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July 22, 2022

**VIA ELECTRONIC FILING**

Ms. A. Shonta Dunston, Chief Clerk  
North Carolina Utilities Commission  
Dobbs Building  
430 North Salisbury Street  
Raleigh, North Carolina 27603

*Docket No. E-100, Sub 161*  
*Supplemental Comments of Dominion Energy North Carolina*

Dear Ms. Dunston:

Enclosed for filing in the above-referenced proceeding, please find Virginia Electric and Power Company's, d/b/a Dominion Energy North Carolina, Supplemental Comments.

Thank you for your assistance with this matter. Feel free to contact me with any questions about this filing.

Sincerely,

/s/Mary Lynne Grigg

MLG:sjg

Enclosure

cc: Lucy Edmondson  
Nadia Luhr

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. E-100, SUB 161

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of	
Commission Rules Related to Electric	) SUPPLEMENTAL COMMENTS OF
Customer Billing Data	) DOMINION ENERGY NORTH
	) CAROLINA

NOW COMES Virginia Electric and Power Company, d/b/a Dominion Energy North Carolina (“DENC” or the “Company”), pursuant to the North Carolina Utilities Commission’s (“Commission”) *Order Requiring Filing of Supplemental Comments* issued in the above-captioned docket (“Order”), and hereby submits these Supplemental Comments for the Commission’s consideration. The Company’s Supplemental Comments continue to support, in principle, modifications to Commission Rule R8-51 proposed by the Public Staff and provide requested updates to the Commission regarding certain data privacy and advanced meter infrastructure (“AMI”) information.

**I. Introduction & Background**

The Company provides the following, more detailed, procedural history given that many of the statements in initial and reply comments filed in this proceeding remain relevant and responsive to the Commission’s Order.

On February 10, 2020, pursuant to the Commission’s February 4, 2019, *Order Requiring Information Requesting Comments, and Initiating Rulemaking*, the Company, the North Carolina Utilities Commission—Public Staff (“Public Staff”), Duke Energy Progress, LLC & Duke Energy Carolinas, LLC (together “Duke”), the North Carolina Sustainable Energy Association (“NCSEA”), the North Carolina Attorney General’s Office

(“AGO”), the Environmental Defense Fund (“EDF”), and Mission:data Coalition (“Mission:data”) filed initial comments regarding proposed revisions to Commission Rules R8-7, R8-8, and R8-51 addressing electric utility customer billing information, as well as procedures for customers to access their usage and other customer data collected by the Company in its provision of electric service (“customer data”). The Public Staff and AGO also filed proposed rules, while the remaining parties’ comments on appropriate revisions to the current customer billing and customer data rules and expressed their support for the Public Staff’s and/or the AGO’s rule revisions.<sup>1</sup> DENC along with Duke indicated support for the Public Staff’s proposed rule with certain minor revisions and/or exceptions. Mission:data indicated support for the AGO’s proposed rule with certain revisions. NCSEA and EDF supported aspects of both the Public Staff’s and AGO’s draft rules, without indicating a preference for one over the other.

In its initial comments filed on February 10, 2020, DENC explained that the provisions in the Public Staff’s proposed rules significantly expand the Commission’s current customer billing and data access rules, appropriately reflect national trends, as well as reflect robust discussions between the Public Staff, Duke, and DENC regarding the importance of meeting customers’ privacy and confidentiality expectations and safeguarding customer data from unauthorized disclosure to third parties. DENC also stated that while the AGO’s rule also espouses many of these principles, the AGO’s proposed rule goes well beyond what is required to adequately protect customer data,

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<sup>1</sup> The Public Staff filed proposed amendments to Rules R8-7 and R8-8 addressing customer billing, as well as Rule R8-51 addressing customer data access. The AGO’s Comments and proposed rule revisions focus only on R8-51. Because the Public Staff was the only party to file proposed customer billing rules and DENC fully supports the Public Staff’s proposed revision to Rule R8-7 and R8-8, DENC’s reply comments did not further address the customer billing rules and focus only on the proposed revisions to Rule R8-51.

deviates from or duplicates the current regulatory framework, and, in some respects, exceeds the Commission's regulatory authority over third party businesses that are not public utilities.

On July 17, 2020, the parties filed reply comments and the Company recommended that the Commission adopt the Public Staff's proposed Rule R8-51 with certain limited exceptions, as addressed in DENC's initial comments and reiterated in DENC's reply comments. In its reply comments, DENC summarized that the Public Staff's proposed Rule R8-51 comports with DENC's Commission-approved Code of Conduct and allows the Company to comply with both in an efficient manner, while effectively addressing (1) the definition of "customer data" as the proposed definition aligns with the definition of "customer information" in the Company's Code of Conduct<sup>2</sup>; (2) access to customer data; (3) how access to customer data should be granted; (4) customer data protections and liability for breaches; and (5) the cost of enabling access to customer data.

