



May 29, 2024

**Filed Electronically**

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

**RE: Distributed Energy Resource Participation in Wholesale Markets Investigation  
(L--2023--3044115)**

Dear Secretary Chiavetta:

Enerwise Global Technologies, LLC d/b/a CPower (CPower) appreciates the opportunity to provide comments on the advance notice of proposed rulemaking (ANOPR) on the Distributed Energy Resource Participation in Wholesale Markets Investigation.

CPower is a leading Demand Response (DR) and Distributed Energy Resource (DER) Service Provider, with over 6 GW of capacity under management across the nation. CPower participates in all the organized wholesale markets as well as over 60 different retail programs.

Below, we provide input on several areas of the ANOPR, specifically, the issues of double compensation, data access, and distribution level benefits.

**Prevention Of Double Compensation Or Double Counting Between Retail And Wholesale Market Participation, Including Rules Governing DER Owners' Ability To Switch Between Retail And Wholesale Market Participation**

As a general comment on double compensation/double counting, we would like to clarify the meaning of these terms. While a resource should not be compensated twice for providing the same service, for example by providing capacity to an EDC in PA and PJM at the same time,



resources can provide multiple different value streams to both utilities and the wholesale market, and indeed multiple services to each. In fact, good program design will purposely endeavor to harmonize participation across multiple programs in order to leverage more value from demand side flexibility.

### **Any Necessary Electronic Data Exchange Revisions**

#### **QUESTIONS:**

The PUC also seeks comment on the following sub-topics raised by stakeholders:

- What DERA cybersecurity items require further evaluation?
- What role will advanced metering infrastructure (AMI) data play in operational coordination?

Customer data that aggregators need access to include historical data for new customers, Peak Load Contribution and winter peak load values, and event data – all data for which aggregators currently obtain customer consent. Access to data is critical for aggregators to be able to operate in the PJM market. We need timely and reliable data to register our customers with PJM, demonstrate compliance with multiple requirements, settle following events, and to pay customers. As it stands, the data is often not easy to obtain, and data access procedures are not scalable to serve large numbers of customers, especially residential and small to medium commercial customers. To give some background and context on this issue, CPower previously submitted an application to be an Electric Generation Supplier (EGS) and was willing to meet all the requirements of being an EGS, to gain access to EDI to obtain customer data. Certain stakeholders were opposed, and subsequently the Commission rejected CPower's application on the basis that CPower was not an EGS. The Commission also directed the PUC staff to administer a working group that would investigate the issue of improving Conservation Service Providers (CSPs) access to data.



Separately and at roughly the same time the working group was active, First Energy filed a data access tariff, which included a new rider for CSPs to get access to data through EDI. In the end, the case was settled, and CSPs are technically allowed to obtain data through EDI. However, this tariff includes strict conditions including a severe consequence of a mandatory lifetime ban for a single honest mistake, however innocuous. Such a mistake could be as simple as a transposed account number or a recently expired letter of authorization for data access for an otherwise active customer of the CSP. For this reason, CPower has elected not to pursue data access under the FirstEnergy tariff.

The PUC working group concluded its work with an acknowledgement that the First Energy tariff demonstrated that it is possible for utilities to elect to give CSPs access to EDI.

Unfortunately, this outcome has not resulted in meaningful improvements or standards for data access today.

Many states have established third-party data access protocols over the last decade, beginning when the California Public Utilities Commission asked its electric utilities to create data-sharing platforms in 2011.<sup>1</sup> California was followed by other states in establishing rules and regulations to support third-party data access, including Colorado; Connecticut; Washington, D.C; Illinois; Maine; Maryland; Michigan; Nevada; New Hampshire; Oklahoma; Oregon; Texas; and Utah.<sup>2</sup> New York is currently looking to create a state-wide portal, the Integrated Energy Data Resource

---

<sup>1</sup> California Public Utilities Commission, *Decision Adopting Rules to Protect the Privacy and Security of the Electricity Usage Data of the Customers of Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company*, Docket No. D-11-07-065 (2011).

<sup>2</sup>American Council for an Energy-Efficient Economy, *State and Local Policy Database: Data Access*, <https://database.aceee.org/state/data-access> (last visited April 27, 2022).



(IEDR), in a similar mold to Smart Meter Texas.<sup>3</sup> While many of the states recommend the use of Green Button Connect My Data, it has not been adopted in every state. Green Button is the common name for the NAESB REQ.21 ESPI standard, which the Green Button Alliance helps companies incorporate into their platforms through education, testing, and certification. EDCs using this standard may also have their own requirements in addition to those outlined with Green Button Connect, requiring third parties to tailor the platforms for individual EDCs.

