

# Exhibit No. 324P

**Exhibit No.:** \_\_\_\_\_  
**Issue(s):** Anonymous or Simulated Customer  
Account Access/Customer Education/  
Customer Information  
**Witness/Type of Exhibit:** Kremer/Surrebuttal  
**Sponsoring Party:** Public Counsel  
**Case No.:** ER-2022-0129 and ER-2022-0130

**SURREBUTTAL TESTIMONY**

**OF**

**LISA A. KREMER**

Submitted on Behalf of the Office of the Public Counsel

**EVERGY METRO, INC. D/B/A  
EVERGY MISSOURI METRO  
AND  
EVERGY MISSOURI WEST, INC. D/B/A  
EVERGY MISSOURI WEST**

CASE NOS. ER-2022-0129 AND ER-2022-0130

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Denotes Confidential Information that has been redacted

August 16, 2022

**PUBLIC**

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**CASE NOS. ER-2022-0129 AND ER-2022-0130**

1 **I. INTRODUCTION**

2 **Q. Please state your name, title, and business address.**

3 A. Lisa A. Kremer. Consultant for The Office of the Public Counsel (OPC). 705 Briarwood  
4 Court, Jefferson City MO. 65109.

5 **Q. Are you the same Lisa A. Kremer that filed Direct and Rebuttal Testimony in these**  
6 **cases?**

7 A. Yes.

8 **Q. Would you explain which company or companies you are referring to when you**  
9 **address Evergy in this testimony?**

10 A. In this testimony, my use of the name Evergy refers to both Evergy Metro (the utility  
11 previously known as Kansas City Power & Light Company) and Evergy West (the utility  
12 previously known as KCP&L – Greater Missouri Operations Company). All references  
13 made to “the Company or Companies” is intended for both Evergy Metro and Evergy West  
14 together.

15 **Q. What is the purpose of your Surrebuttal Testimony?**

16 A. The purpose of my Surrebuttal Testimony is to address the Rebuttal Testimonies of  
17 Company witnesses: Mr. Caisley and Ms. Winslow. My Surrebuttal Testimony will also  
18 provide follow-up raised in my Rebuttal Testimony regarding customer information.

1 **Q. What matters specifically will your Surrebuttal Testimony address?**

2 **A.** My testimony will address the following topics:

- 3 • Anonymous or Simulated Customer Account Access
- 4 • Customer Education
- 5 • Customer Information

6 **ANONYMOUS OR SIMULATED CUSTOMER ACCOUNT ACCESS**

7 **Q. What was OPC’s original request of Evergy regarding permitting the Office to have**  
8 **access to a sample of anonymous existing or simulated customer accounts?**

9 **A.** As stated on page 4 lines 3 through 16 of my Direct Testimony, the purpose of OPC’s  
10 request was to “permit the Office of the Public Counsel the ability to observe, understand  
11 and experience what Evergy customers experience as they are served by the Companies  
12 including changes to those experiences.”<sup>1</sup> My testimony went on to state:

13 Presently, an Evergy CIS customer log-in barrier exists for OPC, making it  
14 unable for the office to have access to specific customer-facing web-portal  
15 screens and content such as:

- 16 • Account Summary
- 17 • Make A Payment
- 18 • Payment History
- 19 • Bill History
- 20 • Preferences
- 21 • Energy Analyzer
- 22 • 24-Month Report
- 23 • Energy Usage<sup>2</sup>

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<sup>1</sup> Lisa Kremer Direct Testimonies Case Nos. ER-2022-0129 and ER-2022-0130, page 4 lines 3 through 6.

<sup>2</sup> Lisa Kremer Direct Testimonies Case Nos. ER-2022-0129 and ER-2022-0130, page 4 lines 6 though 16.

1 My Testimony went on to recommend the Companies “evaluate the creation of simulated  
2 customer portal logins for OPC or permit OPC to utilize some existing customer portals to  
3 provide it the ability to observe and experience what Evergy customers experience as they  
4 are served by their utility.”<sup>3</sup> If permitted use of existing customer portals OPC suggested  
5 the omission of customer personally identifiable information on records OPC would  
6 observe.<sup>4</sup>

7 **Q. What did Mr. Caisley say regarding OPC’s request for CIS access?**

8 A. On page 4 lines 14 through 21 of his Rebuttal Testimony, Mr. Caisley indicated he  
9 understood the desire for OPC and Staff to have a good understanding of the customer  
10 experience on the Company’s web portals. He went on to say that Evergy had previously  
11 offered to provide a scheduled demonstration of the Company’s customer portals to OPC  
12 but that it would be a challenge to accommodate every scenario that could possibly exist  
13 in the Company’s system. However, the Company would produce a thorough  
14 demonstration with advanced notice.

