



2800 Pottsville Pike
PO Box 16001
Reading, PA 19612-6001

Darsh Singh
Attorney

610.212.8331
Fax: 330.761.7225

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VIA ELECTRONIC FILING

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

Dear Secretary Chiavetta:

Pursuant to the Pennsylvania Public Utility Commission's Secretarial Letter dated February 8, 2022 in the above-captioned proceeding, enclosed herewith for filing are the Comments of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company.

Please contact me if you have any questions regarding this matter.

Very truly yours,

Darsh Singh

kbw
Enclosures

c: As Per Certificate of Service

**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 :

**COMMENTS OF METROPOLITAN EDISON COMPANY,
PENNSYLVANIA ELECTRIC COMPANY, PENNSYLVANIA POWER
COMPANY AND WEST PENN POWER COMPANY**

I. INTRODUCTION

On February 8, 2022, the Pennsylvania Public Utility Commission (“PUC” or “Commission”) issued a Secretarial Letter at the above referenced Docket No. (“Secretarial Letter”). The Secretarial Letter sought responses to directed questions and established a forty-five day response period which ended on April 5, 2022. On March 14, 2022, the Energy Association of Pennsylvania (“EAP”) filed a Petition for an Expedited Order Granting an Extension of Time to File Comments. By Order dated March 23, 2022, the EAP’s request was granted and the new deadline for responses to the directed questions in the Secretarial Letter was set to May 5, 2022.

Consistent with the Secretarial Letter, Metropolitan Edison Company (“Met-Ed”), Pennsylvania Electric Company (“Penelec”), Pennsylvania Power Company (“Penn Power”) and West Penn Power Company (“West Penn”) (collectively, the “Companies”) submit these comments in response to the Commission’s Secretarial letter.

II. COMMENTS

The Companies recognize that exploring the creation of a potential data access pathway for conservation service providers (“CSP”) and third party entities is a challenging and nuanced task which requires the Commission to weigh many interests. Given the complexity of this

undertaking, the Companies appreciate the opportunity to provide input on the issues raised in the Secretarial Letter. As the market trends in a direction which requires CSPs or other energy-management entities to further engage customers with offers of electricity savings, usage management, demand-response programs and sustainability goals, electric distribution companies (“EDCs”) must balance the need to protect customer data with the constraints of maintaining an efficient and manageable system for data access. Striking the appropriate balance and developing a process that is scalable while providing access to support customer needs in a way that maintains strict customer privacy is particularly critical for the Companies as the volume of requests for data access that the Companies receive continues to increase at an exponential rate. In 2018, the Companies provided data for 813 customer accounts. In 2021, the Companies provided data for 1,524 customer accounts (a greater than eighty-seven percent increase since 2018). Furthermore, the Companies have already seen an increase in requests of twenty-nine percent in 2022 when compared to the same period in 2021.¹

Currently, the Companies’ data access process is initiated when a third party submits a request for customer data via email. The email will include the list of customers for which the data is requested and the customer authorization form for each customer. Often, these requests can be for hundreds of customers at a time. If the third party is requesting data for one hundred customers, one hundred customer authorization forms will be attached. A Company employee must open each email and each attachment and manually compare the list of customers against the customer authorization forms submitted. The requested customer data (i.e., twelve months of interval usage data, peak load contribution (“PLC”), network system peak load (“NSPL”)) will then be obtained from the Companies’ customer management system. The requested customer

¹ Compares January and February 2022 to the same period in 2021.

data is then emailed back to the third party. This process can require extensive hours of manual data review and is administratively burdensome.

