



July 14, 2023

Via E-Filing

Ms. Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, Pennsylvania 17120

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

Dear Secretary Chiavetta:

Please find enclosed a letter from Conifer, Green Building Alliance, Keystone Energy Efficiency Alliance, Mission:data Coalition and National Energy Improvement Fund concerning the aforementioned docket.

The enclosed letter was finalized in early July. On July 3rd, we received the Commission's secretarial letter closing Docket No. M-2021-3029018. For the reasons stated in the letter, we respectfully urge the Commission to reconsider the secretarial letter as soon as possible.

Respectfully submitted,

Michael Murray, President
Mission:data Coalition
1752 NW Market St #1513
Seattle, WA 98107
(510) 910-2281 (phone)
michael@missiondata.io

July 3, 2023

Governor Josh Shapiro
508 Main Capitol Building
Harrisburg, PA 17120

Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Call for Commission Action Regarding Access to Energy Usage Data (Docket No. M-2021-3029018)

Dear Governor Shapiro, Chair Dutrieuille and Commissioners:

We, the undersigned leaders in energy management in Pennsylvania, would like to draw your attention to a pressing problem that prevents ratepayers from effectively managing their energy costs and is preventing Pennsylvania from using \$130 million in federal rebates for residential energy efficiency. Until the Public Utilities Commission (PUC) resolves Docket No. M-2021-3029018 (“Investigation into Conservation Service Provider and Other Third Party Access to Electric Distribution Company Customer Data”), the ability of consumers and businesses to mitigate rising energy costs will be severely limited. We call upon the Commission to expeditiously issue a ruling empowering all ratepayers with full control over their electricity and natural gas usage and billing information currently held by utilities.

As you know, Pennsylvania has invested billions of dollars in advanced metering (also called “smart meters”) among both electric and gas utilities. But ratepayers have very limited ability to share their energy information electronically with energy management services. To date, the PUC has restricted the recipients of customer data (with customer consent) to only licensed entities, known as electric generation suppliers (EGSs). This means that Pennsylvanians are unable to have their individual energy data shared with home energy efficiency contractors, smart home devices, utility bill management software, or even the Department of Environmental Protection (which is needed to administer \$130 million in residential efficiency rebates, as further explained below). The limitation on sharing customer data only with licensed entities is artificial

and unnecessary, and prevents ratepayers from using new technologies that would help manage energy costs in homes and buildings.

Moreover, Pennsylvania's practice is unsupported by statute. Act 129, passed in 2008, sought to increase energy efficiency in several ways, one of which is requiring electric distribution companies (EDCs) to "make available direct meter access and electronic access to customer meter data *to third parties, including electric generation suppliers and providers of conservation and load management services*" with the consent of the customer.¹ This provision of Act 129 was meant to allow customers to share their energy information with a wide range of energy management service providers – not just EGSs. The phrases "to third parties" and "providers of conservation and load management services" does not limit customer choices to only licensed entities.

In 2012, the Commission understood that Act 129 was not limited to licensed entities and directed the EDCs to share customer data "with [any] other entities who have obtained customer consent regarding the release of the data." But then the Commission reversed itself, approving EDC software systems that were limited to licensed EGSs.² Now, some 15 years after Act 129 was passed, the Commission has an open proceeding (Docket No. M-2021-3029018) that could finally correct this oversight. While we applaud the Commission for initiating the aforementioned docket, there is no time to wait: ***it is urgent that the Commission issue a final order as soon as possible so that electric AND gas utilities can begin implementing the data-sharing software systems necessary to serve Pennsylvania.***

Section 50121 of the Inflation Reduction Act (IRA) provides \$4.3 billion to whole-home energy efficiency rebates, of which \$129,980,360 is allocated to Pennsylvania.³ Receiving the energy efficiency investments, however, is contingent upon efficiency

¹ 66 Pa. C.S. § 2807(f) (3).

² "[W]e agree that unlicensed third parties, as well as other consumers, should not be granted access to the web portals, except as an agent of a licensed EGS or as an Act 129 Energy Efficiency and Conservation Program CSP contracted with the EDC and as specified in Section 2.1 of the Framework." Pennsylvania Public Utilities Commission, Docket No. M-2009-2092655, Final Order dated September 3, 2015 at 13.

³ <https://www.energy.gov/articles/biden-harris-administration-announces-state-and-tribe-allocations-home-energy-rebate>

validation that necessitates streamlined electronic access to customer electric and gas usage information. For example, “measured energy savings” gives homeowners \$2,000-\$4,000 if energy savings above 15% are achieved. Per the IRA, measurement of energy savings is evaluated by using:

...open-source advanced measurement and verification software, as approved by the Secretary [of Energy], for determining and documenting the monthly and hourly (if available) weather-normalized energy use of a home before and after the implementation of a home energy efficiency retrofit.