15 **Q. What did Mr. Caisley further say regarding OPC’s request?**

16 A. Mr. Caisley indicated that while the Company understood OPC’s request it was not  
17 “practical, cost-effective or acceptable from a business risk and financial reporting  
18 perspective to create a simulated account with manufactured customers and customer data  
19 including meters, usage, payments, etc. within our production billing system.” Mr. Caisley  
20 offered several other reasons for objecting to the request including that the Company had  
21 its technical IT and systems administration teams and business owners of Evergy’s digital  
22 customer experience team research OPC’s request and it was not feasible.<sup>5</sup>

23 Other objections to the request by Mr. Caisley included that “It is not a proper business  
24 practice to create a simulated account within a platform actively used by the business for

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<sup>3</sup> Lisa Kremer Direct Testimonies Case Nos. ER-2022-0129 and ER-2022-0130, page 5 lines 13 through 16.

<sup>4</sup> Lisa Kremer Direct Testimonies Case Nos. ER-2022-0129 and ER-2022-0130, page 5 lines 16 through 18.

<sup>5</sup> Mr. Caisley Rebuttal Testimonies Case Nos ER-2022-0129 and ER-2022-0130, page 2 lines 18 through 22.

1 customer interactions, billing and financial reporting purposes. It could easily create havoc  
2 with our reporting and account processes.”<sup>6</sup>

3 Mr. Caisley also indicated that OPC’s request was highly unusual, and the Company was  
4 not aware of anywhere in the U.S. where a regulatory stakeholder had requested and been  
5 granted access to a utility’s customer-facing portals.<sup>7</sup> In addition, Mr. Caisley stated even  
6 if such access could be done, it would “pose significant cost to create and become a manual  
7 burden to the Company.”<sup>8</sup>

8 **Q. Did the Company provide any support for its statements that OPC’s request was**  
9 **“highly unusual” and would pose “significant cost[?]”**

10 A. OPC data request numbers 5067, 5068, and 5069 inquired of such support and cost  
11 estimates to which the Company objected by saying the documents may be covered by  
12 attorney client privilege, are overly broad, unduly burdensome, calling for speculation, etc.  
13 However, although the Company objected to the data requests the Company did offer some  
14 information in response to OPC’s inquiries. (Please see schedule LAK-S-1 which includes  
15 the Company’s objection and its responses).

16 Specifically, in response to data request 5067, which requested support for statements that  
17 OPC’s request was “highly unusual,” the Company indicated that the data request was not  
18 necessary to determine if the systems are “used and useful and serving customers.” I will  
19 address this comment in subsequent paragraphs but determining whether the system is  
20 “used and useful” was not the purpose of the request.

21 The response went on to state that Mr. Caisley has served as the co-chairperson of the EEI  
22 Executive Advisory Committee (EAC) on Customer Service for more than six years and  
23 had extensively discussed customer information system implementations, customer facing  
24 authenticated portals etc. with members of the committee and has never heard of a non-  
25 customer or outside party being provided simulated access to Company systems. Mr.  
26 Caisley has also been a member of the Marketing Executive Conference (MEC) where he

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<sup>6</sup> Mr. Caisley Rebuttal Testimonies Case Nos. ER-2022-0129 and ER-2022-0130, page 3 lines 4 through 7.

<sup>7</sup> Mr. Caisley Rebuttal Testimonies Case Nos. ER-2022-0129 and ER-2022-0130, page 3 lines 8 through 10.

<sup>8</sup> Mr. Caisley Rebuttal Testimonies Case Nos. ER-2022-0129 and ER-2022-0130, page 3 lines 10 through 12.

