



September 16, 2019

Aida Camacho-Welch, Secretary
New Jersey Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314, CN 350
Trenton, New Jersey 08625

RE: **Comments of Mission:data Coalition on New Jersey's Draft Energy Master Plan**

To Whom It May Concern:

Mission:data Coalition ("Mission:data") is pleased to provide these comments in response to the Board of Public Utilities ("Board" or "BPU") questions concerning the state's draft Energy Master Plan ("Master Plan"). Mission:data applauds New Jersey for pursuing energy efficiency and peak demand reduction programs. If properly implemented, the BPU can empower utility customers of all types with innovative digital services that will provide significant cost savings to ratepayers.

By way of background, Mission:data is a national non-profit coalition of more than 35 technology companies across North America delivering data-enabled services that focus on providing direct energy and carbon savings to all utility consumers (residential, commercial, industrial and institutional customers). These services range from detailed energy usage analysis and energy feedback technologies to demand response and device control. Our members are the leading innovators in the energy management industry, representing over \$1 billion per year in sales. We have been active in over 15 states across the U.S. helping to craft data access policies. For more information, please visit www.missiondata.io.

Mission:data believes all consumers should have convenient access to the best available information about their energy usage and costs and the ability to share that data with any third party of their choice. Today, some five states (California, Colorado, Illinois, New York and Texas) have required their utilities to provide "energy data portability," meaning the ability for consumers to share their energy information held by electric and gas utilities with non-utility service providers, covering over 36 million electric meters. Some of these "third party" providers include smartphone apps that help consumers save energy by analyzing their usage patterns with new software tools; some provide heating, ventilating and air conditioning controls that maximize comfort while providing load-shedding capabilities to the grid; and some provide commercial and industrial demand response offerings. Mission:data advocates for consistent, open standards to be used for sharing energy data – in particular, Green Button Connect ("GBC"), a data-exchange standard developed by the Department of Energy ("DOE") and the National Institute of Standards and Technology ("NIST"), designed to securely transfer customer energy data from utilities to customer-authorized third parties.

Below, Mission:data responds primarily to Strategy #5 ("Modernize the Grid and Utility Infrastructure"). In particular, we strongly support Goals 5.3.1 ("Strategic and coordinated rollout of Advanced Metering

Infrastructure”) and 5.3.2, “Develop standards to ensure customers have control of and accessibility to free and standardized energy management data.” However, it is critical for the BPU to understand how access to customer-specific energy information will play central roles in at least nine (9) other Goals in the Master Plan. In fact, data access is unique among the Master Plan’s Goals because it synergistically enables many of the other Goals. **As a result, Mission:data strongly urges the BPU to consider data access in the near term and take advantage of data-related leverage points that will help New Jersey attain many of its clean energy objectives as articulated in the Master Plan.**

Specifically, if New Jersey successfully achieves data access state-wide in Goal 5.3.2, “Develop standards to ensure customers have control of and accessibility to free and standardized energy management data,” then the following other Goals will be enabled and supported:

1. **Goal 3.1.1, Implement the Clean Energy Act requirement that electric and gas utilities reduce consumption by at least 2% and .75%, respectively...** Ensuring that energy efficiency “aggregators” have simple, standardized access to customers’ energy data (with customer permission) across all New Jersey utilities will reduce the costs of energy efficiency and allow New Jersey customers to access innovative new efficiency offerings that have been developed in other states. Mission:data believes that innovative entrepreneurs and market forces are much more likely to develop advanced energy management tools such as software and smartphone “apps” than are incumbent utilities. “Pay for performance” (P4P) efficiency programs in states such as California, New York and Oregon depend upon simple and electronic access to customer energy data in order to continuously improve their performance over time. P4P programs cost-effectively align the interests of efficiency contractors with the state’s objectives, i.e. long-term energy savings, and promote innovation by not having utilities “pick winners.” Another benefit of P4P programs is that ratepayer dollars are only spent *after* the savings have been measured and delivered, ensuring the prudent use of ratepayer funds.
2. **Goal 3.1.3, Adopt equitable clean energy financing mechanisms that enable greater penetration of energy efficiency opportunities for all customers.** Entrepreneurs are beginning to offer home retrofit services with low-cost financing so that customers’ bills are reduced from day one, even after taking into account principal and interest payments. These offerings are facilitated by ongoing access to energy data. In addition, Property Assessed Clean Energy (“PACE”) can bring low-cost financing to New Jersey, but most PACE programs do not track ongoing energy savings over time simply because customer energy data is not easily accessible. If PACE contractors are rewarded for delivering energy savings over time, they will ensure that long-term savings persist and propose retrofits that will result in the largest long-term savings.
3. **Goal 3.2.1, Support and incentivize new pilots and programs to manage and reduce peak demand.** Opening commercial opportunities to companies in New Jersey for reducing peak demand will result in innovation and job creation in New Jersey – but only if granular energy usage data from advanced metering infrastructure (“AMI”) is available in a standardized manner across all of New Jersey’s utilities. If incumbent utilities are the only entities allowed access to AMI data, then utilities will monopolize peak demand programs, leaving considerable innovation on the table.
4. **Goal 3.3.2, Establish mechanisms to increase building efficiency in existing buildings.** While building codes are important, energy efficiency in existing buildings can also be addressed through market-based approaches, supported by building codes. For example, P4P programs could incentivize long-term savings as an additional revenue stream for contractors. Normally,

building owners are not entitled to receive rebates or incentives for merely bringing their building up to code. But everyone knows that stringent building codes do not address operations and maintenance issues that arise in buildings. A performance incentive over time could improve operational performance, generating savings that are not otherwise attainable through codes alone.

