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**E-File**

November 1, 2022

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 17120-3265

**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 on behalf of PPL Electric Utilities Corporation ("PPL Electric") are PPL Electric's additional Comments in the above-captioned proceeding. These Comments are being filed pursuant to the September 6, 2022 Secretarial Letter issued in this matter.

Pursuant to 52 Pa. Code § 1.11, the enclosed document is to be deemed filed on November 1, 2022, which is the date it was filed electronically using the Commission's E-filing system.

If you have any questions, please do not hesitate to contact me.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Michael J. Shafer", is written over a light blue, stylized graphic that resembles a signature or a set of initials.

Michael J. Shafer

Enclosure  
cc via email: Certificate of Service  
Jeff McCracken  
Scott Thomas  
Christian McDewell

## CERTIFICATE OF SERVICE

(Docket No. M-2021-3029018)

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

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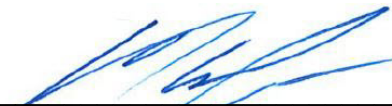
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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

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**COMMENTS OF  
PPL ELECTRIC UTILITIES CORPORATION ON  
THE SEPTEMBER 6, 2022 SECRETARIAL LETTER**

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**I. INTRODUCTION & BACKGROUND**

On February 8, 2022, the Pennsylvania Public Utility Commission (“Commission”) issued a Secretarial Letter seeking comments from interested parties on five sets of questions regarding its investigation into Conservation Service Provider (“CSP”) and other third-party access to electric distribution companies’ (“EDC”) customer data. As outlined in the Secretarial Letter, the Commission’s investigation into these issues stems from its denial of the electric generation supplier (“EGS”) license application of Enerwise Global Technologies, LLC d/b/a CPower (“Enerwise”), which sought an EGS license “solely for the purpose of obtaining access to utility data systems on behalf of its customers” so that it could “verify customer performance in demand response programs and assist the customers in analyzing their electricity usage and capabilities.” (Feb. 8, 2022 Secretarial Letter, p. 1.) After receiving comments from interested parties, the Commission issued a Secretarial Letter on September 6, 2022, requesting interested parties’ comments on “additional questions regarding potential pathways to be created for CSP’s and other third parties to access customer data.” (Sept. 6, 2022 Secretarial Letter, p. 1.)

PPL Electric previously filed Comments in response to the Commission's February 8, 2022 Secretarial Letter. The Company appreciates this opportunity to provide input on the Commission's questions set forth in the September 6, 2022 Secretarial Letter and hereby responds as follows.

## **II. COMMENTS**

### **A. FOLLOW-UP QUESTIONS RELATED TO THE COMMISSION'S INVESTIGATION INTO CONSERVATION SERVICE PROVIDER (CSP) AND OTHER THIRD-PARTY ACCESS TO ELECTRIC DISTRIBUTION COMPANY CUSTOMER DATA**

From reviewing the other parties' Comments, several of the other parties continue to advocate for the ability to share customer data with third parties. As outlined in PPL Electric's Comments, the Company supports a system that promotes two-way data flows by which third parties can access customer data from EDCs and provide data to EDCs. (PPL Comments, p. 8.) Such two-way data flows will help facilitate innovation and improvements in the electric utility industry and enable EDCs to better plan and operate their electric distribution systems.

However, given the sensitivity of customer data, the Commission should review and approve any third parties that intend to access EDCs' customer data. Without such an approval process, the Commission would lack enforcement jurisdiction over third parties. That would place EDCs in the role of investigating and enforcing third parties' access to customer data, which would require the EDCs to devote a significant amount of additional time and resources. Further, although the Company supports efforts to develop a way in which third parties can access customer data and provide customer data to EDCs, the Company is not comfortable with any process that lacks adequate customer safeguards.

While PPL Electric understands the need to provide third parties with access to customer data, the Commission should balance this access with appropriate cyber security protections. Any

additional access to customer data provides external threat actors new avenues to gain access to and exploit sensitive customer information. In addition to intentional bad actors, the expanded access to customer data increases the risk of inadvertent disclosure. PPL Electric will need to plan for and implement protections to prevent unauthorized access to customer data which will require IT investment.

With those principles in mind, PPL Electric offers the following responses to the Commission's questions set forth in the September 6, 2022, Secretarial Letter.

