BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Review of the Consumer Privacy Protection and Customer Data Access Issues Associated with Distribution Utility Advanced Metering and Smart Grid Programs.	)))))	**Case No. 11-277-GE-UNC**

REPLY COMMENTS OF COLUMBUS SOUTHERN POWER COMPANY AND OHIO POWER COMPANY TO THE PUBLIC UTILITIES COMMISSION OF OHIO'S OCTOBER 18, 2011 ENTRY ON CONSUMER PRIVACY

I. INTRODUCTION

Columbus Southern Power Company and Ohio Power Company (collectively "AEP Ohio"), are supportive of the Public Utilities Commission of Ohio's (Commission's) continued efforts to ensure the protection of customer information. As stated in AEP Ohio's initial comments filed on March 4, 2011, the Commission already has the basic framework within its Electric Service and Safety Standards, in the Ohio Administrative Code, to ensure that customer data is protected. AEP Ohio purports that any further clarifications regarding customer privacy, as technology continues to develop, are most appropriately reflected in these established Commission rules. AEP Ohio takes its responsibility to protect customer information very seriously. Regardless of the technology used to gather data, AEP Ohio intends to continue protecting customer information as it has always done. AEP Ohio welcomes the Commission's insight and guidance on the continued protection of customer privacy in Ohio

II. BACKGROUND

On March 4, 2011, AEP Ohio filed initial comments in response to the Commission's Entry dated February 2, 2011 related to consumer privacy protection and customer data access associated with distribution utility Advanced Metering Infrastructure (AMI) and Smart Grid programs Other utilities and interested parties also filed comments in the instant case.

On October 18, 2011, the Commission issued an Entry offering interested parties the opportunity to file reply comments to the comments filed in response to the February 2, 2011 Entry. In particular, the Commission is interested in replies addressing the issues noted in finding (3) (a) through (f), and any other relevant topic.

AEP Ohio appreciates the Commission's request for reply comments and offers these observations for this generic docket While AEP Ohio takes this opportunity to comment on the issues in general and some topics specifically, it does not imply agreement or disagreement with any comments made by any party simply by omission herein Further, AEP Ohio states that its views or concerns could change depending on the facts and circumstances in the future

III. REPLY TO COMMISSION COMMENTS

The Commission stated its particular interest in replies addressing the issues noted in finding (3) (a) through (f). Regarding these particular topics, AEP Ohio offers the following replies:

"(3) Upon review of the comments, the Commission found that the following issues reoccurred throughout the comments

(a) Consumer privacy should be protected from unauthorized third party access."

REPLY: AEP Ohio strongly agrees. Further, we note that this basic tenet was universally accepted by parties offering comments to the original inquiry on the topic.

(b) "Appropriate procedures should be established for granting access to customer energy usage data (CEUD). Included in these comments were questions regarding the following specifics of transferring CEUD.

(i) How will the interface for accessing CEUD be designed?"

REPLY: AEP Ohio believes that the interface should be designed using national technical standards that are being developed collaboratively with the National Institute of Standards and Technology (NIST) and the Smart Grid Interoperability Panel (SGIP). Specifically, AEP Ohio supports using a single protocol and data format between the meter and devices within a customer premise selected at the time of meter deployment. AEP Ohio supports the use of the Zigbee protocol in conjunction with the Smart Energy Profile (SEP) specification, including the approved SEP 1.X version and the proposed SEP 2.0 version for this interface. In addition, AEP supports the use of the North American Energy Standards Board (NAESB) approved Energy Service Provider Interface (ESPI) version 1.0 standard for communicating customer usage data from the utility to authorized third parties. This data could be transmitted between

the utility and an authorized third party using a variety of communication protocols.

(ii) "What should be the format of CEUD?"

REPLY: AEP Ohio recommends that the format of the data transmitted from the meter to devices located inside the customer's premise utilize the SEP specifications including version 1.x and the proposed version 2.0. The Zigbee communication protocol should be used for this transmission. AEP Ohio believes the best format for transmitting data from devices located inside the customer's premise to a third party would also be the ESPI standard. AEP Ohio however believes this interface should be solely between the customer and the third party with no utility involvement.

(iii) "How quickly should CEUD be available and to what granularity?"

REPLY: AEP Ohio supports transmitting near real-time CEUD from the meter to devices inside the home. Should the customer wish, these devices could then utilize the CEUD or retransmit the CEUD to an authorized third party based upon the customer's direction. AEP Ohio's back office systems currently employ an industry standard approach that collects all the 15 minute interval CEUD from the meter once per day. This data is verified and stored and would be made available for transmission to authorized third parties utilizing the recently approved NAESB ESPI version 1.0 standard on the day following collection.

