

Darsh Singh, Esq.
(610) 212-8331
(330) 315-9263 (Fax)

November 1, 2022

VIA ELECTRONIC FILING

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

Pursuant to the Pennsylvania Public Utility Commission's Secretarial Letter dated September 6, 2022 in the above-captioned proceeding, enclosed herewith for filing are the Comments of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company.

Please contact me if you have any questions regarding this matter.

Very truly yours,



Darsh Singh

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Enclosures

c: As Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**COMMENTS OF METROPOLITAN EDISON COMPANY,
PENNSYLVANIA ELECTRIC COMPANY, PENNSYLVANIA POWER
COMPANY AND WEST PENN POWER COMPANY**

I. INTRODUCTION

On February 8, 2022, the Pennsylvania Public Utility Commission (“PUC” or “Commission”) issued a Secretarial Letter at the above referenced docket (“February 2022 Secretarial Letter”). The February 2022 Secretarial Letter sought responses to directed questions and established a forty-five day response period which ended on April 5, 2022. On March 14, 2022, the Energy Association of Pennsylvania (“EAP”) filed a Petition for an Expedited Order Granting an Extension of Time to File Comments. By Order dated March 23, 2022, the EAP’s request was granted and the new deadline for responses to the directed questions in the Secretarial Letter was set to May 5, 2022. Metropolitan Edison Company (“Met-Ed”), Pennsylvania Electric Company (“Penelec”), Pennsylvania Power Company (“Penn Power”) and West Penn Power Company (“West Penn”) (collectively, the “Companies”)¹ submitted comments on May 5, 2022 in response to the February 2022 Secretarial Letter (“Initial Comments”).

On September 6, 2022, the Commission issued a second Secretarial Letter at the above referenced docket (“September 2022 Secretarial Letter”) inviting interested parties to provide comments on this topic generally and, in particular, as to three additional specific questions within

¹ Met-Ed, Penelec and West Penn are wholly owned subsidiaries of FirstEnergy Corp. and Penn Power is a wholly owned subsidiary of the Ohio Edison Company, which, in turn, is a wholly owned subsidiary of FirstEnergy Corp.

forty-five days after the date of publication of the September 2022 Secretarial Letter in the *Pennsylvania Bulletin*²:

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?**
 - 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.**
8. **What specific customer electric usage information do the EDCs believe can reasonably to be released to 3rd parties?**
9. **What specific customer electric usage data do other parties believe EDCs should have available to reasonably be released to 3rd parties?**

Consistent with the September 2022 Secretarial Letter, the Companies submit these comments in response.

II. COMMENTS

The Companies appreciate the Commission’s consideration of the third-party data access provisions within the Companies’ Partial Settlement filed on April 20, 2022 (“Settlement”). As an initial matter, it should be noted that the Companies included the third-party access data access provisions as part of their Default Service proceeding out of necessity.³ As mentioned in the Initial Comments, the only available guidance, the *Pennsylvania Web Portal Working Group Technical Implementation Standards*, ratified by the Commission on June 30, 2016, is expressly applicable only to electric generation suppliers (“EGSs”). Such guidance is outdated in that it does not account for the various entities that are active players in the third-party data access market today, nor for

² The September 2022 Secretarial Letter was published on September 17, 2022.

³ See *Joint Petition of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company for Approval of their Default Service Programs for the Period Beginning June 1, 2023 through May 31, 2027*, Docket Nos. P-2021-3030012, et al. (“Default Service Proceeding”).

the realities of the position that electric distribution companies (“EDCs”) have found themselves in as the gatekeepers of customer usage data.

While this proceeding had only initiated at the time of the Default Service Proceeding, the Companies had concerns about waiting for an indefinite period of time for guidance, whether arising from this proceeding or otherwise, to address the rapidly rising number of data requests being received. In 2018, the Companies provided data for 813 customer accounts. In 2021, the Companies provided data for 1,524 customer accounts (a greater than eighty-seven percent increase since 2018). Furthermore, the Companies have already experienced an increase in requests of 143 percent from January 2022 through September 2022 when compared to the entire 2021 calendar year. To address the volume at which the Companies are receiving requests for customer data in the immediate term, the Companies worked with the parties to the Default Service Proceeding to develop a structured framework to govern electronic access to customer usage and usage related data requests by third parties. However, the Companies did not, and now do not, assert that the third-party data access tariff provides a complete and comprehensive pathway for navigating the myriad of third-party data access issues – rather, they provide a vetted starting point.

With that in mind, the Companies provide the below responses to the questions posed.

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?