- 1. 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.**
  - 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.**

PPL Electric has reviewed the third-party data access tariff supplement contained in the FirstEnergy settlement at Docket No. P-2021-3030012. Based on that review, PPL Electric has concerns with certain aspects of the tariff.

First, the scope of the tariff is limited. Right now, the tariff only applies to Conservation Service Providers ("CSPs") and Curtailment Service Providers. PPL Electric continues to believe that a broader platform is needed for two-way flows of customer data between EDCs and authorized third parties. For example, other authorized third parties could include aggregators of distributed energy resources ("DERs"), owners of DERs, and owners of electric vehicles ("EVs"). Depending on whom those authorized third parties are, the customer protections in FirstEnergy's tariff may need to be further modified or strengthened. Moreover, the Company believes there are

substantial benefits when an EDC can receive customer data back from the authorized third parties, as such data can assist in the safe and efficient planning and operation of the electric distribution system. FirstEnergy's tariff does not contemplate those two-way flows of customer data.

Second, in Section 3.1 of the tariff, it states that “[b]efore commencing service hereunder, a Third Party must comply with the following prerequisite of service.” (Tariff, Original Page No. 11.) PPL Electric questions whether such a declaration grants the Commission jurisdiction over the third parties receiving the customer data, or whether FirstEnergy is tasked with investigating and enforcing third parties' failure to adhere to the tariff's requirements. As the Company explained in its Comments and in these additional Comments, PPL Electric believes that the Commission should be the entity tasked with investigating and enforcing any such violations.

Third, Section 4.1 of the tariff outlines the authorization process for third parties to obtain access to customer data. At its core, the process essentially requires the utility to trust that the third party obtained customer consent. PPL Electric maintains that the customer should be affirmatively involved in that process, to help protect against any potential unauthorized access to customer data. The Company currently requires customer consent before releasing any customer data, but the consent is obtained through manual processes. As such, the EDC should receive the customer's authorization directly from the customer, not from the third-party applicant. A solution could be a two-factor authentication process or some other method under which the customer confirms the grant of access to their data.

Fourth, in Section 4.2 of the tariff, PPL Electric believes that EDCs should retain discretion over the disclosure of “aggregated customer data” and “anonymous customer data.” As defined in the tariff, “aggregated customer data” cannot include information that is used to determine “the individual identities of the retail customer to which such information pertains.” (Tariff, Original



Page No. 5.) No such qualifier exists in the definition of “anonymous customer data.” (*See* Tariff, Original Page No. 5.) The Company believes that the EDCs are best positioned to determine whether the information, even if aggregated and anonymized, can be used to identify specific customers. Thus, the disclosure of such data, and how it is presented, should be left to the EDCs’ discretion.

Fifth, the Company agrees with Section 4.4 of the tariff’s assessment of charges for data provided, made available, or both to authorized third parties. However, at this time, PPL Electric does not know whether a charge of \$53 per hour, billed in one-minute intervals, would be sufficient for the Company to recover its costs for manually compiling the data. It should be noted that the Company anticipates the volume of these types of requests to continue to rise. PPL Electric supports the creation of a platform to automate the process as a manual process will not be sustainable in the long-term. The creation of this platform will require capital investment and at this time PPL Electric does not know whether a user charge will be adequate or appropriate to recover these costs.

Sixth, Section 5.1.1 of the tariff states that third parties can access individual customer data “via EDI or through a secure portion of the Company’s website.” (Tariff, Original Page No. 14.) PPL Electric supports development of a platform for the sharing of customer data with authorized third parties and receipt of data by the Company from third parties. The Company also believes that such a platform should also be used for aggregated and anonymized customer data. Section 5.2 of the tariff, however, specifies that requests for aggregated and anonymous customer data are submitted “through a secure portion of the Company’s website.” (Tariff, Original Page No. 14.)

Seventh, Section 6.1 of the tariff generally provides that all confidential or proprietary information disclosed as part of the registration or data disclosure process “shall be used only for

purposes of registration with the Company receiving or providing Customer Data hereunder.” (Tariff, Original Page No. 16.) PPL Electric questions whether the application process set forth in the tariff mandates a complete disclosure of the applicant’s reasons for seeking the customer data. Based on the Company’s review, the tariff simply restricts the third party from selling or licensing the customer data to any other entity for any purpose. (Tariff, Original Page Nos. 12 and 23.) How the third party uses the data itself does not appear to be addressed.

