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**VIA ELECTRONIC MAIL**  
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Aida Camacho-Welch  
Secretary to the Board  
Board of Public Utilities  
44 South Clinton Avenue, 9<sup>th</sup> Floor  
P.O. Box 350  
Trenton, NJ 08625-0350

**RE:** In the Matter of Straw Proposal on Advanced Metering Infrastructure (“AMI”) Data Transparency, Privacy and Billing  
BPU Docket No. EO2110716

Dear Secretary Camacho-Welch:

Enclosed for filing is an electronic copy of comments on behalf of Atlantic City Electric Company (“ACE” or the “Company”) in the above-captioned matter. Consistent with the Order issued by the New Jersey Board of Public Utilities (“BPU” or “Board”) in connection with *In the Matter of the New Jersey Board of Public Utilities’ Response to the COVID-19 Pandemic for a Temporary Waiver of Requirements for Certain Non-Essential Obligations*, BPU Docket No. EO20030254, Order dated March 19, 2020, this document is being electronically filed with the Board and the New Jersey Division of Rate Counsel. No paper copies will follow.

Thank you for your assistance with this matter.

Respectfully submitted,



Cynthia L.M. Holland  
An Attorney at Law of the  
State of New Jersey

Enclosure

cc: Robert Brabston, Esq.  
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**STRAW PROPOSAL ON ADVANCED METERING INFRASTRUCTURE (AMI)  
DATA TRANSPARENCY, PRIVACY & BILLING**

**BPU Docket No. EO20110716**

**Comments of Atlantic City Electric Company**

On August 23, 2021, the New Jersey Board of Public Utilities (“BPU” or the “Board”) released the Straw Proposal on Advanced Metering Infrastructure (“AMI”) Data Transparency, Privacy, and Billing (the “Straw Proposal”). As Staff has explained, the purpose of the Straw Proposal is to determine the appropriate standardized Data Access Plans (“DAPs”) that each of the four investor-owned electric distribution companies (“EDCs”) will be required to adopt. More specifically, Staff has indicated that, after feedback is received, the principles in the Straw Proposal will form the basis of a Minimum Filing Requirement (“MFR”) Order, which will trigger the requirement for the EDCs to create and deploy DAPs that address data sharing, data access, data privacy, and billing reconciliation that should be implemented on a statewide basis to ensure AMI is cost-effectively leveraged to meet its “full promise.” Elsewhere, Staff has stated that the MFR order will address data access, use cases, and technology requirements and will be followed by a rulemaking proceeding to codify the requirements placed on each electric public utility with an AMI deployment plan. Finally, Staff has explained that the MFRs will be incorporated into ongoing AMI management plans. Atlantic City Electric Company (“ACE” or the “Company”) appreciates the opportunity to comment on the Straw Proposal. The Company also urges the creation of working groups, because robust discussion of the policy, implementation, and cost of this proposal is a necessary next step before the MFR Order directing action. The following sections detail the Company’s general and specific comments.

**I. General Comments**

ACE offers these general comments on the Straw Proposal introduction.

**A. AMI’s Role in Meeting New Jersey’s Clean Energy Goals**

New Jersey’s 2019 Energy Master Plan (“EMP”) establishes the pathway to Governor Murphy’s ambitious goal of 100% clean energy by 2050. The EMP describes AMI as “a foundational component of a modernized electric distribution grid,” and explains that “[s]tatewide AMI installation is a prerequisite of many additional clean energy objectives as laid out in this EMP.” The EMP acknowledges a variety of benefits of statewide AMI deployment, including “efficiencies and cost savings, accelerated service restoration during outages, better environmental outcomes, lower operations and maintenance costs, better demand-side customer engagement, and alternative rate designs.” EMP at 184. The EMP further states that “NJBPU must issue guidance on such concerns as data standardization, privacy, and rules governing authorization of third-party access to customer-specific data before AMI is fully implemented.” Id. at 186. As the Staff explains in the Straw Proposal, “the EMP highlights the benefits of a standard set of rules implemented on a uniform, statewide basis, and across utilities.” Ultimately, Staff “agrees that DAPs are a critical element in achieving the benefits of the AMI goals of the EMP.”