5. **Goal 3.3.6, Establish benchmarking and energy labeling.** Once a building gets an EnergyStar score, the very next question for owners and managers is “How can I improve my score?” Access to energy usage data helps owners, managers and their consultants answer this question. Mission:data believes that benchmarking and labeling is important, but they are only the first steps in a customer’s journey. The purpose of benchmarking is not simply to generate a score but to impel improvement over time. The ability of customers to easily delegate access to their building’s energy information to software applications will help customers quickly identify low- and no-cost efficiency measures prior to embarking on large retrofits.
6. **Goal 4.2.2, Develop a transition plan to a fully electrified building sector.** The economics of retrofitting a single home or building with heat pumps is highly dependent upon the customer’s energy usage profile (of both electricity and natural gas). Scaling up building electrification efforts necessarily requires streamlined, standardized access to energy data for contractors when granted permission by customers. Building electrification efforts can learn from the rooftop solar industry in states such as California and Hawaii where PV installers quickly gather the customer’s energy data electronically and generate a price quote; efficiently *qualifying* customers for certain products is essential to reducing customer acquisition costs.
7. **Goal 5.1, Plan for and implement the necessary distribution system upgrades to handle increased electrification and integration of distributed energy resources.** Goal 5.1 – including all sub-goals – requires putting AMI data to its highest use. Whether for evaluating integrated distribution plans (“IDPs”) using line-segment voltage data collected by advanced meters or deploying non-wires alternatives (“NWAs”) that need real-time energy usage data in order to evaluate their performance, advanced metering information is at the center of these efforts.
8. **Goal 5.3, Modify current rate design and ratemaking process to empower customers’ energy management, align utility incentives with state goals, and facilitate long-term planning and investment strategies.** Goal 5.3 – including all sub-goals – also requires the highest use of AMI data. Customers can only respond to dynamic rates if they (or the devices in their home) have awareness of both electricity usage and pricing information at any moment. Below, Mission:data addresses Goal 5.3.2 (“Develop standards to ensure customers have control of and accessibility to free and standardized energy management data”) specifically.
9. **Goal 7.1.1, Grow world-class research and development and supply chain clusters for high-growth clean energy sub-sectors.** Once Pacific Gas & Electric (“PG&E”) announced in 2016 it was offering Green Button Connect (“GBC”) for customers to electronically share their energy information, over 50 companies registered with PG&E within a 30-day period. Today, there are several hundred registered third parties whose services span energy efficiency, rooftop solar, demand response and many other distributed energy resources (“DERs”). Innovators and entrepreneurs will enter the New Jersey market provided that data access is standardized and the utilities operate their GBC platforms at a high level of performance (Mission:data recommends at least 99.9% uptime, measured on a monthly basis, and rapid responses from inquiries regarding bugs and glitches).

10. **Goal 7.5**, *Establish a Carbon-Neutral New Technology Incubator to fund and support research, development, and commercialization for promising and emerging clean energy innovations.* Chances are that most entrepreneurs taking part in an incubator in New Jersey will need access to customer energy data in a streamlined, standardized manner in order to develop their products or services.

Perhaps more than any other action, achieving data access in New Jersey will make it possible to achieve at least nine (9) other goals articulated in the Master Plan. By virtue of being cross-cutting, data access should be recognized as a critical lever by the BPU. For these reasons, Mission:DATA strongly encourages the BPU to put data access first on the BPU's agenda.

Finally, Mission:DATA addresses **Strategy 5, Question #22**: *What best practices should New Jersey consider and which pitfalls should the state avoid regarding data ownership and privacy as it pertains to Advanced Metering Infrastructure?* below.

Our first recommendation is that, in addition to a Green Button Connect mandate state-wide, the BPU must carefully define *what* data is to be made available to customers and customer-authorized third parties. Experience from other jurisdictions demonstrates that a narrow focus on energy usage data only (i.e., kilowatt-hours of electricity or therms of gas) is inadequate. A range of cost-effective energy efficiency and demand response services also require access to (1) customer account and billing information, including service addresses, in order to attribute energy usage to specific locations, particularly for multi-site commercial customers and (2) any information necessary for participation in, or determining eligibility to participate in, energy efficiency or demand response programs, such as the customer-specific "peak load contribution" value required by PJM Interconnection or "billing-quality" interval data required for demand response settlement.

Indeed, there are many lessons learned from California's experience and Illinois's experience regarding GBC and what data is available. In California, third-party-led demand response was stifled in the years prior to 2016 due to a lack of "billing-quality" interval data from the utilities' GBC implementations. The wholesale market operator, California Independent System Operator, required billing-quality interval data in its tariffs, and yet the utilities refused to provide billing-quality interval data via GBC. Only after several years of litigation were the issues resolved; today, California's utilities provide both "raw" interval metering data – that is, usage data with a low latency that has not yet gone through the utility's validation, estimation and editing ("VEE") process – as well as billing-quality interval data. GBC is used as the platform for communicating all such information necessary for demand response participation, which significantly decreases costs. In Illinois, the state's utilities provide only energy usage data (kilowatt-hours of electricity). Several DER providers have left the state of Illinois due to this limitation. One firm in particular serves multi-site retail customers, and once a Chicago-based customer granted this firm its authorization, it was impossible to match the consumption data with the retailer's specific locations. A narrow focus on energy usage data only – to the exclusion of other information necessary for achieving New Jersey's goals – will only lead to time-consuming implementation challenges.

