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|  | **PENNSYLVANIA**  **PUBLIC UTILITY COMMISSION**  **Harrisburg, PA 17105-3265** |  |
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|  | Public Meeting held June 30, 2016 |
| Commissioners Present: |  |

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| Gladys M. Brown, Chairman | |
| Andrew G. Place, Vice Chairman  John F. Coleman, Jr.  Robert F. Powelson  David W. Sweet | |
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| Submission of the Electronic Data Exchange Working Group’s Web Portal Working Group’s Solution Framework for Historical Interval Usage and Billing Quality Interval Use | M-2009-2092655 |

# FINAL ORDER

**BY THE COMMISSION:**

Before the Pennsylvania Public Utility Commission (Commission) is the joint recommendation from the Commission’s Office of Competitive Market Oversight (OCMO) and Bureau of Technical Utility Services (TUS) regarding electric distribution company[[1]](#footnote-1) (EDC) development of a standardized solution for the acquisition of historical interval usage (HIU) and billing quality interval use (BQIU) data via a secure web portal. Based on the recommendations provided in the Electronic Data Exchange Working Group’s (EDEWG) *Pennsylvania Web Portal Working Group Technical Implementation Standards*[[2]](#footnote-2) regarding the intended standard(s) for the development of EDC web portals, as well as a review of the feedback on the Implementation Standard provided by the parties noted herein, we approve of the Implementation Standards, as submitted, and direct that those EDCs with smart meter requirements submit implementation plans within 30 days from the entry date of this Final Order. We are extending the deadline to implement the Single User – Multiple Requests (SU-MR) functionality to November 3, 2016. The EDCs’ compliance plans should include information regarding the implementation of the SU-MR, StS Rolling 10 Day and StS HIU functionalities by November 3, 2016; the estimated costs of implementation; and a proposed cost recovery mechanism. We strongly encourage the EDCs to implement any or all of the functionalities before the deadline, where feasible.

**BACKGROUND**

In our *Smart Meter Procurement and Installation Final Order,* at Docket No. M-2009-2092655 (Order entered December 6, 2012) (hereinafter Dec. 2012 Final Order), we directed EDEWG to convene a Web Portal Working Group (WPWG) to develop standardized solutions for third-party[[3]](#footnote-3) acquisition of a customer’s HIU and BQIU data via an EDC-provided, secure web portal.[[4]](#footnote-4) The Dec. 2012 Final Order required EDEWG to complete its development standards for the HIU solution by March 1, 2014, with the completion of its development standards for the BQIU solution by March 1, 2015. The Order only required the completion of the standards by these dates.[[5]](#footnote-5)

The EDEWG Leadership (Leadership), with the full support of the WPWG membership, filed on February 4, 2014, a request that the Commission modify the scope of the proposal so that both the HIU and BQIU standards could be filed no later than March 1, 2015.[[6]](#footnote-6) The WPWG asserted that many of the utilized processes, data and technology elements common to both required standards would be more efficiently synergized in generating these standards. This request was granted via a Secretarial Letter dated April 17, 2014, at the aforementioned docket.

On February 17, 2015, Leadership filed the EDEWG *Pennsylvania Web Portal Working Group Solution Framework (Solution Framework or Framework)*. Leadership affirmed that this document outlined the standards for a secure web portal solution that would permit third parties, such as electric generation suppliers (EGSs) and conservation service providers (CSPs), to acquire both HIU and BQIU data within 48 hours of daily meter reads. Leadership further asserted that the document was a group consensus regarding the minimally-required standards for the secure web portals.[[7]](#footnote-7)

Leadership maintained that the only non-consensus item from the WPWG was determining whether the implementation of an StS solution by the EDCs should be mandatory or optional. In this regard, Leadership had requested that the Commission resolve this issue, as well as provide guidance for the implementation and timing of the consensus items.[[8]](#footnote-8)

In the Framework, the WPWG provided an overall request-response portal framework, with three basic options from which to choose:

1. **Single User - Single Request (SU-SR).** A user-based platform allowing for an authorized user to manually log into the portal, request, and receive data for one individual account at a time via the portal’s user interface. The results could be rendered within the web portal interface itself or exported to the user in a predefined file format.
2. **Single User - Multiple Requests (SU-MR).** Similar to SU-SR, except that the authorized user logging into the portal may submit and receive data for more than one account number as part of a single request.
3. **System-to-System (StS)** – Initially conceived as a platform allowing an authorized user’s information technology (IT) systems to communicate directly with the web portal system of the EDC without requiring a user to manually log into the web portal itself and leverage the user interface. For instance, this could involve the use of File Transfer Protocol, aka “FTP,” or web services to transmit and satisfy requests.[[9]](#footnote-9)

