Duquesne Light
Our Energy...Your Power

411 Seventh Avenue
16th Floor
Pittsburgh, PA 15219

Tel 412-393-1541
Fax 412-393-5757
twilliams@duqlight.com

Tishekia E. Williams
Senior Counsel, Regulatory

May 26, 2015

Via Overnight Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

RE: Submission of Electronic Data Exchange Working Group's Web Portal Working Group's Solution Framework for Historical Interval Usage And Billing Quality Interval Usage Data
Docket No. M-2009-2092655

Dear Secretary Chiavetta:

Duquesne Light Company hereby submits comments to the Pennsylvania Public Utility Commission Tentative Order in the above referenced docket.

Please feel free to contact me with any questions or comments.

Sincerely,

Tishekia E. Williams
Senior Counsel, Regulatory

Enclosure

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Submission of Electronic Data Exchange Working Group's Web Portal Working Group's Solution Framework for Historical Interval Usage And Billing Quality Interval Usage Data	:	M-2009-2092655

COMMENTS OF DUQUESNE LIGHT COMPANY

I. BACKGROUND

Governor Edward Rendell signed Act 129 of 2008 ("the Act" or "Act 129") into law on October 15, 2008. Among other things, Act 129 establishes a requirement for electric distribution companies ("EDCs") to make available to third parties direct meter access and electronic access to meter data by third parties, upon customer consent. 66 Pa.C.S. § 2807(f)(3). On June 29, 2009, the Pennsylvania Public Utility Commission ("Commission") issued its Smart Meter Procurement and Installation Implementation Order at Docket Number M-2009-2092655 (hereafter "Implementation Order").

In its Implementation Order, the Commission granted EDCs a network development and installation grace period of up to 30 months following plan approval. However, during the grace period, EDCs were required to provide interval data capable meters and direct access to the customer's interval data to third-parties, such as electric generation suppliers (EGSs") or conservation service providers ("CSPs"), upon customer request.[1] The access to this interval data should be available in real-time, if requested, and in a manner consistent with regional transmission organization requirements. The Implementation Order further provided that each EDC must provide all customers and their designated third-parties access to validated, bill quality consumption data within 48 hours of the meter read, written detailed disclosure of data definitions and characteristics, and written update notices of changes in data characteristics as the changes become effective. Pursuant to the Commission's Implementation Order, on August 14,

[1] The interval capable meters are not smart meters as they will not have the capabilities outlined in the Commission's Smart Meter Implementation Order.

2009, Duquesne Light filed its Initial Smart Meter Plan with the Commission.[2] The Initial Smart Meter Plan was approved by the Commission on May 11, 2010, with certain modifications.

Following several milestone filings, on June 29, 2012, the Company filed its *Petition of Duquesne Light Company For Approval of Its Final Smart Meter Procurement And Installation Plan, Docket No.* M-2009-2123948 (hereafter "Smart Meter Installation Plan"). In the Duquesne Light's Smart Meter Installation Plan, it explained that the Company's existing advanced meter reading ("AMR") system provides most customers with validated daily consumption information through a secure customer web portal. The new Advanced Metering Infrastructure ("AMI") system will provide all customers with validated hourly consumption information within approximately 24 hours after the data has been collected from all meters through the Company's secure customer web portal. Notably, the Company proposed to provide direct access to and use of price and consumption information in 2017. Duquesne Light's Smart Meter Installation Plan was approved by the Commission on May 6, 2013.

On December 6, 2012, the Commission issued its *Smart Meter Procurement and Installation Final Order* at Docket No. M-2009-2092655 (hereafter "December 6th Order") whereby the Commission directed the Electronic Data Exchange Working Group ("EDEWG") to convene a web portal working group ("WPWG") to develop standardized solutions for third-party acquisition of a customer's historical interval usage ("HIU") and bill quality interval usage ("BQIU") data via an EDC-provided, secure web portal. EDEWG was directed to develop a standardize HIU solution by March 1, 2014, and a standardized solution for BQIU data by March 1, 2015.[3] The Commission further directed that EDCs propose, as part of its smart meter plans, meter level interval usage data capabilities. EDCs that already filed completed smart meter plans, such as Duquesne Light, were required to file a supplement outlining how and when it would incorporate meter level interval usage data capabilities into its smart meter plan within 120 days of the December 6th Order.