1 served as President as well as the Chairperson of the Curriculum and Education  
2 Committees. The Company's response went on to say that Mr. Caisley had never heard of  
3 a request such as OPC's for access to Company customer portals. The Company's data  
4 request response also requests that if I have knowledge of any investor-owned utility within  
5 the country that has provided such access to please let the Company know.

6 Regarding the Company's indication that OPC's request would "pose significant cost" the  
7 Company states that the cost information isn't necessary to evaluate whether the systems  
8 are "used and useful and serving customers." The Company indicated in its response to  
9 OPC Data Request 5068 that OPC's request could "easily exceed \$100,000 in internal and  
10 external labor, programming and other costs."

11 **Q. Does the Company appear to misunderstand or misinterpret OPC's purpose for**  
12 **making the request for anonymous or simulated customer account access?**

13 A. Yes, I believe so. Mr. Caisley on page 3 lines 16 through 22 of his Rebuttal Testimony  
14 indicates that OPC does not offer a witness with "experience or expertise in designing,  
15 evaluating, testing or implementing authenticated customer portals nor does any OPC  
16 witness have education in digital user experience design, implementation and testing."

17 This statement implies that OPC's request was to evaluate the Company's CIS from an IT  
18 (Information Technology) perspective which is not the case. The Company also implies in  
19 responses to OPC data request 5067 and 5068 (as stated above) that OPC has made the  
20 request for limited CIS access to determine whether the system is "used and useful." The  
21 Company's response to Data Request No. 5068 indicates that "Nowhere in its testimony  
22 has OPC offered specific deficiencies or disallowances that would justify the creation of a  
23 simulated customer account and log-in or in the creation of the detailed cost estimate  
24 requested in this DR."

25 The purpose of OPC's request for limited CIS access, as stated in my Direct Testimony, is  
26 to "observe, understand and experience" what Evergy customers experience by the utility  
27 that serves them including changes to the portal.<sup>9</sup> Mr. Caisley addresses customer

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<sup>9</sup> Lisa Kremer Direct Testimonies, Case Nos. ER-2022-0129 and ER-2022-0130, Page 4, lines 4 through 6.



1 experience extensively in his Direct Testimony and it is that very desire that OPC has to  
2 experience what Evergy customers do in a limited capacity. I did not indicate in my Direct  
3 Testimony that OPC's purpose for CIS access was to "design, evaluate or test" customer  
4 portals or to determine if the system was "used and useful." Likewise, my testimony did  
5 not point to deficiencies or disallowances as a purpose for OPC's CIS access request.

6 As the consumer advocate office, OPC does have expertise and an inherent interest in the  
7 service, experience, and rates that impact Missouri regulated utility consumers and such  
8 tenets are foundational to the mission of the Office. Further, testimony by OPC witness  
9 Ms. Angela Schaben demonstrates OPC has staff that has information technology  
10 experience even though IT expertise to "design, evaluate or test" the Company's CIS  
11 system is not the purpose of OPC's request and is not required for the purpose the request  
12 was initiated. Ms. Schaben also offers additional testimony regarding the informational  
13 technological side of OPC's request.

14 Finally, a system costing approximately \$295 Million<sup>10</sup> seems as though it could  
15 accommodate limited access in some capacity to the Consumer Advocate including by way  
16 of anonymous or simulated account access.

17 **Q. The Company implies in its response to OPC Data Requests 5067 (please see Schedule**  
18 **LAK-S-1) that since the Company knows of no other request among other utilities**  
19 **such as OPC has made in this case for CIS access that the request is not justified.**  
20 **What is your response?**

21 A. Utilities, their regulatory bodies, their managements, governing statutes and rules as well  
22 as their system investments, programs, rate structures, and customer bases are all different.  
23 The difference among customers is acknowledged by the Company on page 12 line 20 of  
24 Mr. Caisley's Direct Testimony where he states: "All customers are different" and it is  
25 logical that all utilities are as well. Comparisons among utilities must be conducted

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<sup>10</sup> Commission Staff Direct Accounting Schedules Revised July 13, 2022, Accounting Schedule 03 – Plant in Service pg. 1 ln. 24, ER-2022-0129, EFIS item No. 140.

1 cautiously and with awareness of these numerous differences and the limitations of such  
2 comparisons must be recognized.

