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VIA ELECTRONIC FILING

Ms. Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
2nd Floor, Room-N201
400 North Street
Harrisburg, PA 17120

Re: Investigation into Conservation Service Provider and Other Third Party Access to Electric Distribution Company Customer Data (M-2021-3029018)

Dear Secretary Chiavetta:

Enclosed for filing please find Duquesne Light Company's Comments in the above referenced proceeding.

If you have any questions regarding the information contained in this filing, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'L.A. Baxter'.

Lindsay A. Baxter
Manager, Regulatory and Clean Energy Strategy

Enclosure

cc: Jeremy Haring (jharing@pa.gov)
Scott Thomas (sjthomas@pa.gov)
Christian McDewell (cmcdewell@pa.gov)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**COMMENTS OF
DUQUESNE LIGHT COMPANY**

I. INTRODUCTION

On September 6, 2022, the Pennsylvania Public Utility Commission (“Commission” or “PUC”) served a Secretarial Letter¹ requesting comments on a series of questions regarding potential pathways for conservation service provider (“CSP”) and third party data access resulting from the approved settlement in the Default Service Plan proceedings for Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company (collectively, “FirstEnergy”).² The September 6, 2022 Secretarial Letter invited interested parties to file written comments within 45 days after the date of publication in the *Pennsylvania Bulletin*. Accordingly, Duquesne Light submits these comments for the Commission’s consideration.

¹ See *Investigation into Conservation Service Provider and Other Third Party Access to Electric Distribution Company Customer Data*, Docket No. M-2021-3029018, Secretarial Letter served Sept. 6, 2022 (hereinafter September 6, 2022 Secretarial Letter).

² See *Petition of Metropolitan Edison Company for Approval of its Default Service Plan for the Period from June 1, 2023 through May 31, 2027, et. al.*, Docket Nos. P-2021-3030012, *et. al.*, Aug. 4, 2022.

II. BACKGROUND

On April 16, 2019, Enerwise Global Technologies, LLC d/b/a CPower (“Enerwise”) applied to become a licensed electric generation supplier (“EGS”) in Pennsylvania.³ In its application, Enerwise sought a license to obtain utility data on behalf of its customers to verify performance in demand response programs and aid customers in analyzing their usage.⁴ On October 7, 2021, the Commission denied the Enerwise application and initiated a proceeding to “determine if a safe, acceptable path exists for registered CSPs and other third-parties [sp] to potentially gain access to customer data electronically from EDC data systems, with customer consent.”⁵

The Commission further issued a Secretarial Letter on February 8, 2022, to initiate the policy proceeding and solicit comments on a series of questions regarding access to utility customer data.⁶ On March 14, 2022, the Energy Association of Pennsylvania filed a Petition requesting an extension of time until May 5, 2022 for interested parties to file comments. The Commission issued a letter granting this extension on March 23, 2022. Duquesne Light Company (“Duquesne Light” or “Company”) filed comments in response to the Secretarial Letter on May 5, 2022.

³ 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 (hereinafter *Enerwise Application*).

⁴ *Enerwise Application* at 5.

⁵ 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, Final Order entered Oct. 7, 2021, at 15.

⁶ See *Investigation into Conservation Service Provider and Other Third Party Access to Electric Distribution Company Customer Data*, Docket No. M-2021-3029018, Secretarial Letter served Feb. 8, 2022 (hereinafter *February 8, 2022 Secretarial Letter*).

On September 6, 2022, the Commission issued a Secretarial Letter requesting stakeholder responses to the following questions:

- 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?
 - Implement a standard form of authorization to be used for all new requests from third parties seeking customer data.
 - 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.
- What specific customer electric usage information do the EDCs believe can reasonably be released to third parties?
- What specific customer electric usage data do other parties believe EDCs should have available to reasonably be released to third parties?

Duquesne Light is a public utility as the term is defined under Section 102 of the Public Utility Code, 66 Pa.C.S. § 102, and is certificated by the Commission to provide electric distribution service in portions of Allegheny County and Beaver County in Pennsylvania. Duquesne Light provides electric service to approximately 605,000 customers in and around the City of Pittsburgh. As an EDC, Duquesne Light is subject to this policy proceeding and provides these comments in response to the September 6, 2022 Secretarial Letter.

III. COMPANY RESPONSES TO QUESTIONS IN THE SEPTEMBER 6, 2022 SECRETARIAL LETTER

As expressed in its May 5, 2022 Comments at this docket, Duquesne Light is committed to enabling its customers to save energy, improve affordability, and reduce environmental impact. While access to data can be a powerful tool in achieving these goals, it must be balanced with robust consumer protections. Additionally, the Commission must recognize that the various EDCs have different platforms and processes for providing access to data. Any efforts to increase data access should allow for flexibility rather than a one-size-fits-all approach across all utilities.

