

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke Energy)
Ohio, Inc. for Tariff Approval Regarding) Case No. 14-2209-EL-ATA
Customer Energy Usage Data. .)

**COMMENTS OF
OHIO PARTNERS FOR AFFORDABLE ENERGY**

Ohio Partners for Affordable Energy (“OPAE”) respectfully submits to the Public Utilities Commission of Ohio (“Commission”) these comments on the application filed by Duke Energy Ohio, Inc., (“Duke”) for approval of tariff language regarding customer energy usage data. Duke’s application was filed to amend its current tariffs specifying the terms, conditions, and charges associated with providing interval customer energy usage data. According to the application, Duke’s amendments are intended to provide details related to what certified retail electric service (“CRES”) providers may request, how such data will be provided, and at what cost.

OPAE intervened in this application to urge a resolution of the issues associated with the availability of data from Duke’s smart grid deployment to customers and to CRES providers who can use the data in product offerings to customers. Duke has almost completed its smart grid deployment and has access to interval data for all its customers with smart meters. While this tariff filing is limited to non-residential customer data, all customers should have

access to their smart meter data so that the potential of smart grid deployment can be realized.

It is fair to say that the promise of benefits from Duke's smart grid deployment has not been realized. Consumers have paid millions of dollars to support the smart grid program but have little in terms of benefits to show for the costs they have paid. OPAE has been a participant in Duke's grid modernization collaborative, which has not met for some time. OPAE has also been an intervenor in Duke's annual applications to recover the costs of its smart grid and grid modernization programs. OPAE has an interest in the identification and recognition of customer benefits that could be realized from the grid modification programs. OPAE has been concerned that customers have not had the advantage of access to interval data even though customers have paid for smart grid deployment. Access to interval data is necessary for customers to have time-of-use products and services.

With regard to the availability of customer usage data, OPAE joined other consumer groups in comments in Case No. 12-3151-EL-COI, *In the Matter of the Commission's Investigation of Ohio's Retail Electric Service Market*. See Comments of Consumers, including OPAE, February 6, 2014 and Reply Comments February 20, 2014. With regard to access to usage data from smart meters, Consumers recommended that costs should be recovered through supplier fees and charges if there are incremental costs for transmitting such data through electronic data interchange ("EDI") billing protocols to individual suppliers.

Distribution consumers are typically required to pay the costs of smart meter systems. The extra steps of allowing suppliers access to this data, when there is additional cost to perform those steps, must be paid for by the individual suppliers who cause the extra steps to be taken. Customers do not cause those costs and should not be required to pay those costs.

Requiring marketers to pay the costs of obtaining the data they need does not automatically mean the costs will be passed through to customers. Once a cost becomes an element of a competitive offer, the marketer may well discount the cost in order to more effectively compete. Not requiring marketers to shoulder the costs of obtaining the information they need to do business could erect a barrier to competition.

In our Comments in Case No. 12-3151-EL-COI, Consumers also supported the Commission Staff's recommendation that costs must be identified in terms of the granularity, frequency, data quality, format, and media interface. We also agreed with Staff that electric distribution utilities ("EDUs") should file amendments to their supplier tariffs, specifying the terms, conditions, and charges associated with providing interval data. Consumers further recommended that data content and format of the information to be shared with CRES providers be standardized across the Ohio EDU territories.

In general, OPAE supports a uniform code of conduct to be followed by all Ohio EDUs. If the Commission adopts a uniform code of conduct to be followed by all Ohio's electric companies, the privacy and confidentiality of customer data will be maintained. The United State Department of Energy's ("US DOE") Office

of Electricity Delivery and Energy Reliability and the Federal Smart Grid Task Force have developed a code of conduct for customer usage data. See: http://www.energy.gov/sites/prod/files/2015/01/f19/VCC%20Concepts%20and%20Principles%202015_01_08%20FINAL.pdf

The code of conduct is based on the following principles: (1) encouraging innovation while protecting the privacy of customer data and providing reliable and affordable electric service; (2) providing customers with appropriate access to their own customer data; and, (3) not superseding any law or regulation by any federal, state or local regulatory authority. The code of conduct also ensures that customers have a degree of control over access to their own data. There are 10 characteristics that should be followed in order for the customer consent and choice to work appropriately. Duke should employ the following characteristics as part of its customer consent process:

1. Explain how the customer can exercise choice in sharing data;
2. Explain which elements of customer data are to be shared with a third party, for what purpose, and for how long;
3. Allow the customer to authorize different types of disclosures among third parties;
4. Allow the customer to rescind disclosure authority;
5. Require the customer's consent for disclosure for secondary purposes to be affirmatively expressed before data is shared with third parties;
6. Limit disclosure to that data that the customer has specifically authorized for a specific purpose;

7. Protect customer against disclosures based on fraudulent consent;
8. Cease disclosure when: (a) the customer rescinds authorization, (b) the authorization expires, or (c) the customer terminates service.
9. All service providers should be charged a fee, subject to regulatory oversight and approval, for non-standard requests; and
10. The process should be cost efficient and use standardized formats.

Other areas of importance in dealing with customer usage data are the retention and disposal of records. CRES providers should retain customer data only as long as needed to fulfill the purpose for which the data was collected and should dispose of the data once it is determined to be no longer necessary to achieve the purpose for which it was collected. CRES providers should also maintain records identifying what type of customer data has been shared with third parties, when the sharing occurred and with whom.

The novelty of these issues should not be an excuse to delay indefinitely making customer usage data available to customers and CRES providers. The resolution of these issues is necessary in order for the benefits of smart grid deployment to reach customers. The Commission should adopt uniform rules for access to customer data for all customers and all EDUs.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Comments was served electronically upon the following persons identified below in this case on this 6th day of March 2015.

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Summary: Comments of Ohio Partners for Affordable Energy electronically filed by Colleen L Mooney on behalf of Ohio Partners for Affordable Energy