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May 5, 2022

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor  
Harrisburg, PA 17120

**VIA E-FILING**

**RE: Investigation into Conservation Service Provider and other Third Party Access to Electric Distribution Company Customer Data; Docket No. M-2021-3029018**

Dear Secretary Chiavetta:

Enclosed for filing with the Pennsylvania Public Utility Commission ("PUC" or "Commission") are the Initial Comments of Citizens' Electric Company of Lewisburg, PA and Wellsboro Electric Company in the above-referenced proceeding.

This filing has been served via email on the parties listed on the attached Certificate of Service. If you have any questions regarding this filing, please feel free to contact the undersigned. Thank you.

Very truly yours,

*Pamela C. Polacek*

By

Pamela C. Polacek

Counsel to Citizens' Electric Company of Lewisburg, PA and  
Wellsboro Electric Company

Enclosure

c: Certificate of Service  
Jeff McCracken, Bureau of Technical Utility Services (via email)  
Scott Thomas, Law Bureau (via email)  
Christian McDewell, Law Bureau (via email)

**CERTIFICATE OF SERVICE**

I hereby certify that I am this day serving a true copy of the foregoing document upon the participants listed below in accordance with the requirements of Section 1.54 (relating to service by a participant).

**VIA E-MAIL**

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*Pamela C. Polacek*

Pamela C. Polacek (PA ID No. 78276)

Dated this 5<sup>th</sup> day of May, 2022, in Venetia, Pennsylvania.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Investigation into Conservation Service :  
Provider and Other Third-Party Access to : Docket No. M-2021-3029018  
Electric Distribution Company :  
Customer Data :

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**COMMENTS OF  
CITIZENS' ELECTRIC COMPANY OF LEWISBURG, PA, AND  
WELLSBORO ELECTRIC COMPANY  
IN RESPONSE TO SECRETARIAL LETTER**

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On February 8, 2022, the Pennsylvania Public Utility Commission ("PUC" or "Commission") issued a Secretarial Letter requesting Comments on various questions regarding Pennsylvania Conservation Service Provider ("PA-CSP")<sup>1</sup> and third-party access to customer data. Citizens' Electric Company of Lewisburg, PA ("Citizens") and Wellsboro Electric Company ("Wellsboro") (collectively, the "C&T Utilities" or "Companies") hereby submit these Comments.

The current proceeding emanates from a request by a PJM Curtailment Service Provider ("PJM-CSP") to use the existing data exchange methods that are available to Electric Generation Suppliers ("EGS"), with appropriate data security and privacy safeguards. Citizens' and Wellsboro support creating a pathway for those entities to use EDI because it will make use of an existing ratepayer and Electric Distribution Company ("EDC") investment in the EDI system.

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<sup>1</sup> "Conservation Service Provider" is defined as "an entity that provides information and technical assistance on measures to enable a person to increase energy efficiency or reduce energy consumption and that has no direct ownership, partnership or other affiliated interest with an electric distribution company." 66 Pa.C.S. §2806.1(m).

As explained below, the PUC should develop a process for PA-CSPs and PJM-CSPs to be qualified to access data through the EDI systems. Exchanging information with PA-CSPs and PJM-CSPs via EDI could be a more efficient and accurate process than the manual exchange that occurs today. As part of this process, the C&T Utilities also urge the Commission to consider authorizing a manual data exchange charge for PA-CSPs and PJM-CSPs that do not take advantage of the new process to compensate the EDC for the time spent on responding to data requests.

The Secretarial Letter poses several questions regarding direct access by customers and third-parties to the meter data through Home Area Networks ("HANs") and other means. The current generation of smart meters installed by Citizens' and Wellsboro do not support this functionality. If the Commission desires to expand the metering requirements for all EDCs to encompass this type of meter, the Companies urge the Commission to convene a series of technical conferences to develop additional data regarding the meters that are available, the costs of that technology and the communication protocols. At this time, the C&T Companies do not have sufficient information to fully comment on this aspect of the Secretarial Letter.

