

**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)	SUPPLEMENTAL REPLY COMMENTS
Electric Customer Billing Data)	OF THE PUBLIC STAFF

NOW COMES THE PUBLIC STAFF – North Carolina Utilities Commission, by and through its Executive Director, Christopher J. Ayers, pursuant to the Commission’s April 22, 2022 Order Requiring Filing of Supplemental Comments and the Commission’s October 7, 2022 Order Granting Motion for Extension of Time to File Supplemental Reply Comments in the above-captioned docket, and respectfully submits the following supplemental reply comments.

1. On February 10, 2020, in response to the Commission’s February 4, 2019 Order Requiring Information, Requesting Comments, and Initiating Rulemaking and subsequent orders granting extensions of time, the Public Staff filed initial comments and proposed revisions to Commission Rules R8-7, R8-8, and R8-51 (Draft Rules). The Public Staff’s Initial Comments and Draft Rules addressed: (1) electric meters; (2) customer data issues arising from the deployment of smart meters and customer billing and data management platforms; and (3) third-party access to customer data.

2. Also on February 10, 2020, the Attorney General’s Office (AGO) and Mission:data Coalition each filed their own draft rule R8-51, and the AGO,

Mission:data Coalition, the North Carolina Sustainable Energy Association, Virginia Electric and Power Company, d/b/a Dominion Energy North Carolina (DENC), and Duke Energy Carolinas, LLC (DEC) and Duke Energy Progress, LLC (DEP) (together, Duke) each filed initial comments.

3. On July 17, 2020, pursuant to the Commission's May 26, 2020 Order Requesting Reply Comments, the Public Staff and intervening parties filed reply comments. In addition to the parties that submitted initial comments in this docket, the Environmental Defense Fund also filed reply comments.

4. On April 22, 2022, the Commission issued an order requiring Duke, DENC, and the Public Staff to file supplemental comments on the implementation of, and any updates to, the utilities' respective customer billing and data management systems and advanced metering infrastructure (AMI), and to discuss how those developments impact the parties' previously filed comments. The Commission's order further required the supplemental comments to explain: (1) how these platforms allow for customer access to their own information; (2) how third parties are permitted to access that customer information; (3) how the availability of that access is communicated to customers or third parties, if at all; and (4) if and how customers and third parties are able to access non-residential customer data. The Commission's order also provided that other intervenors were encouraged, but not required, to file supplemental comments on these and any other relevant developments since the filing of past comments.

5. On July 22, 2022, the Public Staff, Duke, DENC, the AGO, and Mission:data Coalition each filed supplemental comments in this docket. The Public Staff and the AGO both made several revisions to their draft rules, as explained in, and attached to, their respective supplemental comments.

6. The supplemental reply comments below address three issues: (1) the implementation of Customer Connect; (2) customer data access; and (3) third-party access to aggregated data.

Implementation of Customer Connect

7. The Public Staff's supplemental comments filed July 22, 2022, stated that Duke has completed deployment of its Customer Connect and AMI systems for both DEC and DEP, and that while Duke noted a few minor issues related to the deployment, they described the transition as being a generally positive experience for Duke and their customers. The comments also stated that the Public Staff was not aware of any complaints related to the availability of customer usage information.

8. Since the filing of its supplemental comments, however, the Public Staff has been contacted by customers who have expressed concerns about Customer Connect implementation issues. The Public Staff has reached out to Duke regarding those concerns and received preliminary responses. Those implementation issues, along with Duke's responses, are listed below:

- a. Following implementation of Customer Connect, Duke suspended data access for facilities on summary billing.¹ In order to see their usage and billing information on a summary basis, these customers must now access individual meter data and bills and then aggregate that information using their own software outside of Customer Connect. When asked about this issue, Duke responded that the Download My Data functionality was designed for single meter use and does not support accounts on summary billing. Duke has informed the Public Staff that they are looking into addressing this issue for customers with multiple locations/meters, but no additional information is available at this time.
- b. Some customers have not had access to their downloadable Annual Summary spreadsheets. Duke responded that it plans to make available the downloadable Annual Summary spreadsheets to all large business users by the end of January 2023.
- c. The timestamps of meter readings in the Download My Data Extensible Markup Language (XML) files are incorrect. Timestamps are off by several hours, and the time shift appears

¹ Summary billing occurs when bills are aggregated for multiple facilities under common ownership into a single bill. For example, public sector facilities such as schools, parks, and water/sewer facilities are billed collectively under their respective local government entities. Large industrial customers with multiple buildings and facilities also utilize summary billing.

to equal the difference between Eastern Standard Time and Greenwich Mean Time. Duke responded that they have identified that the timestamps are incorrect and that the issue has been raised for resolution. The estimated fix date is not yet known.

