



November 1, 2022

VIA EFILE

Rosemary Chiavetta, Secretary
PA Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

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:

The Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) submits the following brief comments in response to the Public Utility Commission's (Commission) Secretarial Letter, published in the *Pennsylvania Bulletin* on September 17, 2022 (September Secretarial Letter). The September Secretarial Letter includes three additional follow-up questions related to the Investigation into Conservation Service Provider (CSP) and Other Third-Party Access to Electric Distribution Company (EDC) Customer Data at Docket No. M-2021-3029018.

CAUSE-PA submitted comments in response to the first set of questions put forth at this docket in an earlier Secretarial Letter, issued on February 8, 2022.¹ We focused our comments on two primary issues: (1) the entities receiving EDC customer data and (2) the manner by which customer consent is obtained. Utility customers, especially those most economically and physically vulnerable, should be reasonably assured that EDCs are keeping their data secure at all times, including protecting the data if it is shared with other entities. Utility customers do not have a choice – they must entrust utilities with substantial amounts of personal data in order to access life-sustaining energy, water, and telecommunication services. Any release of customer data to a third party must be subject to increased scrutiny, and should only be released following knowing, informed, and voluntary consent. The process for obtaining such consent must be in plain

¹ Investigation into Conservation Service Provider and Other Third-Party Access to Electric Distribution Company Customer Data, Comments of CAUSE-PA, Docket No. M-2021-3029018, pages 9-10 (filed May 5, 2022).

language, limited in scope and duration, and subject to revocation by the consumer at any time. In turn, the Commission must establish clear paths for regulatory oversight and relief for consumers when a utility or a third party violates consumer privacy.

CAUSE-PA continues to focus primarily on the concerns we have related to these two fundamental issues in response to the September Secretarial Letter, and provide the following brief response to question number nine in Attachment A.

Question 9 asks what specific customer electric usage data other parties believe EDCs should have available to reasonably be released to third parties. As provided in detail in our initial comments, CAUSE-PA remains firm in our position that third-party access to data should be strictly limited to Conservation Service Providers (CSP) operating under the Commission's jurisdiction who employ rigorous security standards (CAUSE-PA at 9-10). In the event of a data breach, the Commission would have no clear recourse to provide relief to impacted customers if the breach occurred with a third party not registered with the Commission. Depending on the type of data breached, this could have serious repercussions for any customer – especially for those with limited resources to pursue a remedy for improper use or disclosure of customer data.

We continue to recommend the Commission explicitly limit the release of specific customer electric usage data to CSPs that are registered with the Commission and, thus, subject to some level of Commission oversight.² These entities should be required to obtain affirmative, time-limited, and narrow authorization that restricts the sale or further disclosure of customer data, and that authorization should be submitted to the utility prior to any data release. In turn, we recommend that the Commission establish a work group process to allow registered CSPs, utilities, and consumer advocates to identify data points to be shared. Utilization of a stakeholder work group process to identify specific data points to be shared would allow stakeholders to better identify and resolve concerns and share our relative perspectives – helping reach a consensus resolution that more adequately balances the various interests while protecting the integrity of consumer privacy and data.

² The Settlement approved by the PUC in the FirstEnergy Default Service Plan proceeding at dockets P-2021-3030012, P-2021-3030013, P-2021-3030014, P-2021-3030021 explicitly limited the release of third party data to CSPs registered with the PUC and Curtailment Service Providers that are PJM members and identified on PJM's list of demand response providers. We note first that the data sharing provisions of this Settlement were explicitly non-precedential, and intentionally left room for the Commission to impose *additional* safeguards for customer data in this proceeding. Further, as a party to that Settlement, we note that our agreement to the terms therein relied heavily on this restriction, and point the Commission to the testimony of our expert witness in that proceeding for further context and information about the potential harms associated with broader third party disclosure – even with strong consent procedures – given the lack of any path for recourse if the third party were to obtain data without proper authorization or otherwise mistreat, sell, or disclose consumer data.

CAUSE-PA also continues to recognize that there is an inherent benefit of sharing *aggregate* data with third parties beyond those registered with the Commission as a CSP.³ Electric usage data shared that helps identify customer trends, emerging issues, and where a need may exist for more targeted outreach in low income communities with older housing stock and corresponding higher electric usage. Electric usage data overlaid on area maps with other data points, such as those using census data, may better point out disparities that need to be addressed. CAUSE-PA therefore supports the sharing of aggregate electric usage data that has been stripped of personal identifying customer information.

CAUSE-PA thanks the Commission for this additional opportunity to provide comment on this important matter.

Respectfully submitted,

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³ Aggregate data defined as a dataset with all personal identifying items removed and the dataset is large enough to prevent disaggregation by a third party. (CAUSE-PA at 7)