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[2] In its Initial Smart Meter Plan, the Company, among other things: (1) provided a description of its current metering system, (2) explained how it would address customer requests for smart meters and installation of smart meters in new construction during the grace period, (3) explained its network development and installation plan within the 30 month grace period, and (4) proposed a milestone and status reporting schedule during the grace period.

[3] On February 4, 2014, the EDEWG leadership and membership filed a request that the Commission modify the scope of the proposal so that both the HIU and BQIU standards may be filed no later than March 1, 2015

Pursuant to the Commission's December 6th Order, on April 5, 2013 Duquesne Light filed a supplement to its Smart Meter Installation Plan (hereafter "supplemental filing"). In its supplemental filing, Duquesne Light explained that consistent with its Smart Meter Installation Plan, it is developing a web portal to provide customers access to smart meter usage data. Validated hourly interval data would be provided through a secure web portal within 24 hours from the completion of the data upload for the entire population of Duquesne Light smart meters in the Meter Data Management ("MDM") system.[4] Additionally, validated hourly interval usage data would be provided to third parties through a standard interface consistent with North American Energy Standards Board within 24 hours of the completion of the data upload for the entire population of smart meters to the MDM system. The Company further anticipated that BQIU data will be available on the web portal within 48 hours of the daily reads. The Commission issued a Secretarial Letter on July 2, 2013 approving the Company's supplemental filing.

Pursuant to the December 6th Order, EDEWG provided the Commission with its proposed Pennsylvania Web portal Working Group Solution Framework on or about February 17, 2015. On April 23, 2015, the Commission issued its Tentative Implementation Order, based in part on the recommendation provided by the EDEWG Web Portal Working Group ("WPWG"), which proposes that EDCs with smart meter requirements implement, within eight months of the entry date of the Final Order in this proceeding, the Singe User- Multiple Requests ("SU-MR") option for providing HIU and BQIU data to third parties. Additionally, the Commission proposes that within twelve months of the entry date of a Final Order in this proceeding, EDCs implement the System-to-System ("StS") solution to provide HIU and BQIU data to third parties.

[4] Oracle Meter Data Management (MDM) system gathers, processes and stores consumption data from analog and smart meters and then aggregates consumption data and calculates billing determinants.

Duquesne Light appreciates the opportunity to comment on the issues raised in the Tentative Order and respectfully submits the recommendations contained herein for consideration.

A. Single User-Multiple Request ("SU-MR") and System-to-System ("StS") Functionality

Duquesne Light supports the implementation of the SU-MR and StS solution to provide authorized third parties with access to customer HIU and BQIU smart meter data. SU-MR is a user based platform allowing for an authorized user to manually log into the portal, request and receive data for more than one account number as a part of a single request. The results could be rendered within the web portal interface itself or exported to the user in a pre-defined file format[5]. StS is a platform that would allow an authorized users information technology systems to communicate directly with the web portal system of the EDC without requiring a user to manually log into the web portal itself and leverage the user interface. While the WPWG agreed to focus on the SU-MR solution as the minimum requirement, Duquesne Light is not opposed to implementing the StS solution long term, and subject to appropriate security requirements for third party systems.

i. Third Party System Requirements

As noted, Duquesne Light supports the long term implementation of the StS solution. However, because the WPWG initially agreed to focus on the SU-MR solution, the Company is concerned that the privacy and security risks related to the StS solution have not been fully considered. Duquesne Light's implementation of the SU-MR solution will largely build off of existing technology and process security protocols that the Company has in place for its EGS

[5] Duquesne Light anticipates using Excel or CSV as the file format.

Lookup Tool. See *Duquesne Light Company Compliance Filing, EDC Customer Account Number Access Mechanism for EGSs*, Docket No. M-2013-2355751.