3 Whether the Company is aware of any utility that has provided similar CIS access such as  
4 OPC is requesting in this case has limited or no bearing, on whether the Company should  
5 or should not comply in whole or in part to OPC's request. Further, and as expressed in  
6 my Direct Testimony, if a Staff person, Consumer Advocate, or other party is served by a  
7 given utility, they already have access to a given utility's customer portals. Such as is the  
8 case for many OPC members who live in Jefferson City and are served by Ameren and  
9 Missouri American Water company.

10 **Q. Did Mr. Caisley address OPC's request for Anonymous Account CIS access in his**  
11 **rebuttal testimony?**

12 A. Not to my knowledge and I hope if it has not done so, the Company considers the potential  
13 of this option in contrast to the creation of simulated accounts which the Company has  
14 indicated is not feasible and would be too costly. (Please see the Company's response to  
15 OPC Data Request 5068 included in Schedule LAK-S-1). On page 5, lines 11 through 22  
16 of my Direct Testimony I suggested a possibility of the Company providing OPC with  
17 actual customer accounts with all personally identifiable information omitted.

18 **Q. Given the Companies' position that it cannot provide OPC CIS access do you have**  
19 **further thoughts or comments?**

20 Yes. First, OPC appreciates Mr. Caisley's offer to provide a thorough demonstration of  
21 the CIS system with advanced notice and the internal evaluation he indicates was  
22 conducted to determine if OPC's request could be granted. OPC may inquire of the  
23 Company for the CIS demonstration Mr. Caisley has offered at some point in the future.  
24 However, a one-time demonstration will not permit OPC to experience the changing  
25 Company messaging and communications, bill presentations and analytics, and customer  
26 experience overtime. OPC will occasionally revisit this topic with the Company in the  
27 future in the event something changes that would permit OPC to have the limited CIS  
28 access it originally requested. OPC also requests the Company to notify it should the

1 Company determine that such access, even in a limited capacity, would be able to be  
2 accomplished.

3 The Company responded in data request 5068 that OPC's request could "be hundreds of  
4 accounts and generating fake customer info is not a feasible way to manage the ask." It  
5 was not OPC's intention in any manner for the Company to generate hundreds of accounts.  
6 I will clarify OPC's specific intended request to the following general service accounts for  
7 either simulated or anonymous access which would address a large percentage of Evergy  
8 customers:

9 For Evergy West: Residential Service Schedules MORG and MORT, Small General  
10 Service Schedules MOSGS and MOSDS and Large General Service Schedules MOLGS  
11 and MOLGP.

12 For Evergy Metro: Residential Service Schedules R and RTOU, Small General Service  
13 Schedule SGG, Medium General Service MGS and Large General Service LGS.

14 Finally, I pose in addition to the Company considering anonymous account access where  
15 customer information such as name and address are omitted, for the Company to evaluate  
16 providing OPC access to one of Evergy's own accounts such as a bill presented to one of  
17 its service centers, its corporate or other offices such as Evergy Connect, etc. OPC suggests  
18 a discussion with the Company concerning all these options.

19 **CUSTOMER EDUCATION**

20 **Q. Ms. Winslow addressed the evaluation of Arizona Public Service Company's (APS)**  
21 **Customer Education Plan prepared on behalf of the Arizona Corporation**  
22 **Commission in her Rebuttal Testimony. What specifically did Ms. Winslow say**  
23 **about the plan?**

24 A. She noted some similarities, differences and opportunities between the Arizona  
25 Corporation Commission report and Evergy's Time of Use (TOU) Education. In  
26 similarities she pointed to Evergy's EM&V process and the Company's research in how to

1 message and offer TOU rates.<sup>11</sup> With regard to differences, Ms. Winslow noted the call  
2 center metrics as a primary benchmark in the Arizona Corporation Commission’s report  
3 and Evergy’s focus to encourage customer self-service through on-line enrollment.<sup>12</sup> For  
4 opportunities, Ms. Winslow noted that Evergy does not have a model for new customers  
5 to present a potential bill comparison based on different rates as well as evaluation  
6 opportunities on credit and collection activities related to TOU participants to contrast with  
7 standard rate customers.<sup>13</sup>

8 She had some additional observations that APS had a fixed budget for a short period of  
9 time and undefined goals while Evergy’s 2018 rate case stipulation and agreement  
10 presented specific parameters for Evergy to follow including timing and stakeholder  
11 approval for an education and EM&V plan as well as enrollment goals.<sup>14</sup>