To put it bluntly, the current process is unwieldy and simply cannot be sustained for the volume of requests that the Companies receive and will continue to receive. For example, a curtailment service provider recently submitted a request for customer data for over nine hundred customers.² Along with that request, eleven emails with zipped customer authorization forms were provided. Each zipped file had thirty to forty customer authorization forms within, and each customer authorization form had anywhere between one to thirty accounts identified. To respond to this request, an employee had to manually open every customer authorization form and compare the customer request list to the customer authorization forms before any customer data could be pulled. These forms contained authorizations, not only by the customer for accounts served by the Companies, but also for other affiliate EDCs to the Companies. Among other things, the employee had to sort through the multitude of account numbers to confirm a customer authorization form was available for the account data requested, while also weeding out accounts that were no longer active. In the end, the number of accounts that data was provided for was much less than the nine hundred originally requested. This single request required multiple days of entirely manual effort. Using an electronic process, such as that provided on the Companies' electric generation supplier portal ("Supplier Portal") or via electronic data interchange ("EDI") as the Companies proposed in their recent Default Service Programs filing ("DSP VI") will eliminate the manual nature of the process and be far more efficient.

The Companies recently filed their DSP VI Joint Petition for Partial Settlement³ which

² Requests received were for multiple FirstEnergy Corp. ("FirstEnergy") subsidiaries, including the Companies.

³ See *Joint Petition of Metropolitan Edison Co., Pennsylvania Electric Co., Pennsylvania Power Co., and West Penn Power Co. for Approval of their Default Serv. Programs for the Period Beginning June 1, 2023 through May 31, 2027*,

included settlement terms related to third party data access and corresponding Third Party Data Access Tariff provisions. The terms and provisions of that Partial Settlement are described below in the Companies responses to the questions in the Secretarial Letter. To summarize the proposed Partial Settlement, it was agreed that beginning on June 1, 2022, the Companies will implement a standard form of authorization appended to the Third Party Data Access Tariffs set forth in Exhibits G-1 to G-4 of the DSP VI Joint Petition for Partial Settlement. In relevant part, the third party data access shall be limited to CSPs registered with the Commission or Curtailment Service Providers that are PJM Interconnection, LLC (“PJM”) members and identified on the PJM’s list of demand response providers available at www.pjm.com. The Third Party Data Access Tariffs utilize the same Supplier Portal that is currently used by electronic generation suppliers (“EGS”) for data access. Furthermore, customer authorization forms will not be sent to the Companies. Rather, the third party seeking data access will attest that the appropriate customer authorization has been obtained. The executed customer authorizations will be maintained by the third party as part of their records. As part of the DSP VI Joint Petition for Partial Settlement, the Companies agreed to conduct randomized semi-annual audits to ensure that letters of authorization are being properly obtained by third parties seeking access to customer data. Any third party found to be noncompliant as part of the audit will be permanently restricted from further access to customer data under the tariffs. Upon the conclusion of the statewide proceedings in this instant proceeding, the Companies will assess whether their current system is consistent with any final Commission orders issues as part of these proceedings. The Companies will then make any necessary amendments to their Third Party Data Access Tariffs.

Docket Nos. P-2021-3030012, et al., (Joint Petition for Partial Settlement filed April 30, 2022) (“DSP VI Joint Petition for Partial Settlement” or “Partial Settlement”).

The Companies look forward to any guidance from the Commission that may arise out of this proceeding to help the Companies and other EDCs navigate this space. In that vein, the Companies' comments on the Commission's directed questions follow.

1. Electric Distribution Company Smart Meter Customer Data Access by CSPs and Other Third Parties Technical Concerns

From a technical perspective, while the existing EGS web portal can be used to provide CSPs or other third parties access to EDC smart meter customer data electronically, the framework and supporting policies and procedures do not currently exist. **(Question 1.a).**⁴ In terms of framework, the *Pennsylvania Web Portal Working Group Technical Implementation Standards*, ratified by the Commission on June 30, 2016, expressly limits access to metered customer data on EDC web portals or electronic data interchange ("EDI") to *only* electronic generation suppliers.⁵ There is currently no framework that is specific to non-EGSs. The current Implementation Standards are not easily transferable to non-EGSs as many of their provisions are written to specifically apply to third party generation suppliers.

