

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

IN THE MATTER OF THE APPLICATION)
OF BLACK HILLS/KANSAS GAS UTILITY)
COMPANY, LLC, d/b/a BLACK HILLS)
ENERGY, FOR APPROVAL OF THE)
COMMISSION TO MAKE CERTAIN)
CHANGES IN ITS RATES FOR NATURAL)
GAS SERVICE)

DOCKET NO. 25-BHCG-298-RTS

DIRECT TESTIMONY

JOSH FRANTZ

ON BEHALF OF

THE CITIZENS' UTILITY RATEPAYER BOARD

MAY 9, 2025

1 **I. Statement of Qualifications**

2 **Q. Please state your name, employer, and business address.**

3 A. My name is Joshua (Josh) Frantz. I am employed by the Citizens’ Utility Ratepayer Board
4 (CURB) as a Senior Regulatory Analyst. My business address is 1500 SW Arrowhead
5 Road, Topeka, Kansas 66604.

6
7 **Q. Please describe your educational background and qualifications.**

8 A. I earned a Master of Business Administration degree from Washburn University of Topeka,
9 Kansas. I also earned a Bachelor of Business Administration degree from Washburn
10 University. My undergraduate majors were finance, marketing, and management.

11
12 **Q. Please describe your professional background and qualifications.**

13 A. Since April 2019, I have served in my current position as Senior Regulatory Analyst with
14 CURB.

15 From August 2015–April 2019, I was employed by the Kansas Corporation
16 Commission (KCC or “Commission”) in the Utilities division. I began my employment
17 with the KCC as a Senior Research Economist and was promoted to Managing Rate
18 Analyst.

19
20 **Q. Have you previously testified before the Commission?**

21 A. Yes. Over the course of my employment with CURB and prior employment with KCC

1 Staff, I have provided testimony and recommendations in several proceedings before the
2 Commission. A list of my prior filings is available, upon request.

3
4 **II. Summary of Testimony**

5 **Q. What is the purpose of your testimony?**

6 A. My testimony addresses Black Hills Energy’s (“Black Hills” or “Company”) proposed
7 modifications to Schedule GRR *Section 2.1-c Disclaimer on Company’s Treatment of*
8 *Customer-Specific Information* (“Section 2.1-c”).

9
10 **III. Tariff Revisions and Modifications**

11 **Q. Please describe the Company’s proposed modifications in Section 2.1-c.**

12 A. Under the status quo, when taking service from Black Hills, customers automatically
13 consent to the sharing of their personal and billing data with contracted third-party vendors
14 who have passed Black Hills’ vendor onboarding and security requirements.

15 Currently, it is CURB’s understanding that Black Hills shares customer-specific
16 data to third-party vendors, such as Home Warranty Service Providers (“HWSP”), who
17 then market products and services to Black Hills’ customers. Such vendors are considered
18 “unregulated,” so those activities are not typically brought to the Commission for review
19 or approval.

20 As proposed by Black Hills, the new language in Section 2.1-c would change it so
21 that customer-specific information (billing statement information, usage data, and agent

1 information) would not be released to any other party without the customer’s consent,
2 except “when Customer-specific information is released in response to a request of the
3 Commission or its staff.” The proposed changes further clarify that “[t]his section shall not
4 prevent Company from providing information regarding Customer status when requested
5 by law enforcement or emergency personnel acting in an official capacity or when
6 customer-specific information is released by court order, subpoena, or other order or
7 requirement issued by a duly constituted authority, or when release of such information is
8 necessary to provide service.”

9 According to the Company, Section 2.1-c is “intended to provide customers with
10 clarity regarding how the Company treats and further protects the Customer’s personal
11 information related to disclosure of that information to a third party.”¹

12
13 **Q. Do you have any concerns with Section 2.1-c, as proposed?**

14 **A.** Yes. Based on the plain reading of the proposed change, Section 2.1-c only specifically
15 provides an exception for the Commission and its staff. I am concerned that Section 2.1-c
16 may restrict CURB’s (and other Commission-approved intervenors’) access to relevant
17 information in KCC proceedings and restrict CURB’s ability to receive relevant
18 information regarding legislative matters.

19 Although the catch-all language, “or other order or requirement issued by a duly
20 constituted authority,” could be interpreted to include the Commission, it would be

¹ Company response to CURB-3(a).

1 administratively burdensome to have to make specific findings for every single docket that
2 may involve the use of such information.

3

4 **Q. Should CURB be allowed access to relevant customer-specific information without**
5 **express consent of the customer?**

6 A. Yes, as the governmental agency tasked with representing residential and small
7 commercial utility ratepayers before the Commission and the Kansas Legislature, CURB
8 should be allowed the same access to relevant customer-specific information as the
9 Commission and its staff. CURB's usage of such information would be substantially
10 similar to the Commission's and limited to regulatory matters, rather than marketing
11 purposes for private third-party vendors.

12 Any request for customer-specific information would still be subject to all other
13 rules of discovery and disclosure, including relevance to a particular proceeding.

14

15 **Q. Can you recall any past KCC proceedings involving Black Hills wherein CURB**
16 **justifiably received access to customer-specific information without the customer's**
17 **express consent?**

18 A. Yes. A prominent example wherein customer-specific information was relevant and crucial
19 to CURB's review was in the series of KCC dockets stemming from Winter Storm Uri in
20 2021.

1 **Q. Do you believe the Company intends to restrict Commission-approved intervenors’**
2 **ability to receive customer-specific information through the discovery process in**
3 **KCC proceedings?**

4 A. No, I do not believe that is the Company’s intent. In response to CURB-3(b), the Company
5 stated, “The proposed changes to Schedule GRR 2.1-c will not restrict CURB’s, or other
6 Commission-approved intervenors’ ability to request and receive clearly relevant customer
7 information through discovery in KCC proceedings.”