The Company supports New Jersey’s ambitious clean energy goals. On September 22, 2021, ACE announced a major climate change commitment, launching a multi-faceted, action-oriented effort to help the State achieve its clean energy and climate goals. Among other things, the Company committed to helping its customers achieve their climate change goals by empowering them to manage their energy usage, take advantage of clean and renewable technologies, and reduce emissions. By making the local energy grid smarter through the Company’s Smart Energy Network (“SEN”) program, the Company is providing numerous benefits for customers, such as restoring service faster and more efficiently, avoiding power outages in some cases altogether, and enabling new tools and information to help customers have more control and make more informed decisions about their energy usage. Accordingly, ACE is a critical partner in helping the state of New Jersey achieve its ambitious climate change and resilience goals.

## **B. Status of ACE’s AMI Proceeding**

Although the Straw Proposal briefly summarizes the status of the ACE AMI proceeding, ACE offers this more detailed summary to supplement the record. ACE filed its SEN petition on August 26, 2020 according to the compliance obligation established by the Board. The Company provided a fully executed Stipulation of Settlement (“Stipulation”) among all but one of the parties to the proceeding. The parties stipulated to accelerated installation of approximately 568,000 AMI meters over approximately 39 months.<sup>1</sup> For the purposes of this proceeding, the parties agreed that electric usage data “belongs to the customer, who may choose to share such data with any licensed third-party supplier.” The parties also negotiated provisions specifically relevant to the Board’s current initiative with this Straw Proposal. The Board approved the Stipulation by Order issued on July 14, 2021.

Notably, Paragraph 31 of the Stipulation recognizes the Board’s efforts in this docket and anticipates an order approving statewide data access plans by July 9, 2021. Because no order was issued by that date, the Stipulation required ACE to “convene at least one meeting with the parties to discuss the data access issues raised by the Market Participants” in the SEN proceeding by September 7. The parties agreed to postpone the meeting until September 23; and subsequently agreed to cancel the meeting due to the Straw Proposal. Notwithstanding the cancelation, the Market Participants confirmed did not waive other requirements in the Stipulation, including the provision stating that the “ACE SEN proceeding will be reopened for the limited purpose of adjudicating data access issues only and the signatory parties may supplement the record on data access issues at that time” should the parties fail to reach an agreement on data access within 120 days from the later September 23 meeting date.

Consistent with the EMP, ACE concurs with Staff’s position that it is appropriate to have a standardized approach to data access plans. The Board is taking critical steps toward establishing a statewide approach. The Company is encouraged by the Board’s recent action, as well as the Market Participants’ acknowledgement of that recent action – as it related to the Stipulation requirement. A utility-by-utility approach, achieved through reopened proceedings, will likely burden the Board with unnecessarily duplicative processes that could delay timely achievement of the EMP’s ambitious goals. The Company supports the use of this proceeding to address data

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<sup>1</sup> During the pendency of the SEN proceeding, ACE began installing AMI in February 2021.

access; to facilitate the creation of standard rules for all EDCs in a forum that allows for all parties to contribute through working groups. Ultimately, this proceeding should allow a fulsome discussion of data access among the several stakeholders.

### **C. Background of AMI Across the Country**

The Straw Proposal references actions taken in other jurisdictions, where ACE has affiliates. For example, Maryland approved AMI deployment a number of years ago; determining that the benefits of implementing AMI and the associated smart meters outweighed the costs. Currently, the Maryland Public Service Commission is exploring Green Button ConnectMyData issues, PC44. Although not discussed in the Straw Proposal, data access and tools to allow for the secure transfer of customer data to third parties that have received consent from the customers is also underway in the District of Columbia. Specifically, Potomac Electric Power Company (“Pepco”) is involved in a proceeding initiated by the District of Columbia (“District”) Public Service Commission (“DCPSC”). The DCPSC proceeding is also evaluating the potential use of Green Button ConnectMyData. In that proceeding, a key issue involves the processes that must be followed in order to allow the secured transfer of customer data in a way that complies with District law and DCPSC regulations, which are, in some ways, similar to New Jersey law. In the District, customer consent is a prerequisite to sharing or permitting access to any information that is “about the customer,” according to District law. The only exception to the general rule of written customer consent is aggregation of data or information. The Company is actively engaged in a working group discussing many of the issues enclosed in the Straw Proposal and will draw on best practices and discussion points from that proceeding in the below responses. As the comments state further below, the Company recommends working groups in New Jersey.