(iv) "What other customer information will be included with CEUD?"

REPLY: AEP Ohio would include customer 15 minute interval energy usage and demand CEUD. Additional information would be provided on a case-by-case basis to address specific customer and utility operational concerns at a premise.

(v) "Will multiple meters be allowed?"

REPLY: Generally, there is no prohibition on customers utilizing multiple meters at a premises, as long as these meters conform with the regulatory requirements and terms and conditions of service specified in tariffs. The application of the data and its intended purpose should be subject to further discussion if it relates to utility operations, billing systems, or other financial settlement arrangements.

(vi) "Who will pay for administrative costs?"

REPLY: AEP Ohio believes that the costs to provide the base CEUD (energy and demand) should be included in the rates of the utility. The costs related to fulfill any requests beyond basic CEUD should be born by those requesting the data.

(c) "There could be adverse consequences for prematurely adopting additional rules or policies regarding Smart Grid privacy and data access issues, i.e., "patchwork legislation," including hindering innovation, and/or prohibiting cost-effective implementation of Smart Grid technologies."

REPLY: AEP Ohio agrees that there could be adverse consequences of such actions. From a policy standpoint, that is one of the reasons we believe that any such actions be taken through the process of amending the Electric Service and Safety Standards in the Ohio Administrative Code (commonly referred to as the "ESSS Rules"). From a technical perspective, we believe following the establishment of the national technical standards (NIST and SGIP) will help to avoid a patchwork result.

(d) *"The existing rules should be modified, rather than the creation of a new body of rules. In the alternative, the existing rules are sufficient to address Smart Grid consumer privacy concerns."*

REPLY: AEP Ohio believes that the best approach is to primarily address these changes through the modifications of the existing rules. This approach would result in consistency with already established policies, methods, and practices designed to address these issues. Further, following the established process to update these rules would increase the likelihood of a prudent result.

(e) *"Should the rules be applied only to electric sector?"*

REPLY: As specified in our reply to the initial inquiry, AEP Ohio generally believes that the underlying premise that customer data should be protected is a policy that is appropriate regardless of the type of utility. There are many analogous issues related to customer data access and customer privacy that supersede the time-interval

nature of the data, as well as analogous issues related to customer choice for commodity service. That being said, the Commission does not need a single overarching rule for all industries.

(f) *"Questions regarding the details of a technical working group or educational forum."*

REPLY: As specified in our reply to the initial inquiry, AEP Ohio believes that technical working groups and educational forums are an appropriate mechanism to use to define the technical aspects of this implementation.

IV. REPLY TO INTERESTED PARTIES' COMMENTS

Specifically addressing issues raised by participants to the initial request for replies, AEP Ohio offers the following comments.

A. Development of Policy

The Information Privacy Commissioner of Ontario, Canada, Ann Cavoukian, PhD., proposes that a set of foundational principals termed *"Privacy by Design"* should be incorporated into policies and rules to guide smart grid development in Ohio.

AEP agrees with many of the concepts articulated in this set of principals. As one example, the idea that privacy should be the "default" option with regard to protection of customer data is one that AEP Ohio supports.

However, while AEP Ohio supports many of the concepts advanced in these principles, there remain other topics that need to be considered with regard to specific policies in Ohio, such as recognition that utilities must have unfettered access to customer energy information in order to achieve the many substantial operational benefits

promised by smart grid deployments, in addition to operating their systems in a safe, reliable, and efficient manner.

So, while the *"Privacy by Design"* materials presented can help raise issues for consideration and inform the discussion in Ohio, AEP Ohio would suggest that effectively mandating the use of any such pre-established and proprietary set of policies without considering each of the suggestions in the context of how they would meet the specific needs of the Ohio electric utility market is inadvisable. Instead, AEP Ohio would assert the stakeholders with specific vested interests in Ohio (such as utilities and others with vested interests in Ohio regulatory matters) are in the best position to review these and other guidelines and offer suggestions regarding if and how they apply to specific data access and privacy rules and procedures that should be considered for application in Ohio. And ultimately the Commission itself should be the entity to determine the appropriateness of specific policies and practices that should be applied in the State of Ohio.

As stated in our previous comments, AEP Ohio asserts that the Commission already has the framework within the ESSS Rules to ensure that customer data is protected. Any further clarifications in this area are most appropriately reflected by incorporating any necessary updates to these established Commission rules.