12 Ms. Winslow concluded her comment on the Arizona report by saying the Company  
13 appreciated the opportunity to learn from another electric utility’s experience and she  
14 looked forward to continued success in Missouri with new and innovative rate offerings.<sup>15</sup>

15 **Q. Do you have any additional thoughts to add to the discussion of TOU education?**

16 A. Yes. First, I appreciate Ms. Winslow’s review of the Arizona Corporation Commission’s  
17 report and her openness to learn from another utility’s educational experience. I will  
18 comment briefly here that page 7, line 21 of my Rebuttal Testimony begins a discussion of  
19 existing customer education needs at Evergy and I believe the parties should work together  
20 toward effective education particularly in light of future successful and greater TOU  
21 adoption.

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<sup>11</sup> Ms. Winslow Rebuttal Testimonies Case Nos. ER-2022-0129 and ER-2022-0130 pages 11 and 12, lines 16 through 2, respectively.

<sup>12</sup> Ms. Winslow Rebuttal Testimonies Case Nos. ER-2022-0129 and ER-2022-0130 page 12, lines 3 through 5.

<sup>13</sup> Ms. Winslow Rebuttal Testimonies Case Nos. ER-2022-0129 and ER-2022-0130 page 12, lines 8 through 13.

<sup>14</sup> Ms. Winslow Rebuttal Testimonies Case Nos. ER-2022-0129 and ER-2022-0130 page 12, lines 16 through 22.

<sup>15</sup> Ms. Winslow Rebuttal Testimonies Case Nos. ER-2022-0129 and ER-2022-0130 page 3 through 5.

1 **CUSTOMER INFORMATION**

2 **Q. On page 13 of Mr. Caisley’s Rebuttal Testimony he provides the AMI Benefits to the**  
3 **new Service Disconnect enabled AMI meters and the first benefit listed is “Remote**  
4 **Meter Reading Capabilities Provides Data & Additional Data Opportunities.” You**  
5 **also addressed customer information in your Rebuttal Testimony and indicate on**  
6 **page 31, lines 14 through 16 that you were awaiting further discovery on the topic**  
7 **and may update your position in surrebuttal testimony. Do you have any comments**  
8 **regarding the data opportunities Mr. Caisley mentions and any further observations**  
9 **regarding customer data here?**

10 A. Yes. I believe it will be important to know specifically what types of “data opportunities”  
11 are being referred to as an AMI benefit including their relationship to customer data privacy  
12 and customer data protection. Also, it is important to know what plans the Company has  
13 regarding customer data that are being referred to in this section of Mr. Caisley’s testimony  
14 and what type of customer consent and customer permission may be required of any  
15 additional “data opportunities.”

16 **Q. What are your primary interests around customer information as they relate to**  
17 **Evergy?**

18 A. My interests on the topic of customer information are to ensure 1) that the Commission’s  
19 Affiliate Transaction Rule contained in 20 CSR 240-20.015(2)(C) be adhered to. That rule  
20 states:

21 Specific customer information shall be made available to affiliated or unaffiliated  
22 entities only upon consent of the customer or as otherwise provided by law or  
23 commission rules or orders. General or aggregated customer information shall be  
24 made available to affiliated or unaffiliated entities upon similar terms and conditions.  
25 The regulated electrical corporation may set reasonable charges for costs incurred in  
26 producing customer information. Customer information includes information  
27 provided to the regulated utility by affiliated or unaffiliated entities.

28 Further, 2) that all purposes in how customer information is being used is toward the  
29 provision of regulated utility service unless there is clear consent from the customer to use

1 their information in other ways. In addition, 3) that the customer has a clear and  
2 understandable means to reverse their consent at any time they determine they no longer  
3 want their information shared for unregulated purposes.

4 Much of my inquiry into the Company's customer information stemmed from the  
5 Company's response to OPC Data Request 5060, referenced in my Rebuttal Testimony on  
6 page 30 lines 18 through 27 (Please see Schedule LAK-S-2) and its Privacy Policy.