While generally supportive of the Public Staff's proposed revisions in its 2020 initial and reply comments, DENC had several concerns with prospective revisions to R8-51(d), (g), and (h) that the Public Staff proposed go into effect at a date certain in the future.<sup>3</sup> DENC reiterated the timing issues with these subsections of the Public Staff's proposed rule. First, R8-51(d) would require the utility to maintain 24 months of customer

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<sup>2</sup> Compare Code of Conduct § I (defining "Customer Information" as "[n]on-public information or data specific to a Customer or a group of Customers, including, but not limited to, electricity consumption, natural gas consumption, load profile, billing history, or credit history, that is or has been obtained or compiled by DENC or PSNC in connection with the supplying of Electric Services or Natural Gas Services to that Customer or group of Customers") with Public Staff Proposed Rule R8-51(a)(2) (defining "customer data" as "non-public retail customer-specific data or information, excluding personal information, that has been obtained or compiled by an electric public utility in connection with the supplying of Commission-regulated electric power [and related services].")

<sup>3</sup> In its Initial and Reply Comments, the Public Staff proposed that these revisions should automatically go into effect on January 1, 2022.

data in an “electronic machine-readable format that conforms to nationally-recognized standards and best practices commensurate with the meter or network technology used to serve the customer.” Subsections (g) and (h) would also mandate an electronic consent process for customers to authorize third party access to their customer data. The Company reiterated that it would be inefficient and impractical for DENC to implement these requirements prior to deployment of the Company’s planned Customer Information Platform (“CIP”), which was under development at the time the comments were made and is still under development today.

The final issue addressed in the Company’s Reply Comments was the Public Staff’s prospective proposal to require that, by 2022, customer data be maintained and made available to customers and authorized third parties “in electronic machine-readable format that conforms to the latest version of the North American Energy Standard Board’s Req. 21, the Energy Services Provider Interface, or a Commission approved electronic machine-readable format[.]”<sup>4</sup> DENC made available to its customers the Green Button Download My Data functionality in 2013, which has received only limited customer interest since being deployed. The Company explained that it does not currently grant authorized third-parties access to customer data in an electronic machine-readable format, nor has the Company made the significant IT investments that would be required to do so in a manner that ensures system security and minimizes data intrusion risks. DENC explained that it directly provides authorized third parties customer data, via secured e-mail or another similar format, pursuant to an executed standardized consent form, and this procedure has

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<sup>4</sup> As explained in DENC’s initial comments, the Public Staff’s proposed rule contemplates implementation of the Green Button Connect platform, which would entail a significant up front implementation cost and an ongoing annual maintenance cost.

been appropriately meeting customer demands. DENC explained that it had not observed any demand from its customer for the Company to invest in implementation of a platform such as Green Button Connect which would come at a significant cost both monetarily and both Company resource-wise to set up and implement this functionality.

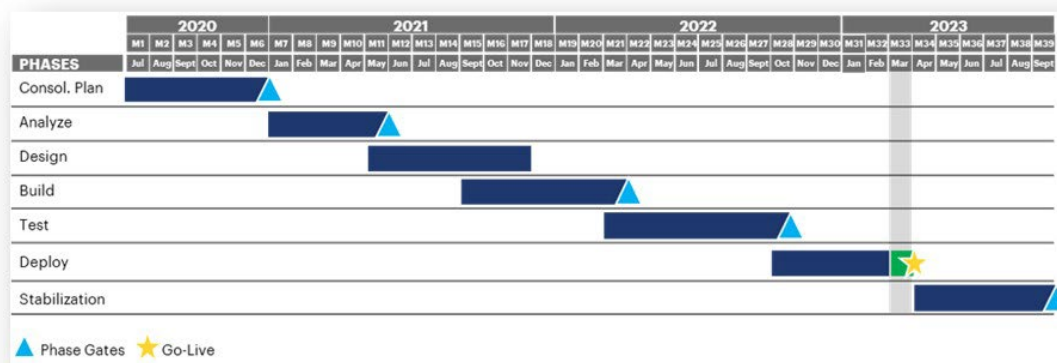
## **II. Supplemental Comments**

On April 22, 2022, the Commission issued its Order requiring the Company, Duke, and the Public Staff to file supplemental comments. The Company provides the following in response to the Commission's update requests in the Order.

### **A. Update on Customer Billing and Data Management System**

Consistent with the Company's initial comments and reply comments, the Customer Information Platform remains under development and its deployment is still scheduled for the Second Quarter of 2023.

