

PUBLIC UTILITIES COMMISSION

MAILED

AUG 29 1990

(Decision No. C9D-1142)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RULES REGULATING THE COLLECTION)	DOCKET NO. 90R-520
AND DISCLOSURE OF PERSONAL INFORMATION)	COMMISSION ORDER
OBTAINED BY PUBLIC UTILITIES.)	PROPOSING RULES

August 27, 1990

BY THE COMMISSION:

NOTICE is given that the Public Utilities Commission for the State of Colorado proposes Rules Regulating the Collection and Disclosure of Information obtained by Public Utilities attached to this decision as Appendix A.

The basis and purpose for these rules are to provide regulations concerning the collection and disclosure of personal information obtained by a public utility within the normal course of business. The rules provide procedures to protect the right of privacy for customers of public utilities. These rules are issued under the authority of §§ 40-3-102, 40-4-101, and 40-2-108, C.R.S.

Notice of these proposed rules should be filed with the Office of Regulatory Reform at least ten days prior to the publication of the Notice of these proposed rules in compliance with § 24-4-103.5, C.R.S. Notice of the proposed rules should be given by the Secretary of State as required by § 24-4-103, C.R.S., on September 10, 1990. The hearing on the proposed rules should be held on November 29 and 30, 1990, at 9:00 a.m. in the Commission Hearing Room.

Any person may file comments to and modifications of the proposed rules. If modifications are proposed, the Commission requests that persons proposing the modifications use the legislative drafting format and file comments or modifications by October 15, 1990. Replies to comments or modifications may be filed by October 31, 1990.

Notice of this proceeding will be provided in accordance with § 24-4-103, C.R.S., rather than as required in Rule 63 of the Commission's Rules of Practice and Procedure. Rulemaking proceedings conducted by the Commission are governed by the Administrative Procedure Act, and specifically § 24-4-103, C.R.S., in accordance with the amendment of § 40-2-108, C.R.S., by House Bill 1084 (1989 Session). Rule 63 was enacted prior to the amendment of § 40-2-108, C.R.S. Therefore, compliance with Rule 63 is unreasonable and unnecessary. In accordance with Rule 3, the Commission will comply with the statute, rather than Rule 63.

THEREFORE THE COMMISSION ORDERS THAT:

1. The Executive Secretary shall file with the Secretary of State the necessary documents to allow for notice of the proposed Rules Regulating the Collection and Disclosure of Information obtained by Public Utilities attached to this decision as Appendix A. The Executive Secretary shall also give notice to all persons who have requested notice.

2. The PUBLIC HEARING for these rulemaking proceedings, is set as follows:

DATE: November 29, 1990
November 30, 1990, if necessary

TIME: 9:00 a.m.

PLACE: Public Utilities Commission
Commission Hearing Room
1580 Logan Street, DL-2
Denver, Colorado 80203

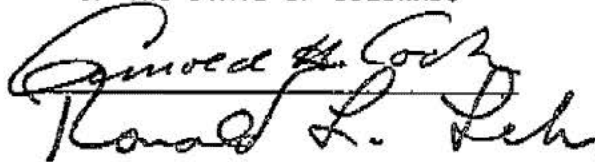
3. Any person may file comments to and modifications of the proposed rules. If modifications are proposed, the Commission requests that persons proposing the modifications use the legislative drafting format and file comments or modifications by October 15, 1990. Replies to comments or modifications may be filed by October 31, 1990. An original and ten copies of comments, modifications, and replies shall be filed.

4. Persons shall have an opportunity to submit written data, views, or arguments and to present the same orally unless the Commission deems oral presentations unnecessary, at the public hearing and the Commission will consider what changes, if any should be made to these rules.

This Decision is effective immediately.

DONE IN OPEN MEETING August 27, 1990.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER GARY L. NAKARADO ABSENT.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RULES REGULATING THE COLLECTION)
AND DISCLOSURE OF PERSONAL INFORMATION)
OBTAINED BY PUBLIC UTILITIES.)

DOCKET NO. 90R-520
NOTICE OF PROPOSED
RULEMAKING

- - - - -
August 27, 1990
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BY THE COMMISSION:

NOTICE is given that the Public Utilities Commission for the State of Colorado proposes Rules Regulating the Collection and Disclosure of Information obtained by Public Utilities attached to this decision as Appendix A.

The basis and purpose for these rules are to provide regulations concerning the collection and disclosure of personal information obtained by a public utility within the normal course of business. The rules provide procedures to protect the right of privacy for customers of public utilities. These rules are issued under the authority of §§ 40-3-102, 40-4-101, and 40-2-108, C.R.S.

Notice of these proposed rules should be filed with the Office of Regulatory Reform at least ten days prior to the publication of the Notice of these proposed rules in compliance with § 24-4-103.5, C.R.S. Notice of the proposed rules should be given by the Secretary of State as required by § 24-4-103, C.R.S., on September 10, 1990.

Any person may file comments to and modifications of the proposed rules. If modifications are proposed, the Commission requests that persons proposing the modifications use the legislative drafting format and file comments or modifications by October 15, 1990. Replies to comments or modifications may be filed by October 31, 1990. An original and ten copies of comments, modifications, and replies shall be filed.