Another important topic when it comes to data access is customer authorizations. Currently, there is no standardized format for customer authorizations for aggregators to access their data. This makes it complicated for customers, as methods vary by utility, and aggregators to keep track of. The PUC should create a standardized format for customer authorizations and simplify the process for customers to grant aggregators permission to access their data. A relevant example to consider comes from California, where each utility has a Customer Information Service Request-Demand Response Provider (CISR-DRP) form<sup>4</sup> that the customer fills out, and the form has been standardized across the various utilities. In addition, in 2017 the state streamlined the process further, by implementing “click-through authorization,” meaning that the customer is able to “authorize their utility to share the customer’s data with a third-party demand response provider by completing a consent agreement electronically.”<sup>5</sup> This greatly simplified the process for

---

<sup>3</sup> New York State, IEDR RFP, <https://www.nyserda.ny.gov/All-Programs/Integrated-Energy-Data-Resource> (last visited May 14, 2024).

<sup>4</sup> See CPUC’s webpage on demand response providers/aggregators: <https://www.cpuc.ca.gov/industries-and-topics/electrical-energy/electric-costs/demand-response-dr/registered-demand-response-providers-drps-aggregators-and-faq>

<sup>5</sup> See CPUC’s press release on the updated customer authorization process: <https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M194/K743/194743162.PDF>



customer authorizations, which is critical in streamlining the process of reliable data access, privacy, and protection.

Regarding the actual implementation of data access for aggregators, individual company agreements are not the most effective or efficient way to ensure customer data is protected and kept confidential. Tariffs, created by the EDCs in partnership with third parties and under the jurisdiction of the Commission, should be used to create rules outlining data protection and confidentiality requirements. By implementing tariffs rather than contracts, the rules would be transparently standardized and accessible to all parties. The Pennsylvania Public Utilities Commission would also be able to review the tariffs at regular intervals and amend them if circumstances or technological advancements require it.

In addition, all third parties will need to formally agree to proper customer authorization practices, data maintenance, and confidentiality requirements. In addition, EDCs will want to make sure the third parties have the necessary technical ability to access data outputs in a standardized format. For those third parties requesting the data through EDI, an EDC will need to test the system before transferring actual customer data.

EDCs have been supplying EGSs customer usage data for many years, so the costs for setting up a parallel system should be nominal. Allowing CSPs to systematically access authorized customer data, especially through EDI, will actually save the EDC money by reducing the amount of time their staff will need to spend processing the requests. This will become increasingly true with the trend toward increased electrification along with more C&I and residential customers participating in energy management programs. For manual or abnormally



large requests, which may require substantial additional labor, EDCs could calculate a reasonable and appropriate charge, perhaps at a fixed hourly rate for the effort. In most cases, data should be available free of charge to the third parties.

We believe it is essential to address this issue now, as ignoring it would lead to cumbersome and delayed Order 2222 implementation and development of VPPs in Pennsylvania. As we begin to have more and more DERs participating in wholesale markets, the ability to obtain high-quality and reliable data efficiently will become more important than ever, and it will be much easier to address it pre-emptively now, rather than wait to fix the problem later down the line.

### **Distribution Level Benefits**

The second issue is the use of VPPs in local distribution level programs. Currently, VPPs participate and provide services in the PJM market, but they are not being utilized to help the local distribution grid in any organized fashion when they can provide significant benefit.

Creating so-called “stacked programs” would allow for VPPs to provide maximum benefits at the PJM, local and state levels.

New York has some well-developed programs that leverage VPPs participating in the NYISO market to also provide local benefits. The Commercial System Relief Program (CSR) is designed to help extend the useful life or defer upgrades of distribution infrastructure. The



Distribution Load Relief Program (DLRP) is focused on addressing distribution system emergencies that would not be addressed by dispatches from NYISO<sup>6</sup>.

DLRP is used to provide localized network-level support through load relief if the next contingency on the local grid would result in a significant outage or the electric distribution equipment being loaded above emergency ratings. This program has shorter event notices – 2 hours for contingency events and less than 2 hours for an immediate event.

CSRP on the other hand is intended to defer local grid investments. CSRP has longer event notices, normally 21 hours. This is because the program aims to reduce peak demand at the network level by calling on customers during their assigned call window. There is also voluntary participation for unplanned events, where less than 21 hours of notice may be provided.

Payment rates for both tariff-based programs are based upon the relevant utility's marginal cost of service and explicitly do not include payment for avoided capacity costs which the PJM Load Management programs do provide. This allows the state and regional programs to exist in harmony with each other. We think these approaches are something that Pennsylvania needs to be considering as part of this proceeding.

Once again, we appreciate the opportunity to provide feedback on this docket, and believe this investigation is incredibly important as we move to a future where DERs can easily participate in

---

<sup>6</sup> See for Con Edison's CSRP and DLRP programs: <https://www.coned.com/en/save-money/rebates-incentives-tax-credits/rebates-incentives-tax-credits-for-commercial-industrial-buildings-customers/smart-usage-rewards>



wholesale markets. We look forward to the next steps in this proceeding and will be glad to participate in additional discussions to further share our expertise.

Sincerely,

*Stephen Oyler*

Stephen Oyler  
Vice President of Legal and Policy  
CPower

1001 Fleet St., Suite 400  
Baltimore, MD 21202  
[Stephen.Oyler@CPowerEnergy.com](mailto:Stephen.Oyler@CPowerEnergy.com)  
412-206-1805