For the StS solution, although some functions will carry over from EGS Lookup Tool, there are different and additional requirements as the solution involves systems obtaining automated access as opposed to individuals in a manual process. For example, the StS solution may require process and technology security protocols such as a responsible security administrator/ point of contact with an account to manage access, and both a VPN connection and application layer encryption and authentication. Also, because the StS authentication and encryption credentials changes involve significant effort by Duquesne Light staffing resources, the Company will have to work with EGS' and other authorized third parties to develop and implement procedures to enforce credential changes which differ from the recertification process under the existing on EGS Lookup Tool and SU-MR solution.

Furthermore, Duquesne Light may also need to implement key/digital certificates instead of passwords and would also have to implement the functionality of key/certificate generation or exchange, which would help streamline the process of changing authentication and encryption credentials, and limit the effort of Duquesne Light, EGS' or other authorized third parties staff. The data interface between Duquesne Light and authorized third party system users should also include a provision for a "checkoff" certifying that the third party has obtained customer consent.

The Commission's Tentative Order does not address privacy or security requirements, beyond existing privacy regulations and requirements binding EGS' and EDC. Nonetheless, the need to implement appropriate security protocols (potentially including but not limited to those mentioned herein) for the StS solution is not insignificant and should not be overlooked.

Duquesne Light does not believe that the timeframe allotted is sufficient to implement the required solutions, and is concerned that the StS solution has not been not fully considered. Minimally, Duquesne Light respectfully request that the Commission's final order require that all third party system users certify, as a condition of access, that they have received customer consent, and the Commission fully consider and address the security and privacy risk associated with the StS solution prior to mandating implementation.

ii. Interval Usage Data verses Smart Meter Interval Usage Data

As previously noted, interval capable meters are not smart meters. Only smart meter HIU and BQIU data will be available to third parties via Duquesne Light's secure web portal solution. Under the Company's AMR system, interval usage data is maintained in the Company's MV90 system. However, interval usage data will only be included to the extent that it is available in MDM system. Of the 30,000 interval meters in Duquesne Light's MV90 system, approximately 4000 meters send interval data to the MDM system. As the Company transitions to AMI, more interval usage data will be available in MDM. However, because Duquesne Light's MV90 system needs to be updated, and is not designed to support the third party request process, the Company does not intend to build an interface to provide interval usage data from the MV90 system to the web portal. Duquesne Light does not believe that it would be prudent to build an interface to an old system which may create stability issues. Only smart meter HIU and BQIU data available in the MDM system will be available to third parties via Duquesne Light's secure web portal solution. While the Company is obligated to provide interval usage data in the manner required by an RTO upon customer request, the interval usage data will not be available to through the web portal under the Company's current plan. The

Company recommends that the EDCs be permitted to implement the web portal solution in conjunction with their smart meter deployment plans.

B. Implementation Timeline

The implementation timeline proposed in the Tentative Order does not provide adequate time for Duquesne Light to implement the SU-MR or StS solution, and is inconsistent with the Company's current Commission approved Smart Meter Implementation Plan. Duquesne Light Smart Meter Implementation Plan provides that the Company will provide customers with access to their own usage data in 2015, and otherwise provide direct access to and use of price and consumption information in 2017. The Commission should avoid deviating from its prior Orders which considered each EDC's individual smart meter procurement and installation plan and timeline. The value of the web portal is almost entirely dependent on the availability of HIU and BQIU smart meter data. A standard implementation timeline fails to consider the large degree of variability in EDC smart meter deployment schedules. Additionally, the proposed implementation deadline may also impact the ability of EDCs to achieve other regulatory requirements and implementation timelines.

For example, on November 28, 2014, Duquesne Light went live with a new Oracle-based technology suite referred to as the FOCUS Systems. Although collectively coined the FOCUS Systems, the project included the upgrade, implementation and integration of several major systems such as a new Customer Care & Billing ("CC&B") system, a new Service Oriented Architecture[6], MDM system, Workforce Management system, Market Transaction Messages and

[6] The Service Oriented Architecture System enables components of the Oracle Utilities applications to communicate in a standardized fashion with other legacy applications over a secured network.

Interactive Voice Response, among other things. Similar to the ongoing AMI program, the FOCUS Systems impact a significant and broad range of the Company's utility operations, including customer billing, meter data management and transactional matters with EGSs. Implementing the web portal SU-MR and StS Solutions will again require additional IT modifications to the FOCUS Systems.