The most efficient path, and path likely leading to the least technical difficulties when expanding data access to CSP and third party access, involves using the same web portal currently used by electric generation suppliers and thus have proposed to do so in DSP VI.6 **(Question 1.b).**⁷ Specifically, the single user-multiple request ("SU-MR") and system-to-system historical interval usage ("StS-HIU") functionality and even certain EDI transactions available to electric

4 Question 1.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?

5 *Electronic Data Exchange Working Group's Pennsylvania Web Portal Group Technical Implementation Standard(s)* (hereinafter "Implementation Standards"), Docket No. M-2009-2092655, at 1.1.1. p. 6 (submitted on April 7, 2016).

6 See *Joint Petition of Metropolitan Edison Co., Pennsylvania Electric Co., Pennsylvania Power Co., and West Penn Power Co. for Approval of their Default Serv. Programs for the Period Beginning June 1, 2023 through May 31, 2027*, Docket Nos. P-2021-3030012, et al., at 24-25.

7 Question 1.b. Can the web portals available to electric generation suppliers be utilized for this access, or is an alternate pathway necessary?

generation suppliers today can be utilized for CSP and other third party access. Similarly, many of the same tools offered via the Supplier Portal can be utilized by a non-EGS accessing the portal. For example, help features and overview documentation that are currently available to EGSs on the Companies' website can be adapted to cover usage by non-EGS. **(Question 1.i).**⁸ An electronic "Contact Us" form or email address can be made available on the Companies' website for third parties to submit inquiries if users experience technical issues with the tools. While the specifics of implementation have not been fully developed by the Companies, the Companies believe using the existing web portal is the most efficient path forward as it ensures customer data stays housed in one place and enables the Companies to manage one system rather than multiple systems simultaneously. Further, using existing processes and systems would minimize costs for technology-related system adjustments. Meaning, should the same Supplier Portal and associated processes be used for CSP and third party access, the cost for technology is expected to be nominal and, as such, recovery of costs would be lower than other models that must be built from scratch. **(Question 1.j).**⁹ That said, any changes to the current system's functionality will increase the costs of expanded data access implementation. If the pathway identified as part of this instant proceeding is any different than these existing tools, additional costs would be recovered in the Companies' Default Service Support Riders. To ensure costs that are passed through the rider are minimal, the Companies propose to apply a charge of \$53 per hour and to bill in one-minute intervals for any customer requests that require manual intervention (i.e., query of aggregated customer data) because such requests must be evaluated individually.

Act 129 Conservation Service Providers

8 Question 1.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?

9 Question 1.j. How should costs incurred for this purpose be recovered?

The Companies meet targets as defined in Act 129,¹⁰ by contracting with CSPs to implement energy efficiency programs on behalf of the Companies. As such, the data being provided to a CSP performing services under Act 129 is being utilized as a vendor to the Companies *not* as an outside third party using the data to provide services to another entity. Thus, intrinsically, these relationships and data usages cannot be compared on an apples-to-apples basis. CSPs providing services under Act 129 are two-fold, those who provide energy efficiency services and those who provide demand response services. The data access capabilities for energy efficiency CSPs versus the data access for demand response CSPs has been appropriately tailored so that each is provided with only the information necessary to fulfil its job function (**Question 1.d**).¹¹ Energy efficiency CSPs who have contracts in place to implement energy efficiency programs, and have appropriate non-disclosure agreements in place, may be provided access to monthly customer information system (“CIS”) consumption and master files as well as advanced metering infrastructure (“AMI”) consumption files where appropriate. The files are generated by information technology (“IT”) and include fields relevant to program administration. This is accomplished by a series of automated monthly pushes through a secure, encrypted file transfer process (“sFTP”) to a secure server on the CSP side. The process is closely monitored by the Companies’ IT function. When it is necessary to create custom ad hoc data queries to satisfy Act 129 requirements for program implementation, the data set is limited to a minimum of required fields which are then transmitted through a separate secure sFTP process manually.

