

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA**



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03-09-10

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Order Instituting Rulemaking to Consider Smart Grid Technologies Pursuant to Federal Legislation and on the Commission's own Motion to Actively Guide Policy in California's Development of a Smart Grid System.

Rulemaking 08-12-009  
(December 18, 2008)

**COMMENTS OF THE ALLIANCE FOR RETAIL ENERGY MARKETS  
ON PROPOSED POLICIES AND FINDINGS PERTAINING TO THE SMART GRID**

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March 9, 2010

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In accordance with the *Assigned Commissioner and Administrative Law Judge’s Joint Ruling Amending Scoping Memo and Inviting Comments on Proposed Policies and Findings Pertaining to the Smart Grid* issued February 8, 2010 (“Amended Scoping Memo”), and the procedural schedule set forth therein, the Alliance for Retail Energy Markets (“AReM”)<sup>1</sup> respectfully submits these comments.

**I. INTRODUCTION**

The Amended Scoping Ruling requests that parties submit comments on proposed policies and findings relating to, among other matters, “the rules that the Commission should adopt to meet the objectives of providing access to wholesale and retail price data, access to usage data for authorized third parties, and access on a near real-time basis to usage data by consumers and/or authorized third parties.”<sup>2</sup> Attachment B to the Amended Scoping Ruling sets forth

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<sup>1</sup> AReM is a California mutual benefit corporation whose members are electric service providers that are active in California’s direct access market. The positions taken in this filing represent the views of AReM but not necessarily those of any individual member of AReM or the affiliates of its members with respect to the issues addressed herein.

<sup>2</sup> Amended Scoping Memo, p. 22.

“possible rules that are modeled on rules adopted by the Texas Public Utilities Commission and on Tariff Rule 22, which was adopted previously to implement direct access service in California and to provide Energy Service Providers access to usage information collected by traditional meters that are read once a month.”<sup>3</sup>

AReM appreciates this opportunity to provide comments related to access to customer usage data. AReM generally supports adoption of the Proposed Access Rules set forth in Attachment B, but believes that certain modifications are necessary to realize more fully the energy policies and Smart Grid goals established by the Energy Independence and Security Act of 2007 (“EISA”), California law, and prior Commission decisions. Specifically, AReM recommends that the proposed rules be modified to: (1) provide for real-time or near real-time access to ongoing customer usage data; and (2) provide for access to up to 36 months of customer historical usage data. AReM believes that these modifications will benefit the public interest by, among other things, facilitating retail choice, promoting resource diversification, and spurring the creation of new technologies and services that serve to increase energy efficiency and reduce system load.

## **II. THE COMMISSION SHOULD ADOPT RULES THAT PROVIDE FOR ACCESS TO CUSTOMER USAGE DATA TO THE MAXIMUM EXTENT THAT IS POSSIBLE WITH ADVANCED METERING SYSTEMS.**

Among the core policies of the Smart Grid provisions of the Energy Independence and Security Act of 2007 (“EISA”) is to provide consumers and their authorized agents timely and convenient access to customer usage data.<sup>4</sup> To that end, the Commission has committed to “develop and adopt necessary rules and policies related to authorized third party access to usage

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<sup>3</sup> *Id.*

<sup>4</sup> *See esp.* EISA §§ 1301, 1306(d) and 1307(a).

data ... consistent with EISA, the general public interest, and state privacy rules.”<sup>5</sup> The Proposed Access Rules represent the Commission’s first attempt at developing such rules, and the Commission’s staff is to be commended for the considerable thought and effort clearly exerted in formulating and drafting the proposed rules. However, AReM believes the proposed rules do not go far enough in terms of empowering consumers, through increased awareness and control of their energy usage, to exploit the full potential of the Smart Grid. To realize that potential, the Commission should modify the proposed rules to direct the investor owned utilities (“IOUs”) to provide for real-time or near real-time access to customer usage data and timely access to up to 36 months of historical usage data.

**A. The Proposed Rules Should Be Modified to Provide for Real-Time or Near Real-Time Access to Usage Data.**

In D.09-12-046, the Commission made an express commitment to provide customers with near real-time access to their usage data on a near real-time basis by the end of 2011:

Additionally, to ensure that real-time or near-real time access to this data and to the benefits offered by AMI are realized, we will explicitly require that each IOU be capable of providing a customer with an AMI meter with access to the customer’s usage information on a near real-time basis by the end of 2011 should the customer desire that information.<sup>6</sup>

The Proposed Access Rules set forth in Attachment B to the Amended Scoping Memo provides in pertinent part:

1. An electrical corporation shall provide a customer, the customer’s electric service provider (ESP), the customer’s demand response provider (DRP) or other third party entity authorized by the customer read-only access to the customers’ advanced meter data, including meter data used to calculate charges for electric service, historical load data and any other proprietary customer

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<sup>5</sup> D.09-12-046, p. 65.

<sup>6</sup> *Id.*

information. The access shall be convenient and secure, and the data shall be made available no later than the next day of service.