After discussion, the WPWG agreed to focus on the SU-MR structure as the minimum required standard on which the deliverables should focus. However, some participants in later WPWG meetings voiced concerns regarding this approach and indicated a long-term preference for implementation of the StS structure.[[10]](#footnote-10) EDEWG requested that the Commission approve the Solution Framework; provide guidance regarding its expectations for implementation of the solutions as part of smart meter implementation; and make a determination regarding the StS non-consensus issue.[[11]](#footnote-11)

In our *Submission of the Electronic Data Exchange Working Group’s Web Portal Working Group’s Solution Framework for Historical Interval Usage and Billing Quality Interval Use* Tentative Order*,* at Docket No. M-2009-2092655 (Order entered April 23, 2015) (hereinafter the Tentative Order), we proposed that the EDCs implement the SU-MR option within eight months of the entry date of a Final Order in the proceeding and to implement a mandatory StS functionality within 12 months of the date of the Final Order. Furthermore, the Statement of Commissioner James H. Cawley was placed into the record, asking market participants to provide responses to six specific questions posed to them. Comments were due within 30 days of the entry date of the Tentative Order.

The following parties submitted comments to the Tentative Order: Direct Energy (DE); NRG Retail Affiliates, consisting of Reliant Northeast LLC d/b/a NRG Home, Green Mountain Energy Company and Energy Plus Holdings, LLC (collectively, NRG); the Retail Energy Supply Association (RESA); WGL Energy Services, Inc. (WGL); Energy Association of Pennsylvania (EAP); the Mission:data Coalition (Mission:data); the Industrial Energy Consumers of Pennsylvania, Met-Ed Industrial Users Group, Penelec Industrial Customer Alliance, Penn Power Users Groups, Philadelphia Area Industrial Energy Users Group, PP&L Industrial Customer Alliance, and West Penn Power Industrial Intervenors (collectively, IECPA); Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company (collectively, FE); PECO Energy Company (PECO); Duquesne Light Company (DUQ); PPL Electric Utilities Corporation (PPL); and the EDEWG Leadership (Leadership).

In our *Submission of the Electronic Data Exchange Working Group’s Web Portal Working Group’s Solution Framework for Historical Interval Usage and Billing Quality Interval Use* Final Order*,* at Docket No. M-2009-2092655 (Order entered September 3, 2015) (hereinafter the Sept. 2015 Final Order), we directed those EDCs with smart meter requirements to implement, within twelve months of the entry date of the Final Order, the SU-MR option outlined in the Framework and, within fourteen months of the entry date of the Final Order, the StS functionality outlined in the Framework. We also directed EDEWG to reconvene the WPWG, with mandatory EDC participation, in order to develop (but not implement) standards for a uniform StS functionality. The WPWG was required to submit to the Commission, for its review and approval, its recommendations within six months of the entry date of the Sept. 2015 Final Order. The Commission would then provide further direction to the EDCs regarding the implementation of the StS functionality, as well as the potential recovery of costs.

On September 18, 2015, NRG filed a Petition for Reconsideration seeking clarification and/or reconsideration of specific parts of the Sept. 2015 Final Order.[[12]](#footnote-12) DE, WGL and RESA filed Answers in Support of NRG’s Petition for Reconsideration. PECO, PPL, FE and DUQ filed Answers to NRG’s Petition for Reconsideration requesting that the Petition be denied. On October 1, 2015, the Commission granted NRG’s Petition for Reconsideration, pending further review of, and consideration on, the merits.

In our *Submission of the Electronic Data Exchange Working Group’s Web Portal Working Group’s Solution Framework for Historical Interval Usage and Billing Quality Interval Usage Data; Petition for Clarification and/or Reconsideration of the NRG Retail Affiliates* Order at Docket No. M-2009-2092655 (Order entered November 5, 2015) (hereinafter the Petition Order), we granted NRG’s request for clarification but denied its request for reconsideration. The Petition Order maintained the time frames from the Sept. 2015 Final Order, requiring that the SU-MR option be implemented within 12 months of the Sept. 2015 Final Order and that the StS option(s) be implemented within 14 months of the Sept. 2015 Final Order.

The EDEWG Leadership, with the full support of the WPWG membership, filed on February 24, 2016, at the aforementioned docket, a request that the Commission grant an extension of time for the WPWG deliverables from March 3, 2016, until April 8, 2016. Leadership asserted that the WPWG determined its scope had to increase to accommodate both StS solutions, as well as split the Framework into individual standards, one each for the SU-MR, the StS HIU (called the XML/WSDL Simple Object Access Protocol (SOAP) solution in the Framework), and the StS Rolling 10 Day (called Active EGS and/or Rolling 10 Day solution in the Framework) methods. This request was granted via a Secretarial Letter dated March 4, 2016, at the aforementioned docket.