On the other hand, demand response CSPs do not receive automated CIS files. These CSPs who have contracts in place with the EDCs to implement demand response programs on behalf of the EDCs, and have appropriate non-disclosure agreements in place, have been provided with non-

¹⁰ Act 129 of 2008, P.L. 1592.

¹¹ Question 1.d. How are CSPs provided customer data when performing services under ACT 129?

residential customer data files with customer data needed to solicit leads for obtaining non-residential demand response customers to achieve the Phase III dispatchable demand response programs for the EDCs. Additionally, demand response CSPs are provided interval meter data for specific customers enrolled in the Companies' demand response programs.

Third Party Eligibility

Aside from CSPs providing services under Act 129, third parties may include (but are not limited to) energy consultants, curtailment service providers, local government, state and federal agencies, and academic researchers. In addition, FERC Order 2222 introduces a distributed energy resource (“DER”) aggregator who may require customer data necessary to support the DER interconnection and PJM pre-registration processes. **(Question 1.f).**¹² The Companies determine a third party's eligibility to receive customer data based on the type of third party making the request and the nature of the data being requested. **(Question 1.g).**¹³ As such, third parties working on behalf of a customer, such as an energy consultant, CSP, or curtailment service provider can request and be eligible to receive customer-specific usage data and other usage-related data such as peak load contribution, network system peak load, load profile, or rate class. This type of data allows the third party to assist the customer in analyzing their energy usage and capabilities. It should be noted, however, that CSPs and other third parties cannot request data elements that are not already collected and cannot request data that is more granular than what is already collected. Requests from third parties, such as a local government, state and federal agency, and academic researchers, are typically not customer specific and are presented as aggregated, anonymized data (i.e., summarized usage by geographic area).

¹² Question 1.f. Aside from CSPs, what other third party entities should be considered for potential access?

¹³ Question 1.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?

Financial Security Instruments

There are circumstances under which requiring a financial security instrument to protect data confidentiality is prudent. As a general principle, EGSs and non-EGSs alike should carry the insurance policy on their operations and not utilize the utilities and unassociated customers as a free backstop. **(Question 1.h)**.¹⁴ Here, again, the Companies look to existing constructs as examples where this has been successful. For example, if a CSP has cleared demand response in the PJM capacity market and then fails to perform, there should be some level of collateral posted with the Companies to cover any possible financial outcomes of the CSPs to perform. This would be no different than reasons EGSs post collateral – to protect customers not engaged in such activities from poor performance of an EGS (i.e., returning customers to non-shopping status in the event of EGS bankruptcy). Such collateral on the part of both EGSs, and now increasingly non-EGSs, would not only cover detrimental operations, but it would also cover holding the Companies and unassociated customers harmless if such EGS and non-EGS garner customer data inappropriately and impacted customers are deemed due financial compensation for harm incurred.

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

The Companies smart meter data is the same customer data that is available via the Supplier Portal; there is no distinction and therefore no additional legal limitations, other than those already existing for EGS data access, would apply. **(Question 2.a)**¹⁵ The proposed Third Party Data Access Tariffs act as a “contract” in that any entities seeking data under the terms of the Tariffs

¹⁴ Question 1 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.

¹⁵ Question 2.a. What legal limitations currently prevent EDCs from providing smart meter customer data electronically to CSPs or other third parties?

are subject to its enforceable terms. **(Question 2.c)**¹⁶ However, if approved, the Tariffs' provisions would only apply to those included in the DSP VI partial settlement. There becomes an open question as to the Commission's jurisdictional oversight to enforce the Tariffs' terms, or terms similar to them, to other third parties.

