



Chris Nelson, Chairperson  
Kristie Fiegen, Vice Chairperson  
Gary Hanson, Commissioner

*South Dakota*

**PUBLIC UTILITIES COMMISSION**

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December 24, 2015

Eric Pauli  
Manager of Regulatory and Community Affairs  
500 West Russell St  
Sioux Falls, SD 57104

**RE: Customer Data Privacy Tariff  
Docket No. EL15-046**

Dear Mr. Pauli,

During the December 22, 2015 SD PUC Commission Meeting, Xcel presented the Docket EL15-046 Customer Data Privacy Tariff. I appreciate the presentation and our discussion on ensuring South Dakota customers are protected.

On Sheet No. 6-7.2 with the section titled INFORMATION DISCLOSURES, I suggested deleting the portion regarding power to compel, highlighted in yellow below. Below is the paragraph in the tariff I would like you to consider amending.

**Information Disclosures for Which Customer Authorization Is Not Required**

The Company may disclose information about a customer as required or permitted by law or applicable regulations, including to a federal, state or local governmental agency **with the power to compel such disclosure, or** in response to subpoena or court order.

Also, power to compel language is found on Sheet No 6-7.4 in the below section:

**HOW THE COMPANY PROTECTS CUSTOMER INFORMATION**

The Company retains customer information in accordance with applicable record retention requirements, and maintains administrative, technical and physical safeguards designed to protect the privacy and security of the information the Company maintains about customers. Among other protections, these safeguards are designed to restrict access to customer information to those Company employees, other personnel, and contracted agents, that need access for an identified business purpose. No electronic transmission of information can be entirely secure. The Company cannot and does not guarantee that the security measures the Company has in place to safeguard information will never fail, or that those measures will always be sufficient or effective. The Company and each of its directors, officers and employees that appropriately disclose data to Customers, third parties, or those **with the power to compel** such disclosure, shall not be liable or responsible for any claims for loss or damages resulting from such disclosure for any cause other than gross negligence of the Company.

Thank you for your discussion at the commission meeting and your consideration of the amendment.

Sincerely,

A handwritten signature in black ink that reads "Kristie Fiegen". The signature is written in a cursive style with a large, stylized initial 'K'.

Kristie Fiegen  
Commissioner