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February 8, 2022

Docket No. M-2021-3029018

**TO ALL INTERESTED PARTIES**:

Re: Investigation into Conservation Service Provider and Other Third Party Access to Electric Distribution Company Customer Data

On April 16, 2019, Enerwise Global Technologies, LLC d/b/a CPower (Enerwise) applied to become a licensed electric generation supplier (EGS) within the Commonwealth of Pennsylvania, at Docket No. A‑2019-3009271. In its application, Enerwise acknowledged that it would not provide electric marketing services within the Commonwealth. Enerwise stated that it applied for an EGS license solely for the purpose of obtaining access to utility data systems on behalf of its customers. This access would allow Enerwise to verify customer performance in demand response programs and assist the customers in analyzing their electricity usage and capabilities.

By Final Order entered October 7, 2021 (Final Order), the Commission denied Enerwise’s application, determining that voluntary licensing of a conservation service provider (CSP) as an EGS is not permitted under the Pennsylvania Public Utility Code. The Final Order also ordered the Commission’s Office of Competitive Market Oversight, Law Bureau, and Bureau of Technical Utility Services to initiate a new proceeding to determine if a safe, acceptable path exists for registered CSPs and other third parties to potentially gain access to customer data electronically from electric distribution company’s (EDC) data systems, with customer consent, as permitted under Section 2807(f) of the Code, 66 Pa.C.S. § 2807(f).[[1]](#footnote-1)

In the Tentative Order, we requested comments regarding Enerwise’s application for it, as a CSP, to obtain customer usage information electronically from EDC data systems.[[2]](#footnote-2) In response, the Commission received the following comments, among others:

* The Commission lacks the requisite factual record upon which to determine the proper means through which non-EGSs should be granted web portal or electronic data interchange (EDI) access.[[3]](#footnote-3)
* The outcome of this proceeding will directly impact similar requests from non-EGSs in the future.[[4]](#footnote-4)
* There should be safeguards in place to ensure the integrity of data systems and the privacy of customer data before any CSP or other third party is authorized to access usage data through the EDC data systems.[[5]](#footnote-5)

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The comments and reply comments submitted at Docket No. A-2019-3009271 overwhelmingly recommended that the Commission initiate a new proceeding to review potential avenues for CSPs and other third parties to obtain scalable and secure usage data, whether through EDI, the EDC web portals, or some other electronic form.[[6]](#footnote-6) As requested by the commenters and directed by the Commission in the Final Order, we are initiating this instant proceeding to determine if a safe, acceptable path exists for CSPs and other third parties to gain access to customer data electronically from the EDCs.

In comments to the Tentative Order, some stakeholders posed questions on various topics that they asserted should be resolved in order for a potential pathway to be created for CSPs and other third parties to access customer data. Those questions, along with additional questions posed by Commission staff, have been included as Attachment A to this Secretarial Letter.

It is not intended for this list of questions to limit the information commenters may furnish. When submitting responses to these proceedings, commenters are encouraged to submit any additional questions or any other information that they deem relevant.

Interested parties are invited to file comments within 45 days after the date of publication of the instant Secretarial Letter in the *Pennsylvania Bulletin*. Written comments referencing Docket No. M‑2021-3029018 shall be submitted to the Pennsylvania Public Utility Commission, Attn.: Secretary, 400 North Street, Harrisburg, PA 17120, or e-filed at <https://efiling.puc.pa.gov/>.

If there are any technical questions regarding the proposal, please contact Jeff McCracken, jmccracken@pa.gov, 717-783-6163, in the Commission’s Bureau of Technical Utility Services. If there are any questions related to the comment and approval processes, please contact either Scott Thomas, sjthomas@pa.gov, 717-783-2812, in the Commission’s Law Bureau, or Christian McDewell, cmcdewell@pa.gov, 717-787-7466, in the Commission’s Law Bureau.