Currently, data that is transferred to a CSP providing services under Act 129 whether through an automated or manual process (as described above) is done through sFTP. **(Question 2.b)**.¹⁷ In order to initiate these processes a new CSP is required to fill out an EDC IT form called an Application Service Provider ("ASP") checklist. This form details specific security and encryption protocols needed to complete the process. When a CSP enters into a contract with the EDC, it agrees to certain terms and conditions spelled out in the contract, which includes a provision which covers information security to protect sensitive data from unauthorized exposure and ensure confidentiality. The language specifically also covers "relevant subcontractors" tied to the contracted CSP binding them to the same obligation. When a contract expires or is terminated the data transfer is ceased.

Data Access Implementation and Enforcement

As a first step to creating a pathway for customer data access for CSPs and other third parties, the clear provisions detailing the data access policies and procedures must be added to an EDC's tariff. **(Question 2.d)**.¹⁸ In fact, in its recent DSP VI proceeding, the Companies submitted, as part of their Joint Petition for Partial Settlement, Third Party Data Access Tariffs.

¹⁶ Question 2.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?

¹⁷ Question 2.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?

¹⁸ Question 2.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?

While the Companies are committed to modifying their Tariffs as necessary to account for any directives or guidance created in this instant proceeding,¹⁹ the Companies aver that the Third Party Data Access Tariffs submitted as part of their DSP VI Joint Petition for Partial Settlement strikes the appropriate balance of interests. As shown on Exhibits G-1 to G-4, the Companies' third party data access shall be limited to CSPs registered with the Public Utility Commission or curtailment service providers that are PJM members and identified on PJM's list of demand response providers available at www.pjm.com. Prescribing policies and procedures through a Commission-approved tariff benefits all parties in that it allows for transparency in the process and provides a governing document for purposes of implementation, compliance, and guidance.

A curtailment service provider or other third party should obtain customer consent for access to data from EDC systems through the use of a standard form of authorization. **(Question 2.e).**²⁰ As part of their DSP VI proceeding, the Companies settled on using a standard form of authorization beginning on June 1, 2022. The authorization form will be used on a prospective basis while other valid authorization forms executed prior to June 1st will be accepted until the expiration date of such forms. Under the filed Joint Petition for Partial Settlement, the third party requesting the data will be responsible for securing the executed authorization form and maintaining the form as part of their records. The data requesting CSP will attest to the Companies that it has received the appropriate customer authorization as part of the data request process. **(Question 2.f).**²¹ As stated on the customer authorization form, the authorization will remain in

¹⁹ See DSP VI Joint Petition for Partial Settlement at 23. "Upon conclusion of the statewide proceeding at Docket M-2021-3029018, the Companies will assess whether their current system is consistent with any final Commission orders on the matter and will make subsequent filing(s) with the Commission to amend their tariffs if required."

²⁰ Question 2.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.

²¹ Question 2.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?

effect for twenty-four (24) months or until the customer provides the CSP/third party with thirty (30) days advance written notice of termination of the authorization, whichever is earlier. In other words, the customer can withdraw a previously granted consent via writing at any time prior to the end of the twenty-four month authorization period. **(Question 2.g).**²² The EDC will not be notified when this occurs; it is the responsibility of the CSP or third party to cease the request for data.

As part of the DSP VI Petition for Partial Settlement, the Companies have committed to conduct periodic, randomized internal audits of the participants under the new proposed Third Party Access Tariffs to ensure that letters of authorization are being properly obtained by third parties when seeking access to customer data.²³ **(Question 2.h).**²⁴ In conducting the audit, all third parties found to be noncompliant will be *permanently* restricted from further access to customer data under the Tariffs. While the Companies have agreed to these terms as part of the Partial Settlement submitted, the Companies continue to assert that improper or illegal use of data should be enforced by the Commission. Again, it should not be the EDCs' burden to "police" proper data access. Similarly, a utility cannot be held accountable for the improper or illegal acts of a customer authorized CSP or other third party. **(Question 2.j).**²⁵ If a construct similar to the current EGS data access construct is used, there are no means by which the Companies can control how data is used after it is accessed from the portal. The Companies do not believe that it is appropriate for EDCs to function as data access compliance and enforcement entities – rather, this

²² Question 2.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?