AEP Ohio would also like to point out that, despite the assertion made by Direct Energy, LLC (Direct Energy) at page 1 of their comments, the '***whole*** *purpose of the smart grid'* (emphasis added) is not (in its entirety) to allow customers to modify their lifestyle and adopt energy consumption to fit their life. While this is an intended benefit of smart grid, and certainly an important benefit available to customers, there are

significant operational savings and other benefits to the utility, and society overall, from the deployment of a smart grid technologies. There are numerous benefits of a smarter grid that will accrue to the utility in terms of operational savings and improvements in efficiency. AEP believes there are several drivers to deploy smart grid technologies including, but not limited to, providing customers information and tools that promote efficient utilization of electricity and help control costs, improving grid reliability and efficiency performance, streamlining customer services functions, and enabling the integration of a vast array of distributed supply resources that include renewables and electric vehicles

B. Adoption of Standards

AEP Ohio supports a variety of industry efforts directed at development of standards, including the efforts of NIST, SGIP, the Open Smart Grid (OpenSG) Technical Committee of the Utilities Communications Architecture International User Group's (UCAIug), the Open Automatic Data Exchange (OpenADE), and the NAESB for sharing information between the utility, customers and authorized third parties. AEP Ohio agrees with the Ohio Partners for Affordable Energy (OPAE), City of Wadsworth (Wadsworth) and others that a coordinated effort with Federal standards is an appropriate course of action, and AEP Ohio has been an active participant in the vast majority of these processes. However, much of these standards related substantially to technical standards, and each state is determining specific procedures for how data is provided to customers and with authorized third parties that best meets their paradigm regarding utility regulation.

AEP Ohio supports the transmission of data from the meter to a device inside the customer premise using a single standard communication protocol and format that is selected at the time the meter is deployed. AEP Ohio currently supports utilizing the Zigbee protocol and the proposed SEP specifications, including the current SEP 1.X and the proposed SEP 2.0 versions. AEP Ohio also believes there should be one standard data format for transmitting data between the utility and authorized third parties and currently supports the approved NAESB ESPI version 1.0 standard.

In terms of customers directly accessing their CEUD from the meter, AEP Ohio supports transmitting "near real-time" usage information to devices located inside the customer's premise (e.g., in-home display, home energy manager, smart appliance). These devices can be configured to provide the customer with important information, such as a critical peak demand period or an outage; or to take action on behalf of the customer such as raising the temperature setting on the air conditioning system or turning off appliances. These devices can be configured to receive updated information in two ways: within seconds using a "fast poll" mechanism or updated every few minutes using a standard mechanism. Commands can be sent from the utility through the meter to a device inside the premise on-demand.

AEP Ohio opposes the position that pilots should be halted going forward and/or the argument that the programs should not expanded until the Commission provides more direction. Stopping any progress being currently made on the overall utility of devices to wait while the Commission defines the type of data and level of detail that smart meters and automated distribution systems must collect and be able to provide to customers, utilities, and/or authorized third parties, as opined by OPAE at page 4, as well as

suggested by other parties is not necessary. AEP Ohio has always protected customer data without regard for the method in which it was collected and regardless of the type or level of detail of the data. The ESSS Rules provide the essential framework for the protection of customer data. As reasonable and adequate protections exist and utility business practices are followed, it is not necessary to stymie deployment of smart meters and related automated distribution systems as these protections are further specified. Such an approach would only further delay the benefits that Smart Grid deployments can deliver.

C. Technical Configuration

In general, AEP Ohio would like to clarify that the Smart Grid communications system it is building is intended primarily for the operational use of its electric distribution system and for the benefit of its customers. Any such communications system developed by AEP Ohio is not intended as a public-use network, and is not being designed specifically to meet the requested technical standards of the wide variety of third-party businesses seeking to further their commercial interests

AT&T Entities (AT&T), The Technology Network (TechNet), Direct Energy and the Demand Response and Smart Grid Coalition (DRSG) support the utility providing real-time data to third parties. AEP Ohio strenuously disagrees with the suggestion that customer CEUD would be provided in near-real time directly to authorized third parties from the utility back office systems. AEP Ohio's (and many other utilities') metering, communications, and meter data management systems are not being designed with the specifications to accomplish such results. In fact, any such required design specifications could easily undermine the further deployment of smart grid systems due to the

prohibitive cost. AEP Ohio is accepting of the arrangement where 15-minute interval CEUD would, assuming appropriate customer authorization, be provided directly to third-parties from the utility back-office systems daily within 24-hours, as these timeframes are consistent with the design specifications of the systems that are being utilized to support smart meter deployment. Further, AEP Ohio asserts that any near real-time access of CEUD that is necessary can be accomplished as the CEUD is transmitted from the customer's meter to their in-home device (e.g., HAN) and used, stored, or transmitted as appropriate to the authorized third party through the use of any proprietary or commercially available communications network.

