment, avoiding the hassle and costs of reconnection for both the company and the customer.
7. Public Perception & Customer Satisfaction – A company that prioritizes communication and understanding over abrupt shutoffs maintains a better reputation and reduces customer complaints.

Sent from my iPhone

Please keep these concerns in mind when considering a no-knock order in relation to shutting off electricity, here's why it shouldn't be passed:

1. Safety Concerns

A no-knock order creates a dangerous situation for both utility workers and residents. Homeowners may react defensively if they believe someone is unlawfully entering their property, increasing the risk of violent encounters. Evergy is stating they want they want to obtain no-knock order for safety reasons.

2. Public Trust and Backlash

People expect due process, especially regarding essential services like electricity. If residents feel that their power is being cut off without warning or explanation, it can lead to public outrage, and distrust toward utility companies and the government.

3. Better Alternatives Exist

Instead of a no-knock approach, Evergy can issue multiple notices, provide clear warnings, and offer mediation options before shutting off power in person. With the no-knock order it would eliminate the in person customer service in which a lot of customers rely on.

4. Diversions

If customers knows Evergy is no longer conducting on site visits, it will inadvertently lead to more opportunities for electricity theft. By taking strong measures to prevent electricity theft, Evergy not only can't protect employees, customers, and communities from potentially life-threatening hazards but also secure essential revenue streams that are vital for the company's continued success and safeguarding shareholder interests.

5. Lay-offs

If the no-knock order passes, it will lead to significant layoffs-the entire department could be eliminated. This would directly impact Evergy employees, many of whom rely on these jobs to support their families.

Overall, a no-knock order for shutting off electricity is dangerous, and likely to erode public trust. Instead, transparent communication and due process should be prioritized.

Respectfully,

Laura Mika

Regarding Evergy's request to remove the requirement to knock before disconnecting service.

I recently helped an elderly man who forgot to pay his bill by talking to his son who paid the bill and promised to take control of his fathers electric bill.

I gave a single mother time to cancel an OFF order after her ex-boyfriend called to cut off the service.

I helped a man keep his lights on when his ex-wife kept calling to disconnect the power.

All of these customers would have been shut off without a thought if we didn't knock first.

I have found and reported hot service lines on the ground at vacant houses. And stood by to keep other people away from danger until linemen came to fix the problem.

These actions may not be putting dollars in the pockets of investors but they add value to customers.

Customers have thanked me for knocking on the door and not just cutting the power off. Even customers that were unable to pay at the time.

Thank you.

P202502825

From: Brandon Gray
To: Missouri Public Service Commission
Subject: Evergy No Knock proposal EE-2025-0084
Date: Monday, May 5, 2025 9:19:09 AM

Dear Missouri Commissioners,

I am reaching out to you as an extremely concerned Evergy employee and fellow Missouri resident. I am currently a Field Service Professional for Evergy. I am one of thirty five proud union workers that will be effected by the proposed no knock proposal.

One of my job duties is to collect or discount services due to past due bills. The amount of customers that I generally come in contact on a daily basis is important because these residents are uninformed either by their lack of knowledge or lack of technology. With us going to the doors, we as a group have either collected or guided the customer in the right direction to avoid future problems. We provide the customer with viable solutions.

It is to my understanding that approximately 30% of the meters in the field are not SD capable. Meaning they have to be physically disconnected. In my opinion that is extremely too many meters to reduce our workforce. By reducing our workforce it would ultimately mean that the department as a whole wouldn't be able to keep up with the workload safely and effectively. Safety has and is the cornerstone of this company from day one. There is not a day that goes by that safety isn't discussed as a group. As a field worker for over 19 years I can assure you that if we were to go to a non SD meter and disconnect it due to nonpayment without knocking and attempting to collect first, there would be a high probability of a conflict.

This proposal is wrong on so many levels. I know that ultimately in the future this will be implemented. But for as of right now.....NO! It is unsafe and unnecessary.