- d. For commercial accounts, the energy usage charts on the online portal show incorrect usage information. More specifically, customers have noticed that the first month in the chart shows incorrect usage values, and that when the “compare to previous year” function is used, the usage data for the two years being compared are switched. Duke responded that this is a known issue and is expected to be resolved in early December 2022.
- e. When corrected bills are issued, the Annual Summary is reporting the tax amounts for both the original incorrect bill and the corrected bill, resulting in incorrect reported tax amounts (and therefore incorrect total billing amounts). A similar issue is reported where an account goes unbilled for multiple months and then a single bill is issued covering those multiple months. This issue is specific to the reporting of the amount of taxes, rather than the actual collection or charging of taxes. Duke responded that this is a known issue and is expected to be resolved in early December 2022.

- f. Users are experiencing periodic issues with Download My Data. Specifically, data will not download, or the file will contain only zero-value meter reads. These issues reportedly occur without a notification of scheduled maintenance, and issues can persist for days, with no notice when the data service is restored. In other words, Duke does not notify customers when normal service is interrupted or restored. Duke responded that their team has been able to recreate this issue very intermittently, and that a fix will be implemented to eliminate zero values unless the reading/usage during the period is zero. The estimated resolution date is not yet known.
- g. For some accounts, in Download My Data XML files, recent values for which data have not yet been reported are displayed as zeros, rather than as data voids. These erroneous zero values can cause problems in energy data analysis, falsely representing that no usage occurred during a given interval. This was reported as an intermittent issue. Duke responded that more investigation is needed because this issue is occurring very sporadically.

9. The Public Staff has conveyed to Duke the importance of addressing these issues, particularly where they prevent best energy management practices, including energy efficiency implementation. AMI infrastructure and Customer Connect were deployed at a cost of approximately \$881 million to date for DEC

and DEP combined,² and it is important that customers be able to access their data in a consistent, error-free, and user-friendly manner. AMI and Customer Connect were promoted as investments that would, in part, provide customers with better access to their data. However, as noted above, some customers have less access to their data following the implementation of Customer Connect.

Customer Data Access

10. The Public Staff continues to support its proposed Rule R8-51(d), with clarifying revisions as shown in Appendix A.³ The Public Staff's proposed Rule R8-51(d), as previously filed with the Commission, provides that:

A utility shall maintain at least 24 months of customer data in sufficient detail to assist customers in understanding their energy usage. The frequency interval of data must be commensurate with the meter or network technology used to serve the customer. Customer data shall be maintained and made available to customers and customer-authorized third parties in electronic machine-readable format that conforms to the latest version of the North American Energy Standard Board's (NAESB) Req. 21, the Energy Services Provider Interface (ESPI), or a Commission approved electronic

² See Attachment 1. Specifically, Duke's costs for North Carolina to date are approximately \$517 million (\$268 million for DEC and \$249 million for DEP), and its total North Carolina costs for Customer Connect are approximately \$364 million, inclusive of both capital and O&M (\$208 million for DEC and \$156 million for DEP).

³ Revisions to the Public Staff's proposed Rule R8-51 are attached to these comments as Appendix A. Specifically, the revisions made in Appendix A are meant to clarify the requirement for Green Button Connect functionalities in Draft Rule R8-51(d). The revised Rule R8-51(d) reads:

A utility shall maintain at least 24 months of customer data in sufficient detail to assist customers in understanding their energy usage. The frequency interval of data must be commensurate with the meter or network technology used to serve the customer. Customer data shall be maintained and made available to customers and customer-authorized third parties in electronic machine-readable format that conforms to the latest version of the North American Energy Standard Board's (NAESB) Retail Energy Quadrant Book 21 (REQ.21) Energy Services Provider Interface (ESPI), or another Commission-approved electronic machine-readable format that conforms to nationally recognized standards and best practices.

machine-readable format that conforms to nationally recognized standards and best practices.