The Telecommunications Industry Association (TIA) states at page 4 of their comments, *"Allowing multiple technologies to compete to achieve the goals of a smart grid will increase investment in the market, spur more innovation in products and solutions, and future proof the grid, allowing it to realize it potential."* AEP Ohio agrees that this statement is true across the smart grid ecosystem. AEP Ohio employs many communications technologies between the premise and its back-office systems to enable the smart grid. However, regarding communications methods for communicating between the meter and devices inside the customer's premise, AEP Ohio believes that a single method and standard should be selected at the time of meter deployment. AMI meters are expected to remain in service for many years and it is costly to change and/or upgrade the meter's communication channel. Having only one communication standard is prudent and will minimize ongoing maintenance costs.

AT&T argues at page 7 of their comments that the smart meter *'should not be the sole conduit of energy management data.'* AEP Ohio agrees with this statement and

believes that we are not restricting the rights or abilities of AT&T or any other entity to access energy management data. If they see commercial value in developing a different 'conduit,' they are at liberty to do so. However, AEP Ohio is not responsible for developing it for them. At the same time, AT&T argues at page 7 of their comments that utilities should provide to third parties data *'equivalent to that which the utility provides itself.'* AEP Ohio will provide customers and their authorized third parties with their CEUD, as specified above. If a customer wishes to share their CEUD with AT&T or another third party that is certainly their prerogative. Yet it is not AEP Ohio's responsibility to manipulate the data into a form specified by AT&T or any other third party for their parochial commercial business interests, beyond those national technical standards discussed previously.

AEP Ohio collects CEUD from its smart meters in a type and format that is most efficient and usable to its back office systems. While AEP Ohio intends to conform to reasonable protocols and standards as specified above, it specifically does not intend on further manipulating the data to meet parochial third-party specifications. If this further manipulation of data is what is implied by AT&T at page 9 of their comments, this approach is misguided. Nor should the data be parsed into multiple sets with the intent of providing it to different parties as suggested by OPAE at page 6 of their comments.

AT&T at page 9 of their comments states *"Robust data, not simply that data which the electric utility opts to use that is available through a smart meter, should be made available to third party energy management services..."* DRSG also maintains similar assertions. AEP Ohio is agreeable to providing CEUD (including both energy and demand data) to customers and authorized third parties. However, AEP Ohio does

not believe that other operational data should be mandated to be disclosed as a matter of course

AEP believes that the costs for providing customers and authorized third parties with standard CEUD (including energy consumption and demand data) should be included in the base capital and O&M cost structure of the utility, and therefore would not be required to be recovered through an additional 'charge.' Any requests for meter or other appropriate operational data beyond CEUD could be provided upon request. The incremental costs associated with providing this data is appropriate to recover through a reasonable charge, as suggested by Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (FirstEnergy) in their comments.

AT&T at page 9 of their comments states that data should be provided *"in a manner that does not give the utility undue first mover advantage in the competitive market for energy services."* AEP Ohio is not a Competitive Retail Electric Service (CRES) provider and does not offer competitive services in Ohio. The concept of authorized third parties being disadvantaged with respect to utilities is inconsistent the basic market design in Ohio. With respect to any competitive supplier corporately affiliated with AEP Ohio or its parent Company American Electric Power (AEP), those affiliates are already subject to specific and strict arms-length arrangements with AEP Ohio pursuant to a corporate separation plan, as required by the Commission. Any CRES providers corporately associated with AEP Ohio in any way are treated as any other CRES provider.

AT&T at page 8 of their comments states *"[t]he smart meter should facilitate competitive innovative energy management related services rather than limit them."* This point of view is certainly beyond the scope of the customer privacy issue. Further, AEP Ohio is not aware of a public policy that specifies electric utilities are deploying smart meters in Ohio to further a competitive energy management services market. If AT&T thinks there should be such a market, they are free to market in-home devices to customers that can provide these services.

D. Metering

Direct Energy's statement on page 1 of their comments that *"... the data and the customer smart meters are not meant for utility activity"* is ludicrous. AEP Ohio owns meters that are installed on its Distribution system, whether they are electromechanical or "smart," and utilizes the meters to measure usage, bill customers, and provide its customers with relevant and appropriate usage data in order for them to make informed decisions.

