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November 1, 2022

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

VIA ELECTRONIC FILING

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

Dear Secretary Chiavetta:

Attached for filing with the Pennsylvania Public Utility Commission are the Comments of the Pennsylvania Energy Consumer Alliance ("PECA"), Met-Ed Industrial Users Group ("MEIUG"), Penelec Industrial Customer Alliance ("PICA"), Philadelphia Area Industrial Energy Users Group ("PAIEUG"), PP&L Industrial Customer Alliance ("PPLICA"), and West Penn Power Industrial Intervenors ("WPPII") (collectively, "Large Customer Group"), in the above-referenced proceeding.

Sincerely,

A handwritten signature in black ink that reads 'Charis Mincavage'.

Charis Mincavage
MCNEES WALLACE & NURICK LLC

Counsel to the Pennsylvania Energy Consumer Alliance, Met-Ed Industrial Users Group, Penelec Industrial Customer Alliance, Philadelphia Area Industrial Energy Users Group, PP&L Industrial Customer Alliance, and West Penn Power Industrial Intervenors

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**COMMENTS OF THE
PENNSYLVANIA ENERGY CONSUMER ALLIANCE,
MET-ED INDUSTRIAL USERS GROUP,
PENELEC INDUSTRIAL CUSTOMER ALLIANCE,
PHILADELPHIA AREA INDUSTRIAL ENERGY USERS GROUP,
PP&L INDUSTRIAL CUSTOMER ALLIANCE, AND
WEST PENN POWER INDUSTRIAL INTERVENORS**

I. INTRODUCTION

On February 8, 2022, the Pennsylvania Public Utility Commission ("Commission" or "PUC") published a Secretarial Letter initiating a proceeding to review the potential avenues for designated third parties to access Electric Distribution Company ("EDC") customer data. As part of the Secretarial Letter, the PUC provided a list of questions to which interested parties were invited to respond and file Comments. Pursuant to that invitation, on May 5, 2022, the Pennsylvania Energy Consumer Alliance ("PECA"), the Met-Ed Industrial Users Group ("MEIUG"), the Penelec Industrial Customer Alliance ("PICA"), the Philadelphia Area Industrial Energy Users Group ("PAIEUG"), the PP&L Industrial Customer Alliance ("PPLICA"), and the West Penn Power Industrial Intervenors ("WPPII") (collectively, "Large Customer Group") submitted Comments.

While the aforementioned Comments were under review, on August 4, 2022, the Commission entered an Order approving the Joint Petition for Partial Settlement ("Settlement") in

the FirstEnergy Electric Distribution Companies' sixth Default Service Plan ("DSP") proceeding.¹ As part of that Settlement, the parties reached an agreement regarding the Companies' proposal to implement a provision in each of its Tariffs that would allow third parties to access some customer information according to specific parameters, beginning June 1, 2022.

Shortly thereafter, on September 6, 2022, the Commission issued a Secretarial Letter in this proceeding setting forth three additional questions regarding the investigation into conservation service provider and other third-party access to EDC customer data and the potential pathways to be created for third parties to access customer electric usage data. Pursuant to the September 6 Secretarial Letter, the Commission provided interested parties the opportunity to submit additional Comments in order to respond to these three additional questions. To that end, the Large Customer Group submits the following Comments.

II. COMMENTS

A. Introduction

The Large Customer Group is comprised of large commercial and industrial customers with facilities throughout the Commonwealth. The members of these groups use significant amounts of electricity in their manufacturing and operational processes. Moreover, because of the competitive markets in which some members are involved, their usage data is considered sensitive and extremely confidential. As such, the Large Customer Group recognizes that some third parties may require access to customer usage data to enhance performance or offer savings tools to customers; however, because of the sensitive nature of customer data, especially that of large commercial and industrial customers, any entity providing such data to a third party must ensure

¹ See Joint Petition of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company (collectively, "Companies") for Approval of Their Default Service Programs, Docket No. P-2021-3030012, P-2021-3030013; P-2021-3030014, and P-2021-3030021, Order (Aug. 4, 2022).

that the customer has approved the release of such data, while any third party being provided access to such data must be required to properly utilize and protect the data or be penalized for mishandling said data.

While allowing certain third parties access to customer electric usage data has the potential to enhance energy services to the benefit of a customer, as noted, customer data that is inappropriately provided or mishandled could have a detrimental effect on the customer's overall business. Thus, before the Commission takes into consideration releasing specific electric usage data to a third party, the Commission must ensure that certain parameters are implemented to reduce the associated risk. As discussed more fully in the Large Customer Group's May 6 Comments, because of the significant concerns that are involved in determining appropriate pathways for third parties to access customer data, the Large Customer Group recommends that the Commission consider convening stakeholder working groups to further evaluate implementation issues prior to setting forth any specific requirements.