****Very truly yours,

Rosemary Chiavetta

Secretary

Attachment A: Questions Related to the Commission’s Investigation into Conservation Service Provider (CSP) and Other Third Party Access to Electric Distribution Company Customer Data at Docket No. M-2021-3029018

cc: Chairman’s Office

Vice Chairman’s Office

Commissioners’ Offices

Seth A. Mendelsohn, Executive Director

Renardo Hicks, Chief Counsel

Dan Mumford, Director, the Office of Competitive Market Oversight

Paul Diskin, Director, Technical Utility Services

All jurisdictional electric distribution companies

All licensed electric generation suppliers

All parties that provided comments at Docket No. A‑2019-3009271

All registered Conservation Service Providers

**ATTACHMENT A**

Questions Related to the Commission’s Investigation into Conservation Service Provider (CSP) and Other Third Party Access to Electric Distribution Company Customer Data at

Docket No. M-2021-3029018

**1. Electric Distribution Company (EDC) Smart Meter Customer Data Access by CSPs and Other Third Parties Technical Concerns:**

1. Is it possible to develop a path in which certain CSPs or other third parties are granted authorization to access EDC smart meter customer data electronically in a secure manner?
2. Can the web portals available to electric generation suppliers be utilized for this access, or is an alternate pathway necessary?
3. Do individual EDCs already maintain an alternative method of data access for CSPs and other third parties? If yes, please explain your system for this access.
4. How are CSPs provided customer data when performing services under ACT 129?
5. What technical limitations currently prevent EDCs from providing smart meter data electronically to CSPs or other third parties?
6. Aside from CSPs, what other third party entities should be considered for potential access?
7. What criteria should the EDCs utilize to determine eligibility for CSPs and other third parties? Should there be different standards and/or different levels of access to data for different types of CSPs and other third parties?
8. Should the EDCs require financial security instruments, such as bonds, to help protect data confidentiality? If yes, are rules required to implement these financial security requirements? Also, if yes, should there be different security thresholds required for different types of CSPs and other third parties? If no financial security should be required, please explain why not.
9. What types of tools should be required to ensure that CSPs and other third parties accessing utility systems have access to help features, such as online trouble ticket systems or technical documentation, to enhance their customer experience? What other features may be necessary?
10. How should costs incurred for this purpose be recovered?

**2. EDC Smart Meter Data Access by CSPs and Other Third Parties Legal Concerns:**

1. What legal limitations currently prevent EDCs from providing smart meter customer data electronically to CSPs or other third parties?
2. How do EDCs protect their data when it is provided to CSPs performing services under Act 129 to ensure it is not abused? Can this method be extended to other CSPs or other third parties not under contract to perform Act 129 services for the EDC?
3. Could the EDCs utilize contracts to protect the confidentiality of the data? If yes, what limitations currently exist that prevent the utilities from implementing these contracts?
4. Would the EDCs need to include any provisions created in these proceedings in a tariff in order to apply them to CSPs and other third parties? What other terms of use should be included?
5. How should a CSP or other third party obtain customer consent for access to data from EDC systems? Would the EDC determine if a CSP or other third party has obtained the proper customer authorization before customer data is provided? If yes, how? If no, please explain why not.
6. How would the EDC be notified when a customer grants consent for a CSP or other third party to access its’ EDC-maintained customer data?
7. How should a customer withdraw previously granted consent for CSP or other third party access to the EDC’s data? How would the EDC be notified of this withdrawal of consent?
8. How would the EDCs monitor data access to determine if a CSP or other third party becomes a “bad actor” by violating its agreements (failing to maintain data confidentiality, pulling data for a customer without proper authorization, etc.)? What processes could be used to remove access and prevent misuse?
9. For third parties that serve as both a Distributed Energy Resource Aggregator under FERC Order 2222[[7]](#footnote-7) and a CSP, what limitations on the use of data should be placed on them to prevent unauthorized use between roles?
10. Should a utility be held accountable for the improper or illegal acts of a customer‑authorized CSP or other third party?
11. What action, if any, can the Commission take against CSPs and other third parties that misuse their access to customer data or the data itself? Please cite to any statutes or regulations that support your answer.