Direct Energy also asserts on page 3 of their comments that the Commission should allow other parties *"access to the meter"*. AEP Ohio has agreed that authorized third parties should have access to CEUD **data.** However customer or third party interference with AEP Ohio's **physical meter itself** is not permitted, as specified in AEP Ohio's utilities' Terms and Conditions of Service.

OPAO at page 3 of their comments state that *"According to Ohio utilities actively involved in smart grid deployments, the systems are not currently capable of providing the granularity and real-time streaming of information that triggers consumer privacy issues."* AEP Ohio believes that the data currently being collected from its Smart Meter

deployments does not produce the type of data necessary for ascertaining the detailed lifestyle and behavioral attributes that are sometimes wildly claimed. However, AEP Ohio does not assert that any data from its Smart Meter deployment (or other general customer information for that matter) is of no concern to customers with regard to their privacy rights.

E. Customer Authorization

Direct Energy at page 3 of their comments, and OPAE at page 6 of their comments, discuss the notion of data 'ownership.' AEP Ohio believes that it is more useful to discuss data in terms of rights and responsibilities to access, retain, use, or disclose rather than assigning 'ownership' of certain data or information.

AEP Ohio strongly agrees with Direct Energy at page 3, when they suggest that third parties desiring access to customer data should register with the Commission. This is a reasonable approach and would give the customer an increased level of protection should anything untoward happen.

AEP Ohio generally agrees with OPOWER, Inc. (OPower) conclusions regarding customer authorization of data, but offers the following definition as used in AEP Ohio's initial comments to further clarify the difference between authorized third parties and an authorized agent. As footnoted at page 4 of AEP Ohio's initial comments, the term "utility" refers to utility personnel, as well as agents of the utility, used to carry out its provision of service and programs under the regulation of the Commission. The term does not include an affiliate corporately separated from the utility, such as a CRES.

AT&T at page 10 of their comments discusses the idea that customers should be able to provide their authorization to share data in other forms than written authorization.

AEP Ohio agrees that this approach is generally acceptable to the degree AT&T is suggesting the use of a phone recording, web request, etc., which include reasonable authentication procedures. However, AEP Ohio strongly objects to AT&T's example of a software use agreement and social media platforms as good models of how customers should provide their consent for third parties to access their CEUD. For instance, AEP Ohio would assert that thousand-word legalese terms and conditions statements with a simple 'check-box' agreement required to utilize a software program is a prime example of the wrong way to approach protection of CEUD. Customers, along with privacy advocates and consumer advocates often fear the use of this woefully inadequate method of protecting customer data and privacy, and for good reason. If this approach is permitted by the Commission, it could severely undermine consumer confidence in the smart grid broadly, and jeopardize the many potential benefits that will accrue to customers. Any missteps in this regard would likely reflect poorly on the utilities and the Commission itself in their respective responsibilities to ensure adequate customer privacy protections are upheld.

F. Technical Working Group

AEP Ohio believes that both Duke Energy Ohio, Inc. (Duke) and the Office of the Ohio Consumers' Council (OCC) have very topical lists of questions that would benefit from deeper discussion by the proposed Technical Working Group.

AEP Ohio further strongly supports Duke's assertion on page 4 of their comments that *"With respect to third party data access, Duke believes it is critical for the Commission to work with all utilities to reach consensus on the costs of capturing the*

data, storing it, and maintaining security throughout the data chain, before any further study of downstream third party data release and applications."

V. CONCLUSION

All parties agree that the customer information and privacy is important to protect. AEP Ohio always has, and will continue regardless of the outcome of this docket, ensure that it is keeping its customers information private and protected. AEP Ohio is engaged in public policy discussions to evaluate the alternatives being proposed, and advocating for reasonable standards that protect AEP Ohio's interests and that of its customers, while cooperating with legislators, regulators and other stakeholders that have a common responsibility to develop acceptable solutions. The Commission has always provided for a system that expects utility customer data to be protected and only used for purposes under the regulation and guidance of the Commission. AEP Ohio intends to operate on the premise that its duty to protect customer information is important regardless of the technology used to gather that data. Any dialog with the Commission, the Staff, and other interested utility stakeholders in Ohio should focus on that basic presumption.

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On Behalf of Ohio Power Company and
Columbus Southern Power Company

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **Reply Comments of Columbus Southern Power Company and Ohio Power Company to the Public Utilities Commission of Ohio's October 18, 2011 Entry on Consumer Privacy** has been served upon the below-named counsel via First Class mail, postage prepaid, this 18th day of November, 2011

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