²³ See DSP VI Joint Petition for Partial Settlement at 23.

²⁴ Question 2.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?

²⁵ Question 2.j. Should a utility be held accountable for the improper or illegal acts of a customer authorized CSP or other third party?

is a for the Commission, as the regulator.

Distributed Energy Resource Aggregators and CSPs

Curtailed service providers who also plan to serve as a DER Aggregator under FERC Order No. 2222 should have their data access limited to only those required to fulfil its function as a DER Aggregator. **(Question 2.i).**²⁶ Under FERC Order No. 2222 the DER Aggregator may be required to complete a registration for those specific component DERs electing to be part of a particular DER Aggregation. A DER Aggregator would be responsible for obtaining and providing all the necessary component DER data from the DER customer to complete a registration to participate in a DER Aggregation for wholesale market participation. As such, a DER Aggregator must obtain the relevant information for each of the necessary data fields required in the pre-registration and registration processes. Given this limited role, DER Aggregators should not have access to data fields that are not required or authorized for these processes. Data requirements for DER Aggregators for FERC Order No. 2222 have not been fully vetted or finalized at this point and while there may be some general data needs, the relevant data will depend on the DER type being enrolled for wholesale market participation.

3. Utility Usage Data and Meter Access

If granted access to the EGS web portal, CSPs and other third parties will be able to request the same information which is provided on the Supplier Portal and via EDI today. However, generally speaking, it is the Companies' position that it is good practice to tailor data accessibility based on the type of CSP or type of third party requesting customer data, as well as based on what

²⁶ Question 2.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?

the purpose for requesting the data. **(Question 3.a).**²⁷ Customer data that is not necessary to the job or function of the entity should not be released to avoid extraneous and unnecessary exposure of sensitive information. For example, curtailment service providers generally use monthly interval data and have a PJM requirement to obtain 24 months of data to support PJM's winter peak calculations. On the other hand, some third parties may only require a few months of data to compare usage on a monthly basis. Along these same principles, aggregated data should only be available to a wider array of CSPs and other third parties if they are necessary for the service being provided by the third party. **(Question 3.d).**²⁸ Requests from third parties for aggregated data should be evaluated on a case-by-case basis to determine if the third party is authorized to receive such data, how the data will be used and the possibility of providing such data. While the EGS portal does not currently have the capability to correspondingly tailor data access based on the type of party and the specific data that is needed this functionality would need to be added. It is also good practice for any personally identifiable customer information to never be housed in any portal that can be potentially assessed by third parties as part of this proceeding. **(Question 3.b)**²⁹ The Companies do not use their Supplier Portal or EDI systems for any customer personally identifiable information; such information is treated as highly sensitive and handled manually.

As detailed above and in the Companies' DSP VI filing, the Companies are proposing to use the existing EGS portal for purposes of curtailment service provider and third party data access. As such, the customer data requested by a curtailment service provider, or energy consultant is the same data, in the same format, as that provided to EGSs via the Supplier Portal, specifically the

²⁷ Question 3.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?

²⁸ Question 3.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?

²⁹ Question 3.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?

SU-MR and StS-HIU, and via certain EDI transactions such as the 867 HIU. **(Question 3.c).**³⁰ Requests from third parties, such as a local government, state and federal agency, and academic researchers, are typically not customer specific and are presented as aggregated and anonymized data. To that end, anonymization requirements of any data should be defined. For example, certain usage data could be used to identify a particular customer based on the percentage of usage that the customer may comprise of the entirety of the set. Each request is expected to be different and if customer data is provided, it would be in a different format to fit each request.