While the Companies have agreed to implement the third-party data access related Settlement terms and do not see any “barriers” to implementing the third-party data access tariff, there are some anticipated speedbumps or implementation-related concerns. For example, the Settlement expressly limits the scope of third-party requesters to curtailment service providers that are PJM members and identified on PJM’s list of demand response providers and conservation

service providers registered with the Commission (collectively, “CSPs”). However, this does not cover the entire scope of all third parties from which requests are received today. Today’s energy market includes energy consultants, local, state and federal agencies, and academic researchers who seek aggregated, anonymized customer usage or usage related information. Further, any comprehensive guidance developed must also contemplate what the *future* market will look like as it continues to evolve as third parties are offering additional energy management services to customers. A good example of this is the distributed energy resource (“DER”) aggregator that is introduced as part of FERC Order No. 2222. Indeed, this same market evolution applies, not only to the requesting entities themselves, but also to the *type* of data that requesters seek. While we know the type of customer usage and usage related data provided today to existing third parties, this could expand as these, and other parties, such as the DER aggregator, enter the market. The Companies’ third-party data access tariff creates a good framework for provision of customer usage data to CSPs, but it does not capture all the nuances of third-party data access. A framework, or one that is transferable, is necessary for all potential third parties and types of data.

The third-party data access tariff also (purposefully) does not broach what happens to customer data after it is released to the third-party. The Companies strongly value customer privacy and understand the sensitivity of customer usage data. As the electric distribution industry evolves, so do the purposes for which customers seek release of their data, and the Companies do not attempt to opine on how customer data should or should not be used. In fact, the Companies do not have the ability to police the use of such data by third parties. The standard authorization form, discussed in the subsection immediately below, will be obtained and maintained by the third-party requester. If selected as part of the periodic, randomized internal audits agreed upon under the terms of the Default Service Proceeding, the third-party requester will provide the standard

authorization forms to the Companies so that the Companies can ensure that the letters of authorization are being properly obtained by third-parties.⁴ The standard authorization form is, in essence, a contract between the customer authorizing the data to be released and the third-party requester. As such, the breach of that authorization and/or the subsequent misuse of the data cannot involve the Companies. The Companies reiterate that it is not appropriate for EDCs to function as data access compliance and enforcement entities – rather, this responsibility lies with the regulators.

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

The Companies have already implemented the standard form for authorization and had no issues doing so. In an attempt to streamline the process for third-party requesters, and also address feedback from the parties in the Default Service Proceeding, the Companies looked to the industry for examples of those already in use. In this case, the Companies adopted the standard authorization form used by Enerwise Global Technologies d/b/a CPower Energy Management in their third-party data access tariff. Soon after approval in the Default Service Proceeding, the form was emailed to all CSPs along with the effective date. The form was also posted and is available in the CSP section of the Companies' website.⁵ In implementing the use of the standard form, the Companies received and responded to minimal questions regarding the revised form and experienced no pushback from CSPs. In fact, the standard authorization form has been adopted for use in all states in FirstEnergy Corp.'s footprint.

⁴ See Default Service Proceeding at P 91.

⁵ https://www.firstenergycorp.com/supplierservices/shared_content/authorization_requirements.html

- 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.**

On its face, conducting audits on ten percent of active third parties may not seem like a daunting task. However, based on the current population of CSPs and the volume of requests that have been made by CSPs for the period of January through August 2022, the Companies may be facing hundreds of hours of employee time twice a year. Between January and August of this year, ninety percent of requests received were from five CSPs. Meaning, should even one of those CSPs be randomly selected for the audit, the audit will require receipt of hundreds or thousands of customer authorization forms from the selected CSP and require manual review of each form. As described in the Initial Comments, one request can be for hundreds of customers at a time. If the third party is requesting data for one hundred customers, one hundred customer authorization forms will be attached.⁶ A Company employee must open each email and each attachment and manually compare the list of customers against the customer authorization forms submitted.

While the Companies have agreed to conduct this audit as part of its Default Service Proceeding, this process may not be sustainable as the market changes. It should also be noted that requests currently received from CSPs are typically for commercial or industrial customers. However, as CSPs expand their services to residential customers (and more than one CSP has expressed their intent to do so), this verification process will expand exponentially in both volume and manual hours of labor.

⁶ See Initial Comments pp. 2-3.

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

Today, upon receiving a signed customer authorization form, the Companies will provide to third parties twelve to twenty-four months of interval or monthly usage data. The Companies will also provide a customer's peak load contribution, network system peak load, load profile, rate class, voltage, and meter type (i.e., advanced metering infrastructure). Effective June 1, 2023, this same data will be provided electronically via the Companies' existing EGS portal ("Supplier Portal") to CSPs who successfully complete the registration process as defined in the Companies' third-party data access tariffs. To be clear, this data is currently available to EGSs via the Supplier Portal and the same data will become available to CSPs pursuant to the terms of the third-party data access tariff.

