



April 19, 2024

Ms. Shonta Dunston
Chief Clerk
North Carolina Utilities Commission
4325 Mail Service Center
Raleigh, North Carolina 27699

**RE: Commission Rules Related to Electric Customer Billing Data
Docket Nos. E-100. Sub 161, M-100 Sub 164**

Dear Ms. Dunston,

On February 19, 2024, the North Carolina Utilities Commission (“Commission”) issued its *Order Allowing Sur-Reply Comments*, granting Duke Energy Progress, LLC’s (“DEP”) and Duke Energy Carolinas, LLC’s (“DEC”, collectively “Duke Energy”) *Motion for Leave to File Sur-Reply Comments*, which was filed on February 5, 2024. The Commission’s *Order* allows for comments from intervenors “for the limited purpose of addressing new issues raised in the previously filed supplemental reply comments.” NCSEA respectfully submits this letter in lieu of sur-reply comments for consideration by the Commission.

For over a decade, NCSEA has advocated for the Commission to direct Duke Energy, as well as the Virginia Electric and Power Company d/b/a Dominion Energy North Carolina (“DENC”), to adhere to international standards with respect to consumer access to their own consumption data.¹ NCSEA has advocated for “improving customer access to

¹ See NCSEA’s *Comments and Request for Reply Comments*, Docket No. E-100, Sub 161, 1–2 (Feb. 10, 2020) [hereinafter, “NCSEA’s Initial Comments”] (citing NCSEA’s comments submitted in Docket No. E-100,

their energy consumption data, allowing customers to authorize third-parties to access their energy consumption data, and allowing access to aggregated and de-identified energy consumption data.”² Other parties in this Docket stated similar positions within their Supplemental Reply Comments.³ Duke Energy and DENC still have not met these standards—though NCSEA does appreciate Duke Energy’s intent to continue “discussions regarding Green Button Connect functionality.”⁴

While parties continue to discuss implementing rules and standards for customer access to consumption data, the United States has appropriated and invested huge sums of money into the advancement of distributed clean energy resources. Access to many of these federal funds, however, requires some tool—like Green Button Connect—being available to customers to access their consumption data. This need is underlined by certain federal program requirements regarding eligibility and access to rebates,⁵ and was discussed in detail in Mission:data Collection’s Supplemental Reply Comments.⁶ For North Carolina to

Sub 137 (Feb. 5, 2013); Docket No. E-100, Sub 137 (February 12, 2013); Docket No. E-100, Sub 141 (Jan. 9, 2015); Docket No. E-100, Sub 147 (Dec. 19, 2016); Docket No. E-100, Sub 157 (Jan. 16, 2019); Docket No. E-2, Sub 1142 (Oc. 20, 2017); Docket No. E-2, Sub 1142 (Jan. 12, 2018); Docket No. E-7, Sub 1146 (Jan. 23, 2018); Docket No. E-7, Sub 1146 (Apr. 27, 2018)); *see also NCSEA’s Reply Comments*, Docket No. E-100 Sub 161 (July 17, 2020) [hereinafter, “NCSEA’s Reply Comments”].

² NCSEA Initial Comments, at 1.

³ *See Supplemental Reply Comments of the Public Staff*, Docket No. E-100, Sub 161, 7–14 (Dec. 9, 2022) (discussing customer access to data and third-party access to aggregated data) [hereinafter, “Public Staff Supp. Reply Comments”]; *see generally, Supplemental Reply Comments of the Attorney General’s Office*, Docket No. E-100 Sub 161 (Dec. 9, 2022) [hereinafter, “AGO Supp. Reply Comments”]; *see generally, Comments of Southeast Sustainability Director’s Network*, E-100 Sub 161 (Dec. 6, 2022).

⁴ *Joint Motion for Leave to File Sur-Reply Comments of Duke Energy Carolinas, LLC and Duke Energy Progress, LLC*, Docket No. E-100 Sub 161, 5 (Feb. 5, 2024) [hereinafter, “Duke Energy Motion for Leave”].

