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**SOUTHWEST GAS CORPORATION**

November 7, 2014

Docket Control Office  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, AZ 85007-2996

Re: **Docket No. RU-00000A-14-0014**

Southwest Gas Corporation hereby submits for filing an original and thirteen copies of its comments in response to the draft rules in the above-referenced docket.

If you have any questions, please contact me at (602) 395-4058.

Respectfully,

Matt Derr  
Regulatory Manager/Arizona

Enclosures

Cc: Service List

Arizona Corporation Commission  
**DOCKETED**

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ARIZONA CORPORATION COMMISSION  
DOCKET CONTROL

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1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 Bob Stump, Chairman

4 Gary Pierce

5 Brenda Burns

6 Bob Burns

7 Susan Bitter Smith

8 IN THE MATTER OF THE COMMISSION  
9 INQUIRY INTO AMENDMENT OF THE  
10 COMMISSION'S RULES RELATED TO  
11 PUBLIC SERVICE CORPORATION'S  
12 RELEASE OF CUSTOMER INFORMATION  
13 INCLUDING AMENDMENT OF THE  
14 RULES TO SPECIFICALLY ADDRESS  
15 PRIVACY AND CONFIDENTIALITY  
16 CONCERNS RELATED TO SMART  
17 METERS

DOCKET NO. RU-00000A-14-0014

18 **COMMENTS OF SOUTHWEST GAS CORPORATION ON REVISED DRAFT RULES**

19 Southwest Gas Corporation (Southwest Gas or Company) hereby submits its comments in  
20 response to the Arizona Corporation Commission's Utilities Division Staff's (Staff) Second Request  
21 for Informal Comment on its draft rules concerning the release of customer information, and  
22 privacy and confidentiality concerns related to smart meters (Rules). The revised draft Rules were  
23 published October 23, 2014.

24 Southwest Gas appreciates Staff's consideration of the initial comments filed by interested  
parties, and notes that the revised draft Rules address many of the issues raised in the initial  
comments. Southwest Gas provides the following comments and suggested revisions to the Rules,  
in an effort to further clarify their scope and applicability:

1           1.       R14-2-2201(O) establishes the definition for “Personally Identifying Information”  
2 which is, in turn, incorporated into the definition of “Private Customer Information”.<sup>1</sup> Because the  
3 Rules provide certain requirements and restrictions on the collection, use and disclosure of customer  
4 information based upon privacy and confidentiality concerns, Southwest Gas believes that the  
5 definition of “Personally Identifying Information” and/or the definition of “Private Customer  
6 Information” should be modified to acknowledge that the information listed in R14-2-2201(O) is  
7 not deemed confidential, and is not subject to the Rules, if it is otherwise available in the public  
8 domain.

9           2.       R14-2-2201(P) should be modified as set forth below, in order to clarify that the  
10 “Utility Services” defined in R14-2-2201(W) are deemed to have “primary”, rather than  
11 “secondary”, purposes:

12           “Primary purpose” means the collection, use, or disclosure of information collected by  
13 the Utility or supplied by the Customer in order to... 3) provide services as required by  
14 state or federal law or as specifically authorized by and order of the Commission; ~~or 4)~~  
15 plan, implement, or evaluate, energy assistance, demand response, energy management,  
16 energy efficiency, or renewable energy programs by the Utility or under contract with  
17 the Utility, under contract with the Commission, or as part of a Commission-authorized  
18 program conducted by an entity under the supervision of the Commission, or pursuant  
19 to state or federal statutes governing energy assistance; **or 5) furnish a Utility Service.**

20           3.       Because outside attorneys retained by a Utility will likely be deemed “Agents” or  
21 “Contractors” under the definitions provided in R14-2-2201, the following modification should be  
22 made to R14-2-2204(C)(2):

23           The following shall be considered necessary to accomplish a Primary Purpose under the  
24 Rules such that Private Customer Information may be disclosed without the Customer’s  
consent when it is provided:

...

To a **Utility’s Agent or Contractor, or a Third Party**, such as an entity providing debt  
collection services, mediation or arbitration services, or legal services, to protect the

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<sup>1</sup> R.14-2-2201(P).

1 Utility's property and other legal interests in the context of nonpayment by or a dispute with  
2 the Customer.

3 4. R14-2-2204(C)(5) should be modified as set forth below, in order to clarify that this  
4 provision is not limited only to repair services:

5 The following shall be considered necessary to accomplish a Primary Purpose under the  
6 Rules such that Private Customer Information may be disclosed without the Customer's  
7 consent when it is provided:

8 ...  
9 To an Agent or Contractor of the Utility to perform Utility ~~repair~~ **sServices**;

10 5. In order to account for contracts with Utility Agents and Contractors that are  
11 executed prior to the effective date of the Rules, Southwest Gas suggests that an exemption  
12 provision (similar to that in R14-2-2211) be added to R14-2-2205. The provision should exempt  
13 existing contracts from the specific provisions of R14-2-2205 so long as they have provisions  
14 requiring the Agent or Contractor to maintain customer information in a confidential manner.

15 6. Southwest Gas agrees that it is important for customers to receive notice of the Rules  
16 and the details concerning the collection, use and disclosure of their Private Customer Information.  
17 However, it appears duplicative to require the information set forth in R14-2-2209(B) to be  
18 provided on the utility's website, in a notice to customers and in the utility's tariff. Further, any  
19 required updates to the website and the customer notice can be made rather easily, whereas there is  
20 an administrative process associated with updating a utility tariff.

21 7. Southwest Gas believes the waiver provision in R14-2-2216 is intended to apply to  
22 any provision within the Rules, and therefore suggests the following modification:

23 A Utility may request a waiver of any of the provisions of this ~~Subpart~~ **Article** upon  
24 good cause shown.

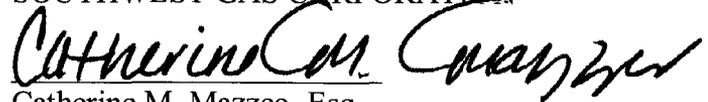
1 Southwest Gas appreciates the opportunity to provide its comments on the revised draft  
2 Rules, and looks forward to working with other interested parties as the Rules are further developed  
3 and refined. Further communications regarding this docket should be addressed to:

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9 DATED this 7th day of November, 2014.

10 SOUTHWEST GAS CORPORATION

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19 *Attorney for Southwest Gas Corporation*

1 ORIGINAL and 13 COPIES of  
2 the foregoing filed this 7<sup>th</sup> day  
of November, 2014, with:

3 Docket Control  
4 Arizona Corporation Commission  
1200 W. Washington  
Phoenix, Arizona 85007

5  
6 A COPY of the foregoing  
7 served by e-mail  
this 7<sup>th</sup> day of November,  
2014 on:

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10 Utilities Division  
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14 \_\_\_\_\_  
an employee of Southwest Gas Corporation

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