Specifically, the replacement of the Company's billing and data management system was approved as a part of the Virginia Grid Transformation Plan ("GT Plan") Phase 1 and 2 proceedings in Virginia in March 2020 and January 2022, respectively. This replacement process is a multi-year project that encompasses the replacement of 12 applications including the Customer Information System, the Meter Data Management System and the Manage Account self-service portal. Ultimately, the project timeline includes 7 phases as shown in the table below. Requirements were completed in May of 2021 with the completion of the Analyze phase. As of July 2022, the Company is continuing to build the self-service portals, and is testing various components of the application that have been built to date.



Importantly, however, the Public Staff's proposed changes to R8-51(d), (g), and (h) that would require retention of 24 months of customer data and provide an electronic consent functionality for customers to give third parties access to their data, as described above, were not included in the earlier CIP development stages. Because the data retention and consent functionality changes would require additional investment and time to incorporate into the CIP and given the regulatory uncertainty of such requirements, the Company determined it would be reasonable to add these features once any changes to Commission Rule R8-51 have been incorporated and the specific requirements are known. The Company has been in contact with the Public Staff regarding this issue and the Public Staff has agreed to support a waiver of these requirements, if ultimately adopted by the Commission, until the Company can incorporate these functionalities into the CIP. The Company intends to provide additional detail on the timeline and costs to add these functionalities in its waiver request.

## B. Update on AMI Deployment in North Carolina

Currently, the Company has approximately 5,000 customers with smart meters in its North Carolina jurisdiction, and the Company is developing plans for deployment of smart meters for all North Carolina customers by 2024.

### **C. Customer and Authorized Third-Party Access to Customer Data**

The Company continues to make available to its customers the Green Button Download My Data functionality that was enabled in 2013 for customers to access their own information. The process for customers to receive their usage information remains the same as described in the Company's initial and reply comments: customers can access their usage information through a self-service portal on the Company's website, by phone, or they can request 18 months of billing data be provided electronically, via fax or by regular mail. As noted above, the Company's current CIP development plans do not include the functionalities proposed in the Public Staff's revisions to Commission Rule R8-51(d), (g) & (h), but if these provisions are ultimately adopted by the Commission, the Company can incorporate this functionality into the CIP after its initial deployment in the Second Quarter of 2023. The Company has confirmed with the Public Staff that the Public Staff will support a waiver from the Company as necessary to allow the Company enough time to add such functionality.

The Company's process, and customer's ability, to provide usage data to third parties also remains the same as described in the Company's initial comments and reply comments. DENC directly provides authorized third parties customer data, via secured e-mail or another similar format, pursuant to an executed standardized consent form. The Company believes that this procedure has been appropriately meeting customer demands and, to date, DENC has not observed any demand from its customers that would justify an investment in a platform such as Green Button Connect. As a result, DENC does not currently grant authorized third-parties access to customer data in an electronic machine-readable format, nor has the Company made the significant information technology



investments that would be required to do so in a manner that ensures system security and minimizes data intrusion risks.

This process to access customer data is consistent both with respect to residential as well as non-residential customer data. The process is outlined on the Company's website as a part of standardized consent form.

**D. Any actions taken in other states raise any concerns/ideas**

On January 7, 2022, the Virginia State Corporation Commission ("VSCC") issued an order on Phase II of the Company's GT Plan ("GT Plan Order"). Relevant to customer data access issues, in the GT Plan Order, the VSCC directed the Company to provide in its next GT Plan filing certain information regarding Green Button Connect My Data ("CMD") functionality "including, but not limited to: (i) the overall cost of adding and supporting CMD functionality; (ii) how such costs should be born by customers; (iii) how many customers Dominion would expect to use the CMD option if it were available; and (iv) how any data access issues will be addressed."<sup>5</sup>

In addition to the GT Plan developments, several states have recently passed or revised privacy laws, with the most relevant to the Company being those recently passed in Virginia. On March 2, 2021, Virginia enacted the Virginia Consumer Data Privacy Act ("VCDPA") which takes effect on January 1, 2023. Generally, the VCDPA provides residents of Virginia the right to access, delete, correct inaccuracies, and obtain a copy of personal data held by companies doing business in the state. In addition, the VCDPA requires companies to implement reasonable data privacy and security practices.

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<sup>5</sup> See Petition of Virginia Electric and Power Company for Approval of a Plan for Electric Distribution Grid Transformation Projects Pursuant to § 56-585.1 A 6 of the Code of Virginia, Final Order at 10-11, Case No. PUR-2021-00127 (Jan. 7, 2022).

### III. Conclusion

WHEREFORE, DENC respectfully requests that the Commission accept these Supplemental Comments.

Respectfully submitted, this 22<sup>nd</sup> day of July, 2022.

Mary Lynne Grigg

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*Counsel for Dominion Energy North Carolina*

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing Supplemental Comments of Dominion Energy North Carolina as filed in Docket No. E-100, Sub 161, were served electronically or via U.S. mail, first-class, postage prepaid, upon all parties of record.

This, the 22<sup>nd</sup> day of July, 2022.

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