

**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	)	ORDER REQUIRING FILING OF
Customer Billing Data	)	SUPPLEMENTAL COMMENTS
	)	

BY THE CHAIR: On February 4, 2019, the Commission issued an Order in the above-captioned docket initiating a rulemaking on access to electric customer usage data. The Commission's Order made Duke Energy Carolinas, LLC (DEC), Duke Energy Progress, LLC (DEP, and collectively with DEC, Duke), Virginia Electric and Power Company, Inc., d/b/a Dominion Energy North Carolina (DENC), and the parties to Docket No. E-100, Subs 153 and 157, parties to this proceeding without the need to file petitions to intervene. The Order also set a schedule for intervention and receipt of initial comments and proposed rules by April 15, 2019.

Between April 3, 2019, and November 8, 2019, at the request of the parties and to facilitate their discussions about proposed rules, the Commission granted extensions of time to file initial comments and proposed rules to February 10, 2020.

On June 14, 2019, Duke, DENC, and the Public Staff – North Carolina Utilities Commission (Public Staff) filed joint comments in Docket No. E-100, Sub 153, stating that revisions to Rule R8-7 (Information for Consumers) and R8-8 (Meter Reading and Bill Forms) were more related to the ongoing discussions in the customer data access rulemaking proceeding in Docket No. E-100, Sub 161, and requesting that those proposed rule revisions be moved to the discussions in Docket No. E-100, Sub 161. The Commission granted that request on July 10, 2019.

On June 20, 2019, the Commission granted Mission:data Coalition's (Mission:data) Motion to Intervene.

On December 18, 2019, the City of Asheville filed initial comments in this proceeding, and on February 10, 2020, the following parties also filed initial comments or proposed rules: Environmental Defense Fund (EDF), the Public Staff, the North Carolina Sustainable Energy Association (NCSEA), Mission:data Coalition (Mission:data), Duke, DENC, and the North Carolina Attorney General's Office (AGO).

Along with initial comments, several parties requested that the Commission allow the parties to file reply comments on the proposed rules, which the Chair granted on

May 26, 2020, by issuing an Order allowing the parties to file reply comments on the proposed rules on or before June 29, 2020.

On June 24, 2020, following a motion by the Public Staff, the Chair extended the date for parties to file reply comments to July 17, 2020.

On July 17, 2020, the following parties filed reply comments: EDF, DENC, AGO, NCSEA, Public Staff, Mission:data, and Duke.

In summary, the comments discussed proposed revisions to Rule R8-7 (Information for Consumers), R8-8 (Meter Reading and Bill Forms), and R8-51 (Provision of Past Billing History Upon Customer Request). Among other things, several of the comments discussed the importance the utility's having established adequate metering and billing technology; some comments supported delaying the implementation and enforcement of the proposed revisions until those systems and technology were in place and being utilized. Other comments discussed data access and privacy practices utilized in other places.

For example,<sup>1</sup> in discussing its proposed Rule R8-7, the Public Staff offered that "Rule R8-7(c) would not be applicable . . . until a utility has established adequate metering and billing technology to provide this service to customers." Public Staff Initial Comments at 2. In voicing its general support for Public Staff's proposed Rule R8-7, Duke stated that it would be unable to comply with this provision until 13 months following the implementation of Customer Connect. NCSEA was, in part, "concerned about the vague nature of the language proposed for Rule R8-7(c)," and believed the phrase "[o]nce metering and billing technology required for such analysis is in place" needed to be better defined." NCSEA Initial Comments at 2-3.

Similarly, in discussing its proposed Rule R8-8(a), the Public Staff stated that "[t]he additional billing information is designed to increase transparency and ensure that customers have access to the additional data being collected and maintained by the utilities as a result of implementation of advanced metering infrastructure (AMI), as well as current or planned improvements in customer billing and data management systems." Public Staff Initial Comments at 2. The Public Staff also noted that "as deployment of AMI continues by the utilities, the potential for estimated bills should decrease further, and the information provided upon reconciliation of the bills should provide greater clarity to customers during the estimated period." *Id.* at 2-3.

