



Legal Department
2301 Market Street / S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699

Direct Dial: 215.841.4608
Email: Jack.Garfinkle@exeloncorp.com

November 1, 2022

VIA eFILING

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:

Enclosed for filing in the above-captioned proceeding are the Comments of PECO Energy Company in Response to the Commission's September 6, 2022 Secretarial Letter.

If you have any questions or concerns, please feel free to contact me directly at (215) 841-4608.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jack R. Garfinkle". The signature is written in a cursive, slightly slanted style.

Jack R. Garfinkle

Enclosure

cc: Certificate of Service
Jeff McCracken, Bureau of Technical Utility Services (jmccracken@pa.gov)
Scott Thomas, Law Bureau (sjthomas@pa.gov)
Christian McDewell, Law Bureau (cmcdewell@pa.gov)

**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 PECO ENERGY COMPANY
ON THE COMMISSION’S SEPTEMBER 6, 2022 SECRETARIAL LETTER**

I. INTRODUCTION

On February 8, 2022, the Pennsylvania Public Utility Commission (“Commission”) issued a Secretarial Letter (“February 2022 Secretarial Letter”) containing questions regarding Conservation Service Provider (“CSP”) and other third-party access to Electric Distribution Company (“EDC”) customer data. In doing so, the Commission sought to determine whether there was a safe and acceptable way for CSPs or other third parties to gain electronic access to EDC customer data, with customer consent. PECO Energy Company (“PECO”), along with other interested parties, filed comments to the February 2022 Secretarial Letter on May 5, 2022 (“Initial Comments”).

On September 6, 2022, the Commission issued a second Secretarial Letter (“September 2022 Secretarial Letter”) with additional questions regarding CSP and other third-party customer data access. These questions, according to the Commission, were in response to the comments to the February 2022 Secretarial Letter and the Commission’s recent approval of the Petition for Approval of the Default Service Plan from June 1, 2023 to May 31, 2027 of Metropolitan Edison Company, Pennsylvania Power Company, and West Penn Power Company (collectively, “FirstEnergy”). *See* Docket No. P-2021-3030012.

PECO will address each of the Commission’s supplemental questions presented in the September 2022 Secretarial Letter in these Comments.

II. COMMENTS IN RESPONSE TO THE QUESTIONS PRESENTED IN ATTACHMENT A OF THE SEPTEMBER 2022 SECRETARIAL LETTER

7. What barriers, if any, prevent EDCs from implementing the components of the third-party data access tariff supplement contained in the FirstEnergy settlement at Docket No. P-2021-3030012, including but not limited to, the following policies?

- a. Implement a standard form of authorization to be used for all new requests from third parties seeking customer data.*

A standard form of authorization for all EDCs might not be feasible because each EDC accounts for its customers and services in different ways (i.e., naming conventions, service characterizations). However, a standard form for all eligible requestors of an individual EDC's customer data might be possible.

As noted in PECO's response to Question 1(g) of its Initial Comments, PECO does not believe there should be different levels of access or standards between third party requestors. CSPs and other third parties should be given the same level of access to customer data that is currently available to electric generation suppliers ("EGSs") through the PECO Advanced Meter Data Portal ("PAMDP"), pursuant to the September 3, 2015 Final Order on Act 129 Smart Meter Deployment, Docket No. M-2009-2092655 ("September 15 Final Order"). That said, PECO suggests that the Commission convene a working group of EDC stakeholders to develop a form of authorization and Third-Party Data Access Tariff for each EDC, with the goal of making them as standard as possible. Proposed tariff provisions may include those listed in PECO's response to Question 2(d) of its Initial Comments, such as Commencement of EDC/EGS Coordination and Coordination Obligations.

PECO does not believe any completed authorization forms for third-party data access should be sent to the EDCs for verification. It should not be the responsibility of the EDC to audit the CSP or third-party and determine whether they have obtained the requisite

authorizations. EDCs do not, and should not, have an audit enforcement role with respect to the dissemination of third-party data. Rather, it is incumbent on the entity seeking the information to show proof of customer authorization if requested by the customer, the Commission, or the EDC. This comment is consistent with the process currently used with EGSs. Any deviations, including audit enforcement responsibilities, should be developed by the Commission. *See* PECO's Initial Comments at Question 2(e).

- b. Conduct periodic, randomized internal audits of participants to ensure that letters of authorization are being properly obtained by third parties. Such audits will occur at least semi-annually and will include at least 10% of active third parties.*

As stated in PECO's response to Question 2(e) of its Initial Comments and Question 7(a) of these Comments, PECO does not believe it should be the responsibility of an EDC to audit the third-party requesting access to third-party data. The process should mimic the current process used with EGSs. Adding an internal audit responsibility would create an administrative burden on EDCs that would ultimately increase the cost to the customer.

PECO believes that it would be more appropriate for the Commission to take on an audit and enforcement role to ensure that CSPs and other third-parties are not abusing or improperly handling the electronic customer data that they obtain from the EDC. The Commission has the experience and expertise needed, making it best suited for this function. *See* PECO's Initial Comments at Question 2(j).

8. What specific customer electric usage information do the EDCs believe can reasonably to be [*sic*] released to 3rd parties?

PECO provides to EGSs, through its PAMDP, the data mandated by the Commission's September 2015 Final Order, which include customer account number, rate class, usage, and load information. This should be the same data provided to CSPs and other third-parties. CSPs

and other third parties should not have different access to customer data. Please refer to PECO's response to Question 3(a) of its Initial Comments for additional information.