The home contractor and Department of Environmental Protection (DEQ) will need permission-based access to customer electricity and natural gas usage data, both historically and for at least one year into the future in order to validate energy savings and pay out rebates. With the IRA funding from the U.S. government expected to be received by DEQ this fall, Pennsylvania cannot afford to wait any longer. Furthermore, thousands or tens of thousands of requests from homeowners will need to be processed in the coming years – especially requests that require continuous, ongoing access to energy data in order to deliver and validate the promised energy savings. The Commission must urgently require the state’s regulated electric and gas utilities to implement a streamlined, electronic, standards-based method for consumers to have their energy data shared with any entity of the customer’s choosing.

Finally, we note that Pennsylvania is falling behind a number of other states in regards to empowering consumers with control over their energy data: California⁴,

⁴ California Public Utilities Commission. Decision D.13-09-025 dated September 25, 2013, establishing eligibility criteria for third parties that do not include holding a license.
<https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M077/K191/77191980.PDF>

Colorado⁵, Illinois⁶, Kentucky⁷, Michigan⁸, New Hampshire⁹, New York¹⁰ and Texas¹¹ have begun offering customer data portability to any third party, not just state-licensed entities. These states are far ahead of Pennsylvania and will be well-positioned to reduce energy burdens for residents and support economic development stemming from innovative new energy management solutions.

In conclusion, we ask for your prompt attention on this matter to ensure that any customer in Pennsylvania can easily direct his or her electric and gas utility to electronically share energy usage and billing data with any third party of the customer's choice.

⁵ Colorado Public Utilities Commission. Decision C17-0556 in Proceeding No. 16A-0588E dated July 25, 2017 requiring Xcel Energy to offer Green Button Connect My Data consistent with Colorado Code of Regulations 723-3 3027(e) which states, "*Nothing in these rules shall limit a customer's right to provide his or her customer data to anyone.*" http://www.dora.state.co.us/pls/efi/efi_p2_v2_demo.show_document?p_dms_document_id=869034&p_session_id=

⁶ Illinois Commerce Commission. Final Order in Docket No. 14-0507 dated July 26, 2017 requiring implementation of Green Button Connect My Data pursuant to Section 16-122 of the Public Utility Act, which states there are no licensing requirements: "*(a) Upon the request of a retail customer...electric utilities shall provide to the customer or its authorized agent the customer's billing and usage data.*"

⁷ Kentucky Public Service Commission. Order dated June 30, 2021 in Case No. 2020-00350: "*...the Commission finds that LG&E shall also be required to receive certification of its Green Button Connect My Data offering, to residential and non-residential customers alike. LG&E shall file with the Commission proof of its Green Button Connect My Data certification by June 30, 2023*" at 20: https://psc.ky.gov/pscscf/2020%20cases/2020-00350/20210630_psc_order.pdf

⁸ Michigan Public Service Commission. Settlement agreement approved April 14, 2022 in Case No. U-21116 requiring Consumers Energy to "*improve the customer data sharing experience*" with Green Button Connect My Data to all residential and non-residential customers, at 5: <https://mi-psc.force.com/sfc/servlet.shepherd/version/download/0688y000002OjemAAC>

⁹ New Hampshire Public Utilities Commission. Order No. 26,589 in Docket No. DE 19-197 dated March 2, 2022 approving the design of a statewide multi-use energy data platform that permits customers to have their energy usage and billing data shared with third parties. There are no licensing requirements, but third parties must provide a federal tax identification number and complete a cybersecurity questionnaire. See settlement agreement at Appendix C: https://www.puc.nh.gov/Regulatory/Docketbk/2019/19-197/LETTERS-MEMOS-TARIFFS/19-197_2021-04-28_EVERSOURCE_JT_SETTLEMENT_AGREEMENT.PDF

¹⁰ New York Public Service Commission. Docket No. 20-M-0082, Order Adopting a Data Access Framework and Establishing Further Process dated April 15, 2021. The entities eligible to receive customer data are any entity the customer chooses, not merely licensed suppliers. <https://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={A228D385-3E0E-41BC-A433-8ABD62F8A6E4}>

¹¹ Public Utility Commission of Texas. Docket No. 47472, Final order dated May 29, 2018 requires data recipients to provide a DUNS number, contact information, and agreement to written terms of service, but there is no licensing requirement. See, e.g., Smart Meter Texas Business Requirements at 3: https://interchange.puc.texas.gov/Documents/47472_100_968255.PDF

Thank you for your consideration, and we look forward to hearing from the Commission.

Sincerely,



Stephen Enbright, Energy &
Procurement Manager
1000 University Ave Suite 500
Rochester, NY 14607



Chris Cieslak, PE, LEED AP, Chief
Operating Officer
317 East Carson St Suite 122
Pittsburgh, PA 15219



Jeaneen Zappa, Executive Director
614 S. 4th St. #307
Philadelphia, PA 19147



Michael Murray, President
1752 NW Market Street #1513
Seattle, WA 98107



Peter Krajsa, Co-Chair and Founder
1005 Brookside Road, Suite 200
Allentown, PA 18106