Leadership filed the EDEWG *Pennsylvania Web Portal Working Group Technical Implementation Standard(s),* at Docket No. M-2009-2092655 (hereinafter the Implementation Standards) on April 7, 2016, and it was docketed by the Commission on April 12, 2016. EDEWG requested that the Commission approve the Implementation Standards, and the WPWG recommended that the StS Rolling 10 Day solution be implemented either before or during the implementation of the StS HIU solution.

Comments were received from Earth Networks, Inc. and WeatherBug Home (collectively, WeatherBug); NRG; Mission:data and the Advanced Energy Management Alliance (AEMA).

**DISCUSSION**

**WEB PORTAL ACCESS**

**1. Comments**

WeatherBug opines that for its business model to function properly, it needs reasonable access to customer electric meter data. WeatherBug Comments at 2. WeatherBug further protests that the proposed data exchange solutions do not anticipate or clearly allow for WeatherBug to have automated access to data. WeatherBug also states that a narrow interpretation of guiding and pertinent statutes and Commission regulations may limit the providers that are eligible for EGS licensing. *Id.* at 3. WeatherBug notes that 66 Pa. C.S. § 2807(f)(3) provides that EDCs “shall, with customer consent, make available direct meter access and electronic access to customer meter data to third parties, including electric generation suppliers and providers of conservation and load management services.” *Id.* at 4.

WeatherBug contends that the Commission has created one EGS license envisioning two types of entities: 1) suppliers and aggregators that take title to electricity and 2) brokers, marketers, and aggregators who do not take title to electricity and thus have been allowed lower bonding/financial security requirements. It states that the statutory definition of an EGS is very broad, encompassing “brokers and marketers, aggregators or any other entities, that sell to end-use customers electricity or related services utilizing the jurisdictional transmission or distribution facilities of an electric distribution company.” See 66 Pa. C.S. § 2803. WeatherBug Comments at 5. WeatherBug also avers that despite this apparent broad inclusion of third-party service providers, “WeatherBug is concerned the meaning of ‘related services’ may be narrowly interpreted as including only services provided to a given customer in conjunction with commodity service to this same customer.” *Id.* at 5-6.

WeatherBug claims that the decision not to allow third parties access to the web portals is based on the data-processing capacity of the systems being developed by the EDCs and notes that its data needs are unlikely to be a burden to the EDCs in the immediate future as it will take time for it to achieve market penetration. *Id.* at 8-9. WeatherBug requests that the Commission clearly enunciate and delineate one or more non-discriminatory pathways for independent third parties providing electricity-related, data-driven services to access this data through the StS solutions. *Id.* at 11.

AEMA supports WeatherBug’s comments and also claims that it believes access to customer electric meter data is critical to allow Pennsylvania consumers to engage in education, information, and energy management services offered by a variety of innovative demand response and advanced energy management companies. AEMA Comments at 2. AEMA also requests that the Commission clearly articulate and delineate one or more non-discriminatory pathways for independent third parties providing electricity-related data-driven services to access this data through the StS solutions. *Id.*

Mission:data submits that Act 129 requires EDCs, with customer consent, to “make available direct meter access and electronic access to customer meter data to third parties, including electric generation suppliers and providers of conservation and load management services.” Mission:data Comments at 2. It further opines that it is concerned its companies will be ineligible to utilize the web portals despite having customer consent. *Id.* at 3. Mission:data requests that the Commission conclude that the Implementation Standards do not fully satisfy the Act 129 requirements and consider fully the process by which a non-EGS/non-CSP third party may become eligible to receive customer energy data in standardized, electronic formats when authorized by the customer. *Id.*

**2. Resolution**

In our Sept. 2015 Final Order, this Commission stated that access to the web portals should conform to Section 2.1 of the Solution Framework (now Section 1.1 of the Implementation Standards).[[13]](#footnote-13) Specifically, this Commission has always held that customer privacy is of paramount importance. Furthermore, we stated that unlicensed third parties, as well as other consumers, should not be granted access to the web portals, except as an agent of a licensed EGS or as an Act 129 Energy Efficiency and Conservation Program CSP contracted by an EDC and as specified in Section 2.1 of the Framework (now Section 1.1 of the Implementation Standards).[[14]](#footnote-14)