Also, in discussing its proposed Rule R8-51, the Public Staff stated that customers should be able to realize the full benefits of smart meters and customer information systems, including the benefit of access to usage data that will allow customers to reduce their energy usage. Although the Public Staff recommended that many of the provisions of its proposed Rule R8-51 become effective immediately, it noted that some utilities may

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<sup>1</sup> These examples are not meant to be exhaustive and do not constitute a full summary of the comments filed in the docket.

not be able to immediately implement the provisions of R8-51(d) and (e) due to system constraints. To allow time for implementation, the Public Staff proposed additional revisions to proposed Rules R8-51(d), (g), and (h) to be effective January 1, 2022 (January 1, 2022 Amendments). Although voicing general support, Duke in part stated that the Public Staff's proposed January 1, 2022 Amendments "will add risk to the deployment of the Customer Connect Program for DEC (April 2021) and DEP (April 2022)." Duke Initial Comments at 4-5. In discussing third-party data requests for customer usage data and billing information, Duke also stated that "potential risks of third-party involvement in that process should be fully vetted before a Commission Rule requires it, even if the requirement begins in 23 months." *Id.* at 5-6.

Likewise, in DENC's initial comments it stated, among other things, that it was also engaged in a variety of longer-term initiatives that would ultimately increase both the amount and type of data available to DENC's customers. DENC stated that, although it has not yet implemented deployment of AMI on a widespread basis in its North Carolina service territory, smart meters equipped with AMI technology would enable DENC to record energy consumption data more frequently and collect more detailed energy usage information. DENC also stated that it was currently seeking regulatory approval in Virginia to deploy a new customer information platform (CIP). DENC also stated that the requirement under Public Staff's proposed Rule R8-51(d) that it maintain at least 24 months of customer data would be overly burdensome and impractical until after its AMI and CIP rollout is complete.

DENC also opposed the Public Staff's proposed January 1, 2022 Amendment to Rule R8-51(d), stating that it was premature to prospectively adopt by reference a standard nearly two years in advance that could change substantially before it is automatically codified into the Commission's rules. DENC noted that NAESB Req. 21 serves as the basis for the Green Button Connect platform and stated that deployment of Green Button Connect is premature prior to full deployment of AMI, stating the proposed 2022 effective date would likely require DENC to make unnecessary investments to modify its current customer information system and data security framework ahead of the new CIP launch. DENC Initial Comments at 16.

With regard to the Public Staff's proposed January 1, 2022 Amendments, particularly the January 1, 2022 Amendment to Rule R8-51(d), NCSEA stated that the underlying adoption of Green Button Connect should be implemented sooner than January 1, 2022. NCSEA stated that it recognizes that there are practical limitations to the instantaneous adoption of the Green Button standard, but it noted that the conversation related to data access in North Carolina has already been ongoing for many years.

In developing its proposed Rule R8-51, the AGO stated that it incorporated "globally recognized Fair Information Practices (FIPs), privacy principles that inform most of the privacy laws and regulations in the United States and the European Union." AGO Initial Comments at 5. The AGO also stated that its proposed Rule R8-51 was "informed by the treatment of access and privacy in the context of utilities' adoption of smart grid technologies in Colorado, Michigan and California." *Id.*

Following the filing of comments in the above-captioned docket, other dockets have also addressed the implementation and deployment of Duke's Customer Connect programs.

On February 19, 2021, Duke filed with the Commission a Petition for Limited Waivers and Filing of Service Regulations in Docket Nos. E-2, Sub 1271, and E-7, Sub 1251.

On March 18, 2021, DEC filed a letter in Docket No. E-7, Subs 1214 and 1271, notifying the Commission of DEC's intent to implement two customer billing and payment changes effective April 5, 2021. Among other things, the letter stated that DEC intended to launch its new customer billing and information system, Customer Connect, on April 5, 2021.

On March 24, 2021, the Commission issued an Order Granting Interim Authority for Changes Related to Implementation of Customer Connect with Conditions in Docket No. E-7, Sub 1214.

Also on March 24, 2021, the Commission issued an Order Granting Limited Waivers with Conditions in Docket Nos. E-2, Sub 1271, and E-7, Sub 1251 (Waiver Order). The Waiver Order approved requests by Duke for limited waivers of portions of several Commission rules concerning customer billing and accounts. According to Duke, the waivers were needed to support DEC's and DEP's conversions to Customer Connect. In addition, the Waiver Order required DEC and DEP to file a report within 120 days after they implemented Customer Connect detailing their experiences with the rule waivers during the first 90 days of using Customer Connect.

On March 31, 2021, the Commission issued an Order Accepting Stipulations, Granting Partial Rate Increase, and Requiring Customer Notice in Docket No. E-7, Subs 1214, 1213, and 1187 (DEC Rate Order), authorizing DEC to adjust its rates and charges for retail electric service in North Carolina. The DEC Rate Order, among other things, discussed evidence that the new Customer Connect billing system was scheduled to be implemented for DEC in the spring of 2021 and not fully deployed or stabilized until approximately six months later. DEC Rate Order at 167. The Commission also concluded that it should not require DEC to incorporate Green Button into its Customer Connect billing system at that time, instead noting the ongoing investigation and rulemaking the Commission was considering in Docket No. E-100, Sub 161. *Id.* at 192.