7 **Q. Page 29, beginning at line 18 and ending on page 30, line 6 of your Rebuttal Testimony**  
8 **begins a section regarding "other observations or concerns" in relation to the**  
9 **Company and customer data. What were you referring to?**

10 A. The Company's privacy policy within the tab "How We Use Your Information" led to  
11 questions, particularly in the sections regarding Company communications with customers  
12 about: "products, services, offers, promotions, rewards and events" the Company believed  
13 would be of interest to customers as well as "advertisements, content or features that match  
14 user profiles and interests, . . . process and deliver contest entries and rewards," and the  
15 statement that the company may "link or combine [with] information we get from others  
16 to help understand your needs" and to "carry out any other purpose for which the  
17 information was collected."

18 I further indicated on page 30, lines 7 and 8 of my Rebuttal Testimony that if all the  
19 purposes above were for the provision of regulated utility service my concerns would be  
20 assuaged but I was not sure at that time.

21 **Q. Have your concerns been assuaged at the time of this writing?**

22 A. Yes and No. I will provide the status of my review currently and explain my answer to the  
23 question further below.

24 I preface my testimony regarding customer information with indication that matters around  
25 the topic are complex and I am not aware of extensive investigatory work having been done  
26 in the Missouri regulatory utility area regarding the use of customer information other than

1 the working docket of AW-2018-0393 and the Allconnect-related dockets of EC-2015-  
2 0309 and EC-2017-0175. This, given the market value of customer data, and most  
3 importantly, the care and protection that should be afforded to regulated utility customer  
4 information further supports the recommendation on page 27, line 11 of my Rebuttal  
5 Testimony for the Commission’s consideration to revisit the Commission’s working docket  
6 of AW-2018-0393.

7 **Q. What information have you received from the Company that has relieved some of**  
8 **your concerns regarding its treatment of customer information?**

9 A. I have submitted several pieces of discovery to the Company regarding its use of customer  
10 information and at the time of this writing am still reviewing and submitting inquiries. I  
11 have appreciated the quick turnaround of the Company’s responses to OPC Data Request  
12 Nos. 5070 through 5080 to aid in my understanding of this topic. At the time of this  
13 writing, I continue to submit further inquiries to the Company.

14 Of positive note is the Company’s response to OPC Data Request 5060.3 which inquired  
15 around the types of “products, program enrollments, programs, messages,” etc that are sent  
16 to or marketed to Evergy Missouri customers. The Company’s response included: “all  
17 MEEIA programs, Solar Subscription, Electric Vehicle Education, and Programs, Time of  
18 Use, Rate Education, Financial Assistance programs and Monthly Customer E-mail.” Each  
19 of these programs are related to the provision of regulated electric service and I have no  
20 concerns at this time about them being offered. Further, in response to OPC Data Requests  
21 5071 and 5072, the Company indicates that “The Monthly Customer Email *does not ever*  
22 include promotion or offers of unregulated products or services.”

23 The Company’s response to OPC Data Request No. 5060.8 in summary indicates that  
24 marketing promotions and messages are sent to customer e-mail addresses who have  
25 proactively “opted in to receive news and information” and that customers may  
26 “unsubscribe” to be removed from future e-mails. The Company’s responses to OPC Data  
27 Requests No. 5071 and 5072 refer to the “Monthly Customer E-mail” and at this time I am  
28 attempting to be certain that the Company’s responses to Data Requests 5071, 5072 and

1 Data Request No. 5060.8 are referring to the same e-mail received by customers monthly.  
2 In addition, the Company’s responses to OPC Data Requests 5060.9 and 5060.10 indicate  
3 that “Evergy provides customer information to entities in furtherance of regulated utility  
4 service pursuant to longstanding practices authorized and/or embraced and supported by  
5 this regulatory jurisdiction” which also is of positive note. (Please see Schedule LAK-S-3  
6 for Company responses to OPC Data Request No. 5060.8 through 5060.10).

7 **Q. What is at the center of any further concerns?**

8 A. My remaining concerns surround the Company’s utilization of an entity called Acxiom  
9 (website: acxiom.com), which I understand to be a data aggregator. A data aggregator is  
10 an organization that collects data from one or more sources, provides some processing to  
11 that information, and repackages the result in a usable form to provide additional or  
12 new insights.