Second, we recommend that "ownership" of customer energy-related data held by utilities be considered carefully. Although we support the spirit of declaring customers owners of their data, the reality is that exclusive customer ownership could, in theory, include the rights to terminate a utility's use of such information necessary for billing purposes. Such an outcome would obviously be

problematic and lead to time-consuming and unnecessary litigation. Instead, we recommend asserting in rules that customers should have full control over access their own information and the right to instantly and electronically share all of their customer information with any third party of their choosing. Other states have taken a similar approach to the issues surrounding ownership. For example, in Texas, the legislature in 2005 passed HB 2129 to modify §39.107(b) of the Public Utility Regulatory Act to state, "all meter data including all data generated, provided, or otherwise made available by advanced meters and meter information networks shall belong to a customer, including data used to calculate charges for service, historical load data, and any other proprietary customer information." While Texas stopped short of declaring customers owners of their data, Texas stated that energy data belongs to customers, and the PUC of Texas subsequently developed both formal rules and business processes for customers to grant their consent to utilities to have customer data transferred electronically to any third party (see, e.g., stipulations approved in Project No. 47472 regarding the operation of the Smart Meter Texas web portal). Similarly, California, which has had robust access to AMI data since approximately 2016, refers to "the customer's data" with the possessive form of "customer" but does not declare customers as formal owners. Rather, through a series of rulemakings and decisions, the California PUC has outlined how customers should be able to electronically direct utilities to share their data with third parties (see, e.g., decision D.13-09-025 and Resolution E-4868). Rather than starting a legal quagmire by proposing overly broad notions of "ownership," we strongly encourage the BPU to focus its policies on the important details of *how* a customer can exercise their right to share their data with third parties.

Third and finally, Mission:data urges New Jersey to address each of the following ten (10) elements of a comprehensive data-sharing policy. This reiterates Mission:data's comments made on February 15, 2019 in Docket No. QO19010040 regarding energy efficiency. New Jersey can avoid the mistakes made by other states by ensuring that each of these ten topics are addressed in policy before advanced meters are installed. Our report on these topics is attached. To summarize, the ten elements are:

1. **Define "energy data" clearly** to include customer data (name, address, phone number, etc.), billing data (the information shown on bills), usage data (kilowatt-hours or therms, in whatever time intervals are provided by the utility) and "system data" necessary for participation in third-party demand response programs, including billing-quality interval data.
2. **Require Green Button Connect** as the data format and transmission protocol.
3. **Define the criteria for third parties to be eligible** to receive data from utilities electronically, but ensure these are not so onerous that small, innovative companies cannot participate.
4. **Establish binding terms of use** so that adherence to a privacy policy (including certain prohibited uses of customer data) is required of third parties.
5. **Approve clear authorization language** so that customers can read and understand a simple, standardized disclosure prior to consenting to have their data shared.
6. **Streamline the customer experience** by requiring utilities to adhere to best practices in online authorizations.
7. **Provide certain platform features to third parties** such as a testing and production environment and the ability for customers to authorize two entities at once.
8. **Clearly define the revocation process** that describes how, and under what circumstances, a customer may revoke a third party's authorization.

9. **Define enforcement processes against “bad actors”** to clarify roles and responsibilities of utilities and third parties.
10. **Mandate “quality of service” metrics and performance reporting** so that utilities are held to a high standard in the provision of their information technology systems, including 99.9% uptime.

Finally, several jurisdictions are considering requiring a hosted, centralized repository of energy data as a way to streamline the interactions with customer-authorized third parties. For example, Texas was the first state to provide a single web portal for retailers and third parties to access customer information called Smart Meter Texas (“SMT”). The objective was to provide a central clearinghouse of advanced metering data across the state’s four large distribution utilities, making it much easier for third parties to get the information they need. Similar efforts in other states are beginning to take root as well: New Hampshire’s SB 284 was recently passed which requires the Commission to open a proceeding regarding a state-wide repository of customer energy data; Washington, D.C.’s DER Authority Act would establish a meter data repository to serve the siting and operations of distributed energy resources (“DERs”).¹ Other states such as Ohio are also discussing the possibility of a centralized energy data platform. We strongly encourage the BPU to engage with and learn from these efforts.

In conclusion, Mission:data stands ready to assist the BPU and stakeholders on these issues. We look forward to working with you and thank you for the opportunity to provide comments.

Sincerely,

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¹ <https://www.utilitydive.com/news/dc-council-bill-would-establish-uss-first-independent-der-authority/521055/>

ENERGY DATA

UNLOCKING INNOVATION
WITH SMART POLICY

BY MICHAEL MURRAY, LAURA KIER AND BOB KING, P.E.
DECEMBER, 2017

MISSION DATA
empowering energy savings

 advanced
energy
management
alliance





ABOUT

MISSION:DATA empowering energy savings

Mission:data Coalition is a non-profit coalition of 35+ innovative technology companies that empower

consumers with access to their own energy usage data. Mission:data advocates for customer-friendly data access policies throughout the country in order to deliver energy-savings benefits for consumers and to enable an innovative, vibrant market for energy management services.