We noted that our regulations at 52 Pa. Code § 54.8 provide standards, to be followed by both EGSs and EDCs, regarding the confidentiality of customer information.[[15]](#footnote-15) We also noted that 52 Pa. Code § 54.43(d) requires EGSs to keep confidential their customers’ information, including, but not limited to, load and billing information.[[16]](#footnote-16) We emphasized that this Commission maintains a zero tolerance policy regarding customer information confidentiality and reminded both EGSs and EDCs that they will be held responsible for any misuse of customer information by both their own representatives, as well as by third party representatives, such as Act 129 CSPs, with which the EDCs and EGSs may have entered into a contract or otherwise established an agency relationship.[[17]](#footnote-17)

While we agree that WeatherBug, AEMA, and Mission:data (collectively, the Respondents), and other third parties, may have innovative products and/or services to offer Pennsylvania’s electric customers, we still have concerns regarding the security and confidentiality of customer data. The Commission regulations noted above, 52 Pa. Code § 54.8 and § 54.43(d), apply to EDCs and licensed EGSs.[[18]](#footnote-18) At this time, they would not apply to these other third parties. Therefore, while a third party may have customer authorization to gain access to that customer’s data, through customer portals or the third party’s own equipment, this Commission’s current regulations regarding data privacy would not apply to those entities.

The Respondents recommend that the Commission determine a process or pathway by which they could be granted, with customer authorization, access to the web portals. At this time, the Commission does not have enough information in order to implement such a request. Furthermore, we do not believe this proceeding to be the appropriate one for determining the manner in which a third party, with a customer’s consent, may utilize other avenues to access that customer’s data. As stated in our Sept. 15 Final Order, we reserve the right to revisit third party access at a future point in time.[[19]](#footnote-19) Additionally, as noted in our Sept. 2015 Final Order, third parties currently may access customer data through customer portals and/or through their own equipment, so long as they have obtained customer consent.[[20]](#footnote-20)

Therefore, we maintain our directive that, at this time, access to the web portals be provided as outlined in Section 1.1 of the Implementation Standards.[[21]](#footnote-21)

**IMPLEMENTATION TIMEFRAME**

As previously discussed, this Commission directed the EDCs to implement the SU-MR functionality within 12 months of our Sept. 2015 Final Order. Additionally, we directed the EDCs to implement the StS functionality within 14 months of our Sept. 2015 Final Order.

**1. Comments**

In its comments, NRG asserts that it wants to reinforce one of the Implementation Standards’ recommendations: that the StS Rolling 10 Day solution be implemented either before or during the implementation of the StS HIU solution. NRG Comments at 1. NRG states that it offered the StS Rolling 10 Day Solution during the working group process as a simple and easily implementable solution that will provide the data access needed to deploy innovative products and services. NRG avers that EGSs need access to this data as soon as possible, as it will take time to bring innovative products and services to market after it gets the smart meter data. *Id.* at 2.

**2. Resolution**

NRG requests that the Commission implement the StS Rolling 10 Day solution either before or during the implementation of the StS HIU solution. *Id.* at 1. We note that the same recommendation is provided in the Implementation Standards.[[22]](#footnote-22) The EDCs are required to implement both the StS HIU and the StS Rolling 10 Day solutions by the 14-month deadline provided in our Sept. 2015 Final Order. We reiterate the language from our Petition Order[[23]](#footnote-23) which stated that the 14-month deadline is a maximum timeframe. Again, we strongly encourage the EDCs to work towards earlier completion of these tasks, where feasible.[[24]](#footnote-24)

As outlined later in this Final Order, EDCs are required to submit compliance plans within 30 days of the entry date of this Order. We recognize that the timeframe between the Commission’s receipt of compliance plans and the original SU-MR implementation deadline of September 5, 2016, is short. Therefore, we shall extend the deadline for the SU-MR functionality. Specifically, the EDCs must implement the SU-MR functionality no later than the 14-month deadline provided for the System-to-System Rolling 10 Day (StS Rolling 10 Day) and the System-to-System Historical Interval Usage (StS HIU) solutions – November 3, 2016. We strongly encourage the EDCs, where feasible, to implement any or all of the functionalities before that deadline.

**COMPLIANCE PLANS**

This Commission approves the Implementation Standards, as submitted. We direct those EDCs with smart meter requirements to submit compliance plans to the Commission within 30 days from the entry date of this Final Order. These plans shall outline how the SU-MR, StS HIU, and StS Rolling 10 Day solutions, as outlined in the Implementation Standards, shall be implemented within the provided timeframe.