For example, the working groups could consider the parameters around which third parties would be eligible to seek access to customer data; determine a complete list of the types of customer usage data that can be provided; identify requirements that a third party must satisfy in order to obtain such data; discuss the ramifications if a third party misuses such data; develop the remedies available to customers if their data is inappropriately released or used; set forth the timeframe by which a customer's approved release of such data applies; contemplate the processes by which a customer can release and revoke authorizations; and deliberate the means by which an EDC can verify such authorizations or revocations of release of information. By utilizing the findings of a working group, the Commission can ensure that issues raised by interested parties

have been thoroughly vetted and considered prior to implementing a formalized pathway for third parties to access individual customer electric usage data.

The Large Customer Group recognizes, however, that the PUC is seeking responses to specific questions related to whether the parameters agreed to by the parties in FirstEnergy's DSP Settlement regarding third party access to customer usage data could apply on an overarching basis. As such, the following provides the Large Customer Group's responses to these questions.

B. Responses to PUC Follow Up Questions

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?²

The Large Customer Group defers to the EDCs regarding the barriers that may prevent EDCs from implementing the components of the third-party data access tariff agreed to by the parties in the FirstEnergy DSP Settlement. The Large Customer Group submits, however, that some form of customer authorization must be required from all third parties seeking customer specific information, and this authorization should be obtained and presented to the EDC prior to the EDC releasing any customer specific usage data. Similarly, some process must be implemented by EDCs to ensure that third parties are properly obtaining authorizations from customers prior to receiving sensitive and privileged customer information. Moreover, while the FirstEnergy Companies' DSP Settlement provides one mechanism by which to track third party adherence to obtaining customer approval prior to receiving information, the Large Customer Group would suggest that even stronger parameters may be useful due to the highly sensitive nature of this data.

² While the PUC's question contains two subparts, the Large Customer Group's response for both subparts is identical. Thus, the Large Customer Group provides a single response to Question No. 7.

8. What specific customer electric usage information do the EDC's believe can reasonably be released to 3rd parties?

While the Large Customer Group would defer to the EDCs with respect to what information the EDCs are *able* to release based upon an EDC's individual data systems, the Large Customer Group submits that, even if the EDCs are able to release a multitude of information, such information should not automatically be released, and, if such information is released, such release should only occur under certain conditions. As previously noted in the Large Customer Group's May 6 Comments, a process does exist by which data can be safely released to third parties; however, such process should include implementing specific parameters that, among other things, ensures that the customer has agreed to the release of its sensitive information by an EDC to a third party and contains provision to ensure that the third party treats such information appropriately after its release. Moreover, the parameters to be implemented will depend upon the type of information to be released.

For example, aggregate data does not generally contain specific customer usage information that would result in EDCs providing third parties with sensitive customer data that would have detrimental implications on a customer's overall business. Thus, if EDCs are able to reasonably release aggregate customer data without revealing a customer's sensitive usage information, the Large Customer Group would not oppose such release with limited parameters.

Conversely, the Large Customer Group believes that the main priority when examining the release of specific customer data is for the EDC to first ensure that the third-party seeking access to this information has received the approval of the customer to obtain this information. In other words, even if the EDC is able to release this information, the EDC should not be permitted to do so unless and until the third party seeking such data can provide an appropriate customer authorization agreeing to such release. Moreover, even upon receipt of such customer


authorization, EDCs should only release customer information with appropriate parameters in place to protect confidential usage information. Importantly, the FirstEnergy Companies' DSP Settlement contains some parameters around such release, and the Commission is certainly able to add additional parameters to protect such information regardless of whether the EDC is *able* to release the information. As discussed more fully in the Large Customer Group's May 6 Comments, because of the detrimental impact to customers that can occur after their sensitive usage data is released, the PUC must ensure that appropriate parameters are in place, including requiring the third party to receive and the EDC to review a customer authorization prior to the release of sensitive data, as well as penalties to be applied to third parties in the event that the entity receiving the data inappropriately handles such information upon receipt.

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

As noted above, the Large Customer Group does not have concerns with EDCs releasing aggregate customer data so long as that data does not contain specific information that would allow a third party to be able to identify a specific customer and calculate that customer's sensitive usage information. As discussed more fully in the Large Customer Group's May 6 Comments, for specific customer information, no data should be released unless and until the EDC has received appropriate authorization from the customer allowing for the release of that information. Even upon receipt of such authorization, the EDC should be limited in what information is provided to third parties to ensure sensitive data is not released without the proper protections. For those reasons, the release of any customer specific usage data, especially for that of large commercial and industrial customers, should be limited. Moreover, protections should be put into place in the event that, even if such data is appropriate released, the third party is subject to any penalties if the third party does not treat the data appropriately and subject to its sensitive nature.

III. CONCLUSION

WHEREFORE, the Pennsylvania Energy Consumer Alliance, the Met-Ed Industrial Users Group, the Penelec Industrial Customer Alliance, the Philadelphia Area Industrial Energy Users Group, the PP&L Industrial Customer Alliance, and the West Penn Power Industrial Intervenors respectfully request that the Pennsylvania Public Utility Commission consider these Comments in evaluating third party access to customer usage data.

By 
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