Advanced Energy Management Alliance (AEMA) is made up of distributed energy resource (DER) companies that are united to overcome barriers to nationwide use of demand-side resources. We advocate for policies that empower and compensate customers appropriately for managing their energy use in a manner that contributes to a more efficient, cost-effective, resilient, reliable and environmentally sustainable grid.

EXECUTIVE SUMMARY

This report outlines how state policymakers and advocates can empower consumers to manage their utility bills with access to their own energy usage information.

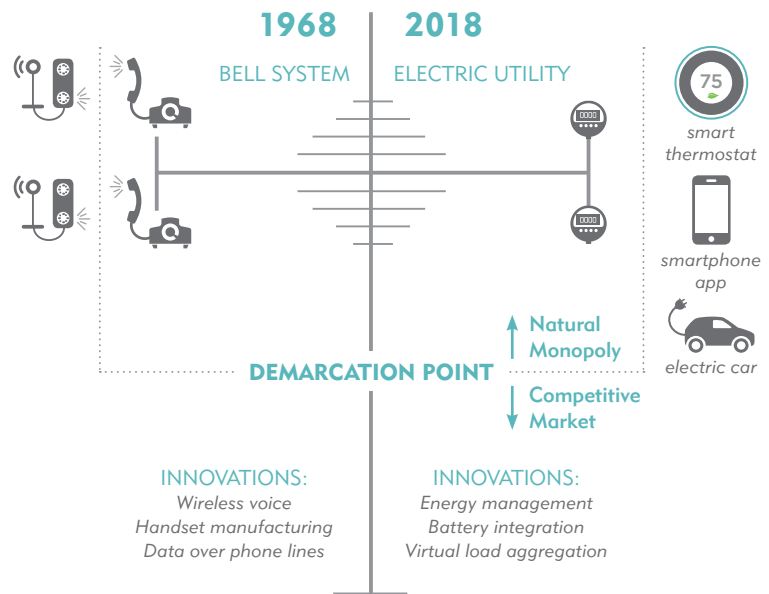
There are over 70 million “smart” meters installed by electric utilities across the U.S. But getting the most value from smart meters for consumers hasn’t been fast or easy. That’s why we synthesized the data-sharing policies of leading states into a single, comprehensive guide. Based on our experience working in over a dozen states and the District of Columbia, we outline the best practices that promote the portability of, and customer control over, their energy information. The 10 policy elements discussed in this report are meant to instruct public utility commissions (PUC) in addressing all of the relevant issues in a comprehensive data sharing policy: privacy, consumer protections, technical standards, enforcement issues and more.

State policymakers don’t have to reinvent the wheel. Leading states such as California, Illinois, New York and Texas have carefully considered data privacy and electronic access to customer data held by utilities. We believe that any state can incorporate our recommendations, even states that do not yet have smart meters. All customers benefit when they have control over their energy information in a modern, technologically-consistent manner from state to state, and from utility to utility.

As customer-owned distributed energy resources (DERs) grow at the “grid edge,” we can learn from other industries about the importance of clear policy boundaries around regulated utilities. In telecommunications some 50 years ago, the Federal Communication Commission’s (FCC) “Carterfone” decision enabled customers to attach their own accessories to AT&T’s



The FCC’s 1968 Carterfone decision defined the boundaries of monopoly telephone service.



telephone network. Before this point, telephone handsets could only be purchased from AT&T. This pivotal decision defined a demarcation point between competitive services and monopoly telephony services; it sparked innovations that include the modem and wireless voice. Today, energy consumers seek to connect their own electrical “accessories” to the grid: solar panels, electric vehicles, batteries and advanced energy management systems. The FCC’s Carterfone decision provides an excellent historical analog for defining the interface point at which regulated services should end and competitive services should begin. In that spirit, we believe that our data-sharing “rules of the road” will help create the conditions for market animation necessary for a more interactive, efficient and flexible electric grid.

SNAPSHOT OF ENERGY DATA SHARING POLICIES

(as of late 2017)

CALIFORNIA

11.5 MILLION ELECTRIC METERS

2013: CPUC approves applications for GBC implementation at investor-owned utilities (D.13-09-025)

2017: CPUC approves resolution on the "click-through" process to streamline the customer authorization process (Resolution E-4868)

COLORADO

1.5 MILLION ELECTRIC METERS (XCEL ENERGY)

2017: PUC approves settlement agreement for deployment of advanced meters with GBC to go live in 2020 (16A-0588E)

