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May 5, 2022

**VIA ELECTRONIC FILING**

Ms. Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor North  
P.O. Box 3265  
Harrisburg, PA 17120

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

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Dear Secretary Chiavetta:

Enclosed for filing are the comments of UGI Utilities, Inc. – Electric Division (“UGI Electric” or the “Company”) in the above-referenced docket.

Please do not hesitate to contact me if you have any questions.

Very truly yours,

A handwritten signature in blue ink that reads 'Timothy K. McHugh'. The signature is written in a cursive style.

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Timothy K. McHugh  
Counsel – Energy & Regulation  
UGI Corporation

Enclosure

**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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**UGI UTILITIES, INC. – ELECTRIC DIVISION’S COMMENTS TO  
THE COMMISSION’S FEBRUARY 8, 2022 SECRETARIAL LETTER**

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**I. INTRODUCTION**

UGI Utilities, Inc. – Electric Division (hereinafter referred to as “UGI Electric” or the “Company”) hereby submits brief Comments in response to the Pennsylvania Public Utility Commission’s (“Commission”) Secretarial Letter issued on February 8, 2022 (“February 8 Secretarial Letter”) in the above-referenced docket. On April 16, 2019, Enerwise Global Technologies, LLC d/b/a CPower (“Enerwise”) filed an Application with the Commission to become a licensed electric generation supplier (“EGS”). While acknowledging that it is not performing and does not intend to perform EGS services, Enerwise applied for EGS status solely to obtain utility data on behalf of its customers.<sup>1</sup> On May 6, 2021, Chairman Gladys Brown Dutrieuille issued a Motion tentatively approving Enerwise’s Application and directing the Bureau of Technical Utility Services (“TUS”) to draft a Tentative Order wherein interested parties could submit comments in response to the Application and the Motion. On the same date, the

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<sup>1</sup> Enerwise is an energy management company, which caters to its customers energy needs through usage management, demand response, and sustainability goals. It also operates as a Conservation Service Provider in Pennsylvania.

Commission issued its Tentative Order<sup>2</sup> seeking comments by July 6, 2021 and reply comments by July 21, 2021. On October 7, 2021, the Commission entered a Final Order in Docket No. A-2019-3009271 denying Enerwise’s Application and directing TUS and the Office of Competitive Market Oversight (“OCMO”) 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 EDC data systems, with customer consent, as permitted under Section 2807(f) of the Code, 66 Pa.C.S. § 2807(f)”. Final Order at 15.

On February 8, 2022, the Commission issued a Secretarial Letter initiating its *Investigation into Conservation Service Provider and Other Third Party Access to Electric Distribution Customer Data*, Docket No M-2021-3029018. More specifically, the February 8 Secretarial Letter requested comments in the Commission’s instant proceeding to determine if a safe, acceptable path exists for Conservation Service Providers (“CSPs”) and other third parties to gain access to customer data electronically from electric distribution companies (“EDCs”).

To assist interested parties in filing their comments, the Commission provided a series of thirty-six (36) questions divided into five (5) topics that were attached to the February 8 Secretarial Letter for parties to consider. Comments were initially due on April 5, 2022; however, in response to the Energy Association of Pennsylvania’s *Petition for an Expedited Order Granting an Extension of Time to File Comments*, the Commission issued a second Secretarial Letter extending the deadline to respond until May 5, 2022.

UGI Electric hereby provides limited comments in response to the February 8 Secretarial Letter. While the vast majority of questions in the February 8 Secretarial Letter relate to sharing

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<sup>2</sup> See *License Application of Enerwise Global Technologies, LLC d/b/a CPower for Approval to Offer, Render, Furnish, or Supply Electricity or Electric Generation Services*, Docket No. A-2019-3009271 (Tentative Order entered May 24, 2021).

customer data via smart meter technology (for which the Company is exempt under 66 Pa.C.S. § 2807(f)(6)), UGI Electric's Comments generally support a proceeding to ensure that adequate and appropriate customer protections are followed.

## **II. COMMENTS**

### **UGI Electric Supports Initiating a Policy Proceeding to Determine if a Safe, Acceptable Path Exists for CSPs and Other Third Parties to Access Customer Data.**

UGI Electric generally supports the Commission initiating a proceeding to determine if customer data can be safely accessed and/or obtained by CSPs and other third parties. UGI Electric recognizes that by safely sharing customer data with CSPs, it potentially could provide a benefit to its customers. For example, sharing relevant customer data would likely allow CSPs to effectively and efficiently identify and implement energy conservation measures for qualified customers. However, the Company also realizes the potential harm that may occur to customers if safeguards are not enacted in order to protect the privacy of customer information or data. Therefore, UGI Electric recommends that, at a minimum, safeguards be imposed similar to those that are required under Section 54.8 of the Commission's regulations, 52 Pa. Code § 54.8, with the additional requirement that customers must opt in, as opposed to opting out, to having their information shared with CSPs or other third parties. Requiring customers to explicitly authorize that their personal data may be shared with CSPs and other third parties will ensure that customers make informed decisions regarding the risks and benefits of sharing such information, and, as a result, would serve the public interest.

While UGI Electric appreciates the opportunity to comment on and participate in this proceeding, the Commission must have the appropriate authority to enforce the customer safeguards necessary for sharing private customer information with CSPs and other third parties. Before this can occur, the Commission must determine if it has jurisdiction over such entities to

enforce violations of customer protections. If the Commission determines that it does not have jurisdiction, then CSPs and other third parties should not be permitted at this time to acquire private customer information or data. The Commission, along with its various bureaus and departments, is better situated than an EDC to ensure that third parties properly acquire and handle customer data and to enforce any violations that may occur.

Finally, as an EDC with 100,000 customers or less, UGI Electric anticipates that the majority of the questions attached to the February 8 Secretarial Letter are not applicable to the Company or similarly situated EDCs. Since the Company is not required to install or utilize smart meter technology,<sup>3</sup> UGI Electric shall refrain from responding to those questions that relate to such. However, UGI Electric expects that it shall be permitted to maintain its exemption under Section 2807(f)(6) from any policy or regulations that may be developed regarding EDCs sharing customer data or information via smart meter technology. Moreover, other than what is required to support current EGS's enrollment and billing activities, the Company should specifically be exempt from expanded usage data sharing should this proceeding culminate in requiring such from EDCs.

### **III. CONCLUSION**

The Company appreciates the opportunity to provide its brief comments in response to the February 8 Secretarial Letter regarding whether CSPs and other third parties should have access to EDCs' customer data. UGI Electric supports the Commission's proceeding to explore these issues.

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<sup>3</sup> See 66 Pa.C.S. § 2807(f)(6).

Respectfully submitted,



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Dated: May 5, 2022