11. The NAESB is a standards development organization formed by the energy industry in 1994. The NAESB Retail Energy Quadrant Book 21 (REQ.21) Energy Services Provider Interface (ESPI) data standard establishes a protocol for the transfer of energy usage information from a utility to a third party with customer consent. This standard is known as the Green Button standard and is updated as the energy industry and best practices evolve. The current full ESPI standard, Green Button Connect, requires: (1) a common XML data format; and (2) a protocol that allows for the automatic transfer of data from a utility to a third party with customer authorization.⁴

12. An older version of the Green Button standard, Green Button Download My Data, allows customers to download their energy usage data in XML format. The customer can then use an application to read the file or transfer the data to a third-party application.

13. Duke and DENC both currently offer Green Button Download My Data functionalities to their customers, with the exception of Duke's summary billing accounts, as discussed above. Therefore, while Duke and DENC customers can download their energy usage information and transfer that data to a third party

⁴ The NAESB Energy Services Provider Interface Model Business Practices Information Page (last accessed Dec. 2, 2022), https://www.naesb.org/ESPI_Standards.asp; U.S. Department of Energy, Green Button, Open Energy Data (last accessed Dec. 2, 2022), <https://www.energy.gov/data/green-button>.

themselves, they cannot automate the transfer of their energy usage data directly from the utility to a third party.

14. Both Duke and DENC have opposed the Public Staff's proposed revisions to Commission Rule R8-51 that would require Green Button Connect functionality. Duke stated that the requirement would "impose costs on customers where there has been little-to-no demand for the functionality," and that it has processes in place to provide access to customer usage data to third parties with customer consent.⁵ They also stated that there is minimal demand for their Download My Data platform, which first became available in February 2020. Duke stated that because its customers have shown minimal demand for the Download My Data platform, they are "reluctant to invest the required time and resources adding functionalities to provide an option to allow third-parties ready and on-going access to customer usage data."⁶

15. Likewise, DENC stated in its supplemental comments that DENC made available to its customers the Download My Data functionality in 2013, and that it does not currently plan to provide Green Button Connect functionality. DENC noted that it currently provides authorized third parties with customer data, via secured email or another similar format, pursuant to an executed standardized consent form. DENC believes this procedure has been appropriately meeting customer demand and stated it has not to date observed any demand from its

⁵ Joint Supplemental Comments of DEC and DEP, at 7.

⁶ *Id.* at 8.

customers that would justify an investment in a platform such as Green Button Connect.⁷ DENC also explained that on January 7, 2022, the Virginia State Corporation Commission (SCC) issued an order directing DENC to provide certain information regarding Green Button Connect functionality, “including, but not limited to: (i) the overall cost of adding and supporting [Green Button Connect] functionality; (ii) how such costs should be born [sic] by customers; (iii) how many customers Dominion would expect to use the [Green Button Connect] option if it were available; and (iv) how any data access issues will be addressed.”⁸

16. Duke has estimated that the cost of implementation of Green Button Connect functionality in North Carolina would be approximately \$3,236,000 over a five-year period.⁹ In response to a discovery request,¹⁰ DENC indicated it has not conducted any independent analysis regarding offering Green Button Connect functionality to its customers, but noted the SCC’s order requiring that DENC provide certain information regarding Green Button Connect, including a cost estimate, in its next Grid Transformation Plan filing.

17. The Public Staff continues to support the requirement for Green Button Connect functionalities. The NAESB REQ.21 ESPI standard is a nationally recognized and accepted standard that allows ease of access to a customer’s data

⁷ Supplemental Comments of DENC, at 7-8.

⁸ 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).

⁹ Duke Response to AGO’s Third Set of Data Requests, AGO Supplemental Comments, Attachment 4.

¹⁰ Attachment 2.

and is considered best practice for energy data management. Facilitating ease of access to a customer's own data—and ease of transferring that data to third parties in an automated manner and in a common, usable format—will help customers to better understand and take more control over their energy usage. Furthermore, Duke's deployment of AMI and Customer Connect, at a cost of approximately \$881 million to date, should broker this type of data access. The Public Staff understands that demand for the utilities' Download My Data offerings is currently limited, but notes that demand may increase if the offerings are improved and consistent with best practices.