⁵ *See, e.g., DATA ACCESS GUIDELINES, IRA SECTION 50121: HOME EFFICIENCY REBATES, U.S. DEPT. OF ENERGY*, 4 (July 2023), available at <https://www.energy.gov/sites/default/files/2023-07/IRA-50121-Home-Efficiency-Rebates-Data-Access-Guidelines-1.0.pdf>. (outlining state-level program requirements that include certain requirements for states to define customer consent processes for when data will be shared with third parties, such as “an opt-in consent process, like Green Button . . .”).

⁶ *Supplemental Reply Comments of Mission:data Collection*, Docket E-100 Sub 161, 2–5 (Dec. 9, 2024).

truly take advantage of this federal investment, which is a vital part of achieving “the least cost path” to the statutory carbon reduction goals,⁷ customers must have increased access to their data as these investments continue to become available.

Both the proposed rule changes by the Public Staff and the Attorney General’s Office in their respective Supplemental Reply Comments represent substantive progress.⁸ Particularly, both proposals advance individual customers’ access to their own data and their ability to share their data with third parties. However, it remains unclear whether either proposed rule, without being paired with a tool like Green Button Connect, would accomplish the full suite of concerns expressed by NCSEA and its members in this docket.⁹ Both Green Button Connect and a rule change are necessary to fully address the concerns of intervenors and other interested parties in this proceeding. NCSEA appreciates Duke Energy’s intention to ask the Commission to hold the Green Button Connect functionality issue in abeyance to allow for further discussion between parties,¹⁰ and looks forward to participating in such discussions. Beyond Green Button Connect, other issues—such as access to, and the use of, aggregated data—do require a rule change as they cannot be adequately addressed under the status quo. NCSEA intends, and looks forward, to continue working with other intervenors to achieve significant consensus to move forward both an amended rule and Green Button Connect in parallel.

The need for greater customer access to data was further heightened in 2023, after the submission of Supplemental Reply Comments, with the Commission’s acceptance of

⁷ S.L. 2021-165, Part I, Section 1(1).

⁸ See Public Staff Supp. Reply Comments, App’x A; see also AGO Supp. Reply Comments, App’x A–B.

⁹ See Attachments A–F.

¹⁰ See Duke Energy Motion for Leave, at 5.

time-of-use (“TOU”) rates in Duke Energy’s rate cases.¹¹ As stated by Duke Energy witness Jonathan Byrd, “[p]roper rate design seeks not only to recover the costs of providing service to customers based on their use of the system, but also to provide price signals so that customers who can respond to price signals can do so in an *informed* and system beneficial manner.”¹² However, before a customer can respond to such price signals and allow the system to realize such benefits, the customer must first be informed by accurate and accessible data. Providing customers clear and consistent access to such data is essential to not only allowing them to maximize the efficiency of their own energy usage (and whatever clean energy, energy efficiency, and demand response technologies they may have invested in), but also maximizing the greater system benefits that can be achieved from such customer activities.

These issues continue to be of interest and concern to NCSEA’s members, many of whom rely on accessing important, specific pieces of data to achieve their goals—or, in certain circumstances, have been prevented from pursuing certain objectives due to lack of access to such data. In the interest of allowing the Commission to hear from these voices directly, please find attached letters from NC Clean Energy Technology Center (**Attachment A**), NC Clean Energy Fund (**Attachment B**), International Center for Appropriate and Sustainable Technology (ICAST) (**Attachment C**), Southeast Sustainability Directors Network (SSDN) (**Attachment D**), City of Charlotte (**Attachment E**), and the City of Asheville (**Attachment F**).

¹¹ See *Order Accepting Stipulations, Granting Partial Rate Increase, and Requiring Public Notice*, Docket No. E-2, Sub 1300, 120–42 (Aug. 18, 2023); see *Order Accepting Stipulations, Granting Partial Rate Increase, Requiring Public Notice, and Modifying Lincoln CT CPCN Conditions*, Docket No. E-7, Sub 1276, 151–79 (Dec. 15, 2023).

¹² Official Tr., Vol. 11, Docket No. E-2, Sub 1300, 235 (emphasis added); Official Tr., Vol. 10, Docket No. E-7, Sub 1276, 90–91 (emphasis added).