13 The Company indicated in response to OPC Data Request No. 5060.2 that “Evergy has had  
14 an annual contract with Acxiom since 2014 for InfoBase Enhancement & Audience  
15 Propensities for select consumer segment information.” The response further indicated to  
16 see attachment Q5060.2 \_ Acxiom Consumer Segments for a list of the consumer segments  
17 (or clusters) Evergy purchases from Acxiom. The 2022 list of customer segments Evergy  
18 purchases from Acxiom is attached as Schedule LAK-S-4. “Acxiom customer data is used  
19 to determine which products, programs and messages are most relevant to customers.”<sup>16</sup>

20 I would also like to further comment on the Company’s statement, addressed in my rebuttal  
21 testimony, that the Company takes the position it has “responsibilities as an owner” for  
22 customer information.<sup>17</sup> The Oxford Languages Dictionary defines the word  
23 “responsibility” as “having a duty to deal with something or of having control over  
24 someone.” Given this definition, the Company’s use of the word “responsibility” for  
25 customer data is somewhat unsettling and I offer here that the Company’s “responsibility”

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<sup>16</sup> Company response to OPC Data Request No. 5075.

<sup>17</sup> Lisa Kremer, Direct Testimonies, Case Nos ER-2022-0129 and ER-2022-0130 page 29, lines 3 through 6.



1 regarding customer information is twofold: to ensure the protection of customer  
2 information including that it only be used in the provision of regulated electric service and  
3 to ensure strict adherence to the Affiliate Transaction Rule contained within 20 CSR 240-  
4 20.015(2)(C). The Company has no further “control” over customer information beyond  
5 these parameters nor does the Company assume “ownership” of customer information at  
6 any time.

7 **Q. What specifically are you trying to determine about Acxiom and the Company’s use?**

8 A. At this time, there are a number of things I am trying to determine about the Company’s  
9 relationship with Acxiom:

- 10 1). Whether Evergy receives customer consent before sending aggregated data to  
11 Acxiom
- 12 2). Why Evergy purchases some of the specific customer segments it does from  
13 Acxiom
- 14 3). How Acxiom or any of its affiliated or unaffiliated companies or partners may use,  
15 provide or sell Evergy customer information outside of the provision of Evergy  
16 regulated electric service.

17 The Company’s response to OPC Data Request 5073 (Please see schedule LAK-S-5)  
18 indicates that:

19 “The Acxiom customer segmentation data is not shared with unaffiliated or affiliated  
20 parties. Acxiom has a data profile for 85% of individuals in the Evergy territory. Evergy  
21 sends customer name and address to Acxiom who then appends the data to each individual  
22 customer for Evergy’s files.”

23 If the Company is receiving customer consent to send their name and address to Acxiom I  
24 do not believe at this time that there is a violation to the Commission’s Affiliate  
25 Transactions Rule. If, however, the Company has not obtained or is not obtaining customer  
26 consent to have their name and address provided to Acxiom I believe there may be an

1 Affiliate Transactions Rule violation. For reference, a portion of the rule in 20 CSR 240-  
2 20.015(2)(C) includes:

3 Specific customer information shall be made available to affiliated or unaffiliated  
4 entities only upon consent of the customer or as otherwise provided by law or  
5 commission rules or orders. General or aggregated customer information shall be  
6 made available to affiliated or unaffiliated entities upon similar terms and  
7 conditions.

8 **Q. What other matters have your attention regarding the Company's relationship with**  
9 **Acxiom?**

10 The listing of customer segments includes 113 different segments by which the Company  
11 uses "to determine which products, programs and messages are most relevant to  
12 customers." (Company response to OPC DR No. 5060.1.) Some of the segments are  
13 understandable but others raise questions regarding their potential value to the Company.  
14 Some prompt questions regarding the justification and appropriateness for the regulated  
15 utility to have interest in regarding the provision of regulated service, to collect and to pay  
16 for on behalf of their regulated customers.

