

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

In the Matter of the Establishment of a Working)
Case for the Writing of a New Rule on the)
Treatment of Customer Information by Commission) File No. AW-2018-0393
Regulated Electric, Gas, Steam Heating, Water, and)
Sewer Utilities and Their Affiliates and Nonaffiliates)

LIBERTY UTILITIES' INITIAL COMMENTS

COME NOW The Empire District Electric Company, The Empire District Gas Company, Liberty Utilities (Midstates Natural Gas) Corp., and Liberty Utilities (Missouri Water) LLC (collectively, "Liberty Utilities"), by and through counsel, and in response to the Motion to Establish Working Case filed herein by the Staff of the Commission ("Staff") and the *Order Opening a Working Case to Consider a New Rule Regarding the Treatment of Customer Information* issued herein by the Missouri Public Service Commission ("Commission"), respectfully state as follows:

1. Liberty Utilities appreciates the opportunity to participate in this working docket regarding possible changes to the Commission's customer information rules and provide comments regarding Staff's proposed rule.
2. As noted in the Staff Motion to Establish Working Case filed herein, the Commission seeks to streamline rules and lessen unnecessary administrative burdens in response to Executive Order 17-03. In this regard, Staff proposes consolidation of the Commission's existing customer information rules which are broken out by utility type and are contained within the various affiliate transaction rules. Since the customer information provisions contained within the various affiliate transactions rules are not tied to affiliate transactions, Liberty Utilities supports creation of a separate customer information rule, as well as the proposed consolidation.

3. By way of background, the customer information provision contained within each of the current affiliate transactions rules is as follows:

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

4. Staff's proposed rule expands upon the existing provisions. Liberty Utilities supports the addition of rule language specifically providing that customer information may be provided, without customer consent, to an affiliate or nonaffiliate that will perform a utility service on behalf of the regulated utility, as proposed by Staff (subsection (2)(A)). The proposed rule, however, requires a written contract containing very specific provisions between the regulated utility and any affiliate or nonaffiliate that will perform a utility service on behalf of the regulated utility. Liberty Utilities would note that it is common for centralized service companies to provide services as IT and other services that, in some cases, involve access to customer information for the performance of the services. Liberty Utilities is still considering the possible implications of Staff's proposed expansion of the customer information rules.
5. Staff's proposed rule would also require "documented recorded or written customer consent" for providing customer information for non-utility related services, while the existing customer information provisions require only "consent of the customer" and provide that customer information may be provided "as otherwise provided by law or commission rules or orders." Liberty Utilities is not aware of any need to expand the rule to require written or recorded consent, and recommends that the current provision remain

in effect. Liberty Utilities is also not aware of any need or justification to remove the “as otherwise provided by law or commission rules or orders” provision. To the contrary, Liberty Utilities believes this provision is necessary to clarify that the customer information rule does not trump laws, other Commission rules, or Commission orders (such as those granting variances or waivers).

WHEREFORE, Liberty Utilities respectfully submits these Initial Comments and would welcome the opportunity to further discuss potential changes to the rules in a working group setting.

BRYDON, SWEARENGEN & ENGLAND, P.C.

By:

/s/ Diana C. Carter
Diana C. Carter MBE#50527
312 E. Capitol Avenue
P. O. Box 456
Jefferson City, Missouri 65102
Phone: (573) 635-7166
Fax: (573) 635-3847
E-mail: dcarter@brydonlaw.com

CERTIFICATE OF SERVICE

I hereby certify that the above document was filed in EFIS on this 24th day of August, 2018, with notification of the same being sent to all parties of record.

 /s/ Diana C. Carter