HAWAI'I

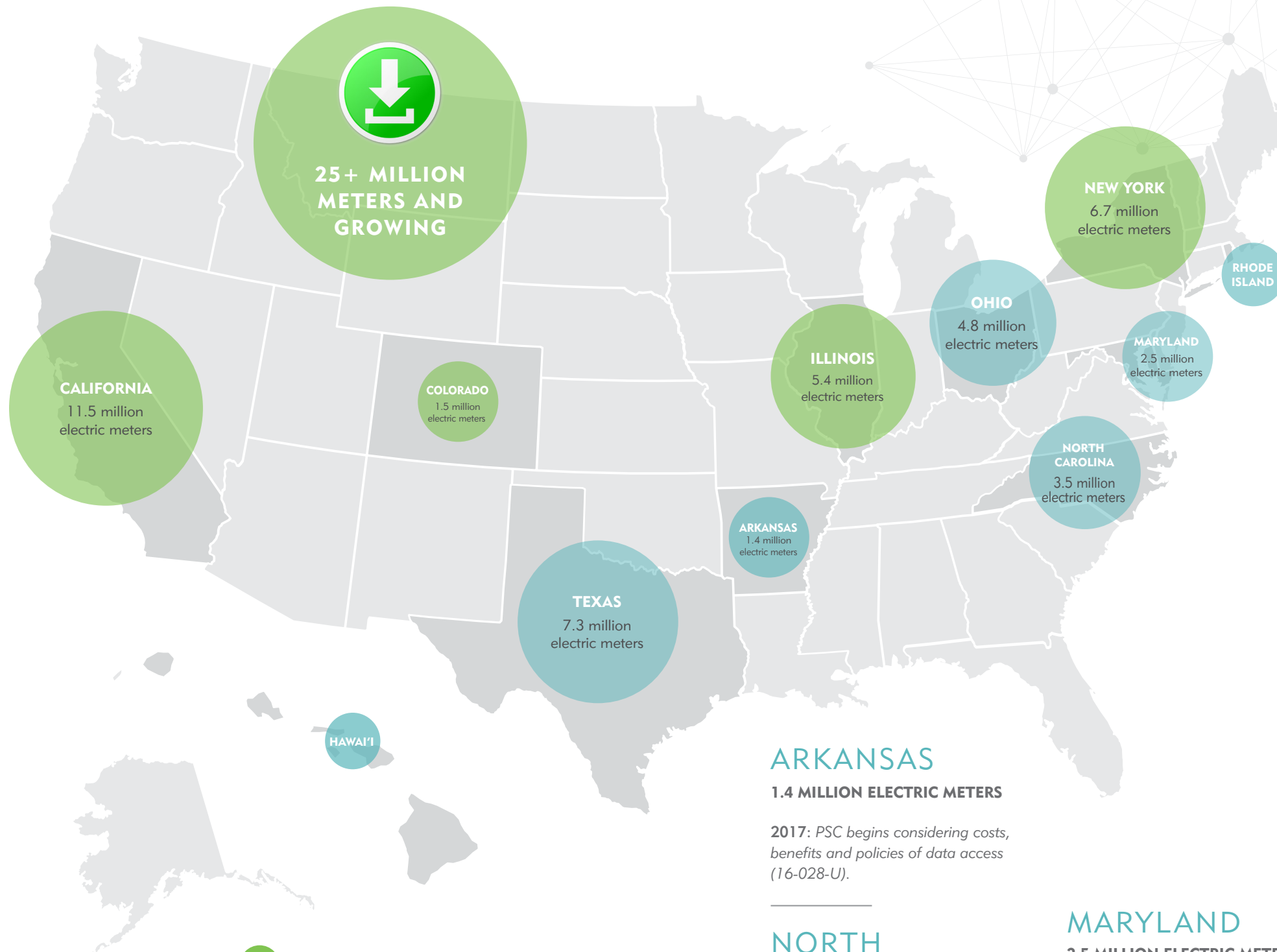
0.4 MILLION ELECTRIC METERS

2017: PUC requires grid modernization plan to address "data access and privacy"; in response, HECO's plan hints at GBC for "customer-authorized third parties" (2016-0087)

TEXAS

7.3 MILLION ELECTRIC METERS (ERCOT REGION)

2015-2017: PUCT considers changes to Smart Meter Texas (SMT) to adhere to the GBC standard (46204, 46206, 47472)



- GREEN BUTTON CONNECT (GBC) MANDATE IN PLACE
- UNDER CONSIDERATION

NEW YORK

6.7 MILLION ELECTRIC METERS

2016: PSC's REV Track Two order requires GBC for any utility that pursues advanced metering (14-M-0101). GBC planned by ConEd, Orange & Rockland, NYSEG, RG&E and National Grid

RHODE ISLAND

0.5 MILLION ELECTRIC METERS

2017: PUC report on "Power Sector Transformation" calls for National Grid to address data access

OHIO

4.8 MILLION ELECTRIC METERS

2016: AEP Ohio agrees to hold gridSMART collaborative meetings to discuss data access (ongoing)

2017: PUCO approves Dayton Power & Light settlement that mentions GBC (16-395-EL-SSO); Duke Energy Ohio cases ongoing

ILLINOIS

5.4 MILLION ELECTRIC METERS

2016: ICC approves authorization processes for non-retail electric service providers, a prerequisite to GBC (15-0073)

2017: ICC approves Open Data Access Framework in which Ameren Illinois and ComEd agree to implement GBC (14-0507)

ARKANSAS

1.4 MILLION ELECTRIC METERS

2017: PSC begins considering costs, benefits and policies of data access (16-028-U).

NORTH CAROLINA

3.5 MILLION ELECTRIC METERS

2017: NCUC considers GBC in Smart Grid Technology Plans, saying data access is "essential" but declines to open a rulemaking process (E-100, Sub 147). Duke Energy rate cases underway.