Third Party Access to Aggregated Data

18. In its initial Draft Rules, the Public Staff recommended adoption of the "15/15 Rule" for the provision of aggregated data. The Public Staff's proposed Rule R8-51(l) provides that:

A utility may disclose readily available aggregated customer data that consists of at least fifteen customers, where the data of a single customer or premise associated with a single customer's data does not comprise 15 percent or more of the aggregated data within the same customer class. In aggregating customer data to create an aggregated data report, a utility must ensure the data does not include any unique identifiers. A utility shall not be obligated to provide aggregated customer data in response to multiple overlapping requests from or on behalf of the same requestor that have the potential to identify customer data.

19. In its supplemental comments, the AGO stated that the 15/15 Rule has come under heavy criticism. The AGO cited a study that indicated that a recipient of aggregated data provided under the 15/15 Rule can reidentify

individual customers using “simple algebra,” and by looking at changes between datasets. The AGO further stated that recipients can reidentify individual customers by combining the usage data with other information about the customers in the dataset.

20. The 15/15 Rule has been adopted in several other jurisdictions, including Colorado, California, Illinois, and Minnesota.¹¹ To the Public Staff’s knowledge, no other jurisdiction has moved to repeal or modify its 15/15 Rule, including for reasons related to customer privacy.

21. While breaches of customer information cannot be entirely prevented, it is imperative to ensure that customer information is protected to the maximum extent possible. Therefore, the Public Staff cannot recommend adopting its proposed Rule R8-51 absent further investigation of the potential issues raised by the AGO.

22. In light of the uncertainties raised by the AGO, and because the Public Staff understands that certain other parties may be filing alternative proposals for aggregated data in their supplemental reply comments, the Public Staff believes it would be prudent at this time to delay consideration of the Public Staff’s proposed Rule R8-51 so that parties can: (1) further investigate any

¹¹ See Colorado 4 CCR 723-3 Section 3031(b) <https://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=5738>; California <https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M090/K845/90845985.PDF>; Illinois <https://www.icc.illinois.gov/docket/P2013-0506/documents/208612/files/367604.pdf>; Minnesota <https://efiling.web.commerce.state.mn.us/edockets/searchDocuments.do?method=eDocketsResult&userType=public#{D0ABE675-0000-C61C-A8B3-DD9B6EE869D5}>.

potential shortcomings of the 15/15 Rule; (2) determine whether any other jurisdictions have experienced issues with the 15/15 Rule; and (3) investigate reasonable alternatives to the 15/15 Rule that would be sufficiently protective of customer information and feasible for the utilities to administer.

23. While the Public Staff's proposed Rule R8-51 provides for third party access to aggregated data, it also contains provisions related more broadly to customer data access, as discussed earlier in these comments. The Public Staff believes it would be prudent to delay consideration of the entire rule, rather than attempting to move forward with other portions of its proposed Rule R8-51, so that the rule can be considered by the Commission in its entirety at the appropriate time.

24. Pending further investigation and proceedings on the 15/15 Rule and any alternatives raised by the parties, requests for aggregated data can be treated as they have been in the past and consistent with the utilities' Codes of Conduct, with the utilities able to disclose customer information with customer consent, or, if necessary, pursuant to a waiver granted by the Commission.

25. The Public Staff also notes that the AGO's revised draft rules filed on July 22, 2022, include new provisions allowing for the transfer of aggregated data without customer consent in two situations: (1) for EnergyStar benchmarking; and (2) for government or academic research. The AGO explained that such transfer of aggregated data is likely to have minimal privacy impacts. The Public Staff does not believe that exemptions for the receipt of aggregated data are appropriate at

this time, and that all entities requesting aggregated customer information should be subject to the same procedures for obtaining such information.

26. The Public Staff therefore respectfully requests that the Commission adopt the Public Staff's proposed Rules R8-7 and R8-8,¹² as revised in its July 22, 2022 supplemental comments. The Public Staff also respectfully requests that the Commission delay consideration of the Public Staff's proposed Rule R8-51, as discussed herein.

Respectfully submitted this the 9th day of December, 2022.

PUBLIC STAFF
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Executive Director

Lucy Edmondson
Chief Counsel

Electronically submitted
/s/ Nadia L. Luhr
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¹² Public Staff Supplemental Comments, Appendix A, Docket No. E-100, Sub 161 (July 22, 2022).

CERTIFICATE OF SERVICE

I certify that I have served a copy of the foregoing supplemental reply comments on all parties of record in accordance with Commission Rule R1-39, by United States mail, postage prepaid, first class; by hand delivery; or by means of facsimile or electronic delivery upon agreement of the receiving party.

This the 9th day of December, 2022.

