

April 18, 2024

Shonta Dunston, Chief Clerk
North Carolina Utilities Commission
4325 Mail Service Center
Raleigh, North Carolina 27699-4300

RE: North Carolina Utilities Commission Docket No. E-100, Sub 161 and M-100, Sub 164

Dear Chair Mitchell and Commission Members,

On behalf of the Southeast Sustainability Directors Network (SSDN) and its 29 local government members across North Carolina, I appreciate the opportunity to provide these additional comments and recommendations to the North Carolina Utilities Commission (the Commission) on the proposed rules to address customer data access issues in Docket No. E-100, Sub 161. SSDN and its members are interested in seeing a timely resolution to data access challenges and welcome additional collaboration and discussion on any of the issues described herein with the Commission, Public Staff, Duke Energy (Duke), and other interveners and stakeholders. Given the direct impact of data access on the ability to access federal funding opportunities (e.g. Inflation Reduction Act), the need for improved data access rules is even more urgent. We are also filing these comments in Docket No. M-100, Sub 164 as the Commission continues to monitor implementation of federal legislation and seeks input regarding the “identification of actions that may be appropriate for this Commission to consider taking in order to facilitate appropriate receipt and deployment of available federal funding within the State.”¹

About SSDN

SSDN is a network of local government sustainability professionals representing 121 city, county, and tribal governments in 10 states across the Southeast, including 29 local governments in North Carolina.² Through peer-to-peer learning and collaboration, SSDN and its members work together to accelerate, scale, and implement programs to build more sustainable and resilient communities. As part of this work, SSDN regularly engages in direct conversations with utilities and key stakeholders to help ensure that clean energy programs are developed and implemented as effectively as possible for customers.

¹ NCUC Docket No. M-100, Sub 164, [Order Allowing Comments Regarding Federal Funding for Utility Service of North Carolina](#), February 2022.

² SSDN's North Carolina members include: Apex, Asheville, Boone, Buncombe County, Carrboro, Cary, Chapel Hill, Charlotte, Chatham County, Concord, Davidson, Durham, Durham County, Forsyth County, Greensboro, Henderson County, Hendersonville, Hillsborough, Holly Springs, Mecklenburg County, Morrisville, Orange County, Raleigh, Rocky Mount, Salisbury, Wake County, Wake Forest, Wilmington, and Winston-Salem. For more information see: <https://www.southeastsdn.org/members/ssdn-members/>

Local governments in North Carolina and throughout the Southeast are establishing long-term sustainability goals to reduce greenhouse gas (GHG) emissions, invest in clean energy and electric transportation, implement energy efficiency measures, create local jobs, and deliver immediate environmental and public health benefits. SSDN members are regional leaders in localized clean energy and climate action: in North Carolina, over 70 percent of SSDN's members track, measure, and report GHG emissions for government operations and 40 percent have taken the next step of adopting community-wide GHG reduction targets. Over a quarter of SSDN's North Carolina members have adopted climate action plans for their communities.

To this end, it is critical that local governments have access to utility billing data for their own operations, aggregated data for their communities, and data for local program participants to ensure that they accurately measure their GHG emissions and the effectiveness of sustainability programs in their communities.

Local Government Concerns Around Data Access

Data access is vital for effective applications for historic federal funding opportunities enabled by the Infrastructure Investment and Jobs Act (IIJA), which was signed into law on November 15, 2021, and the Inflation Reduction Act (IRA), which was signed into law on August 16, 2022. Local governments and other grant applicants have encountered barriers to accessing necessary energy use data for funding opportunities like the Climate Pollution Reduction Grant and Solar for All, which could bring upwards of \$700M to North Carolina. Accessing necessary data for the reporting requirements associated with large federal grants involving discrete program participants could also be greatly simplified through the use of Green Button or a similar analog, which has yet to be realized in North Carolina. In order to ensure the competitiveness of federal funding applications from North Carolina, it is critical that local governments have comprehensive access to their own energy usage data and that of their communities at a level of granularity to allow projects to focus on Justice 40 communities.

Local governments have been actively involved in conversations about data access since the Commission opened Docket E-100, Sub 161 on January 31, 2019. The City of Asheville submitted comments on December 18, 2019,³ and SSDN submitted comments on behalf of NC members on December 6, 2022.⁴ Since comments were last submitted to the Commission, local governments around North Carolina continue to face obstacles in accessing their own utility data through Customer Connect as well as community level data and program participant data through Duke Energy's data request process. Having ready access to this data would enable better monitoring of local government and community GHG emissions, cost-effective operation of government facilities, evaluation of emissions reduction programs, and competitive applications for federal funding.