As noted in our Sept. 2015 Final Order, there was significant variation in the cost estimates provided by the EDCs.[[25]](#footnote-25) Additionally, we recognize that there are differences between the Solution Framework previously provided and the Implementation Standards approved through this Final Order. Therefore, we direct the EDCs to include in their compliance plans updated cost estimates. EDCs shall also propose, with justification, a cost recovery mechanism within their compliance plans.

**CONCLUSION**

Upon full consideration of all matters of record, we approve of the Implementation Standards, as submitted, and direct that those EDCs with smart meter requirements submit implementation plans within 30 days from the entry date of this Final Order. Additionally, we direct that those EDCs with smart meter requirements submit detailed information on all prudent and necessary costs, as well as a proposed cost recovery mechanism(s). We direct those EDCs with smart meter requirements to implement the Single User – Multiple Requests, System-to-System Rolling 10 Day and System-to-System Historical Interval Usage solutions no later than November 3, 2016.

**THEREFORE,**

**IT IS ORDERED:**

1. That the Electronic Data Exchange Working Group’s *Pennsylvania Web Portal Working Group Technical Implementation Standards* are hereby approved, as submitted.

2. That the electric distribution companies with smart meter requirements shall implement the Single User – Multiple Requests, System-to-System Rolling 10 Day and System-to-System Historical Interval Usage solutions no later than November 3, 2016.

3. That the electric distribution companies with smart meter requirements submit implementation plans within 30 days from the entry date of this Final Order.

4. That this Final Order shall be served on all Electric Distribution Companies, the Bureau of Investigation and Enforcement, the Office of Consumer Advocate, the Office of Small Business Advocate and all parties at Docket No. M-2009-2092655.

5. That a copy of this Final Order shall be posted on the Commission’s website at the Electronic Data Exchange Working Group’s web page - <http://www.puc.pa.gov/utility_industry/electricity/edewg_files_for_downloading.aspx>.

6. That the Commission’s Office of Competitive Market Oversight shall provide an electronic copy of this Final Order to the Committee Handling Activities for Retail Growth in Electricity (CHARGE).

 **BY THE COMMISSION,**

Rosemary Chiavetta

Secretary

(SEAL)

ORDER ADOPTED: June 30, 2016

ORDER ENTERED: June 30, 2016

1. These proposals apply only to those EDCs with smart meter technology requirements as outlined at 66 Pa. C.S. § 2807(f). [↑](#footnote-ref-1)
2. *See Pennsylvania Web Portal Working Group Technical Implementation Standards*, submitted by EDEWG, at Docket No. M-2009-2092655, received April 12, 2016 (hereinafter Implementation Standards). [↑](#footnote-ref-2)
3. Third parties could include electric generation suppliers and customer-authorized third party entities. [↑](#footnote-ref-3)
4. *See* Dec. 2012 Final Order at 13-14. [↑](#footnote-ref-4)
5. *Id.* at 14. [↑](#footnote-ref-5)
6. *See* Letter from EDEWG, submitted February 4, 2014, at Docket No. M-2009-2092655. [↑](#footnote-ref-6)
7. *See* Solution Framework at cover letter. [↑](#footnote-ref-7)
8. *Id.* [↑](#footnote-ref-8)
9. *Id.* at 2-3. [↑](#footnote-ref-9)
10. *Id.* at 3. [↑](#footnote-ref-10)
11. *Id.* at cover letter. [↑](#footnote-ref-11)
12. *See Petition of the NRG Retail Affiliates for Clarification and/or Reconsideration of the Commission’s September 3, 2015 Final Order*, at Docket No. M-2009-2092655 (Filed Sept. 18, 2015) (hereinafter NRG’s Petition for Reconsideration). [↑](#footnote-ref-12)
13. *See Sept. 2015 Final Order* at 13. [↑](#footnote-ref-13)
14. *Id.* [↑](#footnote-ref-14)
15. *Id.* at 14. [↑](#footnote-ref-15)
16. *Id.* [↑](#footnote-ref-16)
17. *Id.* [↑](#footnote-ref-17)
18. Parties seeking access to these web portals may file an EGS application for Commission review if they are not currently licensed as an EGS and if they meet the qualifications for an EGS license. [↑](#footnote-ref-18)
19. *Id.* [↑](#footnote-ref-19)
20. *Id.* [↑](#footnote-ref-20)
21. *See Implementation Standards* at 5-6 (StS Rolling 10 Day and SU-MR) and at 6-7 (StS HIU). [↑](#footnote-ref-21)
22. *See* Implementation Standards cover letter. [↑](#footnote-ref-22)
23. *See* Petition Order at 14-15. [↑](#footnote-ref-23)
24. *Id.* [↑](#footnote-ref-24)
25. *See* Sept. 2015 Final Order at 20-21. [↑](#footnote-ref-25)