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

While this question is intended for other parties, the Companies will offer the following. As stated previously, other parties are expected to enter the market as energy markets continue to evolve. As such, the customer usage and usage-related data necessary for a third-party to perform its role may also evolve. As these new parties enter the market, the data requested by these parties should be fully vetted and data access should be limited to customer usage or usage related data required for the other party to participate in the energy market.

Along these same lines, while the customer will ultimately have the ability to authorize or decline access to their data, it is incumbent on the customer to understand what data is being granted access to. From a technical perspective, currently on the Supplier Portal, the customer does not have the ability to "opt-out" of their data being available on the portal. Rather, if a

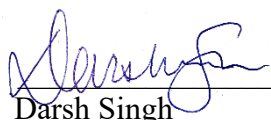
customer does not want certain types of data available on the portal to be made available to a requesting party, the customer should not sign the customer authorization form.

III. CONCLUSION

Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company appreciate the Commission's opportunity to provide comments in response to the Secretarial Letter, and the advancement of this proceeding. The Companies look forward to further collaboration and discussion with the Commission and interested stakeholders on this important topic.

Respectfully submitted,

Dated: November 1, 2022



Darsh Singh
Attorney No. 330971
FirstEnergy Service Company
2800 Pottsville Pike
P.O. Box 16001
Reading, PA 19612-6001
(610) 212-8331
singhd@firstenergycorp.com

*Counsel for Metropolitan Edison Company,
Pennsylvania Electric Company, Pennsylvania
Power Company and West Penn Power Company*

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing document upon the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Service by electronic mail as follows:

Michael J. Shafer
PPL Services Corp
mjshafer@pplweb.com

Christy Appleby
Laura Antinucci
Darryl A. Lawrence
Office of Consumer Advocate
cappleby@paoca.org
lantinucci@paoca.org
dlawrence@paoca.org

Lindsay Baxter
Duquesne Light Company
lbaxter@duqlight.com

Kenneth D. Schisler
Stephen Oyler
Enerwise Global Technologies, LLC
kenneth.schisler@cpowerenergymanagement.com
stephen.oyler@cpowerenergymanagement.com

Pamela C. Polacek
C&T Enterprise, Inc.
ppolacek@ctenterprises.org

Michael Murray
The Mission: Data Coalition
michael@missiondata.io

Seth A. Mendelsohn, Executive Director
PA Public Utility Commission
smendelsoh@pa.gov

Renardo Hicks, Chief Counsel
PA Public Utility Commission Law Bureau
rehicks@pa.gov

Dan Mumford
The Office of Competitive Market Oversight
dmumford@pa.gov

Paul Diskin
Technical Utility Service
pdiskin@pa.gov

Charis Mincavage
Susan E Bruce
Adeolu A Bakare
McNees Wallace & Nurick LLC
cmincavage@mcneeslaw.com
sbruce@mcneeslaw.com
abakare@mcneeslaw.com

Donna Clark
Energy Association of Pa
dclark@energypa.org

Jack Garfinkle
Exelon Business Services Company
Jack.Garfinkle@Exeloncorp.com

Deanne M O'Dell
Sarah C Stoner
Eckert Seamans Cherin & Mellott LLC
dodell@eckertseamans.com
sstoner@eckertseamans.com

Larry Spielvogel
Spielvogel@comcast.net

Leah Meredith
Advanced Energy Economy
lmeredith@aee.net

Sebnem Tugce Pala
UtilityAPI
Sebnem@utilityapi.com

Elizabeth R Marx
John Sweet
Lauren Berman
Ria Pereira
Pa Utility Law Project
emarx@pautilitylawproject.org
jsweet@pautilitylawproject.org
lberman@pautilitylawproject.org
rpereira@pautilitylawproject.org
pulp@pautilitylawproject.org

Jim Hawley
Mission:Data Coalition
Michael@missiondata.io

John Kolesnik
Keystone Energy Efficiency Alliance
Jkolesnik@keealliance.org

Barry A Naum
Spilman Thomas & Battle PLLC
bnaum@spilmanlaw.com

Leah Gibbons
NRG Energy Inc
neretailregulatory@nrg.com

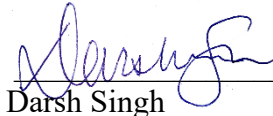
Murray E. Bevan
Bevan Mosca & Giuditta PC
mbevan@bmg.law

Michael Swerling
UGI Gas
ugigascomplaints@ugi.com
swerlingm@ugicorp.com

Timothy McHugh
UGI Gas
mchught@ugicorp.com

NazAarah Sabree
Small Business Advocate
Pennsylvania Office of Small Business
Advocate
ra-sba@pa.gov
tereswagne@pa.gov

Dated: November 1, 2022



Darsh Singh
FirstEnergy Service Company
2800 Pottsville Pike
P.O. Box 16001
Reading, PA 19612-6001
(610) 212-8331
singhd@firstenergycorp.com