## **II. Topics for Utility Data Access Plans**

In the Straw Proposal, Staff is seeking comment on a number of principles which, taken together, are intended to allow for the creation of a comprehensive “data access ecosystem.” As noted in the EMP, AMI data can help facilitate and accelerate the achievement of clean energy and energy reduction goals in the State. More specifically, Staff seeks comment on (i) whether the principles are the appropriate places for the EDCs to focus; (ii) whether there are modifications or clarifications to these principles that will aid an equitable clean energy transition and/or lower consumer costs; and (iii) whether there are additional concepts that are desirable and prudent to accomplish these goals. As noted above, the Company supports the clean energy transition. ACE’s comments addressing these additional points, in the context of the several questions presented, are included below.

The Straw Proposal also seeks comment on whether the Company should be required to incorporate these principles into its “antecedent AMI deployment plan” as part of an MFR proceeding, “within 90 days” of the Board’s formal adoption of any MFRs. The Company has already provided its AMI deployment plan to the Board as part of its SEN proceeding; provisions regarding the deployment are included in the Board-approved Stipulation. The Company respectfully submits that it is unnecessary to make the deployment plan an additional MFR requirement. Regarding the 90-day timeline for compliance following the anticipated MFR Order, the Company must acknowledge the breadth of the Straw Proposal and the complexity of the issues presented. Depending on the timing of the Board’s MFR Order, and the specificity of the content

within the MFR Order, a 90-day compliance period may not afford sufficient time to comply; 120 days, the time period allotted in the Stipulation, may be more feasible.<sup>2</sup> Ultimately, the Company believes it important to take the time necessary to ensure that the data access plan issues (including cost recovery) are thoroughly and thoughtfully evaluated in the working groups among the several stakeholders prior to any compliance obligation.

## 1. Customer Ownership and “Hassle-Free” Sharing of Energy Related Data

**Response:** The Straw Proposal speaks of customers owning their data as a new principle for adoption in the MFR Order. Through the statutory consumer protection standards, New Jersey law already recognizes that customer data is “individual *proprietary* information.” N.J.S.A. 48:3-85(b) (emphasis added). Because the word *proprietary* is generally defined as relating to ownership, the statute achieves the customer ownership goal of the Straw Proposal. Moreover, ACE has already agreed that electric usage data, in the context of AMI, “belongs to the customer, who may choose to share such data with any licensed third-party supplier.”<sup>3</sup> The Company submits that customers’ rights are well established in the law and respected by ACE. Although the Board has little need to further enshrine the concept of customer ownership over the data, ACE would propose the language approved by the Board in the Stipulation settling the SEN proceeding as compliant with any associated MFR.

The Company further supports that customers should have easy access to their data on an ongoing basis. ACE also believes that the utility has a responsibility to the customer as stewards of the data; the Company must protect the data on the customer’s behalf. The Company supports customers’ (and their agents’) timely access to energy usage data as soon as practical. ACE has proposed that this data is interval metered and made available the afternoon of the next day.

As utilities make this data available to bonafide users, once a customer has provided valid authorization (consent), ACE proposes a web-based system be put in place to allow for secure access to customer energy data. Customers should be able to access their data through My Account online tools and download. ACE agrees that customers should be able to share their AMI data with energy service providers leveraging standard protocols that provide secure access to authorized agents. Once customer authorization is received, ACE proposes that these authorized agents receive customer data via EDI. Some of these same points are discussed further below and should be further discussed, along with any of the MFRs not specifically addressed, in a working group.

## 2. Adoption of Standardized Customer Privacy Requirements

**Response:** The Straw Proposal speaks about the need for “robust customer privacy protections” and seeks comment on the inclusion of an MFR requiring the utility to protect the customer’s data from unauthorized release. Although the Straw Proposal speaks to the New York and California proceedings, it is silent as to the inadequacies of New Jersey’s current consumer protection

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<sup>2</sup> The Company must recognize that the stipulated 120-day period is in progress toward reopening the SEN proceeding to address data access in ACE’s service territory. Unless further action is taken to forestall the reopening, it is possible that the SEN proceeding would reopen prior to the Board’s MFR Order and certainly prior to Board action on any associated compliance filing. These two procedural paths may need to be addressed by the Board.