Although the Secretarial Letter asks a series of questions about *direct* access to the meter by CSPs or third parties, such a proposal is not possible due to security protocols. Allowing outside parties "direct access" to the meter would circumvent the security measures that are in place that prevent any party from potentially implementing a harmful intrusion into the meter. Creating a pathway into the meter for a good player would increase the risk that a bad player could find a pathway. In fact, the Companies' meters are not manufactured to allow for access other than through HAN devices. **(Question 3.f and Question 3.g).**³¹

While not direct access to the meter itself, third parties can purchase home area network ("HAN") devices and pulse counter devices approved by the Companies to obtain near real time data to meet the majority of PJM's metering requirements. AMI meters have the capability to provide a local wireless communication output signal for access to near real term usage information through a HAN by provisioning the meter's wireless communication signal to a

³⁰ Question 3.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?

³¹ Question 3.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? and Question 3.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?

customer's HAN device. If more granular data is needed, the CSP would need to install specialized equipment such as additional customer-owned metering. **(Question 3.h).**³² In addition, CSPs and other non-licensed entities may access customer meter data directly from the customer. For historical usage, the Companies provide customers with access (display and download) to their interval meter data through its Customer Portal. To assure customer authorization to such usage, both of these capabilities require customer consent. In lieu of asking the customer to authorize the utility to release its data, these protocols offer the third-party access to the data directly from the customer.

4. Given the EDC-specific variations to meters and HAN devices and their underlying processes, the Commission should not establish protocols or communication mediums that are overly prescriptive. Any protocols or guidance established must be broad enough to capture the open standard architecture that complies with nationally recognized standards such as ZigBee or Wi-SUN. **(Question 3.e and Question 5.c).**³³**Home Area Network Protocols**

The installed AMI meters should support direct meter data transmission to qualified in-home devices and HAN technologies that a customer, or a third party on behalf of the customer, may procure. The customer should request and consent to the utility enabling the data transmission. **(Question 4.a).**³⁴ The utility qualifies HAN devices to assure compatibility with its AMI meters. While the Companies currently have four such devices qualified, the Companies offer device

³² Question 3.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.

³³ Question 3.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? and Question 5.c. 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?

³⁴ Question 4.a. Should there be interconnectivity between the smart meter and other equipment in the home? If so, how much? [read capability vs. two-way communication].

manufacturers the opportunity to request other devices to be put through simple testing of compatibility for qualification and listing on its portal. **(Question 4.b).**³⁵ CSPs or other third parties should work with their customers directly to request data access; customers must consent to the EDC enabling data transmission to such devices. Further access to customer data from the EDC is dependent on use cases. **(Question 4.c).**³⁶ The interval data ultimately used for billing and market settlement retrieved by the utility through its AMI communication network passes through the validating, editing and estimation (“VEE”) processes.

5. Automatic Control

The AMI meters are a measurement device that can be used as an input to HAN devices and energy management systems to help facilitate automatic control of a customer’s electricity consumption by customers, utilities, and the customer’s CSPs or other third parties. **(Question 5.a).**³⁷ By measuring and providing near real time usage via the HAN to an in-home device integrated with an energy management system leveraging algorithms based on usage, automatic load control load is supported by the meter. This is how traditional “building automation systems” are deployed by many commercial customers today using KYZ wired pulse outputs from legacy meters to interface with their building automation system. A KYZ output is a three-wire pulse output from a metering device to drive external control or recording equipment. Each pulse or transition represents a predetermined increment of energy or other quantity. Average power can be determined with a given energy pulse value and a known pulse count over a specified period. The smart meter may also be engaged in the initiation and verification of automatic control.

35 Question 4.b. Can CSP or other third party equipment installed in a customer’s home interact with the HAN or the smart meters?

36 Question 4.c. Do CSPs or other third parties that have installed equipment in a customer’s home still need access to customer data from the EDC?