MARYLAND

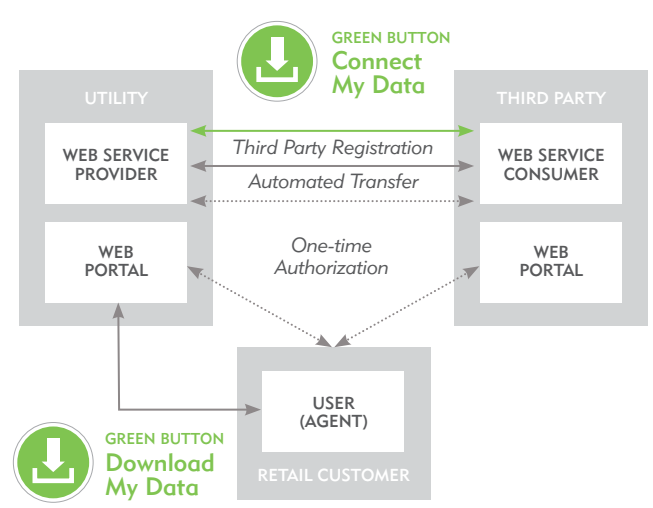
2.5 MILLION ELECTRIC METERS

2016: PSC considers "maximizing AMI's benefits for Maryland ratepayers" (PC44)

2017: PSC cites the benefits of new technologies to consumers; declares that customer data "belongs to the customer"; draft rules call for GBC implementation (PC44)

GLOSSARY OF TERMS

CUSTOMER	A utility customer – residential, commercial or industrial.
THIRD PARTY	An energy management company, solar company, consultant or other entity authorized by the customer to receive the customer’s energy information held by utilities.
GREEN BUTTON CONNECT MY DATA (GBC)	GBC is the standard for sharing energy information from a utility to a Third Party with customer consent. Also known by its technical name, the North American Energy Standards Board’s Energy Services Provider Interface (ESPI).



For more information about Green Button Connect, see “Got Data? The Value of Energy Data Access to Consumers.”

ELEMENTS OF A DATA SHARING POLICY

Based on our experience with public utility commissions in over a dozen states and the District of Columbia, AEMA and Mission:data propose a 10-point framework of a comprehensive energy data sharing policy. By making customers’ energy information held by electricity and natural gas utilities portable and easily accessible, customers can take advantage of new technologies that will help them manage their monthly utility bills.

- Our objectives in creating this framework are:
- To effectively balance consumers’ rights to privacy and security of their personal information with the rights to conveniently access energy information and new energy management technologies.
 - To promote consistency in data-sharing policies from state to state, and utility to utility, so that technology providers can flourish in a more uniform environment across the nation.
 - To assist state commissions in holistic treatment of data access and data privacy, thereby avoiding many pitfalls of piecemeal treatment.

Our recommendations are intended to apply to both electric and natural gas utilities.

1. DEFINITION OF ENERGY DATA: The following four categories of information capture the range of customer information that should be portable, meaning that customers should be able to instruct utilities to transmit the information to a Third Party. Any information that is

specific to the customer, or generated by the activity of the customer — such as energy usage and resulting bills is referred to as “standard customer data.”

Customer data: Name, address, phone number, etc.

Billing data: Information generally contained on bills and having to do with payment such as what rate(s) the customer is on, what retail provider the customer uses, billing cycle dates, account number(s), meter number(s), payment history, and line items of costs such as volumetric charges, delivery charges, demand charges, taxes, fees, etc. Utilities should support up to four (4) years of historic billing data, or the length of the time the customer has been at the premise in question, whichever is less.

Usage data: Electric or natural gas usage in kilowatt-hours, cubic feet or therms, containing both “register reads” (i.e. representing the overall usage to date, equivalent to the dial positions of an older, analog meter) and “interval reads,” also known as a “load profile,” which is time-series energy use typically in hourly or 15-minute periods. Utilities should support up to four (4) years of historic usage data, or the length of the time the customer has been at the premise in question, whichever is less.

Systems data: This could include the customer assigned peak load contribution, energy and capacity loss factors, or other information needed for wholesale market participation. Examples from different wholesale grid operators are below.

	CALIFORNIA (CAISO)	NEW YORK (NYISO)	PJM
Examples of systems data necessary for wholesale market participation	<i>Phode Sublap LCA LSE MDMA MSP</i>	<i>Installed Capacity tag (ICAP)</i>	<i>Peak load contribution (capacity and transmission)</i>

2. FORMAT AND TRANSMISSION PROTOCOL:

Recognizing that customer choice is enhanced when utilities adhere to nationally-recognized, open standards and best practices, Green Button Connect (GBC) should be adopted by utilities to transfer standard customer data to authorized Third Parties.

3. THIRD PARTY ELIGIBILITY CRITERIA: Third parties should be required to meet the following eligibility criteria:

1. Provide utilities its contact information, including federal tax ID number;
2. Provide a certificate of good standing from the state;
3. Agree to reasonable terms of utility data access (see #4 below);
4. Complete a technical interoperability test with a utility’s GBC platform.

4. BINDING TERMS OF USE: Third Parties should agree to binding terms of use when registering with a utility to receive customer data. A contractual agreement should address the following:

1. Privacy policy: A Third Party’s privacy policy must be conspicuously posted on its website.
2. Prohibited uses: Third Parties may not use standard customer data for anything other than the purposes specified. The “purpose” statement should be succinct and understandable. In addition, Third Parties may not sell standard customer data to other entities, except to contractors or affiliates that must abide by requirements of equal or greater stringency.
3. Waiver of liability: Third Parties must waive liability claims against the utility for the Third Party’s use of standard customer data.

5. CLEAR AUTHORIZATION LANGUAGE. Standardized language should be presented to the customer to support informed consent. Authorization language should address the following:

1. **Description of standard customer data.** The customer should have a clear, plain-English description of the standard customer data (or relevant subset) to be shared with a Third Party.

