



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEYSTONE BUILDING
400 NORTH STREET
HARRISBURG, PENNSYLVANIA 17120

July 3, 2023

Docket No. M-2021-3029018

TO ALL INTERESTED PARTIES:

Re: Investigation into Conservation Service Provider and Other Third-Party Access to Electric Distribution Company Customer Data

On April 16, 2019, Enerwise Global Technologies, LLC d/b/a CPower (Enerwise) applied to become a licensed electric generation supplier (EGS) within the Commonwealth of Pennsylvania, at Docket No. A-2019-3009271. In its application, Enerwise acknowledged that it would not provide electric marketing services within the Commonwealth. Enerwise stated that it applied for an EGS license solely for the purpose of obtaining access to EDC data systems on behalf of its customers. This access would allow Enerwise to verify customer performance in demand response programs and assist the customers in analyzing their electricity usage and capabilities.

Prior to entry of the *Final Order* on Enerwise's application, the Pennsylvania Public Utility Commission (Commission) entered a Tentative Order.¹ Through the *Tentative Order*, the Commission, among other things, requested comments regarding Enerwise's application for it, as a CSP, to obtain customer usage information electronically from EDC data systems.²

By Final Order entered October 7, 2021,³ the Commission denied Enerwise's application, determining that voluntary licensing of a conservation service provider (CSP) as an EGS is not permitted under the Code. The *Final Order* also directed the Commission's Office of Competitive Market Oversight (OCMO), Law Bureau, and Bureau of Technical Utility Services (TUS) to initiate a new proceeding to determine if a safe, acceptable path exists for registered CSPs and other third parties to gain access to customer data electronically from EDC data

¹ *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 (Order entered May 24, 2021) (*Tentative Order*).

² *Tentative Order* at page 6.

³ *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 (Order entered October 7, 2021) (*Final Order*).

systems, with customer consent, as permitted under Section 2807(f) of the Code, 66 Pa.C.S. § 2807(f).⁴

In response to the comments and reply comments received and the Commission's directive in the *Final Order*, the Commission initiated a new proceeding at Docket No. M-2021-3029018 to determine whether a secure method could be found to allow third parties to access EDC customer data. Accordingly, on February 8, 2022, the Commission issued a Secretarial Letter with a list of questions regarding CSP and other third-party access to EDC customer data.

On August 4, 2022, the Commission approved a Petition by Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company (collectively FirstEnergy) at Docket No. P-2021-3030012, et al., for approval of the Default Service Plan (DSP) from 6/1/23 through 5/31/27. The FirstEnergy DSPs include a third-party data access tariff that (1) establishes a registration process for CSPs to obtain electronic access to FirstEnergy customer data and (2) imposes continuing obligations on registered third parties to ensure the confidentiality of customer data.⁵

On September 6, 2022, the Commission issued a second Secretarial Letter at Docket No. M-2021-302918 with a list of follow up questions regarding the First Energy third-party data access tariff.

A potential path for third-party access has been shown through the approval of FirstEnergy's DSP proceeding and related tariff. Any EDC can voluntarily file a limited non-EGS third-party data access tariff and, upon Commission approval of that tariff, can grant non EGS third parties' access to its data systems under the conditions established in the approved tariff. Therefore, this proceeding at Docket No. M-2021-3029018 is closed.

⁴ In addition, in the *Tentative Order* the Commission referred this matter to OCMO for any further action as may be deemed warranted to modify the Commission's *Submission of the Electronic Data Exchange Working Group's Web Portal Working Group's Solution Framework for Historical Interval Usage and Billing Quality Interval Use Final Order*, Docket No. M-2009-2092655 (Order entered June 30, 2016). See the *Tentative Order* at Docket No. A-2019-3009271 (entered May 24, 2021), at Ordering Paragraph 5.

⁵ Under the FirstEnergy tariffs, access to data is limited to CSPs registered with the Commission or curtailment service providers that are PJM members and identified on PJM's list of demand response providers.

If there are any technical questions regarding the investigation, please contact Jeremy Haring of TUS at jharing@pa.gov or 717-783-6175. If there are any questions related to the comment and approval processes, please contact either Scott Thomas, sjthomas@pa.gov, 717-783-2812, or Christian McDewell, cmcdewell@pa.gov, 717-787-7466, of the Law Bureau.

Very truly yours,

A handwritten signature in black ink, appearing to read "Rosemary Chiavetta". The signature is fluid and cursive, with the first name "Rosemary" written in a larger, more prominent script than the last name "Chiavetta".

Rosemary Chiavetta
Secretary

cc: Chairman's Office
Vice Chairman's Office
Commissioners' Offices
Robert Gramola, Acting Executive Director
Dan Mumford, Director, the Office of Competitive Market Oversight
Paul Diskin, Director, Technical Utility Services
All jurisdictional electric distribution companies
All licensed electric generation suppliers
All parties that provided comments at Docket No. A-2019-3009271
All registered Conservation Service Providers