

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

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

**KANSAS CITY POWER & LIGHT COMPANY AND KCP&L GREATER
MISSOURI OPERATIONS COMPANY’S RESPONSE IN OPPOSITION TO STAFF’S
MOTION TO SEND NAMES AND ADDRESSES TO ATTORNEY GENERAL’S
OFFICE FOR COMPARISON WITH NO CALL LIST DATABASE**

Kansas City Power & Light Company (“KCP&L”) and KCP&L Greater Missouri Operations Company (“GMO”) (jointly referred to as “the Company”) provide the following response in opposition to *Staff’s Motion to Send Names and Addresses to Attorney General’s Office for Comparison with No Call List Database* (“Motion”).

1. On May 20, 2015 Staff of the Missouri Public Service Commission (“Staff”) filed a complaint case against the Company alleging violations of the Chapter 13 rule and the affiliate transaction rule stemming from its business relationship with and the conduct of Allconnect, Inc. (“Allconnect”). On the same day Staff filed its complaint, it also filed the Motion requesting to send a list of names and addresses to the Attorney General of the state of Missouri to “compare” with the state’s No-Call List.

2. What Staff explicitly (and for good reason) does not allege in its Motion is a violation of Missouri's No-Call law. Thus, Staff's request to send names and addresses of the Company's customers to the Attorney General's Office is a misuse and misapplication of the Missouri No-Call Database. The communications at issue between Allconnect and the Company's customers are exempt from the definition of "telephone solicitation" under Section 407.1095(3), RSMo., and Staff explicitly denies making any allegation that there has been a violation of the Missouri No-Call law. As such, Staff's request is entirely inappropriate.

3. Staff writes on pages 4-5 of its Motion:

The Staff is not asserting any violation of the Missouri Telemarketing and/or No-Call Statutes (citation omitted) or related Missouri Attorney General No-Call Administrative Rules (citation omitted). The Staff is interested in determining whether any of the individuals on the Staff's KCP&L-GMO-Allconnect list of 3,636 names and addresses may have expressed an interest in being included in the No-Call List database. The Staff believes that the presence of a match would be an indication of an individual's desire not to receive telephone solicitations. (Emphasis added) Motion, Pg. 4-5., Par. 6.

4. In its Motion, Staff states the obvious, and the *irrelevant*, that an individual who put themselves on the No-Call list would "be an indication of an individual's desire not to receive telephone solicitations." Id. Staff does not assert a violation of the No-Call Statutes. To use the No-Call Database in an attempt to support an unrelated legal or policy position is a misuse and misapplication of the No-Call Database. It is asking the Commission to pervert a state-developed data base designed to remedy a specific issue into a general use data base for an unrelated purpose. The Missouri No-Call Database should not be treated as such a general data base for use by all administrative agencies in the execution of their various responsibilities. Nor should it be used to merely to satisfy Staff's "interest." The No-Call law seeks to remedy the problem of cold-call telemarketing solicitations to a defined population of people. In the words of the Attorney General's website, "The No Call law allows Missourians to reduce unwanted

telemarketing calls made to their homes or cell phones by signing up for the No Call list.”¹ This is plainly not the situation here.

5. What is a “cold-call solicitation” and how do we know the purpose of the law is confined to so-called “cold-calls”? The No-Call Statute exempts communications “[b]y or on behalf of any person or entity with whom a residential subscriber has had a business contact within the past one hundred eighty days or a current business or personal relationship” from the definition of “telephone solicitation.” Sec. 407.1095(3)(b) RSMo. Maintaining this exemption is important for business because effective business relationships constitute an ongoing dialogue between the business and the customer. The business learns about the customer needs and offers new goods and services to the customer accordingly. This is a far-cry from a “cold-call” telephone solicitation in which there is not a pre-existing relationship or knowledge of the customer. The very annoyance of a “cold-call” telephone solicitation is, in part, rooted in the solicitor having no information or relationship with the solicitee—it is out of the blue.

6. The initial contact is between the *customer calling* the Company, then the call is transferred to Allconnect which acts on behalf of the Company to verify the customer information. Thereafter Allconnect informs the customer of other service opportunities available. The initial contact between the customer and the Company (initiated by the customer) fits the entirety of the conversation into the 3(b) exception of the statute.

¹ <https://ago.mo.gov/divisions/consumer/no-call>

WHEREFORE, Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company ask the Commission to deny the Staff's Motion to Send Names and Addresses to Attorney General's Office for Comparison with No Call List Database.

Respectfully submitted,

/s/ Roger W. Steiner

Robert J. Hack, MBN 36496

Phone: (816) 556-2791

E-mail: rob.hack@kcpl.com

Roger W. Steiner, MBN 39586

Phone: (816) 556-2314

E-mail: roger.steiner@kcpl.com

Kansas City Power & Light Company

1200 Main – 16th Floor

Kansas City, Missouri 64105

Fax: (816) 556-2787

**Counsel for Kansas City Power & Light
Company and KCP&L Greater Missouri
Operations Company**

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been hand-delivered, emailed or mailed, postage prepaid, to all parties of record this 22nd day of June, 2015.

/s/ Roger W. Steiner

Roger W. Steiner