Eighth, Section 8 of the tariff relieves the EDC of liability from the actions of third parties who are provided access to customer data. PPL Electric strongly supports this position and agrees that EDCs should not be liable for the acts of third parties. Additionally, the EDC should not be solely responsible for enforcing applicable laws and regulations with respect to violations committed by third parties with access to customer data. The EDCs will have a significant role in protecting customer data, but ultimately the Commission is in the best position to regulate third parties who are granted access to customer information.

Ninth, Section 10 of the tariff sets forth an alternative dispute resolution process to resolve disputes arising under this tariff. (Tariff, Original Page No. 20.) Specifically, the utility and third party must first try to informally resolve any dispute arising under the tariff, and if those efforts fail, the dispute is submitted to arbitration before a single neutral arbitrator appointed by the parties. (Tariff, Original Page No. 20.) PPL Electric does not believe that disputes arising under a Commission-approved tariff should be adjudicated by anyone but the Commission. Indeed, the Commission has exclusive jurisdiction over public utilities’ service.<sup>1</sup> To the extent that the utility

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<sup>1</sup> See, e.g., *PPL Elec. Utils. Corp. v. City of Lancaster*, 214 A.3d 639, 659 (Pa. 2019) (holding that the PUC’s “jurisdiction in matters concerning the relationship between public utilities and the public” encompasses “rates, service, rules of service, extension and expansion, hazard to public safety due to use of utility facilities, installation of utility facilities, [and, *inter alia*,] location of utility facilities”) (internal quotation marks omitted) (quoting *Cnty. of Chester v. Phila. Elec. Co.*, 218 A.2d 331, 332-33 (Pa. 1966)).

and third party want to use alternative methods of resolving any such disputes, the Company believes that the Commission's mediation program is a very useful option.

**2. The Company Supports the Creation of Working Group to Discuss the Creation of Standardized Forms and Audit Protocols.**

PPL Electric supports the creation of a working group to discuss the creation of rules and standards around providing customer data to third parties. These working group sessions could include discussions around the creation of a standardized form of authorization and appropriate audit procedures to ensure that customer authorization is being properly obtained. However, the Commission should consider placing a time limit on the working group and requiring the group to produce a deliverable report at the end of the sessions. This will help to avoid the working group stalling and not providing useful information to the PUC.

With respect to standardized forms, the Company believes that standardization can be beneficial to the EDCs and third parties who are accessing customer data. However, a standardized form of authorization may not give individual EDCs enough flexibility in designing a platform that meets its needs and take advantage of the technology that the particular utility already has in place. As discussed earlier, PPL Electric supports the creation of an automated platform that will facilitate the two-way flow of information. The Company's suggested platform would include automated and secure authorization methods that will accommodate the anticipated increase in requests for data. Other EDCs may want to use different methods to secure authorization to meet their own needs. Allowing EDCs flexibility in securing authorization and providing customer data will spur innovation and create an environment where EDCs can learn from the experimentation of others.

The Company also supports robust methods to ensure that third parties are in fact obtaining customer consent before receiving customer data. PPL Electric is considering methods which put the customer in control of the authorization process, such as two-factor authentication. This would remove the need to rely on the third party to verify that customer consent was obtained. Audits of this process would be complementary and beneficial to securing customer data.

**3. What specific customer electric usage information do the EDCs believe can reasonably be released to 3<sup>rd</sup> parties?**

PPL Electric already makes available certain categories of customer information to Electric Generation Suppliers through via EDI. This information includes, but is not limited to, customer name, account number, rate schedule, service and billing address, and interval meter data. These categories of customer data could be provided to other third parties in appropriate circumstances. The Company does not know what the intended use cases are of the third parties who are seeking to access to customer information. The existing EDI data categories may be sufficient for their needs, or they may be seeking different types of information. PPL Electric would have to evaluate additional information type requests to determine the feasibility of providing new types of information and whether the information is appropriate to share.

**III. CONCLUSION**

PPL Electric appreciates the opportunity to provide these Comments and respectfully requests that the Commission take these Comments into consideration in developing its next steps.

Respectfully submitted,



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Date: November 1, 2022

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