NCSEA thanks the Commission for its consideration of this letter in lieu of sur-reply comments and its Attachments. Please do not hesitate to contact me if any questions or concerns arise in connection with this filing.

Thank you,

/s/ Ethan Blumenthal

Ethan Blumenthal

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Enclosures
cc: Parties of Record

OFFICIAL COPY

Apr 19 2024

CERTIFICATE OF SERVICE

I hereby certify that all persons on the docket service list have been served true and accurate copies of the foregoing filing by hand delivery, first class mail deposited in the U.S. mail, postage pre-paid, or by email transmission with the party's consent.

This the 19th day of April, 2024.

/s/ Ethan Blumenthal

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Ms. Shonta Dunston
Chief Clerk
North Carolina Utilities Commission
4325 Mail Service Center
Raleigh, North Carolina 27699

April 19, 2024

**RE: Commission Rules Related to Electric Customer Billing Data
Docket No. E-100. Sub 161**

**RE: Request for Comments Regarding Federal Funding for Utility Service in North
Carolina
Docket No. M-100 Sub 164**

Dear Ms. Dunston,

The NC Clean Energy Technology Center (Center) is a Public Service Center chartered by the UNC System Office, administered by the College of Engineering at NC State University in Raleigh, NC. The Center engages in federal grant work, technical assistance and extension services, and other services and activities relating to the advancement of a sustainable energy economy.

The Center is a member of the "Energize NC" coalition, which collaborated with North Carolina's State Energy Office in its \$250 million Solar for All application to the U.S. Environmental Protection Agency (EPA), along with the NC Clean Energy Fund and Advanced Energy. The application, if fully awarded, could deliver solar access and a 20% bill savings to nearly 20,000 North Carolina households in lower income and disadvantaged communities throughout the state. The bill savings directive under the Solar For All program requires that customer energy data be accessible at several phases over the course of the 5-year program.

Initial customer data must be available to determine the size of a solar array (or community solar subscription) needed to meet the 20% customer bill savings requirement. After the installation, verification will be needed to ensure that the energy provided meets the design estimates to sufficiently lower customer bills. Also, the State Energy Office will have to annually report on compliance during the Solar For All program period, necessitating access to customer energy data on at least an annual basis to confirm the solar performance and bill reductions experienced by the customer.

In order to facilitate data access, the Center strongly recommends the use of the Green Button initiative or a similar protocol which will allow customers to swiftly and securely access their detailed energy usage data from utility websites. Using Green Button "download my data" would allow customers to retrieve their energy data for their own records or sharing at their discretion. A newer facet is Green Button "connect my data" which would allow utility customers, with affirmative consent and control, to securely allow authorized third parties to access their energy

usage data. An example might be a Solar For All recipient household sharing their data with the State Energy Office to calculate the needed array size and verify performance and savings over the course of the program.

In addition to Solar For All, the Center is involved with several other federal grants including the U.S. Department of Agriculture Rural Energy for America Program (REAP), the U.S. Department of Energy (DOE)'s Onsite Energy Technical Assistance Partnership (OE-TAP), the EPA Carbon Pollution Reduction Program (CPRG), and the DOE Renewables Advancing Community Energy Resilience (RACER).

The REAP and OE-TAP programs deal with assistance for customer facilities in determining feasibility and applicability of renewable energy or on-site generation. These programs make use of customer data on an individualized level, and would be aided by something like the Green Button protocol.

USDA REAP - Assistance for agricultural producers and rural small businesses.

The REAP program analyzes the feasibility of new customer-sited generation in rural areas of North Carolina. The Center uses customer data from monthly energy bills to perform the analysis. While accurate, this data does not always provide the detail and specificity needed to produce accurate results. Because timing is very important under time-of-use rate schedules, both the generation profile and facility load profile are needed to determine the net benefits of adding renewable energy.

The Center can find similar facilities and/or use estimates, but these estimates are sometimes generalized and do not always reflect the exact site conditions of a facility. The Green Button protocol would allow either customers to directly download interval data or connect their data for more granular analysis and more reliable results in the REAP program.

DOE OE-TAP - Southeast Onsite Energy TAP

The Center leads the Southeast TAP. It works with industrial entities in the region seeking technical assistance on evaluating, designing, and implementing onsite energy generation technologies for decarbonization and cost reductions. The Center team currently relies on bill data and, occasionally, customer interval data to perform these evaluations.