**3. Utility Usage Data and Meter Access:**

1. What customer data should the utility share with CSPs and other third parties? Should different types of CSPs and other third parties have different access to customer data?
2. What types of data should the EDCs withhold from CSPs and other third parties? Do the EDCs’ current systems allow for this data to be restricted?

1. In what format should the data be given? Should the data from each EDC be in an identical format (similar to the Electronic Data Exchange Working Group web portal data)? What other technical standards should be applied to the data?
2. Should aggregated data (i.e. – benchmarking or geographic data) be made available? Should aggregated data be available to a wider array of CSPs and other third parties?
3. Should the Commission establish standard protocols and communication mediums for providing direct access to usage information from the meter to the Home Area Network? If so, what should those be?
4. Should CSPs and other third parties be provided direct access to the meter? What policies or regulations should this Commission promulgate to ensure that these CSPs and other third parties are provided timely access under reasonable terms and conditions to the EDC’s customer metering facilities?
5. What communications, software or hardware can facilitate this direct access to the meter for customers and their approved CSPs and other third parties, and should the Commission establish requirements and or standards to facilitate this access?
6. What electronic access to customer meter data do CSPs, other third parties, and EGSs need from EDCs, that they currently do not have? Provide specific examples where these entities do not have such access currently, and provide examples, if available, of electronic transactions that can be adopted to facilitate access.

**4. Home Area Network (HAN) Protocols:**

1. Should there be interconnectivity between the smart meter and other equipment in the home? If so, how much? [read capability vs. two-way communication]
2. Can CSP or other third party equipment installed in a customer’s home interact with the HAN or the smart meters?
3. Do CSPs or other third parties that have installed equipment in a customer’s home still need access to customer data from the EDC?

**5. Automatic Control:**

1. How can smart meters “effectively support” automatic control of a customer’s electricity consumption by customers, utilities, and the customer’s CSPs or other third parties?
2. How is the smart metering system engaged in the initiation, maintenance, relinquishment, and verification of the automatic control of customer consumption?
3. What smart metering protocols and communication mediums are needed to implement these automated controls? Should the Commission establish standard protocols and standards for this purpose?
4. What energy consuming customer assets can be controlled by these smart meter systems for each of the customer segments, and how is control of these assets impacted by the choice of communication medium and protocol?

**6. Additional Concerns:**

 Please address any additional questions or raise any additional concerns you have regarding CSP or other third party access to EDC customer data systems.

1. In addition, in the Tentative Order the Commission referred this matter to the Office of Competitive Market Oversight for any further action as may be deemed warranted to modify the Commission’s *Submission of the Electronic Data Exchange Working Group’s Web Portal Working Group’s Solution Framework for Historical Interval Usage and Billing Quality Interval Use Final Order,* Docket No. M‑2009-2092655 (Order entered June 30, 2016). *See* the Tentative Order at Docket No. A‑2019-3009271 (entered May 24, 2021), at Ordering Paragraph 5. [↑](#footnote-ref-1)
2. *See* the Tentative Order at Docket No. A‑2019-3009271 (entered May 24, 2021), at 6. [↑](#footnote-ref-2)
3. *See* the Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company (collectively, FE) Comments at 5. [↑](#footnote-ref-3)
4. *Ibid*. [↑](#footnote-ref-4)
5. *See* the Citizens’ Electric Company of Lewisburg, PA and Wellsboro Electric Company (collectively, C&T Utilities) Comments at 4;,Duquesne Light Company (Duquesne) Comments at 2-4; FE Comments at 4-7; the Office of Consumer Advocate (OCA) Comments at 2-6; and PPL Electric Utilities Corporation (PPL) Comments at 4 and 14-19. [↑](#footnote-ref-5)
6. *See* the C&T Utilities Comments at 4; Duquesne Comments at 2-4; Enerwise Comments at 4-5; FE Comments at 4-7; Mission:data Coalition Comments at 2-3; and the OCA Comments at 2-6. [↑](#footnote-ref-6)
7. Available at <https://ferc.gov/sites/default/files/2020-09/E-1_0.pdf>. [↑](#footnote-ref-7)