

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission’s Review)	Case Nos. 17-1843-EL-ORD
of Ohio Adm. Code Chapters 4901:1-21,)	17-1844-EL-ORD
4901:1-23, 4901:1-24, 4901:1-)	17-1862-EL-ORD
27, 4901:1-28, 4901:1-29, 4901:1-30,)	17-1845-GA-ORD
4901:1-31, 4901:1-32, 4901:1-33, and)	17-1846-GA-ORD
4901:1-34 Regarding Rules Concerning)	17-1847-GA-ORD
Competitive Retail Electric Service and)	17-1848-GA-ORD
Competitive Retail Natural Gas Service)	17-1849-GA-ORD
)	17-1850-GA-ORD
)	17-1851-GA-ORD
)	17-1852-GA-ORD

MISSION:DATA COALITION REPLY COMMENTS

Mission:data Coalition (“Mission:data”) respectfully provides these brief reply comments in the above-referenced consolidated dockets. As the context for this rulemaking, a five-year review of rules as mandated by R.C. 111.15(B) and R.C. 106.03(A), Mission:data wishes to highlight recent developments in Ohio that call for rule changes in order to address customer data accessibility for non-CRES third parties. Mission:data responds to and expands upon the initial comments made by the Retail Energy Supply Association (“RESA”), which filed initial comments on October 8, 2021, discussing several modifications to Chapters 4901:1-21, 4901:1-24, 4901:1-27, 4901:1-28 and 4901:1-29.

The section of the Ohio Administrative Code that discusses data accessibility, privacy and the consent process is Chapter 4901:1-21-10 “Customer Information.” Currently, Chapter 4901:1-21 pertains only to competitive retail energy suppliers (“CRES”). However, three developments have occurred since the previous five-year review that warrant rule modifications as they relate to the conditions under which an electric distribution utility (“EDU”) should be

required to release certain customer information to a non-CRES third party with the consent of the customer. First, in August, 2018, the Commission issued a directive in its PowerForward Roadmap that there should be a “uniform methodology across the EDUs for third parties to obtain CEUD [customer energy usage data].”¹ Second, on June 16, 2021 the Commission approved a stipulation regarding the distribution grid modernization plan filed by Dayton Power and Light Company (“DP&L”), now doing business as AES Ohio, in Case No. 18-1875-EL-GRD *et al.* The stipulation includes numerous provisions relating to permission-based, electronic data accessibility for non-CRES third parties. Specifically, Section 11 of the settlement addresses the data types to be provided, technical delivery standards, third party registration processes, and other matters. Third, on August 18, 2021, a unanimous and comprehensive stipulation was filed by Duke Energy Ohio in Case No. 20-666-EL-RDR that also addresses data accessibility for non-CRES third parties. The stipulation calls for a working group to discuss data format and delivery standards, among other components, and calls for Duke to make a proposal before the Commission for non-CRES third party data accessibility within eighteen (18) months after approval of the stipulation. These efforts are an important step to move beyond ad hoc data sharing arrangements that have emerged in the absence of any formal mechanism, such as “screen scraping” approaches where customers provide third party service providers with account login information in order to facilitate data access.

Achieving uniformity of a data access methodology for non-CRES third parties – a position that was endorsed by the Commission in the PowerForward Roadmap – can best be

¹ PUCO, PowerForward: A Roadmap to Ohio’s Electricity Future at 32 (Aug. 2018), available at <https://www.puco.ohio.gov/industry-information/industry-topics/powerforward>.

achieved by promulgation of a state-wide rule on the topic. With two utilities – AES Ohio and Duke – now actively working on these topics, it is appropriate for the Commission to set forth rules that differentiate the role of non-CRES third parties from CRES. Such rules could proactively resolve parameters for customers to authorize sharing of data with third parties by addressing the following topics:

- Eligibility criteria of third parties;
- Customer authorization process and experience, including, but not limited to, what language and format should be adopted to fully inform customers prior to granting an authorization;
- Terms of use, which could be memorialized in a tariff; and
- Enforcement processes against “bad actors.”

Accordingly, Mission:data respectfully requests that the Commission, either through this proceeding or an independent docket, move forward with state-wide rules to provide an important framework for forthcoming utility efforts to establish third-party data sharing functionality.

October 22, 2021

Respectfully submitted,

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CERTIFICATE OF SERVICE

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/s/ Madeline Fleisher
Madeline Fleisher

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Case No(s). 17-1843-EL-ORD, 17-1844-EL-ORD, 17-1862-EL-ORD, 17-1845-GA-ORD, 17-1846-GA-OR

Summary: Comments - Mission:data Coalition Reply Comments electronically filed by Ms. Madeline Fleisher on behalf of Mission:data Coalition