The current method for Duke Energy Carolinas and Duke Energy Progress customers to obtain this data is often unclear and confusing to customers, resulting in project delays or additional time spent to obtain data. Monthly data from bills can sometimes be used, but customer bills only provide a single data point for energy and demand. Meanwhile, rate schedules continue to increase in complexity.

Time-of-use rate schedules can introduce two or three different prices for energy and demand over the course of a day, so interval data to determine accurate facility load profiles would greatly increase the accuracy of the models and projections that the Center creates for its technical assistance partners. The Green Button protocol would aid the Center and its partners in accessing, using, and sharing interval data, particularly usage during peak, off-peak, and discount periods.

Aggregated data needs (beyond the Green Button)

Many of the Center's projects look beyond the confines of a single facility or customer. Programs like CPRG and RACER span across entire municipalities, counties, and regions of the state to model outcomes and understand energy use. While state-level and utility-territory data is sometimes accessible, it does not always fit with project needs to deliver the outcomes needed to earn federal grants.

EPA CPRG - Greenhouse Gas Inventory for Carolina Pines Regional Council

The Greenhouse Gas (GHG) Inventory is a component of both Priority Climate Action Plans (PCAPs) and Comprehensive Climate Action Plans (CCAPs) in the CPRG program. The Center conducted the GHG inventory and aided in creation of the PCAP under contract to Central Pines Regional Council, which represents eight counties in central North Carolina. During the inventory, the Center found that there was no way to obtain utility data from the investor-owned electric and gas utilities serving those counties (namely, Duke Energy Carolinas, Duke Energy Progress, and Dominion Energy Gas).

The Center used estimates to complete the initial GHG inventory and ultimately plans to make a data request to the utilities to disclose aggregated county-level usage data within these counties. The Center recognizes that there are customer data protection concerns, particularly regarding large industrial operations, and therefore plans to request aggregated residential and non-residential data, rather than information about specific non-residential rate classes.

DOE RACER - Resilient Renewable Energy to Diminish Disaster Impacts Communities.

The Center has academic partners in the DOE RACER project from NC State University's Department of Agricultural and Resource Economics and College of Natural Resources that have composed some data access needs and scenarios that would need to be addressed to maximize the impact of the program. The program looks at localities and requires circuit- and feeder-level electricity data to determine outage durations and model benefits from resiliency measures.

The Center and its partners are tasked with developing metrics relating to resiliency to benefit the community and provide backup power during utility interruptions. These metrics require granular data about frequency, location, and duration of outages, as well as processes for restoring power.



Necessary data includes statistical information for circuit performance (e.g. SAIDI, SAIFI, CAIDI) and detailed interruption timing and duration at the circuit level.

Thank you for considering the Center's view on the importance of data access and potential tools and data types needed to maximize the effectiveness of the programs it offers.

Best regards,

/s/ Steven Kalland

Steven Kalland

Executive Director, NC Clean Energy Technology Center



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,

The NC Clean Energy Fund is pleased to provide comments and recommendations to the North Carolina Utilities Commission on the proposed rules to address customer data access issues in Docket No. E-100, Sub 161. Due to 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

The North Carolina Clean Energy Fund (NCCEF) is an independent 501(c)(3) financial institution that operates on the “Green Bank” model successfully pioneered in other states, including Connecticut, New York, and Michigan. NCCEF was formally organized as a nonprofit organization in November 2020, following the culmination of three stakeholder processes in the state that all recommended the development of a green bank/clean energy fund to fill critical financing gaps in the clean energy project landscape.

Our mission is to accelerate investment in clean and efficient energy solutions and increase climate resilience in North Carolina, particularly to the benefit of underserved populations. We partner with public and private investors, foundations and other non-profit organizations to deploy sustainable financing solutions that will create long-lasting environmental, economic and social benefits. NCCEF works with underserved communities, for whom energy costs represent a high proportion of their household budgets, including urban, rural, and tribal communities. We have strong and long-standing relationships across the state, specifically within the communities that are in greatest need of energy burden reduction.

