

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

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November 1, 2022



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Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
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:

On February 8, 2022, the Commission published in the *Pennsylvania Bulletin* a Secretarial Letter requesting comments in response to a set of questions identified in Attachment A. On May 5, 2022, the Office of Consumer Advocate (OCA) filed Comments in response to the questions. On September 17, 2022, the Commission published in the *Pennsylvania Bulletin* a further Secretarial Letter with three additional questions (Nos. 7-9) in Attachment A. The Secretarial Letter requested that Comments be filed within forty-five (45) days, or by November 1, 2022. The OCA appreciates the opportunity to provide further comments on this matter and provides this letter in lieu of comments.

The OCA only responds in this letter to Question No. 9 in Attachment A. Question number 9 asks:

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

September 7, 2022 Secretarial Letter, Attach. A. The OCA believes that the OCA's response to TUS Question 1a in its May 5, 2022 Comments addresses the issue raised by Question No. 9 in the September 17, 2022 Secretarial Letter Attachment A. *See* OCA Comments at 3-5

In the OCA's May 5, 2022 Comments, the OCA addressed the current system for providing Electric Generation Supplier (EGS) access to smart meter data. The OCA recommended the development for third-party access to anonymized data based upon the rules that Illinois has developed for access to customer data. 2220 ILCS 5/16-22. Individual customer data once authorized for release by the customer to, as we recommended, a registered Conservation Service Provider (CSP) should reflect the specific services offered by the CSP and should reflect the same categories as currently offered to EGSs via the smart meter web portal.

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The OCA also stated in response to TUS Question 1a:

Access to *customer specific data* should only be available to CSPs that are registered and supervised by the Commission, and not to “other third parties” over which the Commission has no recourse for their conduct. While the EDCs may now, or in the future, rely on contractual obligations and requirements for access to customer data, the essential consumer protections and criteria that allows CSPs and third party access to this data must come from the Commission. The protection of the confidentiality of the data must reflect the risk of such data being compromised by third parties due to external hacking or the potential for misuse of the data by the third party. Therefore, relying on private party contracts between the EDC and the third party is insufficient...

The OCA recommends that the Commission consider implementing different levels of access to data depending on who the party is that is requesting the data. Entities without specific customer authorization and that are not EGSs or CSPs, should be limited to *anonymized customer data*. Illinois has used such a process for third party data access and has created two separate processes for customers to either receive customer specific data and to have access to *anonymized customer data*. The OCA recommends a similar approach as has been taken by Illinois for access to customer data.

OCA Comments at 4 (emphasis in original).

Copies have been served per the attached Certificate of Service.

If you have any questions, please contact me at (717) 599-8954.

Respectfully submitted,

/s/ Christy M. Appleby

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Assistant Consumer Advocate

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Certificate of Service

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CERTIFICATE OF SERVICE

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

I hereby certify that I have this day served a true copy of the following document, the Office of Consumer Advocate's Letter in Lieu of Comments, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 1st day of November 2022.

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