

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

COMMENTS OF THE RETAIL ENERGY SUPPLY ASSOCIATION

Pursuant to the October 18, 2011 Entry in the above styled matter, the Retail Energy Supply Association (“RESA”)¹ submits the following comments concerning the protection of privacy as to the use and release of consumption data acquired from electronic metering technology. Electronic metering and Smart Grid initiatives have the potential to not only significantly increase energy conservation, but also ultimately provide customers additional insight regarding their electricity consumption. Thus, it is important to place in the hands of the end users and those responsible for conservation the enhanced data; while at the same time making sure that smart meters (and other devices enabled by electronic meters) as well as the Smart Grid have appropriate safeguards. The safeguards must be implemented in a manner that both protects the disclosure of customers’ personal use data while also ensuring the development of a robust competitive retail market that allows competitive retail electric service providers

¹ RESA’s members include: Champion Energy Services, LLC; ConEdison Solutions; Constellation NewEnergy, Inc.; Direct Energy Services, LLC; Energy Plus Holdings, LLC; Exelon Energy Company; GDF Suez Energy Resources NA, Inc.; Green Mountain Energy Company; Hess Corporation; Integrys Energy Services, Inc.; Just Energy; Liberty Power; MXenergy; NextEra Energy Services; Noble Americas Energy Solutions LLC; PPL EnergyPlus; Reliant Energy Northeast LLC; and TriEagle Energy, L.P. The comments expressed in this filing represent the position of RESA as an organization but may not represent the views of any particular member of RESA.

(“CRES”) with the ability to develop additional products and services based upon the data and information generated by these new technologies.

RESA appreciates this opportunity to express its thoughts in regards to the questions raised by the Commission’s February 2, 2011 and October 18, 2011 Entries. RESA is a broad and diverse group of retail energy suppliers who share the common vision that competitive retail energy markets deliver a more efficient, customer-oriented outcome than regulated utility structure. Several RESA members are certificated as CRES and are active in the Ohio retail electric and natural gas markets. This includes providing service to residential, commercial, industrial and governmental customers. RESA’s members have existing and potential business interests in Ohio that will be affected by the outcome of this proceeding.

I. Issues to be Addressed

A. Consumer Privacy should be protected from unauthorized third party access

RESA agrees that the underlying meter data belongs to the customer and should be protected from unauthorized third party access. However, the Commission needs to consider what data belongs to the customer. For example, the data in the form that it is received by a private company belongs to the customer; however, data that has been scrubbed and manipulated to be functional for use by a company should be work product. In the retail energy environment in Ohio, this distinction has a very real effect on both customers and CRES. For example, a customer should retain the right to request that their data be provided by their previous supplier to their new supplier, or any other authorized entity. However, the data should be the raw data and not data manipulated by a supplier to use in creating customer specific products which may lead to provision of intellectual property between competitors.

Electronic meter data should be considered confidential property of the individual and not released without the customer's permission. Ultimately, the customer owns the data and all other parties accessing the data must have verifiable authorization. RESA recommends that the Commission adopt rules to ensure that customer's electronic meter information only be provided to market participants after obtaining requisite authorization from the customer. Guidelines should be developed at a later date to determine qualifications for market participants requesting access to customer's electronic meter information. The rules should also give authority to the Commission to impose penalties for non-compliance and allow customers to go to the Commission for redress of their grievances with companies who have not complied with the rules regarding access to customer data.

To the extent that the customer has affirmatively chosen a CRES, and that CRES has obtained appropriate customer assent to access the electronic meter data concomitantly with their assent to change suppliers a second or additional authorization to access such meter data should not be required. When discussing smart energy products it is easy to assume only those entities already licensed by the Ohio Commission such as "CRES", Certified Retail Natural Gas Suppliers "CRNGS" and utilities would offer energy products. However, the realm of these products can go beyond traditional electricity, energy efficiency, and natural gas products. For example, smart clothing dryers, refrigerators, or thermostats which connect in the "cloud" are new products that will be available to customers as a result of implementation of smart meters and Smart Grid technology. Those products, unlike real time metering, could open the door to energy information that goes well beyond when and how much energy is used by a customer to what products in the home are being used, how often and what overall impact that has on the individual customer. Rules should also be developed to clarify contractual requirements between

the customer and other market participants to address issues including but not limited to, when the data can be used, for what purpose, by whom, etc. In any event, the rules should allow the customer the absolute right to permit access to such data for whatever purpose the customer deems appropriate.

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

1. How will the interface for accessing CEUD be designed?

Today, CRES' have secured communication with the electric distribution utilities ("EDU"). Routinely, CRES' obtain authorization letters from end users and receive from the EDU 12 to 24 months of customer usage data. Such data is necessary to develop conventional pricing. The difference between the usage information received today is not so much a matter of the type of information but the quantity. A year's data with conventional metering consists of 12 demand data points and 12 energy data points. With advanced metering, a year's data could mean 8,760 (hourly), 17,520 (half hour) or 35,040 (quarter hourly) readings.

2. What should be the format of CEUD?

CEUD should utilize national standards as prescribed by the North American Energy Standards Board (NAESB) implementing the Electronic Service Provider Interface (EPSI) when developing a single statewide format to provide this data to authorized entities. It is important that the data is made available to the CRES or conservation consultant in electronic form that is easily accessed without delays in formats that allow a CRES to manipulate once received for purposes of pulling into the CRES systems. 35,040 data points in hard copy cannot be utilized in a model until someone keys it in. The protocols, software and equipment is something better left

for a technical workshop, but from a policy stand point in order for the data to be useful, it must be transmitted without delay in a readily available common electronic format.