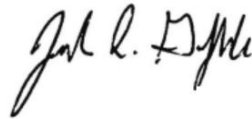
9. What specific customer electric usage data do other parties believe EDCs should have available to reasonably be released to 3rd parties?

As an EDC, PECO is not in a position to respond to this question.

III. CONCLUSION

PECO appreciates the opportunity to provide comments to the September 2022 Secretarial Letter and looks forward to continuing to work with the Commission and interested stakeholders to discuss CSP and third-party electronic data access.

Respectfully submitted,



Jack R. Garfinkle (Pa. No. 81892)
Caroline S. Choi (Pa. No. 320554)
PECO Energy Company
2301 Market Street
P.O. Box 8699
Philadelphia, PA 19103
E-mail: Jack.Garfinkle@exeloncorp.com
Caroline.Choi@exeloncorp.com

Dated: November 1, 2022

**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 and affirm that I have this day served a copy of the foregoing document in the above-captioned proceeding on the persons listed below, in the manner specified in accordance with the requirements of 52 Pa. Code § 1.54:

VIA ELECTRONIC MAIL

Richard A. Kanaskie
Michael Swindler
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120
rkanaskie@pa.gov
mwindler@pa.gov

Steven C. Gray
Teresa Wagner
Office of Small Business Advocate
555 Walnut Street
1st Floor, Forum Place
Harrisburg, PA 17101
sgray@pa.gov
tereswagne@pa.gov

Elizabeth R. Marx
John W. Sweet
Lauren N. Berman
Ria M. Pereira
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101
emarx@pautilitylawproject.org
jsweet@pautilitylawproject.org
lberman@pautilitylawproject.org
rpereira@pautilitylawproject.org
pulp@pautilitylawproject.org

Patrick Cicero
Christy Appleby
Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923
PCicero@paoca.org
cappleby@paoca.org

Terrance J. Fitzpatrick
Donna M.J. Clark
Energy Association of Pennsylvania
800 North Third Street, Suite 205
Harrisburg, PA 17102
tfitzpatrick@energypa.org

Barry A. Naum
Spilman Thomas & Battle PLLC
1100 Bent Creek Blvd, Suite 101
Mechanicsburg, PA 17050
bnaum@spilmanlaw.com

dclark@energypa.org

Charis Mincavage
Adeolu A. Bakare
Susan E. Bruce
McNees Wallace & Nurick LLC
100 Pine Street, P.O. Box 1166
Harrisburg, PA 17108-1166
abakare@mcneeslaw.com
cmincavage@mcneeslaw.com
sbruce@mcneeslaw.com

Deanne M. O'Dell
Sarah C. Stoner
Eckert Seamans Cherin & Mellott LLC
213 Market Street, 8th Floor
Harrisburg, PA 17101
dodell@eckertseamans.com
sstoner@eckertseamans.com

Jim Hawley
Michael Murray
Mission:Data Coalition
1020 16th Street
Sacramento, CA 95814
michael@missiondata.io

Lawrence Spielvogel
190 Presidential Blvd 310
Bala Cynwyd, PA 19004
spielvogel@comcast.net

Leah Meredith
Advanced Energy Economy
1010 Vermont Avenue NW, Suite 1050
Washington, DC, DC 20005
lmeredith@aee.net

Darsh Singh
FirstEnergy Service Company
2800 Pottsville Pike, P.O. Box 16001
Reading, PA 19612-6001
singhd@firstenergycorp.com

Stephen Oyler
Kenneth Schisler
Enerwise Global Technologies LLC
d/b/a CPower Energy Management
5633 Woodmont Street
Pittsburgh, PA 15217
Stephen.oyler@cpowerenergymanagement.com
Kenneth.schisler@cpowerenergymanagement.com

John Kolesnik
Keystone Energy Efficiency Alliance
614 S. 4th St, #307
Philadelphia, PA 19147
jkolesnik@keealliance.org

Leah Gibbons
NRG Energy Inc.
3711 Market St., Suite 1000
Philadelphia, PA 19104
NERetailRegulatory@nrg.com

Lindsay A. Baxter
Duquesne Light Company
411 Seventh Avenue
Pittsburgh, PA 15219
lbaxter@duqlight.com

Kimberly A. Klock
Michael J. Shafer
PPL Services Corp.
Two North 9th Street, GENTW3
Allentown, PA 18101
kklock@pplweb.com
mjshafer@pplweb.com

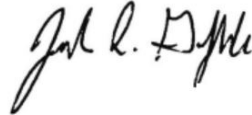
Murray E. Bevan
Bevan Mosca & Giuditta PC
222 Mount Airy Rd., Suite 200
Basking Ridge, NJ 07920-2335
mbevan@bmg.law

Sebnem Tugce Pala
UtilityAPI
1212 Broadway, 16th Floor
Oakland, CA 94612
sebnem@utilityapi.com

Michael Swerling
Timothy McHugh
UGI Corporation
460 North Gulph Road, P.O. Box 858
Valley Forge, PA 19482-0858
swerlingm@ugicorp.com
mchught@ugicorp.com

Pamela Polacek
C&T Enterprises, Inc.
1775 Industrial Blvd.
Lewisburg, PA 17837
ppolacek@ctenterprises.org

Respectfully submitted,



Jack R. Garfinkle (Pa. No. 81892)
Caroline S. Choi (Pa. No. 320554)
PECO Energy Company
2301 Market Street
P.O. Box 8699
Philadelphia, PA 19103
E-mail: Jack.Garfinkle@exeloncorp.com
Caroline.Choi@exeloncorp.com

Counsel for PECO Energy Company

Dated: November 1, 2022