Electronically submitted
/s/ Nadia L. Luhr

Customer Data Access.

Rule R8-51. ~~PROVISION OF PAST BILLING HISTORY UPON CONSUMER REQUEST.~~

~~Each utility, upon the request of one of its consumers, shall provide the past billing information of such consumer as provided in this rule. The minimum information which shall be provided shall include the following in an easily understood format: the name of the rate schedule under which such consumer is served; a clear specification of the months and years of data supplied (twelve month minimum); and a clear itemization of the demand billing units, basic facilities charge, kilowatt-hour usage, and dollar amount of bills for each bill rendered during the period to which the data relates. The utility may charge up to \$5.00 for all subsequent requests for a past billing history made by the same consumer for the same service location within a twelve (12) month period.~~

PROVISION OF CUSTOMER DATA.

a) Definitions.

- 1) "Aggregated data" means customer data, alone or in combination with non-customer data, resulting from processing (e.g., average of a group of customers) or the compilation of customer data from which all unique identifiers have been removed.
- 2) "Customer data" means 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 generation, transmission, distribution, delivery, and sales, and other related services, such as administration of customer accounts and rate schedules, metering, billing, standby service, backups, and changeover of service to other suppliers. Customer data includes data or information that is:
 - i. Collected from the electric meter, by the utility, and stored in its data systems for billing purposes (e.g., kWh, kW, voltage, VARs, power factor);
 - ii. Customer-specific energy usage information for regulated utility service;
 - iii. About the customer's participation in regulated utility programs, such as renewable energy, demand-side management, load management, or energy efficiency programs; or
 - iv. Any other non-public information specific to a customer that is related to electricity consumption, load profile or billing history.
- 3) "Non-public utility operations" means all business enterprises engaged in by a utility that are not regulated by the Commission or otherwise subject to public utility regulation at the state or federal level.

- 4) “Personal information” means the same as “Identifying information” as defined in G.S. 14-113.20.
- 5) “Third party” means a person who is not the customer, nor any of the following: (i) an agent of the customer designated by the customer with the utility to act on the customer’s behalf, (ii) a regulated utility serving the customer, or (iii) a contracted agent of the utility. For the purposes of this rule, “third party” includes any nonpublic utility operation or affiliate of the utility.
- 6) “Unique identifier” means a customer’s name, account number, meter number, mailing address, telephone number, or email address.
- b) A utility shall protect customer data, in its possession or control, to maintain the privacy of its public utility customers, while providing those customers reasonable access to their own customer data. A utility is only authorized to use customer data to provide regulated utility service as provided for in G.S. 62-3(23). Nothing in these rules limits a customer’s ability to provide its own customer data to any other party. A utility must inform the Commission of any disclosure of a customer’s data without the customer’s consent.
- c) Except as provided herein, a utility may not disclose customer data to any third party without the customer’s consent unless otherwise required by law. A customer may provide consent for disclosure of its customer data to a third party as provided in this rule. A utility may, however, in its provision of regulated utility service, disclose customer data to a third party, consistent with the utility’s most recently approved Commission Code of Conduct, to the extent necessary for the third party to provide goods or services to the utility and upon written agreement by that third party to protect the confidentiality of such customer data.
- d) A utility shall maintain at least 24 months of customer data in sufficient detail to assist customers in understanding their energy usage. The frequency interval of data must be commensurate with the meter or network technology used to serve the customer. Customer data shall be maintained and made available to customers and customer-authorized third parties in electronic machine-readable format that conforms to the latest version of the North American Energy Standard Board’s (NAESB) Retail Energy Quadrant Book 21 (REQ.21) Energy Services Provider Interface (ESPI), or another Commission-approved electronic machine-readable format that conforms to nationally recognized standards and best practices.
- e) The utility shall not charge any customer for access to its customer data from the prior 24 months. Utilities may charge customers a Commission-approved fee for data outside of the latest 24 month period. Other authorized third parties may be charged Commission-approved fees for customer data. All parties, including customers, may be charged Commission-approved fee for aggregated data. The fees charged for

customer data must be commensurate with the costs the utility incurs in assembling, compiling, preparing, furnishing the requested customer data.