For the foregoing reasons, Duquesne Light proposes to implement the web portal SU-MR solution in the fourth quarter of 2016, and StS Solution in the first quarter of 2017. As it relates to Duquesne Light, accelerating the deployment of this functionality adds unwarranted risk to the stability of the Company's newly implemented systems, and pending systems modifications to meet other regulatory requirements.

C. Customer Privacy and Third Party Access to HIU and BQIU Data

Duquesne Light request that the Commission clarify EDC obligations as it relates to verification of third parties right to access customer HIU and BQIU data. The Company further requests clarification regarding the requirement for "explicit customer permission" in circumstances where an EDC initiates the transfer of customer HIU or BQIU data to third parties in conjunction with EDC sponsored program, such as energy efficiency programs. In the Tentative Order, the Commission provides "we would also like to clarify that only those entities with explicit customer permission, whether through the Eligible Customer Lists ("ECL"), Letters of Authorization ("LOA"), other direct contracts with the customers, etc. would be provided with the HIU and BQIU data." EDCs are generally required to rely on the EGS representation that it has authority to access the customer's data via a valid LOA. However, the process for acquiring

access to HIU and BQIU data for CSPs and other third parties acting on behalf of customers is less certain. Duquesne Light requests that in its final order, the Commission clarify that CSPs and other third parties are required to obtain customer consent to access HIU or BQIU, and EDCs are not required to request, or retain copies of contracts between customers and their CSPs or other third party service providers.

Likewise, Commission precedent is clear that implied consent is the standard for releasing customer information. Act 129 provides that EDCs may with customer consent provide smart meter data to third parties. 66 Pa.C.S.§2807(f)(3). Act 129 does not specify that affirmative consent is required. However, it should be noted that the proposed requirement to require affirmative consent in the draft bill was removed in the final enacted version of Act 129, which lends credence to the believe that the legislature did not intend to require affirmative consent under Act 129.

Additionally, the standard for customer consent is also outlined in 52. Pa.Code §54.8. Chapter 54 provides an opt-out method for the restriction of customer data. Chapter 54 provides that EDCs and EGSs may not release private customer information to a third party unless that customer has been notified that the EDC or EGS intends to release such information. The customers must also be provided with a convenient way to inform the EDC or EGS that the customer desires to opt-out and does not want to share its information with third parties. *Id.* In its *Eligible Customer List Corrected Final Order*, Docket No. M-2010-2183412, the Commission provided that the opt-out process has been an effective means of obtaining consent and should not be altered. The Commission stated that the interests of the customers and EDCs/EGSs were adequately balanced by using an opt-out where the customer has the ability to opt-out easily. The Commission also noted that the opt-out standard for consent was designated to be sufficient by

the Commonwealth Court in *Mid-Atlantic Power Supply Association v. PA. PUC*, 746 A.2d 1196, 1201 (Pa. Cmwlth. 2000), and that standard should be utilized going forward.

In its final order, Duquesne Light requests that the Commission clarify that the "explicit consent" language in the Tentative Order is not intended to be a departure from the Commission's precedent requiring implied consent.

II. CONCLUSION

Duquesne Light appreciates the opportunity to comment on the issues raised in the Tentative Order and respectfully requests that the Commission consider these comments as it formulates a Final Order.

Respectfully submitted,

Tishekia E. Williams, Esq.
Senior Counsel, Regulatory
Duquesne Light Company
411 Seventh Avenue, 16-1
Pittsburgh, PA 15219
Phone: (412) 393-1541
E-mail: TWilliams@duqlight.com

Dated: May 26, 2015

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TISHENIA WILLIAMS
412-393-1541
DUQUESNE LIGHT
411 7TH AVENUE, 16-1
PITTSBURGH PA 15219

0.0 LBS LTR 1 OF 1

SHIP TO:
ROSEMARY CHIAVETTA, SECRETARY
717-772-7777
PENNSYLVANIA PUBLIC UTILITY COMMISS
COMMONWEALTH KEYSTONE BLDG, 2ND FL
400 NORTH STREET
HARRISBURG PA 17120-0200

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