In an effort to improve data access for our members, SSDN requests:

³ NCUC Docket No. E-100, Sub 161, [Comments from The City of Asheville](#), December 2019.

⁴ NCUC Docket No. E-100, Sub 161, [SSDN Local Government Comments](#), December 2022.

1. Availability of local governments' utility data in an immediately available, electronic, machine-readable format. Duke has committed to providing public sector customers, including local governments, with machine-readable versions of their own data, both billing and smart meter data. Having the ability to streamline the analysis of their own data, including sub-hourly interval data, that is reliably downloadable and not time shifted, through electronic analytic tools enables local governments to save energy and money and allows for accurate accounting of the impact of energy efficiency (EE), onsite solar generation, and demand reduction efforts. Despite collaborative efforts with Duke, local governments are still encountering barriers to directly accessing their own energy usage data. Many public sector customers that have facilities on collective billing do not have the ability to utilize the "Download My Data" function, which prevents them from accessing high resolution smart meter data. We appreciate efforts to date to grant local governments' access to their interval level data, but suggest standardizing this type of access across Duke Energy Carolinas and Duke Energy Progress territories to ensure all local governments across the state have the same type of data access. We look forward to continued efforts to create a long term solution that ensures that local governments have consistent access to their own billing and meter data, as well as the ability to make their own data available to customer verified and vetted third-parties that provide data analysis support services to local governments. **SSDN recommends that Duke Energy be required to provide customers direct, immediately available access to their own utility data, including historical data going back 5 years, in an electronic, machine-readable format, as well as the ability to share their own data with third parties.**
2. Availability of aggregated data to inform policy and programmatic decision making, tracking of metrics, and reporting, at a scale that protects privacy and also provides enough granularity to be useful.⁵ Including both energy consumption data, as well as data on EE program participation broken down by sector, is invaluable for local governments seeking to measure and track GHG emissions across their jurisdictions. It is also especially useful as local governments evaluate, plan, and support public EE and/or weatherization programs, as improved data access has the potential to facilitate local government understanding of energy burden, program impacts, and other data points to better support EE programming. This aggregated data should also be made available to other interested parties, such as researchers and service providers, and to building owners to allow them to make informed decisions about EE investments in their properties. This is applicable to both private building owners and local governments that own buildings with multiple tenants (housing authorities, airports, and other large municipal buildings). Local governments are also interested in seeing the Attorney General's Office rule expanded to allow building owners that participate in a local government's voluntary benchmarking program to share aggregate data. **SSDN supports the provision in the Attorney General's Office's proposed rule⁶ that**

⁵ NCUC Docket No. E-100, Sub 161, AGO Supplemental Reply Comments, Appendix A at 14-18.

⁶ NCUC Docket No. E-100, Sub 161, AGO Supplemental Reply Comments, Appendix A at 7-12.

would expand Duke Energy's ability to share this type of aggregated data, including with local governments and authorized third parties, which would improve the ability to measure program effectiveness and monitor progress toward climate goals.

3. Access to a standard consent-based utility release form on Duke Energy's website. Several local governments administer low-income weatherization programs, commercial benchmarking programs, and other programs where having standard release forms readily available and/or the ability to create delegate accounts to allow program administrators to easily access participant data would enable the programs to enroll and assist more residents or businesses. **SSDN supports the Public Staff's proposed R8-51(g) to have a customer consent form authorizing the disclosure of customer data on Duke Energy's website.⁷ We also recommend standardizing the format in which customer data is received, establishing a standard required delivery period between when the request is submitted and when data is supplied, and allowing account holders to provide consent to data release into the future for a set period of time. Further, we recommend allowing residential accounts to create delegate accounts, similar to what is allowed for commercial accounts.**

Local governments recognize the amount of effort Duke Energy has put into improving customers' access to their energy usage data with new billing systems in recent years and hope that, as Duke and the Commission work to improve customer access to utility data, the issue of inconsistent access to utility data for local governments is resolved to allow them to track energy use and emissions successfully. Local governments have a productive history of partnering with Duke Energy on data access issues and are committed to working with Duke and the Commission to facilitate the solutions outlined in this letter in a timely manner, which will enable local programs to benefit residents, businesses, and local government operations. We appreciate the consideration of our updated comments by the Commission and hope to continue active collaboration and partnership on the issue of customer data access.

Respectfully,



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⁷ NCUC Docket No. E-100, Sub 161, Public Staff's Initial Comments, Appendix II at 4.