We write to you today as a key partner in the implementation of multiple programs at the State and regional level in North Carolina for which success depends on customers having

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

access to their utility energy usage data. Federal funding opportunities are available to the North Carolina State Energy Office (SEO) for which the NC Clean Energy Fund will act as financing partner. These opportunities require the SEO and its partners to analyze customer energy data to verify energy savings and conduct program evaluations. This requirement becomes a significant and unnecessary barrier when utilities do not utilize the U.S. Department of Energy's (DOE) Green Button Connect My Data protocol.

The federal Solar for All program is the largest of these opportunities. This \$7 billion grant program will provide financial and technical assistance to low-income and disadvantaged communities to deploy or benefit from zero-emission technologies, including distributed technologies on residential rooftops, and to carry out other greenhouse gas emission reduction activities.² The SEO and partners – including the NC Clean Energy Fund – have applied for \$250 million for low-income rooftop and community solar in North Carolina.³ These grants are fully funded without local or state match requirements. When successfully implemented, up to 20,000 low-income and disadvantaged households in our state will see increases in the affordability of their electric bills resulting from installation of subsidized distributed solar under the program.

The Solar for All program requires the SEO to demonstrate that program participants will experience “household savings,” defined as a benefit of at least 20% of average household's electricity bill.⁴ Insufficient data analysis capabilities risk undermining program efficiency and impact. Previous filings in Docket No. E-100, Sub 161 demonstrate that adoption of the DOE's Green Button Connect My Data protocol greatly simplifies utility customers' access to their own data and the authorized transfer of such data to third parties for analysis. While data may theoretically be available to ratepayers when they create an online account for their utility bill, it is in practice inefficient to access that information in a condensed and simplified way. Further, many of the low-income ratepayers who will benefit from the Solar for All program may have limited internet connectivity and online access, further hindering data access.

The NC Clean Energy Fund is also poised to provide financing to North Carolina businesses, households, nonprofits and farms under the Inflation Reduction Act program, Greenhouse Gas Reduction Fund, worth \$20 billion nationally. These funds will be administered by national-level intermediaries. Capital from those intermediaries is available only to nonprofit lending institutions that can demonstrate strong demand for their financing products. The NC Clean Energy Fund can bring the benefits of this \$20 billion fund to North Carolina only to the extent

² <https://www.whitehouse.gov/wp-content/uploads/2022/12/Inflation-Reduction-Act-Guidebook.pdf> at 22.

³ Application Executive Summary available at <https://energizenc.com/>.

⁴ U.S. Environmental Protection Agency Request for Applications for Solar for All, Funding Opportunity Number EPA-R-HQ-SFA-23-01, Appendix C, available at <https://www.grants.gov/search-results-detail/348957>.

that we can cultivate and connect with a robust pipeline of clean energy projects, such as energy conservation measures for houses of worship, community facilities, affordable multifamily housing developments, and individual households in low-wealth communities. Owners and managers of those buildings are severely hindered in their ability to evaluate the value proposition of energy measures due to the difficulty of accessing their own utility data and sharing that data easily with third-party providers such as engineering firms, energy auditors, and third-party energy managers. Without robust value propositions, my organization is unable to build a pipeline of projects that can be financed on favorable terms using Greenhouse Gas Reduction Fund capital, bringing benefits of clean energy to underserved locations and organizations.

The North Carolina Clean Energy Fund acknowledges the amount of time Duke Energy has put into meeting with stakeholders to improve customers' access to their energy usage data via new billing systems in recent years, and we hope that, as Duke and the North Carolina Utilities Commission work to improve customer access to utility data, the issue of inconsistent access to utility data for customers is resolved to allow them to track energy use and emissions successfully. I appreciate the consideration of these comments by the Commission and hope to continue active collaboration and partnership on the issue of customer data access. Please contact me if you need additional information regarding the federal funding examples included.

Respectfully submitted,

A handwritten signature in black ink that reads "Melissa Malkin-Weber". The signature is fluid and cursive, with the first name "Melissa" being more prominent and the last name "Malkin-Weber" following in a similar style.