<sup>3</sup> PSE&G’s Stipulation of Settlement includes identical language.

standards. Since the adoption of the Electric Discount and Energy Competition Act of 1999, New Jersey has had consumer protection standards in place. These standards are not optional; the Company “*shall not* disclose, sell, or transfer individual proprietary information” without customer consent. N.J.S.A. 48:3-85(b) (emphasis added); *see* N.J.A.C. 14:4-7.8. ACE submits that these existing requirements are sufficiently strong, even to the extent that they limit some of the academic research goals that will be addressed later. As such, ACE does not see the need to further enshrine the law in an MFR.

The Company supports the Straw Proposal’s identification of a working group for providing ongoing recommendations related to a common framework for customer privacy protections, through the New Jersey Common Release Form (“NJ-CRF”). As stated above, the law already establishes consumer protection standards. The Board’s own regulations require “written consent” or an “alternative Board-approved consent methodology.” N.J.A.C. 14:4-7.8. The NJ-CRF may be an alternative consent methodology, but the Company agrees that vetting it through a working group is appropriate.

ACE also wishes to acknowledge the potential confusion around the concept of the NJ-CRF as presented in the Straw Proposal. In some places Staff appears to be referring to the NJ-CRF as a method for informed consent; elsewhere, the NJ-CRF appears to be a cybersecurity measure perhaps similar to a mechanism used in New York. To the extent that reasonable minds can view the Staff proposals differently, ACE recommends discussing the purpose of the NJ-CRF in the working group process. Confirmation of the purpose of the NJ-CRF will be necessary before proceeding.

ACE also supports the statement that the working group should regularly meet to address and propose to the Board best practices related to privacy for the NJ-CRF. To the extent that the Straw Proposal seeks comment on whether allowing “all access to customer data . . . through the protocols of the NJ-CRF” should be included in the MFRs under development, ACE believes it likely premature to include a topic to be vetted in the working group process in the MFR Order. Doing so may chill the working group process, which would be contrary to the Board’s stated goals. Mindful that changes to privacy requirements may require legislation or rulemaking, the Company is willing to participate in a working group to provide ongoing recommendations related to customer privacy protections.

As discussed above, ACE acknowledges its role as the custodian of the customer’s data as well as the obligation to protect it. The consumer protection law was incorporated into EDECA and violations of EDECA may subject the utility (or other party) to penalties. Where there is slamming, defined as unauthorized switching of customers, those penalties are increased. Consumer protection was a key concern in restructuring, which involved a robust public process with stakeholders and working groups.

The Straw Proposal solicits comments on requiring notice to customers, the Board, the Attorney General, Law Enforcement (or explain why law enforcement was not notified) of the unauthorized release of information. Understanding this provision to concern the Company’s unauthorized release of information, the Company submits that reasonable notice is likely appropriate. Duplicative notice could be costly, burdensome, and confusing. The proposed

requirement should be addressed in the working group process and evaluated for its cost and consistency with other consumer protection standards and existing New Jersey law.

Similarly, notice to customers, the Board, the utility and other applicable parties may be appropriate for the misuse of customer data by the third parties. This notice requirement should also be discussed in the working group process. New Jersey law requires that “[w]henver individual proprietary information is disclosed . . . it shall be used only for the provision of continued electric generation service, electric related service, gas supply service, or gas related service to that customer.” N.J.S.A. 48:3-85(b)(3). In the District of Columbia, parties have discussed the use of a “bad actors” list that would be enforced by the DCPSC to allow the EDC to stop sharing data or disallow a specific third party from participating in any data access programs with customers when data is misused. New Jersey law, under N.J.S.A. 48:3-85(b)(5)(c), may allow for a similar approach. The Company submits that this process may be appropriate for further discussion in the working group process and to ensure necessary consumer protections.

To the extent that it does not conflict with existing New Jersey law, ACE also offers the concept that a Board approved tariff language may achieve the Board’s goals of encompassing consumer protections, as well as the role of the third parties and the utility. The Company’s affiliate, Pepco, is developing a tariff to address data access in the District of Columbia. ACE offers this information for the Board’s consideration and possible further discussion in the working group process. Additionally, a working group setting is an optimal location to address and propose best practices related to privacy and cyber-security protocols.