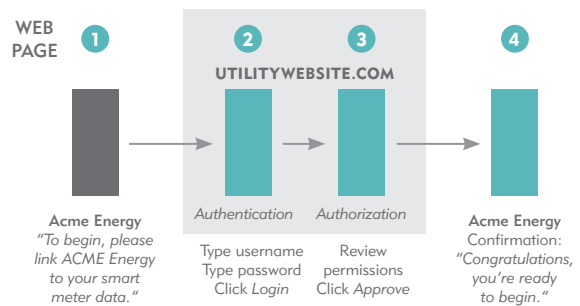
2. Length of authorization. The term length (e.g., number of months). Unlimited terms should be permitted at the option of the customer. This is also known as “valid until rescinded.” Third Parties should be able to optionally specify a minimum term.

3. Purpose specification. A succinct, plain-English statement of the Third Party’s purpose in accessing standard customer data, as defined by the Third Party.

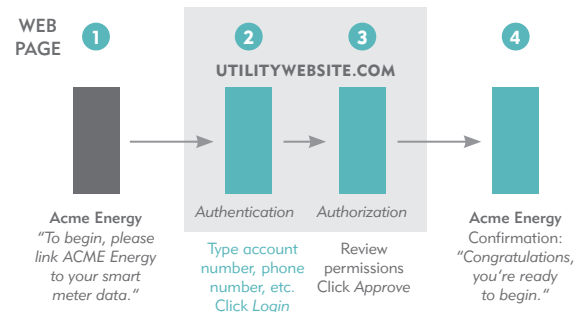
4. Revocation procedure. A succinct statement about how a customer can revoke access at any time (see also #7 below). If a Third Party will not terminate access or is not responding to customer requests, then a customer should always be able to revoke authorization by contacting the utility.

6. STREAMLINED CUSTOMER EXPERIENCE AND EASE-OF-USE. There are five (5) discrete authorization processes. These processes should make use of a customer’s online utility account, if one is already created, but a utility account should not be required. The first two processes use the GBC standard and OAuth 2.0¹ for online authentication and authorization. Two additional processes are discussed that further reduce customer effort, or “friction,” required to share their data; these approaches place more burden and expense on third parties, but also allow increased control over the customer experience. The final process is paper-based and should be retained for customers who do not want to use an online account.

1. Customer has an online utility account.



2. Authorization without a utility account.



¹ OAuth 2.0 is used by major websites such as Facebook, Twitter and LinkedIn. For information on the Oauth 2.0 standard, see <https://oauth.net/2/>

In the above scenarios, the utility should strive to minimize the number of “screens” required of the consumer as much as possible. For example, in scenarios #1 and #2 above, there is one (1) authentication page and one (1) authorization page.

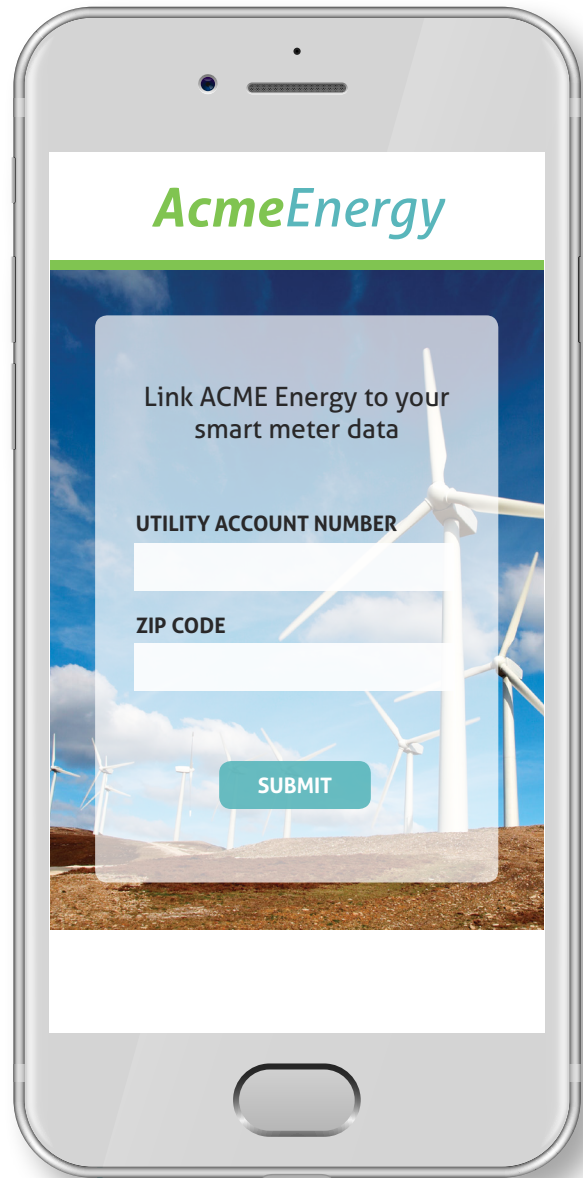
Nevertheless, while one (1) authentication page and one (1) authorization page is helpful in reducing “customer fatigue,” empirical evidence suggests that even the above process leads to customer drop-offs, with mobile web browsers being particularly vulnerable.² Therefore, utilities should support authorization processes that use Third Party designs, as discussed below.