Melissa Malkin-Weber, Co-Director
North Carolina Clean Energy Fund

April 10, 2024

Duke Energy
526 S Church St
Charlotte, NC 28202

To Whom it May Concern:

ICAST (International Center for Appropriate and Sustainable Technology) is a national nonprofit with a mission focused solely on greening multifamily affordable housing (MFAH), for the benefit of its low-income (LI) residents. ICAST is the awardee for the State of North Carolina, Dept. of Environmental Quality (DEQ), to launch a new MFAH focused Weatherization program using the State's allocation of Bipartisan Infrastructure Law (BIL) funds. As a member of the North Carolina Sustainable Energy Association, we are writing this letter in support of their and our efforts to obtain utility data for the MFAH properties we plan to provide green upgrades to for the Weatherization program.

- **The Green Button Connect standard, and access to data, helps us successfully complete our work as a community-based organization.**
 - Having access to energy data is the foundation of building benchmarking and modeling. It provides us a baseline of how the MFAH building has performed in the past 1-2 years so we can model the energy savings from the improvements we plan to make and determine their savings to investment ratio (SIR), a requirement of the US Dept. of Energy funded Weatherization program we plan to implement in NC. Also, the same building level utility consumption data will be required for all Inflation Reduction Act (IRA) funded MFAH projects using the DOE Homes Rebate program (HOMES) that NC will have access to as part of their federal allocation. Both these programs will not be able to operate without utility consumption data and the LI residents will lose out on a opportunity to live in safer, healthier and more affordable housing.
- **There are many states that ensure data remains accessible.**
 - Good state-level examples include, but are not limited to: California, Colorado, Maryland, New Jersey, New York, Washington, and Washington D.C. There are a *lot* more city-level utilities that service metropolitan/suburban areas that do a great job at making aggregated data accessible - easily. Some examples include Philadelphia, Pittsburg, Salt Lake City, Miami, Austin, Chicago, and more. The better programs provide utilities automatically inputting the consumption data on an annual basis directly into the US Environmental Protection Agency (EPA) Portfolio Manager online software that also benchmarks the property against its peers.

Sincerely,



Ravi Malhotra
Founder and President, ICAST
ravim@icastusa.org



April 18, 2024

Shonta Dunston, Chief Clerk
North Carolina Utilities Commission
4325 Mail Service Center
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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.southeastssdn.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,



Meg Jamison
Director
Southeast Sustainability Directors Network
(423) 416-0839 (mobile)
meg@southeastsdn.org

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



April 19, 2024

Matt Abele, Executive Director
North Carolina Sustainable Energy Association
4441 Six Forks Road | Suite 106-250
Raleigh, North Carolina 27609

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

Dear Executive Director Abele,

As a member organization of the North Carolina Sustainable Energy Association (NCSEA), the City of Charlotte appreciates the opportunity to provide these additional comments and recommendations on the proposed rules to address customer data access issues in Docket No. E-100, Sub 161 and gives NCSEA permission to include this letter in their filings in connection with this docket. The city is also appreciative of the efforts undertaken by the North Carolina Utilities Commission (the Commission), Public Staff, NCSEA, Duke Energy, and the other interveners to improve access to utility data.

As a large customer, the city has a wide array of utility data requirements and depends on ready access to utility data. This data is crucial for making well-informed decisions regarding energy efficiency and renewable energy investments across our facilities, as well as for tracking our progress toward our carbon reduction goals. Unfortunately, access to this data has at times been problematic and when it is accessible it is not in a usable form. As such, we would like to have direct, immediate access to our historical utility data dating back five years in an electronic, machine-readable format. We would also like to be able provide third parties access to this data.

There is also a necessity for aggregated data to facilitate our pursuit of new federal grant opportunities, the development of targeted programs addressing energy challenges in our community, and tracking the progress of existing energy efficiency and weatherization programs. The city also faces a challenge with buildings hosting tenants whose energy usage is not visible. This lack of visibility hinders our ability to make informed decisions regarding energy efficiency investments and to monitor carbon emissions from these facilities. Additionally, the city recently initiated a voluntary building energy benchmarking program called "Power Down the Crown." However, many of our partners and other building owners in the city also encounter similar challenges with obtaining visibility into their buildings' energy consumption by not having access to their tenants' data. The city recognizes the need to protect customer privacy and largely supports the portion of the





Attorney General's Office's that addresses aggregate data¹. However, in the absence of any existing building disclosure laws, ordinances, or regulations, the city would like to see Section (J)(2)(ii) expanded to include local government voluntary building energy benchmarking programs.