Thus, while the Commission has committed to customers having near real-time access to usage data, the proposed rules only require next-day access. Clearly, next-day access is a marked improvement over the current situation, where most customers are only apprised of their usage on a monthly basis. However, it is far short of the full information and controls potentials of the advanced metering systems that most customers will have in place within the next few years. For example, the SmartConnect™ meters that Southern California Edison Company is currently deploying will support ANSI open communication and data standards, allow for two-way communications, be remotely software upgradeable, and provide direct access to the meter data for real-time consumer side information displays and connectivity to energy control and management systems.

AReM believes that the ability of customers and their authorized agents (ESPs, DRPs, etc.) to have simultaneous, direct access to meter data should be the default for all customers with advanced meters, including residential and small commercial customers. Such direct and real-time access to meter data (or near real-time in the case of 15-minute interval readings) will empower customers with the information they need to make rational usage decisions, maximize control of their energy usage, and realize potential cost savings. Such access also is key to enable direct bidding of retail customer demand response resources in wholesale energy markets. And when coupled with time-of-use pricing, it should produce voluntary reductions in peak demand that could provide significant cost savings to all consumers by delaying or negating the need for new construction of generation capacity and transmission and distribution facilities. Moreover, immediate access to meter data could also facilitate the integration of intermittent resources into the grid.

Requiring the IOUs to provide consumers and their agents with real-time (or near real-time) access to usage data will thus not only fulfill the Commission's prior commitment, it will substantially further federal and state energy policies and goals. AReM therefore recommends that the Commission to modify the Proposed Access Rules to expressly require the IOUs to provide such access, by no later than end of 2011, to all customers that have advanced meters and request it.

**B. The Proposed Rules Should Be Modified to Provide for Access to Up to 36 Months of Customer Historical Usage Data.**

Besides access to ongoing usage data, the Proposed Access Rules provide for the release of a customer's most recent 12 months of usage data to the customer and its authorized agents. In pertinent part, the portion of the Proposed Access Rules modeled on Tariff Rule 22 provides:

b. Subject to customer authorization, [Insert utility] will provide the most recent twelve (12) months of customer usage data in a format consistent with industry standards as approved by the Commission. Customer information will be released to the customer or an authorized agent at no cost to the requesting party or the customer.

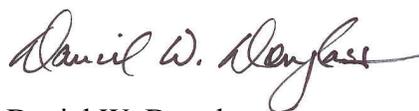
AReM recommends that the proposed rules be modified to require the IOUs to provide, upon a customer's request, up to 36 months of historical usage data without charge. While the proposed rules are consistent with traditional utility practice, they fail to recognize the capabilities provided by today's information technology. AReM recognizes that in the past, it could be quite burdensome for the IOUs to store more than 12 months of usage data for each customer and make hard copies of such data to be sent to customers and their agents. That has changed (or should change), however, now that the IOUs' information systems have been upgraded to store and transmit usage data digitally. It thus should be no more burdensome for a utility to provide 36 months of usage data than it is to provide 12 months of data.

Assuming this longer history is available, it should be provided to the customer and its agents at the customer's request. A longer snapshot could be critical in terms of enabling a customer and its agents to better evaluate the customer's demand and usage patterns and planning for future demand. Moreover, the traditional 12-month snapshot may be inadequate to give a full picture of the customer's typical usage given the large swings in economic activity that, as we have seen over the last few years, are quite possible. AReM therefore recommends that the Commission to modify the Proposed Access Rules to expressly require the IOUs to provide up to 36 months of historical usage data upon a customer's request.

### **III. CONCLUSION**

In order to better promote the energy policies and goals established by EISA, California law, and prior Commission decisions, AReM urges the Commission to modify the Proposed Access Rules as described herein. (The specific revisions to the proposed rules that AReM recommends are set forth in Appendix A attached hereto.) AReM thanks the Commission for its attention to these comments.

Respectfully submitted,



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## APPENDIX A

### Proposed Access Rules

#### Customer Access to Data

1. An electrical corporation shall provide a customer, the customer's electric service provider (ESP), the customer's demand response provider (DRP) or other third party entity authorized by the customer read-only access to the customers' advanced meter data, including meter data used to calculate charges for electric service, historical load data and any other proprietary customer information. The access shall be convenient and secure, and the data shall be made available no later than the next day of service. On or before January 1, 2012, such access shall be provided on a real-time basis (or a near real-time in the case of customer meters with 15-minute interval readings).

#### Revised rule modeled on Tariff Rule 22

#### 3. Providing Access to Customer Usage Data Captured by AMI for Authorized Third Parties

[Insert utility] will provide customer-specific usage data to parties authorized by the customer, subject to the following provisions:

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- b. Subject to customer authorization, [Insert utility] will provide the most recent twelve (12) months or, at the customer's specific request, thirty-six (36) months of customer usage data in a format consistent with industry standards as approved by the Commission. Customer information will be released to the customer or an authorized agent at no cost to the requesting party or the customer.

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a copy of *Comments of the Alliance for Retail Energy Markets on Proposed Policies and Findings Pertaining to the Smart Grid* on all parties of record in proceeding **R.08-12-009** by serving an electronic copy on their email addresses of record and by mailing a properly addressed copy by first-class mail with postage prepaid to each party for whom an email address is not available.

Executed on March 9, 2010, at Woodland Hills, California.

  
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Michelle Dangott

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