- f) The utility shall conspicuously post on its website, or provide in writing upon request by any party, a description of customer data that the utility is able to provide within the utility's technological and data capabilities to the customer, an authorized representative of the customer, or authorized third party recipient along with a notice of its privacy and security policies governing access to and disclosure of customer data and aggregated data. This notice shall:
- 1) Define terms used in the notice related to customer data.
 - 2) Indicate method and frequency of customer data transmittal and access available (electronic, paper, etc.), as well as the security protections or requirements for such transmittal;
 - 3) Indicate the period of time and interval (e.g., hourly, daily, monthly) of data collection for which the readily available data can be provided;
 - 4) Inform the customer that the utility will make customer data available to identified third parties with the customer's ongoing consent.
 - 5) Inform customers that the privacy and security of their customer data will be protected by the utility while in its possession;
 - 6) Inform customers of the timeframe for processing requests for customer data;
 - 7) Explain any fees that may be associated with processing a request for customer data;
 - 8) Advise customers that their customer data will not be disclosed to third parties without their explicit consent in a manner and form prescribed by the Commission as outlined in Commission Rule R8-51(c);
 - 9) Describe the utility's policies regarding how a customer can authorize access and disclosure of its data to third parties;
 - 10) Describe how the customer can terminate third-party access to its customer data;
 - 11) Explain that aggregated usage data does not contain customer-identifying information and inform customers that customer data may be used to create aggregated data that will not contain customer-identifying information;

- 12) Explain that the utility may provide aggregated data to third parties, subject to Commission Rule R8-51; and
- 13) Provide a customer service phone number and web address where customers can direct additional questions or obtain additional information regarding their customer data, the disclosure of customer data or aggregated data, or the utility's privacy policies and procedures with respect to customer data or aggregated data.

Third-Party Access to Customer Data from a Utility.

- g) A utility shall not disclose customer data to a third party unless the customer provides consent by either submitting a consent form or through the utility's electronic consent process. The utility shall conspicuously post the form on the utility's website in either electronic or printable format. The utility must authenticate the customer identity and consent to release customer data before acting upon the consent form. Consent to disclose customer data is valid to the extent provided for by the customer with respect to the data released and shall be ongoing until affirmatively rescinded by the customer. The ability and means to terminate ongoing consent will be made available to the customer. Unless termination is expressly provided for in the utility's customer consent form established under subsection (i), termination of electric utility service will not terminate consent to disclose customer data granted by the customer.
- h) A utility shall make available an electronic customer consent process for disclosure of customer data to a third party, provided that the utility authenticates the customer's identity and consent to release customer data. The contents of the electronic consent process must generally follow the format of the Commission- prescribed consent form, and include the elements to be provided pursuant to this rule.
- i) The customer consent form shall include:
- 1) Applicable customer information to adequately identify the specific customer,
 - 2) The name of the third -party recipient, including trade name if applicable, physical address, mailing address, email address, and telephone number;
 - 3) An indication of one-time consent, ongoing consent, or term-limited consent;
 - 4) Descriptions of the readily-available data elements being requested; and
 - 5) Notice to the customer that the utility shall not be responsible for monitoring or taking any steps to ensure that the third party to whom the data is disclosed is maintaining the confidentiality of the data or using the data as intended by the customer.

- j) Changes of contact names for an organization, trade name, or utility over time do not invalidate consent as to the respective organization, trade name, or utility. Modifications to the consent form over time do not invalidate previous consent.
- k) The utility shall maintain records of all customer consent forms in a manner consistent with its current document retention policies.

Requests for Aggregated Data Reports from a Utility.

- l) A utility may disclose readily available aggregated customer data that consists of at least fifteen customers, where the data of a single customer or premise associated with a single customer's data does not comprise 15 percent or more of the aggregated data within the same customer class. In aggregating customer data to create an aggregated data report, a utility must ensure the data does not include any unique identifiers. A utility shall not be obligated to provide aggregated customer data in response to multiple overlapping requests from or on behalf of the same requestor that have the potential to identify customer data
- m) If an aggregated data report cannot be generated in compliance with this rule, the utility shall notify the requestor that the aggregated data, as requested, cannot be disclosed and identify the reasons the request was denied. The requestor shall be given an opportunity to revise its aggregated data request in order to address the identified reasons.
- n) The utility shall conspicuously post on its website, or provide in writing upon request by any party, notice of its privacy and security policies governing access to and disclosure of aggregated data. This notice shall:
 - 1) Explain the aggregated data reports readily available from the utility, including all available selection parameters (customer data or other data);
 - 2) Indicate the period of time and interval (e.g., hourly, daily, monthly) of data collection for which the readily available data can be provided;
 - 3) Explain the method(s) of transmittal available (electronic, paper, etc.) and the security protections or requirements for such transmittal;
 - 4) Provide the applicable charges for providing an aggregated data report;
 - 5) Indicate the timeframe for processing requests;
 - 6) Provide a form for requesting an aggregated data report from the utility identifying any information necessary from the requestor in order for the utility to process the request; and