I respectfully ask the commission to vote against this proposed policy and side with the Missouri residents and us workers.

Sincerely,

Brandon Gray
Evergy employee and Missouri resident

P202502835

From: David Plumb
To: Missouri Public Service Commission
Subject: Case no EE-2025-0084
Date: Tuesday, May 6, 2025 10:52:07 AM

Dear Commissioners,

I am writing to express my concern regarding the proposed waiver in Case No. EE-2025-0084 that would allow Evergy to conduct disconnections without making in-person contact—commonly referred to as “no knock” disconnections.

As someone with firsthand experience in collections, I can tell you that in-person contact is a crucial part of ensuring customers are informed and have an opportunity to resolve their account issues before facing the hardship of a power shut-off. Many of the customers I speak with—especially elderly individuals—frequently tell me they never received a disconnect notice. Often, this is because they have changed phone numbers or moved without updating their contact information with the utility company. Many also rely on mail that can be delayed or missed.

A knock at the door is often the only clear and direct warning they receive, and it gives them a chance to ask questions, seek assistance, or make a payment arrangement on the spot. Without that opportunity, customers—especially the vulnerable—are left confused and distressed, and the situation can escalate unnecessarily.

Removing the requirement for in-person contact may make operations easier for the utility, but it does so at a cost to the customers who are most at risk. I respectfully urge the Commission to deny this waiver and continue requiring personal notification before disconnection. This human connection can make all the difference.

Thank you for your time and for considering the needs of all Missourians.

Sincerely,
Redcloud

P2025 02836

From: Laura Mika
To: Missouri Public Service Commission
Subject: RE: Concerns Regarding No Knock Policy – Docket EE-2025-0084
Date: Tuesday, May 6, 2025 11:06:42 AM

Dear Commissioners,

I am writing to express my concerns regarding the proposed “no knock” policy under consideration in Docket EE-2025-0084. While I understand the intention may be to streamline operations, I strongly believe this approach is not in the best interest of utility customers and may even create unnecessary risks—particularly for elderly residents.

A “no knock” policy, which allows utility workers to enter or perform work on a property without first notifying or contacting the customer, may seem efficient on the surface. However, it removes a critical layer of communication and respect that customers rely on. Many customers expect and appreciate a knock at the door or a heads-up before someone enters their property—this is not just a courtesy, it’s a matter of safety and trust.

This concern is especially relevant for elderly individuals, many of whom do not have regular access to digital communications such as smartphones, email, or internet-based notifications. A growing portion of our senior population relies solely on in-person communication or traditional mail. Assuming all customers are reachable by digital means overlooks the reality that many are left out of this loop entirely. Without a knock or verbal notice, these individuals may be completely unaware of work happening on their property, leading to fear, confusion, or even health and safety issues.

Moreover, unexpected visits without any form of personal notice can cause distress or panic among elderly residents, some of whom live alone and may be vulnerable or have mobility or cognitive limitations. They deserve the dignity of being informed and prepared for any disruption or presence on their property, just like any other customer.

Eliminating the basic practice of knocking or notifying a resident before work begins sends the wrong message—that convenience matters more than transparency, and that efficiency takes precedence over customer care. I urge the Commission to reject any policy that removes this essential point of contact, and instead support procedures that prioritize respect, accessibility, and clear communication for all customers, especially those most vulnerable.

Thank you for your time and consideration of this important issue.

Sent from Yahoo Mail for iPhone

From: Kelley R
To: Missouri Public Service Commission
Subject: Case number EE-2025-0084
Date: Tuesday, May 6, 2025 11:46:19 AM

I'm writing about Case number EE-2025-0084 regarding no knock for Evergy.

I feel that the Commission should deny the request due to several reasons.