8 Given the Company’s stated position, I believe its intent should be shored up with
9 additional language to the policy in order to avoid future controversy.

10 CURB perceives that the primary intended effect of Section 2.1-c is to codify that
11 the Company will no longer disclose customer-specific data to third party vendors unless
12 the customer provides express permission.

13

14 **IV. Recommendation**

15 **Q. What do you recommend?**

16 A. I recommend revising Section 2.1-c to provide CURB the same exception that is granted
17 to the Commission and its staff.

18 Additionally, I recommend language be added in Section 2.1-c to allow for the
19 disclosure of relevant customer-specific information to Commission-approved intervenors
20 in KCC proceedings.

21 If the modifications to Section 2.1-c are approved, in light of the significant shift in

1 data security policy for the Company, I recommend the Company provide notice to each
2 currently contracted third-party vendor and any other vendor who received customer-
3 specific information from Black Hills since the Company's prior rate case, directing them
4 to securely discard all such data immediately and to distribute the notice to all employees
5 and sub-contractors who may have had access to such data. The Company should file a
6 status update in this docket within three months of the Commission's Order, disclosing
7 which vendors received customer-specific information and confirming that each vendor
8 was provided with notice, along with any other pertinent information on issues or conflicts
9 that have arisen regarding the retraction of customer-specific data.

10 Furthermore, if the Company intends to work with third-party vendors to share
11 customer data after changes are made to Section 2.1-c, then the Company should work with
12 Staff and CURB to discuss the Company's plans to educate customers about its data
13 sharing policies and the process to obtain consent from customers.

14
15 **Q. Are you otherwise supportive of Section 2.1-c?**

16 A. Yes. With my proposed revisions, I strongly support Section 2.1-c. The proposed changes
17 effectively adopt an "opt-in" style of sharing customer data, rather than burdening
18 ratepayers with the process to withdraw their consent. It should prevent customers from
19 receiving unwanted solicitation and also reduce the effectiveness of scam attempts. This is
20 a critical improvement to the Company's approach to customer data privacy.

21 Specifically, regarding third-party HWSP, The National Association of Consumer

1 Advocates (NASUCA), of which CURB is a member, has resolved that customer-specific
2 information should not be disclosed to HWSP without express consent of the customer.²
3 The Company’s proposed changes to Section 2.1-c align with that provision of NASUCA’s
4 resolution.

5

6 **Q. Does this conclude your testimony?**

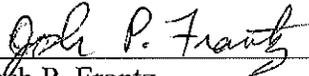
7 **A. Yes.**

² National Association of State Utility Consumer Advocates Resolution 2021-01 Urging State and Federal Officials to Adopt Laws and Regulations Promoting Transparency and Protecting Privacy of Customer Data in the Context of Home Warranty Services.

VERIFICATION

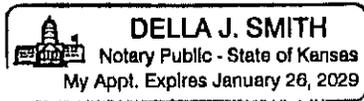
STATE OF KANSAS)
)
COUNTY OF SHAWNEE) ss:

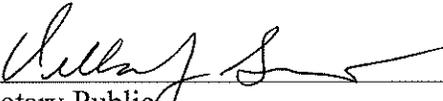
I, Josh P. Frantz, of lawful age and being first duly sworn upon my oath, state that I am a Senior Regulatory Analyst for the Citizens' Utility Ratepayer Board; that I have read and am familiar with the above and foregoing document and attest that the statements therein are true and correct to the best of my knowledge, information, and belief.



Josh P. Frantz

SUBSCRIBED AND SWORN to before me this 9th day of May, 2025.





Notary Public

My Commission expires: 01-26-2029.

APPENDIX
REFERENCED DATA REQUEST RESPONSE
CURB-3

BLACK HILLS / KANSAS GAS UTILITY COMPANY, LLC
d/b/a BLACK HILLS ENERGY
DOCKET NO. 25-BHCG-298-RTS
CITIZEN'S UTILITY RATEPAYER BOARD
DATA REQUEST NO. CURB-3

DATE OF REQUEST: 02/28/2025
DATE RESPONSE DUE: 03/11/2025
REQUESTOR: Kansas Corporation Commission
AUDITOR: Joseph R. Astrab
ANSWERED BY: Nick Smith
DATE RESPONDED: 03/10/2025
SUBJECT: Schedule GRR (2.1-c) Adjustments
REFERENCE:

REQUEST:

- a) Please provide detailed reasoning for the Company's proposed changes to Schedule GRR (2.1-c) Customer Information Disclaimer on Company's Treatment of Customer-Specific Information.
- b) Please explain how the proposed changes to Schedule GRR (2.1-c) would restrict CURB's (and other Commission-approved intervenors') ability to request and receive "clearly relevant" customer information through discovery in KCC cases.

RESPONSE:

- a) The Company's proposed changes to Schedule GRR 2.1-c are intended to provide customers with clarity regarding how the Company treats and further protects the Customer's personal information related to disclosure of that information to a third party.
- b) The proposed changes to Schedule GRR 2.1-c will not restrict CURB's, or other Commission-approved intervenors' ability to request and receive clearly relevant customer information through discovery in KCC proceedings.

ATTACHMENTS:

None

Verification of Response

I have read the foregoing information request and answer(s) thereto and find the answer(s) to be true, accurate, full and complete and contain no material misrepresentations or omissions to the best of my knowledge and belief; and I will disclose to the Commission Staff any matter subsequently discovered which affects the accuracy or completeness of the answer(s) to this information request.

Signed: /s/Rob Daniel

Date: March 10, 2025

CERTIFICATE OF SERVICE

25-BHCG-298-RTS

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing document was served by electronic service on this 9th day of May, 2025, to the following:

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