The City of Charlotte recognizes the amount of effort that Duke Energy has put into their billing system with the goal of improving customers access to their data. Duke Energy has been a strong partner, and we look forward to continue working with NCSEA, the Commission, and Duke Energy to ensure that customers have access to the data they need to make informed energy decisions, assess impacts, and track progress towards goals.

Thank you for your consideration.

Respectfully,

Sarah Hazel
Chief Sustainability and Resiliency Officer

¹ NCUC Docket No. E-100, Sub 161, AGO Supplemental Reply Comments, Appendix A at 14-18.





City of Asheville
Office of the Mayor

P.O. Box 7148
Asheville, NC 28802
Phone: (828) 259-5600
www.ashevillenc.gov

April 4, 2024

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

Re: North Carolina Utilities Commission Docket NO. E-100 Sub 161

Dear Chair Mitchell and Commission Members,

The City of Asheville appreciates the opportunity to provide additional comments on the proposed rules to address customer data access issues in Docket No. E-100 Sub 191.

We would like to acknowledge and thank Duke Energy for their engagement and improvements to the online business portal to date. Specifically, we appreciate the ability to increase the number of users with online access, including 3rd party providers the City approves. As a large energy customer, the City of Asheville has diverse data access needs from multiple departments ranging from Facilities Maintenance monitoring building performance to Finance managing accounts payable to Sustainability tracking energy efficiency projects, solar energy generation, and measuring greenhouse gas (GHG) emissions.

However, challenges still remain for the City of Asheville to access our utility data in an electronic, machine-readable format. Specifically, the City of Asheville still requests additional revisions to require that the frequency interval of data is commensurate with the meter or network technology used to serve the customer, and no less frequent than hourly if the meter is billed for demand. Having the ability to analyze our own data, including sub-hourly interval data that is reliably downloadable and not time-shifted, enables the City to measure the impact of our investments in energy efficiency, onsite solar generation, and demand reduction efforts. Additionally, collective billing should not limit our access to the "Download My Data" function which currently prevents us from accessing high-resolution smart meter data.

The City of Asheville also values and agrees that individual customer data privacy must be protected, and individual data access without permission must be avoided. However, the City of Asheville has adopted aggressive climate change goals and the strategies to achieve these goals

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Apr 19 2024

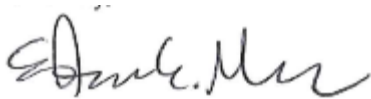
and measure our progress require access to utility data. This is why the City of Asheville supports the provision in the Attorney General's Office's proposed rule that would expand Duke Energy's ability to share aggregated data, which would improve our ability to measure program effectiveness and monitor progress toward our climate change goals.

To further enhance our work, the City of Asheville also 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. We recommend standardizing the format in which customer data is received and establishing a standard waiting period between when the request is submitted and when data is supplied. The City of Asheville, in partnership with Buncombe County and Green Built Alliance, has collaborated with Duke Energy over the past six years to develop a utility release form and gather that data to inform the measurement and verification of our low income weatherization program, Energy Savers Network. To date, it has been challenging to maintain access to this data as the form has seen many iterations, and receipt of the data has varied in format and time to process the request. This makes it difficult to measure and verify the program's effectiveness as well as inform program improvements.

The Energy Savers Network is just one program example among many that the City supports to transition our community to a clean energy future. Access to customer's data, both aggregated to protect privacy or at the household/business level with the customer's permission, allows the City of Asheville to use our limited resources to their fullest extent to reduce costs, and greenhouse gas emissions, within municipal operations and for our community members.

Please contact us if you have any questions concerning this filing.

Sincerely,

A handwritten signature in dark ink, appearing to read "Esther E. Manheimer". The signature is fluid and cursive, with the first name "Esther" being more prominent.

Esther E. Manheimer
Mayor, City of Asheville