



July 18, 2025

**VIA E-File**

Matthew L. Homsher, Secretary  
Pennsylvania Public Utility Commission  
400 North Street, Filing Room  
Harrisburg, PA 17120

**RE: Act 129 Energy Efficiency and Conservation Program - Phase V  
Docket No. M-2025-3052826**

***Data Sharing Working Group – Request for Clarification of Staff Action***

Dear Secretary Homsher,

On June 18, 2025, the Public Utility Commission (Commission) issued a Final Implementation Order (FIO), establishing a data sharing working group, charged with making recommendations to the Commission regarding Act 129 related data sharing policies and procedures. The FIO ordered the Bureau of Technical Utility Services (TUS) and the Bureau of Consumer Services (BCS) to convene a stakeholder working group within 45 days to explore a broad range of related issues, including existing and emerging data sharing processes and policies, the type of data shared, consumer consent, guidelines for Conservation Service Providers (CSPs), a template Memorandum of Understanding, recommendations for data storage, and how the administrative costs should be divided across parties.<sup>1</sup>

Pursuant to this FIO, on July 11, 2025, the Commission issued a Secretarial Letter scheduling a working group meeting for July 23, 2025, open *only* to the electric distribution companies (EDCs) and agency staff from the Commission and the Department of Environmental Protection (DEP). While the Secretarial Letter suggests that this is an “initial meeting”, it does not identify plans for holding subsequent stakeholder meetings to gather information and insight from other stakeholders engaged in the Commission’s Phase V planning docket.<sup>2</sup>

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<sup>1</sup> Phase V Act 129 Implementation Order, Docket No. M-2025-3052826, pages 175 – 180.

<sup>2</sup> Id.

The Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) has deep concerns about the Commission’s plan to hold an initial closed-door working group meeting with the utilities and agency staff without representation of consumer advocates and other stakeholders. This initial working group meeting is likely to set the tone and tenor of the data sharing working group and may well establish the trajectory of the Commission’s inquiry into this important issue. It is critical that the Commission establish a transparent working group process that provides a balanced opportunity for all stakeholders to provide meaningful input to inform staff recommendations regarding the Commission’s Act 129 data sharing policies and procedures.

**CAUSE-PA, by and through its counsel at the Pennsylvania Utility Law Project, respectfully requests that the Commission clarify the intended process for inclusion of all stakeholders and identify next steps for developing data sharing policies and procedures that will provide a direct benefit to consumers and protect consumer privacy.<sup>3</sup>**

In its FIO, the Commission ordered the Bureau of Technical Utility Services to work with the Bureau of Consumer Services “to convene a working group within 45 days of the issuance of this Implementation Order to work with stakeholders to explore [the issues identified in the FIO].”<sup>4</sup> Yet the Secretarial Letter ostensibly excludes the vast majority of stakeholders that are actively participating in this docket – including representatives of low income, industrial, residential, and small commercial consumer classes, all of which have separate and distinct interests and expertise, as well as environmental groups, conservation service providers, nonprofits, housing providers, and other interested parties and stakeholders.

We note that this first working group meeting was scheduled to “focus on understanding the needs and types of data required to be shared by and among the agencies and EDCs.” While perhaps well intended, the Commission appears to have erroneously concluded that this topic would only be interesting to and relevant for utilities and agencies. To the contrary, since the data we are talking about is consumer/ratepayer data, all stakeholders should have the opportunity to meaningfully participate in this foundational conversation, which will help establish a baseline for the information requested, and how to craft appropriately protective policies for the information shared.

Data sharing is an incredibly complex area of law and policy. While there is great potential to streamline complicated application and reporting processes, there are also a broad range of potential consequences to consumers that must be carefully considered – and ultimately avoided. The risk of harm to consumers and potential for unintended consequences inherent to data sharing policies and processes are not always obvious and can differ greatly for different consumer groups. The expertise and input of a broad range of stakeholders, including representatives of a range of consumer interests, is critically important to consider the complex issues identified in the Commission’s FIO and, ultimately, to ensure data sharing policies are developed to benefit consumers – without exposure to harm.

The issues the Commission is considering at this data sharing working group meeting will likely set the course for how personal information and private energy usage data is shared with third

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<sup>3</sup> 52 Pa. Code § 5.41.

<sup>4</sup> Final Implementation Order at 181 (emphasis added).

parties. We fail to see how it benefits consumers for the Commission to set this course without the presence of all stakeholders – including the broad array of consumer groups that have actively participated in this proceeding. As such, we respectfully request that the Commission clarify the data sharing working group process and establish a transparent and inclusive process moving forward that will ensure a balanced and meaningful opportunity for all stakeholders to equitably engage in these critical policy discussions.

Respectfully submitted,

**PENNSYLVANIA UTILITY LAW PROJECT**

A handwritten signature in blue ink, reading "Elizabeth R. Marx". The signature is written in a cursive style with a horizontal line underneath it.

Elizabeth R. Marx, Esq.  
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**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Act 129 Energy Efficiency and Conservation : Docket No. M-2025-3052826  
Program – Phase V :

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**Certificate of Service**

I hereby certify that I have this day served copies of the **Letter of CAUSE-PA Requesting Clarification of Staff Action** upon the parties of record in the above captioned proceedings in accordance with the requirements of 52 Pa. Code § 1.54.

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