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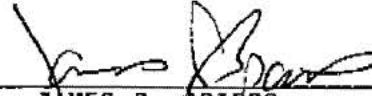
DATE: November 29, 1990
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TIME: 9:00 a.m.

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Commission Hearing Room
1580 Logan Street, OL-2
Denver, Colorado 80203

Persons shall have an opportunity to submit written data, views, or arguments and to present the same orally unless the Commission deems oral presentations unnecessary, at the public hearing and the Commission will consider what changes, if any should be made to these rules.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



JAMES P. SPIERS
Executive Secretary

Dated at Denver, Colorado this 27th
day of August 1990.

Appendix A
Docket No. 90R-520
Decision No. C90-1142
August 27, 1990
Page 1 of 3

**RULES REGULATING THE COLLECTION
AND DISCLOSURE OF PERSONAL INFORMATION**

BASIS, PURPOSE, AND STATUTORY AUTHORITY

The basis and purpose for these rules are to provide regulations concerning the collection and disclosure of personal information obtained by a public utility within the normal course of business. The rules provide procedures to protect the right of privacy for customers of public utilities. These rules are issued under the authority of §§ 40-3-102, 40-4-101, and 40-2-108, C.R.S.

RULE 1 - APPLICABILITY

These rules apply to all public utilities and telecommunications service providers regulated under Title 40, Article 15, Parts 2 and 3, C.R.S.

RULE 2 - DEFINITIONS

For purposes of these rules only, unless context otherwise requires:

- 2.1 Personal information means any individually identifiable information obtained through a commercial transaction or through an exchange of information with the public utility from which judgments can be made about a person's character, habits, avocations, finances, occupation, general reputation, credit, health, or any other personal characteristics. Personal information does not mean:
 - 2.1.1 A person's name and address; and
 - 2.1.2 A person's telephone number if the telephone number is published in a current telephone directory or is scheduled for publication in the next telephone directory.
- 2.2 Public utility is defined in 40-1-103, C.R.S. and for the purposes of these rules includes Telecommunications Service Providers as defined in Title 40, Article 15.
- 2.3 Person means any individual, firm, partnership, corporation, company, association, joint stock association, and other legal entity.
- 2.4 Published means authorized for voluntary disclosure by the individual identified in the listing.

Appendix A
Docket No. 90R-520
Decision No. C90-1142
August 27, 1990
Page 2 of 3

RULE 3 - COLLECTION

- 3.1 A public utility shall be restricted to collecting only that personal information which is necessary to provide, bill and collect for a service being rendered including information on credit worthiness to the extent necessary to comply with Commission Rules on customer deposit and discontinuance of service found at 4 CCR 723-2.

RULE 4 - ACCESS

- 4.1 The public utility shall indicate that a customer may request in writing a true copy of all personal information the utility holds concerning that customer. Upon such request the utility shall provide a true copy of all personal information collected.
- 4.2 The public utility shall permit a person to request in writing an amendment of the personal information held by that public utility and, shall within 30 days of the date of receipt of the request:
- 4.2.1 Make each correction, subject to verification, if necessary, in accordance with the person's request of any portion of a record which the person believes is not accurate, relevant, timely, or complete and inform the individual in writing of the corrections made in accordance with his or her request; or
- 4.2.2 Inform the person in writing of its refusal to amend the record in accordance with the request, the reason for the refusal; and shall clearly note any portion of the record which is disputed and shall include in its records the person's concise statement of disagreement.
- 4.3 A public utility shall permit inspection by a person of all records of personal information about whom that information was collected during normal business hours.

RULE 5 - DISCLOSURE

A public utility may not disclose personal information to any third party about persons who are customers of the utility without giving prior notice to the customer as follows:

Appendix A
Docket No. 90R-520
Decision No. C90-1142
August 27, 1990
Page 3 of 3

- 5.1 The customer must be notified in writing ten days prior to disclosure that personal information may be disclosed. The notice must advise:
- 5.1.1 The personal information being requested.
 - 5.1.2 The purpose for which the information may be disclosed.
 - 5.1.3 The identity of the third person to whom the information may be disclosed.
 - 5.1.4 A statement of the customer's right of access to records containing personal information which are maintained by the public utility as stated in Rule 4 of these rules.
- 5.2 The public utility shall also provide the customer with a form with which the customer may waive his right to privacy and which may authorize the utility to disclose personal information to specific third parties.
- 5.3 A public utility is prohibited from disclosing personal information about a customer, unless the customer has signed a written waiver and then may only release specific information to third parties as authorized by the customer.
- 5.4 This rule shall apply to each instance personal information is requested by third parties, unless the person signs a waiver for disclosure of all information to any third party at any time.
- 5.5 Rule 5 shall not apply to requests of information from public utilities concerning suspected criminal activity authorized in Title 16, Article 15.5, C.R.S., or in response to subpoenas, subpoenas duces tecum, or other legal requests issued by a court of law

RULE 6 - DUAL PARTY RELAY SERVICES

Information obtained by public utilities which is obtained through the relay of messages for a dual party relay system as defined in § 40-17-102(3), C.R.S., shall be protected in accordance with § 40-17-105(1), C.R.S. No written or electronic script shall be retained beyond the duration of the relayed call.