

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

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| Staff of the Missouri Public Service Commission, | ) |                                     |
|  | ) |                                     |
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| Complainant,                                     | ) |                                     |
|  | ) |                                     |
| vs.  | ) | <b><u>File No. EC-2015-0309</u></b> |
|  | ) |                                     |
| Kansas City Power & Light Company                | ) |                                     |
|  | ) |                                     |
| And  | ) |                                     |
|  | ) |                                     |
| KCP&L Greater Missouri Operations Company        | ) |                                     |
|  | ) |                                     |
|  | ) |                                     |
| Respondents.                                     | ) |                                     |

**MOTION TO SEND NAMES AND ADDRESSES TO  
ATTORNEY GENERAL'S OFFICE FOR COMPARISON WITH  
NO CALL LIST DATABASE**

**COMES NOW** the Staff of the Missouri Public Service Commission ("Staff"), by and through counsel, pursuant to Section 393.270.1 RSMo. 2000<sup>1</sup> and 4 CSR 240-2.070(1),<sup>2</sup> in furtherance of the pursuit of its Complaint against Kansas City Power & Light Company ("KCP&L") and KCP&L Greater Missouri Operations Company ("GMO") in File No. EC-2015- , requests that the Missouri Public

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<sup>1</sup> Section 393.270.1 RSMo. 2000 provides in pertinent part that:

. . . An investigation may be instituted by the commission as to any matter of which complaint may be made as provided in sections 393.110 to 393.285, or to enable it to ascertain the facts requisite to the exercise of any power conferred upon it. [Emphasis added.]

<sup>2</sup> The very first section of the Commission's rule on complaints, 4 CSR 240-2.070(1), states:

Any person or public utility who feels aggrieved by an alleged violation of any tariff, statute, rule, order, or decision within the commission's jurisdiction may file a complaint. A complaint may also be filed by the commission on its own motion, the commission staff through the staff counsel, or the Office of the Public Counsel. [Emphasis added.]

Service Commission ("Commission") authorize the Staff to provide to the Missouri Attorney General's Office ("AGO") a computer disc ("CD") of approximately 3,636 names and addresses of KCP&L-GMO customers whose phone call and certain customer information were transferred by KCP&L-GMO to Allconnect, Inc. ("Allconnect") without the KCP&L-GMO customers' consent for the purpose of AGO information systems personnel electronically comparing the 3,636 names and addresses<sup>3</sup> with the Missouri No-Call List database. In support of the Staff's motion, the Staff states as follows:

1. As explained in the Staff's Complaint filed in this file on this date, May 20, 2015, Allconnect and Great Plains Energy Services Incorporated ("GPES")<sup>4</sup> on behalf of itself and its affiliates KCP&L and GMO entered into the Allconnect Direct Transfer Service Agreement in April 2013. Pursuant to the Allconnect Direct Transfer Service Agreement, KCP&L-GMO customer service representatives transfer, without customer consent, customer calls and customer data of eligible KCP&L-GMO customers, to Allconnect for the purpose of Allconnect customer service representatives offering KCP&L-GMO customers, communications and other household products and services, such as phone, wireless, cable TV, satellite TV, high-speed internet, and home security systems, as well as promotions such as movers programs and coupons.

2. These 3,636 names and addresses are a relatively modest number of the total number of (a) new KCP&L-GMO Missouri residential service customers

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<sup>3</sup> For approximately 35 names the Staff has phone numbers and not addresses.

<sup>4</sup> GPES is not regulated by the Commission but KCP&L and GMO are regulated by the Commission as "electrical corporations" and "public utilities."

and (b) existing Kansas or Missouri KCP&L residential service customers and existing Missouri GMO residential service customers transferring service to different KCP&L or GMO Missouri residential service addresses within the last two-years whose phone call and certain customer information have been transferred to Allconnect customer service representatives by KCP&L-GMO customer service representatives without their consent.

3. Section 407.1101.1 RSMo. Cum.Supp. 2013 provides for the Attorney General to establish and provide for the operation of a database to compile a list of telephone and wireless numbers of residential subscribers<sup>5</sup> who object to receiving telephone solicitations, i.e., a no-call database. Section 407.1101.3 provides that if the Federal Communications Commission establishes a single national database of telephone numbers of subscribers who object to receiving telephone solicitations, the Attorney General shall include that part of such single national database that relates to Missouri in the database established pursuant to Section 407.1101. The AGO has obtained the phone numbers of Missourians on the Federal No-Call list and added them to the Missouri No-Call List database. Section 407.1101.4 provides, in part, that information contained in the database established pursuant to Section 407.1101 shall not be considered a public record pursuant to Chapter 610.