17 **Q. What specific customer segments are you referring to that you question the necessity**  
18 **to collect and pay for?**

19 **A.** As can be seen in Schedule LAK-S-4, the segmented data includes categories such as but  
20 not limited to:

21 Age  
22 Education  
23 Do-It-Yourselfer/Gardner  
24 Have Written or Called any Politician at the State, Local or National Level  
25 Orders Groceries Online  
26 Orders Restaurant Delivery Online  
27 Make a Purchase Via Mail  
28 Make a Purchase Via Phone

1           Make a Purchase Via Internet  
2           Race Code  
3           Single Parent  
4           Community/Charities  
5           Strange and Unusual  
6           Pay Bills Online Using the Internet (Financial)  
7

8           Of question is why a Missouri regulated utility would need to understand whether a  
9           household was a single parent home, or the age of their customers (other than being of legal  
10          age to have service in their name), their propensity toward community and charities, their  
11          customers' race, their interaction with their elected officials, etc. for the purposes of  
12          marketing regulated products and services. The Company's rationale for purchasing this  
13          and other types of segregated data from Acxiom remains to be determined. There may be  
14          just and logical reasons for the Company's interest in these and other areas, but I believe it  
15          appropriate to inquire what those are.

16          Applying the "front page of the paper test" (also known as The New York Times Rule)<sup>18</sup>  
17          can be valuable as a test of reasonableness and of question is how customers would  
18          perceive the Company's paid data research (costs presumably flowing back to ratepayers)  
19          regarding them in these and other research categories.

20          When asked in OPC Data Request 5076 about the relevance of certain specific categories  
21          the Company provided a more general response that "Evergy uses customer data such as  
22          demographic & psychographic data (Gender, Age, Education, Income etc.) to understand  
23          the makeup of the customer base for more relevant messaging and programs" The  
24          Company's complete response is provided in Schedule LAK-S-6. The Company also  
25          provided, in response to OPC Data Request 5077, the broad Acxiom segmentation  
26          categories, which is attached in Schedule LAK-S-7. I would further like to know how these

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<sup>18</sup> Forbes Article: "When In Doubt Always Ask: How Would This Look On The Front Page Of Tomorrow's Paper,"  
Paul B. Brown, January 25, 2014.

1 categories are used to market which specific services and rates to Missouri's regulated  
2 customers.

3 I refer to my rebuttal testimony, page 7 line 26 which provided the Company's own  
4 evidence that nearly \*\*\_\_\*\* of its customers surveyed \*\*\_\_\_\_\_\*\*  
5 \_\_\_\_\_\*\*. While the Company appears to know or is seeking significant  
6 information about its customers, there is apparent significant need for basic customer  
7 education regarding Company rate plans. Perhaps more Company energy should be spent  
8 in those customer service areas.

9 OPC has made two attempts to organize a meeting with the Company to learn more about  
10 the Company's relationship with Acxiom, the data it purchases on its customers, etc. E-  
11 mails from OPC were sent on July 29<sup>th</sup> and August 9<sup>th</sup> to the Company in an effort to gain  
12 such understanding, but as of this writing and to my knowledge, the Company has not  
13 responded to OPC's request.

14 **Q. What else may be of question or concern?**

15 A. As indicated on page 32 of my Rebuttal Testimony, I raised concerns regarding Mr.  
16 Caisley's dual roles within the Company as being the Chief Customer Officer for Evergy's  
17 regulated side of the house but also for his leadership responsibilities for establishing the  
18 strategic direction for both regulated and non-regulated products and services. This  
19 inherent conflict of interest may be further heightened in consideration of the Acxiom  
20 segregated data the Company receives that Mr. Caisley, in both his regulated and  
21 unregulated roles within the Company, would not only have access to but be in a position  
22 to direct, control and review summary findings and conclusions. Again, the "front page of  
23 the paper test" may provide valuable application in this area.

24 **Q. Please summarize the customer information section of your testimony?**

25 A. At time of this writing I continue to review the matter of Evergy's treatment of customer  
26 information including its relationship with Acxiom, a data aggregator. While some of my  
27 earlier concerns have been assuaged, I have identified above remaining areas that I am  
28 attempting to review. Regardless of the outcome of my work, I believe the Commission's

1           working docket of AW-2018-0393 should be revisited. The Staff’s draft rule provided an  
2           important beginning for the direction on the definition of customer information, its use,  
3           including the use of data aggregators, such as Acxiom. In my opinion, customers deserve  
4           nothing less than a thoughtful and thorough rule making process regarding one of their  
5           most valuable assets: their information.

6   **Q. Does this conclude your testimony?**

7   A. Yes.