3. Customer authorization via Third Party designs. This process allows the Third Party to more completely manage the communication with the utility and the customer experience. The utility will verify customer credentials, but the Third Party can embed the authentication function into its website or mobile application, further reducing friction associated with the transaction. The authentication and authorization information are securely passed to the utility and confirmed in real time.

4. Warrant process. A “warrant process” allows utility verification of the authorization to be delayed or waived entirely. The Third Party would obtain the authentication and authorization required, and keep such authorization on file, where it could be confirmed at any time by an audit. This allows the utility or regulatory authority to confirm anytime that a valid authorization has been obtained, but does not require the development of real-time response capabilities by the utilities’ systems. This option gives the Third Party maximum flexibility in designing the user experience and adapting it to technological changes over time. It also minimizes any additional technical functionality that the utility would have to create to accommodate customer authentication and authorization. The warrant process is used today by retail energy providers in states with competition and is generally offered only to entities licensed by state commissions.

Both authorization options #3 and #4 give Third Parties the power to create a seamless customer experience, and to modify such designs as technologies and user expectations change without burdening the utility. In these scenarios, Third Parties are less vulnerable to a poor user interface offered by the utility that does not sufficiently accommodate evolving customer needs.

5. A paper-based form (intended primarily for commercial and industrial customers) should continue to be permitted for data sharing.



Secure authorization fully designed by Third Party

7. FEATURES OF UTILITY DATA-SHARING PLATFORMS FOR THIRD PARTIES:

- 1. Testing and production environment.** Utilities should provide a testing environment and a production environment of GBC for Third Parties’ use.
- 2. Multiple display names to reduce customer confusion.** Utilities should enable third parties to use data services or other contracted support, while operating under their own consumer brand. For example, if “SmithCo” manages the collection of standard customer data on behalf of “AcmeEnergy,”

² See, e.g., “Optimizing the demand response program enrollment process.” White paper by EnergyHub, Inc. dated April, 2016. Available at <http://www.energyhub.com/blog/optimizing-demand-response-enrollment>

then “SmithCo” should be able to be seen by the customer as “AcmeEnergy,” in addition to its own name.

8. REVOCATION PROCESS: The revocation process should first encourage the customer to revoke the service by contacting the Third Party directly, to avoid bothering the utility. However, if a customer is unable to contact a Third Party, or a Third Party is not responding, the customer should be able to terminate a data-sharing agreement at any time through the utility’s GBC web portal or by calling the utility.

9. ENFORCEMENT PROCESS AGAINST A “BAD ACTOR.”

In our experience, agreement of a consumer to share their data with a specified Third Party does not require state commissions to adopt the same level of regulation for third parties as that reserved for retail electric providers.³ Nevertheless, an enforcement process is both reasonable and necessary, and should include the following elements:

1. Either the utility on its own motion, or a consumer via complaint, should be able to trigger an investigation by the state commission of the Third Party’s adherence to the data sharing agreement with the utility, and the scope of the given customer’s authorization;
2. A customer complaint about a breach of agreement by a Third Party can trigger an investigation, but until a commission judgment has been made, Third Party access may not be suspended by the utility unilaterally for the customer in question;
3. Inadvertent mistakes may eventually occur through simple data transpositions (i.e. “fat fingers”), misunderstandings or other unwitting actions. In all cases, due process should be afforded to Third Parties in any dispute, including reasonable notice, the opportunity to respond to contemplated enforcement actions, the ability to defend its actions, and provision of a cure period. Most Third Parties want to have customer feedback in order to be able to respond appropriately to customer complaints.



³ In states with retail competition, retail energy providers must comply with various consumer protection rules.

4. Ultimately, based on its own investigation, state commissions can order a utility to shut off data to a Third Party for a “pattern or practice” of violating requirements. Termination should be proportional to the judged offenses, enabling termination of a specific customer(s) data, temporary suspension, or complete termination.

For clarity, a customer may terminate a data sharing agreement at any time. Data-sharing agreements should expire upon the date specified by the customer, unless earlier terminated by order of the commission.

10. QUALITY OF SERVICE; TRANSPARENCY. The following requirements ensure that customer choice of energy management services is fully realized by providing web services and GBC platforms at a sufficiently high level of service such that market participants can depend upon the GBC platforms.

1. Utilities should strictly adhere to the most current GBC standard and documented best practices.
2. Utilities must attain periodic certification of GBC by the nonprofit Green Button Alliance, with non-compliance remedied in a timely manner.
3. Utilities should make their best efforts to implement GBC in technologically consistent ways with one another, with customers having nearly identical user experiences.
4. Utility performance metrics reported on daily basis, including technical support response times and resolution times, data fulfillment times, customer webpage loading times, system outage statistics, mobile device compatibility, and usage statistics such as number of historic data transfers and number of ongoing data-sharing agreements.
5. Data accuracy must be properly denoted in GBC by using the “QualityOfReading” feature, allowing the utility to specify whether energy readings are “raw,” “validated” or “billing quality.” Updates to any data as a result of the validation, editing or estimation (VEE) process should be automatically provided at no charge to Third Parties.
6. Service level agreement: GBC downtime should not exceed 6 hours per calendar month, including scheduled maintenance windows.
7. A clear enforcement process against the utility should be articulated if the utility does not honor authorizations in a timely manner, breaches the service level agreement, or is subject to a verified complaint by a Third Party.



MISSION DATA
empowering energy savings