37 Question 5.a. 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?

(Question 5.b).³⁸ Where initiation is dependent on usage parameters, interfacing the meter through the HAN to an energy management system engages the smart meter. Additionally, leveraging the same HAN interface, the meter engages in verification where such control is aimed at reducing usage. This can be validated by the energy management system following its initiation of control to reduce load.

The Companies take the position that the smart meter is an integral part of the overall energy management solution, providing “inputs” to a device that leverage this “input” to provide “outputs” that control energy consuming customer assets. **(Question 5.d).**³⁹ As such, the smart meter system itself does not control these assets. Communication medium and protocol should ensure smart meter communication compatibility with such energy management solutions, but the solution itself is beyond the scope of the utility.

The AMI data can be used in conjunction with Automated Distribution Management System (“ADMS”) or Distribution Energy Resource Management Systems (“DERM”) to establish monitoring and control of customers and utility owned DERs. This will become increasingly important when FERC Order No. 2222 is implemented and for utilities to maintain system control and reliability and facilitate wholesale market participation.

6. Additional Concerns

The EDCs are meeting with Commission Staff separately on FERC Order No. 2222 implementation concerns and seeking Commission collaboration with PJM and the EDCs to resolve important implementation issues some of which have been raised in this Secretarial Letter.

³⁸ Question 5.b. How is the smart metering system engaged in the initiation, maintenance, relinquishment, and verification of the automatic control of customer consumption?

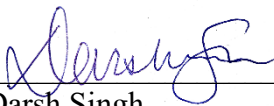
³⁹ Question 5.d. What energy consuming customer assets can be controlled by these smart meter systems for each of the customer segments, and how is control of these assets impacted by the choice of communication medium and protocol?

III. CONCLUSION

Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company appreciate the Commission's opportunity to provide comments in response to the Secretarial Letter. The Companies look forward to further collaboration and discussion with the Commission and interested stakeholders on this important topic.

Respectfully submitted,

Dated: May 5, 2022



Darsh Singh
Attorney No. 330971
FirstEnergy Service Company
2800 Pottsville Pike
P.O. Box 16001
Reading, PA 19612-6001
Phone: (610) 212-8331
Email: singhd@firstenergycorp.com

Counsel for:
Metropolitan Edison Company,
Pennsylvania Electric Company,
Pennsylvania Power Company and
West Penn Power Company

**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 :

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing document upon the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Service by electronic mail, as follows:

Michael J. Shafer
PPL Services Corp
mjshafer@pplweb.com

Christy Appleby
Laura Antinucci
Darryl A. Lawrence
Office of Consumer Advocate
cappleby@paoca.org
lantinucci@paoca.org
dlawrence@paoca.org

Lindsay Baxter
Duquesne Light Company
lbaxter@duqlight.com

Kenneth D. Schisler
Stephen Oyler
Enerwise Global Technologies, LLC
Kenneth.Schisler@CPowerEnergyManagement.com
stephen.Oyler@cpowerenergymanagement.com

Pamela C. Polacek
C&T Enterprise, Inc.
ppolacek@ctenterprises.org

Michael Murray
The Mission: Data Coalition
michael@missiondata.io

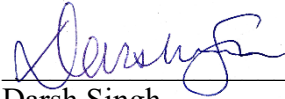
Seth A. Mendelsohn, Executive Director
PA Public Utility Commission
smendelsoh@pa.gov

Renardo Hicks, Chief Counsel
PA Public Utility Commission Law Bureau
rehicks@pa.gov

Dan Mumford
The Office of Competitive Market Oversight
dmumford@pa.gov

Paul Diskin
Technical Utility Service
pdiskin@pa.gov

Dated: May 5, 2022



Darsh Singh
Attorney No. 330971
FirstEnergy Service Company
2800 Pottsville Pike
P.O. Box 16001
Reading, Pennsylvania 19612-6001
610-212-8331
singhd@firstenergycorp.com