- 7) Provide a customer service phone number and web address where customers can direct additional questions or obtain additional information regarding their customer data, the disclosure of customer data or aggregated data, or the utility's privacy policies and procedures with respect to customer data or aggregated data.
- o) Nothing in this Rule shall be construed to impose any liability on a utility or any of its directors, officers and employees, relating to disclosures of customer information when 1) the Commission orders the provision of customer data to a third party; or 2) a customer discloses or authorizes the utility to disclose or provide access to its customer data to a third party. Specifically, after a utility transfers customer data pursuant to this Rule, a utility shall not be responsible for the security of the information or its use or misuse by such customer or by any third party.

Duke Energy Carolinas, LLC (DEC) and Duke Energy Progress, LLC (DEP)
Docket No. E-100, Sub 161
Public Staff Data Request No. 4
Date Sent: December 6, 2022
Due Date: December 8, 2022

Public Staff Technical Contact: Jack Floyd
Phone #: 919-715-9018
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Public Staff Legal Contact: Nadia Luhr
Phone #: 919-733-0975
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Please provide responses to this request in a searchable native electronic format (e.g., Excel, Word, or PDF files). If in Excel format, please include all working formulas. In addition, please include (1) the name and title of the individual who has the responsibility for the subject matter addressed therein, and (2) the identity of the person making the response by name, occupation, and job title. Please also refer to Public Staff Data Request No. 1 for instructions for responding to this and all other Data Requests served on the Company by the Public Staff in the above-captioned proceeding.

If responses to these questions differ between DEC and DEP, please provide separate responses with the responding utility identified.

1. Please provide an updated total cost for the deployment of AMI in North Carolina, for both DEC and DEP, through August 31, 2022 (or more recent, if readily available).

The total AMI costs for NC to-date is approximately \$517M.

DEC: \$268M
DEP: \$249M

2. Please provide an updated total cost for the implementation of Customer Connect in North Carolina, for both DEC and DEP, through August 31, 2022 (or more recent, if readily available).

The total NC (DEP and DEC) costs for Customer Connect is approximately \$364M, capital and O&M.

DEC: \$208M
DEP \$156M

The AMI data was provided by Tammy Cole, Sr. Financial Analyst, and the Customer Connect data was provided by Tim Schnetzer, Managing Director, Customer Connect PMO.

Dominion Energy North Carolina
Customer Billing Data Rules, E-100 Sub 161
Public Staff
Data Request No. 2

The following response to Question No. 1 of Public Staff Data Request No. 2, dated November 23, 2022 has been prepared under my supervision.

Heather Jennings
General Manager – Customer Information Platform
Dominion Energy Services, Inc.

Question No. 1:

Has DENC conducted any analysis regarding offering Green Button Connect functionality to customers?

- a. If not, please explain why not.
- b. If yes, please provide all such analyses, including, but not limited to, any cost estimates and cost-benefit analyses.

Response:

DENC has not conducted any independent analysis regarding offering Green Button Connect functionality to its customers. The Company was a participant of the Data Access Stakeholder Group established by the Virginia State Corporation Commission (“VSCC”) pursuant to House Bill 2332 from the 2019 Regular Session of the Virginia General Assembly. The Stakeholder Group provided its report to the VSCC and the General Assembly in April 2020. That report is attached as Attachment Public Staff 2-1.

Pursuant to the VSCC’s January 7, 2022 Order in Case No. PUR-2021-00127 (“GTP Phase 2 Order”), the Company is required to provide information in its next Grid Transformation Plan filing on implementing Green Button Connect My Data functionality. *See* <https://scc.virginia.gov/docketsearch/DOCS/6byy01!.PDF>. The GTP Phase 2 Order states that this filing must include information regarding (1) the overall cost of adding and supporting CMD functionality; (2) how such costs should be borne by customers; (3) how many customers the Company would expect to use the CMD option if available; and (4) how any data access issues will be addressed. *See* GTP Phase 2 Order at 11-12.