1. Evergy is getting farther and farther from providing quality customer service. KCMO has quite a few of vulnerable customer. Elderly, low-income families, medical customers, etc. With Evergy providing that last attempt to pay at the door to prevent their service from being disconnected is greatly appreciated. Some don't have transportation to get to a pay station or have a bank account, so they pay in cash. This creates another challenge for those customers. Removing the company's eyes from the field removes the ability to identify these customers whose acct may not be marked medical. Field personnel had out medical applications when they see the need. We've had people arrive home from the hospital while a field technician is on site. They're able to give them a medical extension and advise them to contact the company or agencies or assistance. In testimony it mentioned Evergy will work with assistance programs. Recently, it was announced that these programs may not be funded after this season. (Agencies already have the funds for the summer.)
2. Not all meters are SD (service disconnects) so for those whose service needs a physical disconnect in the field, but the company won't accept a payment in the field can create an issue in the field. There was a trial period where Field employees weren't allowed to collect in the field. It didn't go well, and the company returned to accepting payments in the field. Payments generally post the next day for the most part if paid in cash or check unlike the several days that was mentioned in testimony, but I will admit it can in some of the districts like Sedalia or Brunswick. In some of the districts, there aren't any close payment center so if they don't have a bank account or transportation, this will pose a real problem for those customers.
3. Safety was brought up in testimony. Some of the examples given, if not all, were NOT collect stops. One of them list was for a Diversion order. We will definitely see an increase in Diversion orders due to the fact we won't have our eyes in the field. It was also cited that gov't and utility employees have faced hostile reactions from customers. Most of the issues have been while conducting routine work like tree trimming and outages. Is the company going to stop doing that type of work as well. As a matter of fact, it's been more hostile customers doing that type of work vs collection activity in the past month alone.
4. How many scams have been conducted in the field due to collections? Most of the scams Evergy receive are phone calls or text from scammers attempting to collect payment from REGULAR paying customers. Again, this is being given as a reason why not to collect in the field.
5. It was mentioned that reducing operational costs can be passed on to customers leading to lower utility bills. Evergy won't be lower utility bills. Evergy filed a rate case last year to raise the rates. Also reducing operational costs means loss of positions/jobs. It was mentioned that Evergy can respond more quickly to other customer needs and service requests. How will that be possible when the company plans on reducing the staff more than 50% for that department?
6. Field personnel also prevent customers from being disconnected in error. There have been many times where a new customer is moving in and forgotten to call the company. They've found customers linked to the wrong address. They were linked to Ter instead of St., wrong apartment, or many other errors that have occurred. This could be a customer service rep error or the customer providing the wrong address.

I'm sure I'm forgetting some additional benefits to continue in person collections but listed above are key. Companies forget that not everyone is computer savvy or have all the means we're blessed to have and understand.

Thank you in advance.

Respectfully submitted

Kelley Ruff

From: [charlie bartlow](#)
To: [Missouri Public Service Commission](#)
Subject: Case # EE-2025-0084
Date: Tuesday, May 6, 2025 12:46:01 PM

Subject: Urgent Opposition to “No Knock” Disconnections – Case No. EE-2025-0084

Dear Commissioners,

I am writing to strongly oppose the proposed waiver in Case No. EE-2025-0084 that would allow for utility disconnections without in-person contact.

As someone who works in the field, I’ve seen firsthand how critical it is to knock on the door before shutting off power. In one instance, I personally prevented a tragedy. I arrived at a home for a scheduled disconnection and followed the proper procedure by knocking. A person came to the door and told me that someone inside was dependent on life-saving medical equipment that required electricity. Had I not knocked, I would have unknowingly cut off power to someone whose life depended on it.

This is not just a procedural issue—it’s about protecting lives. Paper notices get missed. Phones change numbers. Many people, especially the elderly or those in crisis, simply aren’t aware that disconnection is imminent. In-person visits offer a critical last checkpoint to ensure disconnections are safe and justified.

I urge the Commission to consider the real consequences of removing this safeguard. No policy should put human life at risk for the sake of convenience. Please do not approve this waiver.

Thank you for your time and for your commitment to public safety.

Sincerely,

Charles Bartlow [Sent from Yahoo Mail for iPhone](#)