Duquesne Light offers responses to the Commission's questions from the September 6, 2022 Secretarial Letter to advance this conversation.

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?

Before responding to the specific questions below, Duquesne Light notes that implementation of a third party data access tariff similar to that of FirstEnergy would require significant technology upgrades on the part of the Company. Duquesne Light does not currently have an online portal that allows third parties to directly access customer data. Today, when a third party requests data, a Duquesne Light associate reviews the letter of authorization from the customer, then manually pulls the data requested and provides it to the third-party.

To automate this process would require creation of an online self-service portal, which would be an extensive and costly project. Should the Commission direct EDCs to

create this functionality, it must provide for cost-recovery for the allocation of resources required.

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

The Company wishes to clarify whether this question refers to a standardized form produced by the Commission for use by all EDCs, or to standardized form produced by each EDC for third party use. The Company has reservations regarding potential creation of a standardized form for use across all EDCs, recognizing that each company has its own unique platforms and programs. A one-size-fits-all approach across all EDCs may not be appropriate. Duquesne Light is not opposed, however, to creating a standardized form for the use of third parties seeking customer data from the Company.

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 a preliminary matter, any protections put in place, such as audit requirements, do not supplant the need for the customer to thoughtfully consider providing a third party authorization to access their data. There is risk anytime data is shared. The EDC is not in a position to police data access. The PUC must be careful to not establish a scenario where an EDC is asked to play the role of regulator over an entity that is not under Commission jurisdiction. It is also important to note that under FirstEnergy's program, data access is limited to third parties who are CSPs under the Act 129 energy efficiency program or who provide PJM curtailment service, both of which have some regulatory threshold

for qualification. Should the Commission move to require data sharing with other types of third parties, the issue of customer protection becomes even more pronounced.

Additionally, this question assumes EDCs have an automated system in place to allow third parties to access data. Today, because data requests are being handled manually, 100% of requests are effectively “audited,” with DLC personnel verifying the customer authorization for each request.

Should the Company create a self-service portal in the future to automate responses to data requests, it will create processes to ensure the portal is working appropriately and that customer data is being properly safeguarded, which may include audits. However, it is expected that the number of requests for customer data will increase. The Company is concerned about the labor and associated cost required to implement a 10% audit program. Without understanding the potential time and costs required, as well as any potential options for cost-recovery, it is hesitant to agree to such a requirement.

2. What specific customer electric usage information do the EDCs believe can reasonably be released to third parties?

The majority of third party requests received by Duquesne Light today are for usage data, up to 12 consecutive months. In contrast, the FirstEnergy tariff allows for provision of the following: “usage for up to 12 consecutive months, load profile, rate class, peak load contribution, and network system peak load.” While the Company believes it could provide that additional data upon request, it reiterates that today this would occur through a manual process that is time intensive.

The Company understands FirstEnergy’s tariff to allow for the sharing of *billing* data. Increasingly in recent years, Duquesne Light has received requests for usage data prior to billing. To ensure accuracy of data, the Company is opposed to any requirement to share data prior to it being finalized for billing purposes. Regardless of when data is shared, the Company is supportive of a provision similar to that in the FirstEnergy tariff that specifies “the Company is not required to provide or make available, or both, revisions to data after such data are provided or made available, or both, to a Third Party in accordance with the provisions of this Tariff.”⁷

Additionally, the Company recommends that the Commission establish a data dictionary or other specification to define what each field means, to ensure that any system built by EDCs can provide the requested data.

Finally, Duquesne Light is supportive of FirstEnergy’s tariff provision allowing the EDC to bill requesters at a rate of \$53 per hour for “each request to access or retrieve, or both, Customer Data that is not available through standard automated processes.”⁸ The costs of providing this data should not be borne by all customers, but rather by the entity requesting the data for its business purposes. In any case, it is important to note that the actual costs of provision of data may vary by EDC, depending on the systems and technology in place. The Commission should allow for flexibility in cost recovery calculations.

⁷ See Section 4.4 of Exhibit G-1, *Petition of Metropolitan Edison Company for Approval of its Default Service Plan for the Period from June 1, 2023 through May 31, 2027*, Docket No. P-2021-3030012.

⁸ *Ibid.* footnote 7.

IV. CONCLUSION

Duquesne Light reiterates its commitment to balancing adequate safeguards of customer data with enabling its customers' clean energy, energy efficiency, and affordability goals. The third party data access tariff supplement created by FirstEnergy could present a useful model, but any effort to expand use of such a tariff must recognize that not all EDCs have the technology or resources in place to establish a similar program today. The Commission must ensure a balance between the desire for additional data and the resources required to provide that access, ensuring appropriate recovery of costs. Duquesne Light looks forward to continuing to engage on this important topic.

Respectfully submitted,



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