The C&T Companies provide the following responses to the specific questions posed in the Secretarial Letter:

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

- a. 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?

**Response:**

Yes, CSPs could use the existing EDI systems that were implemented to facilitate the exchange of similar information with EGSs. This would maximize the usefulness of the existing systems without requiring consumers to pay for additional data exchange mechanisms.

- b. Can the web portals available to electric generation suppliers be utilized for this access, or is an alternate pathway necessary?

**Response:**

An alternate pathway will be needed in territories that do not have web portals, like in the Companies' territories. Citizens' and Wellsboro do not have web portals due to the low shopping levels in our territories. EDI is an alternative method that could be used.

- c. 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.

**Response:**

Citizens' and Wellsboro currently exchange Excel spreadsheets with the PJM-CSPs. Although this system is feasible with the limited number of accounts that participate in the PJM programs in our territories, it can be resource intensive (time consuming) and can result in inadvertent errors in the data.

- d. How are CSPs provided customer data when performing services under ACT 129?

**Response:**

Citizens' and Wellsboro do not have Act 129 plans. The CSPs in our territories are PJM-CSPs.

- e. What technical limitations currently prevent EDCs from providing smart meter data electronically to CSPs or other third parties?

**Response:**

Citizens' and Wellsboro do not perceive that there are any technical impediments to providing smart meter data electronically through the EDI system, as long as both entities have EDI. If the CSP or third party is using the data for an official purpose that requires

the concurrence of the EDC, such as confirming compliance with the PJM requirements or compensation mechanisms, then the EDC will need to ensure that the data has gone through the validation, estimation and editing ("VEE") process to be verified and confirmed prior to use.

- f. Aside from CSPs, what other third-party entities should be considered for potential access?

**Response:**

A customer could authorize an energy consultant or other qualified entity to have access to its data **with consent**.

- g. 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?

**Response:**

Citizens' and Wellsboro prefer a system that requires specific customer authorization for electronic access to the customer's data. The CSP must maintain records of the authorization and attest that it has authorization when it requests access to the data for a specific account. Citizens' and Wellsboro will make data available through EDI to any entity that goes through the EDI validation and testing process and pays the monthly EDI fee.

- h. 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.

**Response:**

It isn't clear that the EDC should be in the role of holding CSP financial security and policing data confidentiality. The appropriate legal parties to police compliance are the customer and the Commission. Perhaps the PUC could develop standardized authorization forms that must be used by the CSPs that include enforcement by the PUC and a liquidated damages clause that applies if the CSP does not keep the information confidential or uses it for unauthorized purposes.

- i. 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?

**Response:**

CSPs will have the same systems and tools that are available to EGSs within the EDI system.

- j. How should costs incurred for this purpose be recovered?

**Response:**

The CSP should be responsible for the costs of testing and validation to use the EDI system and any annual/monthly/transaction costs that apply to EGSs. Any costs to revise the EDCs systems for additional functionality that may result from this proceeding should be recovered through a non-bypassable surcharge applicable to all customers.

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

- a. What legal limitations currently prevent EDCs from providing smart meter customer data electronically to CSPs or other third parties?

**Response:**

Section 2807(f)(3) of the Public Utility Code, 66 Pa. C.S. §2807(f)(3), requires customer consent for access to the information. Customer privacy laws also may apply.

- b. 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?

**Response:**

Citizens' and Wellsboro do not have Act 129 programs.

- c. 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?



**Response:**

It isn't clear to Citizens' and Wellsboro that contractual provisions can adequately address the continued confidentiality of the data or violations by the third-party of any confidentiality clauses. This uncertainty is due to legal concepts that may be asserted by the third parties, such as whether an EDC has legal standing to sue the CSP and, if so, whether the EDC can quantify damages to be obtained from the CSP? If the EDC obtains a damages award, would those damages need to be returned to customers (net of litigation costs)? Would the customer be able to use the EDC's contract as the basis for its own legal action against the CSP that mis-used the data or would such an action be challenged since the customer is not a party to the contract?

- d. 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?