3. How quickly should CEUD be available and to what granularity?

To the extent the electronic meter is read once a day, the metering information should be provided no more than 24 hours after the data is retrieved and undergone the requisite validation, estimation and editing (VEE) processes. If meter data is retrieved and processed via VEE protocols more frequently than daily, the EDU should provide that data in the most expeditious frequency possible. It is understandable that systems differ between Ohio's major EDUs; however, setting a specific statewide standard protocol on format and access now rather than allowing each EDU to create its own model and fix later will offer the most efficient use of resources.

4. What other customer information will be included with CEUD?

To maximize the benefits associated with smart meters and Smart Grid the following categories of customer information should be included with CEUD:

Electronic Meter Information (including but not limited to): manufacturer, meter number, model number, hardware version, meter multiplier, and meter firmware specifics

Additional Customer Information: billing cycle and billing date, 24 hour cumulative customer usage

5. Should multiple meters be allowed?

Yes. Often meters and sub meters are used within the same business or enterprise. For billing purposes it may be necessary to integrate the readings, and to do so meters have to be at the same level of information. In addition, to the extent the premise has generation (e.g. solar panels or waste heat) the information should be reported separately from the usage data. If the metering technology supports multiple channels (one for load and another for generation) a

multiple channel meter will enable the most accurate and effective information to the customer. Absent technology for two channels, negative consumption data should be permitted to be recorded in instances where generation exceeds load. An issue that is akin to multiple meters are “collars” or “ports”. Depending on the type of meter it may be possible to grant the owner or the owner’s CRES direct access to all meter information. In the case of a meter with an extra port the owner can attach a phone or wireless connection. If the meter does not have multiple ports, it may be possible to use a “collar” a device that allows the meter readings or pulses to be read and transmitted. Either collars or ports can be made secure. To the extent collars or ports can be added to allow suppliers to offer different products, the rules should be drafted to expressly allow the utility and the supplier to coordinate such access to the meters.

6. Who will pay for administrative costs?

Advanced metering and Smart Grid should eventually be offered to all customers; thus, the administrative costs should be socialized to all customers who have access to and the ability to use the system regardless of whether they choose to fully utilize the benefits associated with the innovation and technology. The Commission is well versed in allocating costs among different classes and service offerings. The rationale for charging all customers is that the benefits of conservation affect all customers and the opportunity to obtain the advanced metering should be available to all customers.

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

RESA agrees that a careful thoughtful approach will minimize the potential for adverse consequences or rules hindering innovation or prohibiting cost-effective implementation of

Smart Grid technologies. The Commission should consider the approach taken in Illinois where the Statewide Smart Grid Collaborative has set up sites and lists combined with in person discussions. The Commission should also consider the public education efforts undertaken in Pennsylvania. In Pennsylvania, town hall meetings, trade shows, malls and other public events enable the Commission, suppliers, utilities and consumer advocates to educate customers. Finally, and most importantly there should be no rules which restrict a customer's access to their data. Starting from a position that the access is the customer's to give will help prevent the hindrance of innovation.

D. Should the existing rule 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.

The current rule today protects the customer against the disclosure of private data while at the same time allowing the customer the ability to disclose the data if they so choose. To date, there have not been any known instances where a CRES or EDU has disclosed protected information. That is a strong base to begin from. The current rule should be modified to provide for the establishment of individual EDU tariffs that proscribe the data systems available by the EDU, and how to obtain the data. The utility should not police the contract between the customer and the supplier; the rules, not the tariff, should dictate penalties if a supplier/provider cannot prove the customer's authorization to access data. It would also be helpful to have uniform minimum requirements to be included in release forms.

E. Should the rules be applied only to electric sector?

Eventually the practical knowledge gained from the electric industry may have application for natural gas. Similar to concerns regarding the hindrance of innovation, "recreating the wheel" on customer data access for different commodities or products could be

redundant. For now, getting the electric advanced metering and Smart Grid up and running in a fashion that achieves conservation goals should be the focus; but where synergies exist, the PUCO should take the opportunity to address them.

F. Questions regarding the details of a technical working group or educational forum.

Technical working groups should be designed to achieve the most from those interested in a topic. RESA supports establishment of working groups to further define implementation specifics and additional customer privacy issues associated with this Smart Meter initiative. RESA recommends, at a minimum, development of the following independent working groups:

Meters: privacy and security, infrastructure, networks, meter type

Home Area Network (HAN): privacy and security, devices, communication standards, registrations

Data Transactions: privacy and security, format, delivery, data quality, utility service levels, etc.

As these groups are formed understanding participant interests will create the most effective result rather than far reaching meetings with parties who have no common goal. The PUCO is the customer's revered information resource for a variety of issues including choosing a supplier and new electricity products in the market. As such, it is imperative that customer education information be crafted in a manner that promotes use of these new channels rather than one that instills fear that will only hinder the benefits customers can extol from this technology.

II. Conclusion

RESA appreciates this opportunity to express its views on advanced metering and smart grid. Succinctly put, the Commission should declare that the customers usage data is the

property of the customer. If the EDU “scrubs” the data so that no single customer can be associated with it, the EDU can use the data for its integrated resource planning and to answer Commission and other governmental data collection efforts aimed at community conservation. In such an instance, no additional compensation to the EDU is necessary where the rate paying customers have already paid for it. Similarly, the customer should have access to his or her data for his/her individual use and how to protect their data. This includes the right to have the information turned over in an electronic format to its CRES or energy consultant to develop conservation or new use services. The Commission, by rule and by prescribing the contents of a tariff, can enforce basic protections such as requiring release forms. Those release forms should be standardized and easily available.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served on all parties listed below via electronic mail this 18th day of November, 2011.



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Summary: Comments Comments of the Retail Energy Supply Association electronically filed
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