4. Section 407.1101.2(4) provides that the Attorney General shall promulgate rules governing the establishment of a State no-call database which shall include rules which specify the methods by which any person or entity desiring to make telephone

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<sup>5</sup> Under Section 407.1095(2) Cum.Supp. 2013 “residential subscriber” is defined as a person who, for primarily personal and familial use, has subscribed to residential telephone service, wireless service or similar service, or the other persons living or residing with such person.

solicitations will obtain access to the database as required to avoid calling the telephone numbers of residential subscribers included in the database. Among the rules promulgated by the Attorney General is 15 CSR 60-13.060 Methods by Which a Person or Entity Desiring to Make Telephone Solicitations Will Obtain Access to the Database of Residential Subscribers' Notices of Objection to Receiving Telephone Solicitations and the Cost Assessed for Access to the Database which provides, in part, for the confidentiality of the information on the no-call database when access to the list is obtained.<sup>6</sup>

5. The Staff is interested in having the AGO run the aforesaid comparison in furtherance of the Staff's complaint. The Staff would like to know whether there is a match of any of the names and addresses from the Staff's KCP&L-GMO-Allconnect list of names and addresses and the AGO No-Call List database.

6. The Staff is not asserting any violation of the Missouri Telemarketing and/or No-Call Statutes (Sections 407.1070 et. seq. Cum.Supp. 2013) or related Missouri Attorney General No-Call Administrative Rules (15 CSR 60-13.010-.070). 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

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<sup>6</sup> AGO Rule 15 CSR 60-13.060(1)(A) states as follows:

A written confidentiality agreement prepared by the Attorney General's Office and signed by the person or authorized agent of the entity [desiring to make telephone solicitations to residential subscribers residing or living in Missouri] that 1) restricts use of the no-call database exclusively for the purpose of compliance with sections 407.1095 to 407.1113, RSMo 2000, as amended from time-to-time, and 2) prohibits the transfer of the copy of the no-call database to any person or entity who has not submitted the signed written confidentiality agreement and payment to the Attorney General's Office for receipt of a copy of the no-call database; [Emphasis added]

presence of a match would be an indication of an individual's desire not to receive telephone solicitations.

7. The Staff obtained the names and addresses of these 3,636 KCP&L-GMO customers who were transferred by KCP&L-GMO customer service representatives to Allconnect customer service representatives through a number of Staff Data Requests to KCPL-GMO in File No. EW-2013-0011 and File No. EO-2014-0306. By an early informal Staff Data Request to KCP&L-GMO in 2013, Staff Data Request Nos. 35, 36, 49, 50, 87, and 88 in File No. EW-2013-0011 in 2013-2014, and Staff Data Request Nos. 22, 35, 46, 50, and 51 in File No. EO-2014-0306 in 2014, the Staff requested a recent list of transferred phone calls and a list of "escalated" phone calls (complaints / inquiries of customers including a detailed description the escalations / complaints) received by KCP&L-GMO which were transferred to Allconnect, from which the Staff would select a "random sample" of recorded phone calls for the Staff to receive electronically from KCP&L-GMO in order for the Staff to listen to the phone calls in the Commission's offices in Jefferson City. The Staff also requested in these various Staff Data Requests daily correction files submitted by Allconnect to KCP&L-GMO, i.e., a list of corrections made by Allconnect to the information taken down by the KCP&L-GMO customer service representatives. In doing so, KCP&L-GMO provided to the Staff the names and addresses and other information (name, address, account number, order number, start service date) of new Missouri or transferring KCP&L-GMO service location customers within the KCP&L-GMO Missouri service territory and these

customers' new information (name, address, account number, order number, start service date) on one or more excel spread sheets or otherwise electronically.<sup>7</sup>

8. Attorney General Rule 15 CSR 60-13.060(1)(B)1 provides that the cost of the No-Call list on CD is \$50 for one Missouri area code for a three-month period. To perform the limited comparison desired by the Staff, the Staff proposes to provide to the AGO on CD, the names and addresses of the approximately 3,636 KCP&L-GMO customers whose names and addresses the Staff has on computer disc whose phone call and certain customer information were transferred by KCP&L-GMO to Allconnect without the customer's consent.

9. Staff Counsel's Office has been in contact with the AGO and counsel for the Missouri No-Call Program and it has been indicated that the AGO is willing to perform this comparison. Staff Counsel's Office also has spoken with the AGO's information systems person who operates/maintains the Missouri No Call List database to see if an electronic comparison of the Missouri No Call List database and the electronic information which the Staff has is possible. The Staff does not have the phone numbers of these KCP&L-GMO customers. Apparently in the past, when the AGO has performed comparisons of lists, it has done so on the basis of comparing phone numbers. Nonetheless, the systems information person at the AGO believes that a comparison can be made on the basis of name and address.

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<sup>7</sup> For approximately 35 of the escalated calls, i.e., 35 KCP&L-GMO customers called KCP&L-GMO to complain about the Allconnect portion of the call, the Staff has from KCP&L-GMO the name and best contact phone number of the customer, but no address.

**WHEREFORE** the Staff of the Commission requests that the Commission authorize the Staff to provide to information systems personnel of the AGO a CD of approximately 3,636 names and addresses of KCP&L-GMO customers whose call and certain customer information were transferred by KCP&L-GMO to Allconnect, without customer consent, for the purpose of electronically comparing these names with the Missouri No-Call List database.

Respectfully submitted,

**/s/ Kevin A. Thompson**

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### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served, either electronically or by hand delivery or by First Class United States Mail, postage prepaid, on this 20<sup>th</sup> day of May, 2015, on the parties of record as set out on the official Service List maintained by the Data Center of the Missouri Public Service Commission for this case.

**/s/ Steven Dottheim**