



ROBB KAHL
STATE REPRESENTATIVE

Testimony on Assembly Bill 106

Thank you, Mr. Chairman, for taking the lead on this issue. I am pleased to join you as a coauthor of this bill.

I am also pleased to be able to work with WPPI Energy, the Municipal Electric Utilities of Wisconsin and the 82 public power communities on this bill.

This bill takes some important steps to protect the personal information of Wisconsin's public power customers. Consumers have a basic expectation that their customer data and usage information will remain private. However, in Wisconsin today that is not clear for municipal utility customers.

We have all seen and experienced the tremendous value new technologies have brought to our lives on a daily basis. They have made us more efficient, opened new educational doors, spurred job growth and economic development, and brought the world much closer. It is difficult to imagine getting through our day without the internet, notebook computers, IPAD's and smart phones. But with these advances, we must also remain vigilant for gaps in privacy protection.

This bill simply clarifies that privacy protections are in place for the 200,000 plus customers of municipal utilities. Under current law, a municipal utility would probably be able to protect the privacy of customers and refuse to release sensitive consumer information in accordance with Public Service Commission rules. However, there is a chance that if a request were made for municipal utility customer records that the release of those records could be compelled by the courts. Making this information exempt from disclosure under Wisconsin Public Record Law and limiting the parties with whom the data may be shared will better guarantee the right to privacy for these consumers.

Persons are able to protect their privacy and safety by opting out on having their property tax data or address appear on lists available to the public. We allow people to opt out of having their DOT or DNR license information made available to the public. Wisconsin law has recognized the importance of protecting the right to privacy in these areas of law and we need to provide the same protection to utility records as well.

I look forward to today's hearing and working with my colleagues to move this bill forward.



MARK R. HONADEL
STATE REPRESENTATIVE • 21ST ASSEMBLY DISTRICT

TESTIMONY ON ASSEMBLY BILL 106
ASSEMBLY COMMITTEE ON ENERGY & UTILITIES
APRIL 2, 2013

Thank you, fellow committee members for attending today's hearing on Assembly Bill 106.

The Public Service Commission's regulatory rules require that utilities shall not release "any information received from individual customers which serves to identify them individually, by usage or status." Municipal utilities in Wisconsin are subject to this rule. However, municipal utilities are also subject to Wisconsin's open records laws, but have taken the position that the regulatory confidentiality rules protect customer information from open records requests.

While municipal utilities believe customer information is protected from open records requests, this issue has not been addressed by the courts, which creates some uncertainty. There is also growing evidence that third parties are requesting customer information.

Municipal electric utilities serve more than 250,000 homes and businesses in Wisconsin and account for more than 11% of electricity used in the state. By eliminating this legal uncertainty, the Legislature can ensure that all of Wisconsin's electric customers have the same privacy protections.

AB 106 will prohibit a municipal utility from releasing customer information without the customer's consent. However, the prohibition does not apply to certain exceptions, such as those who are authorized by law to receive the customer information.

This bill will ensure that a customer's private information that is part of a municipal utility's records remains confidential by explicitly requiring that customer information is not subject to disclosure under the open records law.

After hearing today's testimony, I hope you will join me in supporting this bipartisan legislation to protect customers.

Thank you for taking the time to hear my testimony and I would be happy to answer any questions at this time.

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TO: Members of the Assembly Energy & Utilities Committee
FROM: Scott J. Meske, Interim Executive Director
DATE: April 2, 3013
RE: **MEUW Support Statement on Assembly Bill 106**

Thank you Chairman Honadel for the opportunity to offer MEUW's support for Assembly Bill 106, relating to the protection of municipal utility customer information. My name is Scott Meske, and I'm the Interim Executive Director for the Municipal Electric Utilities of Wisconsin, the trade association that serves all 82 Wisconsin communities that own and operate an electric utility. Combined our utilities distribute about 11 percent of Wisconsin's electric load to nearly 280,000 residential, commercial, industrial and farm customers.

Assembly Bill 106 addresses several key issues for MEUW Member utilities. First, it **clarifies the discrepancy** between PSC Administrative Code Chapter 113 and Wisconsin Open Records laws. Current PSC code requires utilities to not release identifiable customer information. Under Wisconsin Open Records Statutes, local government entities must comply with the procedures for supplying publicly releasable information.

Secondly, this legislation protects the privacy of municipal utility customers; **placing us on par** with the other regulated utilities in Wisconsin because investor owned utility customer information is already protected under PSC Chapter 113.

Utility customers, whether they are served by investor owned utility or a municipal utility ought to have assurance that their information they provide to their electric provider remains confidential. Assembly Bill 106 is a simple clarification that provides such protection.

We appreciate the Chairman's efforts, along with Representative Kahl to demonstrate that good legislation doesn't have to be partisan. Again, I appreciate the opportunity to present to you today, I ask the Committee pass AB106, and look forward to working with you and the Committee this legislation.

**Remarks from Jeff Feldt
before the Wisconsin State Assembly
Committee on Energy and Utilities
Public Hearing on Assembly Bill 106**

Tuesday, April 2, 2013, 11:01 AM
225 Northwest

Good afternoon. My name is Jeff Feldt, and I am the General Manager of Kaukauna Utilities. I also serve on the Board of Directors of the Municipal Electric Utilities of Wisconsin, the statewide association representing all 82 of Wisconsin's municipally owned electric utilities. In addition, I am the Chairman of the Board of Directors of WPPI Energy, the nonprofit power supplier owned by Kaukauna and 40 other municipal utilities in Wisconsin. I am also accompanied by my colleague Rick Wicklund, who is the General Manager of Sun Prairie Utilities and a member of the WPPI Energy Board of Directors.

Thank you, Mr. Chairman, for allowing us to address the committee today. We also thank you for your longstanding commitment to sound energy policy for Wisconsin's homes and businesses, including your responsiveness to the current matter at hand, Assembly Bill 106, which would ensure the privacy of municipal utility customer information.

In addition, Mr. Vice Chair, we also would like to express appreciation for your support and co-sponsorship of the measure.

I also am pleased to note that this bill enjoys strong bi-partisan support in the Legislature and on this committee. We greatly appreciate Representative Kahl's leadership in co-sponsoring this important proposal.

Assembly Bill 106 represents an important opportunity for this Legislature to take a strong stand in support of protecting customers. As you know, longstanding Public Service Commission rules require that utilities not release "any information received from individual customers which serves to identify them individually, by usage or status."

Municipal utilities in Wisconsin are subject to this rule and have taken care to ensure that customer information remains private. Our municipal utilities are also subject to Wisconsin's open records laws, which creates a legal tension for Wisconsin's municipals.

It is important to point out that we have taken the position that the regulatory confidentiality rules protect customer information from open records requests and that we do not currently share that information. However, this issue has not been addressed by the courts, which creates the legal uncertainty. And, there is also growing evidence that third parties are requesting customer information. In fact, following my remarks, my colleague, Mr. Wicklund will detail for you the challenges this tension created following such a third-party request for his local customers' information.

I would note that this issue reaches far beyond any single community: municipal electric utilities serve more than 250,000 homes and businesses in Wisconsin and account for more than 11% of electricity used

in the state. By contrast, customers of investor-owned utilities in the state, which are not subject to the open records law, enjoy clear protection of their information under the PSC rules. By formally ensuring that private consumer information that is part of a municipal utility's records is confidential, this Legislature can ensure that all of Wisconsin's electric customers have the same privacy protections.

In closing, thank you, Mr. Chairman and members of the committee for your attention to ensuring continued protection for this significant portion of citizens and businesses in our state from third-party access to their information.