On April 16, 2021, the Commission issued an Order Accepting Stipulations, Granting Partial Rate Increase, and Requiring Customer Notice in Docket No. E-2, Subs 1219 and 1193 (DEP Rate Order), authorizing DEP to adjust its rates and charges for retail electric service in North Carolina. The DEP Rate Order, among other things, discussed evidence that the new Customer Connect billing system was scheduled to be implemented for DEP in the spring of 2022 and not fully deployed or stabilized until approximately six months later. DEP Rate Order at 175-76. The Commission also concluded that it should not require DEP to incorporate Green Button into its Customer Connect billing system at that time,

instead noting the ongoing investigation and rulemaking the Commission was considering in Docket No. E-100, Sub 161. *Id.* at 195.

On August 3, 2021, DEC filed its report pursuant to the Waiver Order (August 3, 2021 Report). The August 3, 2021 Report indicated that DEC successfully transitioned all of its legacy customer account data to the new billing system on April 5, 2021. Among other things, Duke indicated that the new systems were maintaining over 99% availability and the vast majority of accounts were billed without intervention within the first week. Duke also indicated that there were challenges in some areas.

On September 2, 2021, the Public Staff filed comments responsive to the August 3, 2021 Report.

On September 10, 2021, Duke filed with the Commission a status update on Customer Connect implementation in Docket Nos. E-2, Sub 1271, and E-7, Sub 1251. Among other things, Duke stated that the new implementation date for DEP would be November 5, 2021.

On February 15, 2022, Duke filed a Joint Annual Report on the Customer Connect Program in Docket Nos. E-7, Sub 1146, and E-2, Sub 1142.

On March 2, 2022, Duke filed a joint motion requesting that it be granted an extension of time to March 14, 2022, to file its Customer Connect Implementation Report in Docket Nos. E-7, Sub 1146, and E-2, Sub 1271. In a subsequent email exchange with Commission Staff, counsel for Duke clarified that the extension request was for DEP only.

On March 3, 2022, the Commission issued an Order Granting Extension of Time to File Report.

On March 14, 2022, DEP filed its report pursuant to the Waiver Order (March 14, 2022 Report). The March 14, 2022 Report indicated that DEP successfully transitioned all of its legacy customer account data to the new billing system on November 5, 2021. Among other things, Duke indicated that the new systems were maintaining over 99% availability and that meter reads, billing, and payments were processed cleanly without intervention by day one of the transition. Duke also indicated that there were challenges in some areas.

On April 13, 2022, the Public Staff filed comments responsive to the March 14, 2022 Report.

The Commission has through these and other proceedings obtained much information about the deployment and implementation of Duke's Customer Connect program, as well as how technological and other developments have or might affect issues involving access to electric customer usage data. However, the Chair concludes that the Commission will benefit in this docket from additional or supplemental comments addressing these and other developments. As a result, the Chair finds good cause to issue

this Order requiring Duke, DENC, and the Public Staff to file supplemental comments updating the comments previously filed in this docket.

Duke, DENC, and the Public Staff shall, at a minimum, file comments on the implementation of, and any updates to, the utilities' respective customer billing and data management systems — for Duke, its Customer Connect and related systems, and for DENC, its customer information platform — and the utilities' advanced metering infrastructure and shall explain how these developments inform or affect the parties' previously filed comments. These comments shall also explain how these platforms allow for customer access of their own information, how third parties are permitted to access that customer information, and the manner by which the availability of that access is communicated to customers or third parties, e.g., whether solely by explanation on the web portal, in the customer's billing, etc., if at all. In addition, the comments shall explain if and how customers and third parties are able to access non-residential customer data. Other intervenors are encouraged, but not required, to file supplemental comments on these and any other relevant developments since the filing of past comments. These supplemental comments may include but are not limited to, for example, intervenor responses to the August 3, 2021 or March 14, 2022 Reports, discussion of any additional action taken in other states involving these issues, suggestions, or deficiencies in the utilities' implementation of their respective platforms, or other concerns that remain.

IT IS, THEREFORE, ORDERED as follows:

1. That Duke, DENC, and the Public Staff shall file supplemental comments on or before Monday, May 23, 2022;
2. That other parties may file supplemental comments on or before Monday, May 23, 2022; and
3. That parties may file supplemental reply comments on or before Tuesday, June 7, 2022.

ISSUED BY ORDER OF THE COMMISSION.

This the 22nd day of April, 2022.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in cursive script, reading "Erica N. Green".

Erica N. Green, Deputy Clerk