**Response:**

Including the provisions in a tariff may help with some of the issues discussed in the prior response; however, more consideration should be given to the question of how the customer that is harmed by the unauthorized release can also seek redress against the third-party.

- e. 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.

**Response:**

Citizens' and Wellsboro prefer that the Commission develop a standard written confirmation from the customer that must be retained by the CSP. Alternatively, the parties could explore an on-line consent system that requires the customer to permit access to the account data.

- f. 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?

**Response:**

Citizens' and Wellsboro believe that the third party should retain a trackable communication demonstrating the customer's consent upon which the EDC can rely in granting access.

- g. 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?

**Response:**

The same process that is used to confirm consent should be used to withdraw consent.

- h. 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?

**Response:**

Citizens' and Wellsboro oppose placing the EDC in the role of monitoring CSP or third-party activity regarding data access. The Companies do not view this as an appropriate role for the regulated utility, whose primary responsibilities are to ensure the safe, adequate and reliable provision of electric distribution services.

- i. For third parties that serve as both a Distributed Energy Resource Aggregator under FERC Order 2222 and a CSP, what limitations on the use of data should be placed on them to prevent unauthorized use between roles?

**Response:**

Citizens' and Wellsboro do not support providing CSPs or other third-parties with widespread access to data without the customer's consent. The CSP can seek access for either purpose, or both purposes, with customer consent.

- j. Should a utility be held accountable for the improper or illegal acts of a customer-authorized CSP or other third party?

**Response:**

No. The EDC cannot control the actions of CSPs and other third-parties that have access to customer data; therefore, the EDC should not be accountable for any improper or illegal acts by those entities.

- k. 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.

**Response:**

Citizens' and Wellsboro suggest that the stakeholders explore whether the Office of Attorney General would have enforcement jurisdiction on behalf of impacted customers.

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

- a. 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?

**Response:**

In general, the data should be limited to the monthly or interval consumption and demand data that the EDC makes available to EGSs. All manual data requests and any data requests beyond the data sets that are typically provided through the EDI system should be paid for by the CSP or third-party.

- b. 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?

**Response:**

CSPs and third-parties should be limited to the data discussed in the prior response. The Companies are exploring whether the current EDI systems can allow access to the usage-related data while preventing the third-party from accessing billing, credit and payment arrangement data that may be available for the account.

- c. 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?

**Response:**

The data should be provided in a format consistent with what is available through the EDI system.

- d. 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?

**Response:**

The Companies do not support the provision of aggregated data to CSPs and third-parties. The Companies believe that producing aggregated data could require changes to the EDI system.

- e. 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?

**Response:**

This issue goes beyond the question of providing CSPs and third-parties with access to electronic information, and deals with the capabilities of the smart meters installed at the customer's residence. Currently, neither Citizens' nor Wellsboro offer meters that would provide data directly to the Home Area Network.

- f. 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?

**Response:**

As explained above, Citizens' and Wellsboro's current meters do not offer this option. The meter data travels through the Companies' communications networks to the centralized systems, where it can then be accessed by EGSs through the EDI system. Once the meter data is collected by the Company, it goes through the VEE process before it can be relied upon for billing. If the CSP or third-party needs the data for official purposes, such as to confirm participation in the PJM demand response programs, then the information obtained directly from the meter would not be sufficient because it has not gone through the VEE process that is required to finalize the meter data.

- g. 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?

**Response:**

The Companies do not support expanding the smart meter requirements at this time to require the EDC to offer smart meters with direct access capabilities.

- h. 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.

**Response:**

Citizens' and Wellsboro do not have information responsive to this item; however, the Companies reserve the opportunity to respond to responses from other entities that identify additional functionalities or hardware.

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

The Companies are not responding to this section at this time, but reserve the opportunity to respond to other stakeholders recommendations on this topic.

**5. Automatic Control:**

The Companies are not responding to this section at this time, but reserve the opportunity to respond to other stakeholders recommendations on this topic.

Respectfully submitted,

*Pamela C. Polacek*

By \_\_\_\_\_

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Date: May 5, 2022