The Straw Proposal seeks comment on “how and the degree to which the required data can be captured and automated in a low friction (i.e. easily entered, low latency, timely and clear interaction) processing mode.” The Company believes this subject is best discussed in the context of the items raised in Section 8, “Format of Data Sharing and Cost Implications.” The Company is already providing data to customer through Green Button Download My Data. Any expansion of that tool or different tool will affect how the Company may be able to capture and automate data processing, which is beyond the current scope and will increase the cost.

That being said, in discussions with parties in Maryland and DC, the Company’s affiliates have identified ways to provide a low friction web-based platform for authorized third party access leveraging a secure platform. This web-based access will allow for timely and secure access to the customer data - once customer approval for such access is received. The Company’s affiliate would design the process to provide high availability meeting standard download/access speed, expect when periodic system maintenance /issue resolution is required. Notification will be posted on the site, notifying those attempting to access of such maintenance. The Company and its affiliates intend to minimize manual interventions.

The Company currently (1) provides customers online/mobile access to their data through My Account; (2) allows third party suppliers the ability to access or request data *only* for their customers through the supplier portal; and (3) third party non-suppliers do *not* have access to customer data, but may request customers to send them data. As noted above, the Company’s affiliates are participating in discussions regarding non-supplier third-party data access, where affiliates are considering open-data standard similar to Green Button Connect My Data (“GBCMD”) as a possible solution. The Company has concerns about the extremely low customer

use/interest in other jurisdictions and the high cost to create the product. However, if the BPU requires the Company to implement such a platform, the Company would prefer to leverage open-data standard similar to what is being discussed in DC. Of course, this additional scope of work was not included as part of the SEN proceeding; additional time, analysis, evaluation, quantification, planning, and funding will be required once the requirements are finalized. Ultimately, the working group process may be the best place to address these concerns among the several parties.

### **3. Using AMI to Drive Efficient Achievement of New Jersey’s Clean Energy Goals, and Positioning New Jersey Grid to Appropriately Account for Clean Energy Attributes**

**Response:** ACE has committed to helping New Jersey meet its goal of 100% clean energy by 2050. ACE has also demonstrated a commitment to energy efficiency and demand response programs as important tools to achieving the State’s clean energy goal. The Company also agrees that the deployment of the SEN will allow for the development of new strategies enabled by the data that is generated by the AMI. The Company identified several use cases in its application for the SEN, such as high bill notifications, voluntary conservation requests, variable rate structures, two-way/net-energy metering, and enable additional DER options.

Towards that end, and as noted in the Straw Proposal, AMI technology has the capability to collect data at various intervals. Hourly data is appropriate for many of the use cases that the Straw Proposal has identified, such as high bill alert functionality, and ACE’s recently approved SEN has the capability to collect interval data in these hourly intervals. This procedure is consistent with the Company’s affiliates’ practices in other jurisdictions. ACE looks forward to future discussion with the other utilities and parties to discern the capabilities of hourly data collection – and additional use cases that will be available with faster data collection periods.

As the Straw Proposal states, “Staff believes that robust AMI data allows for different rate designs including interval demand rates and other time of use rates that will allow efficient deployment and integration of distributed generation, energy storage, electric vehicles, and microgrids.” ACE provided comments regarding those use cases in the SEN proceeding, and agrees those strategies are important to reach the State’s clean energy goals. ACE looks forward to discussing the details of those use cases in the course of the upcoming proceeding, through a working group process.

The Straw Proposal further states that, “utilities should be able explain how their proposed DAP plans can leverage their AMI investment to improve visibility and planning on the distribution level.” In other jurisdictions, the Company’s affiliates integrate AMI data to inform load forecasting tools and support development of bottom-up models that are more accurate. ACE anticipates leveraging AMI data similarly once it is fully implemented in New Jersey.

With regard to the ability for AMI data to “improve visibility and planning on the distribution level,” the Company will use customer-level AMI data to inform modeling studies and other modeling to support infrastructure planning. From the customer and third-party perspective, the Company would also leverage this data to inform DER siting such as hosting capacity maps. From a legal perspective, as discussed above, the Company is limited from releasing the



customer's specific information without consent. Under the Board's current rules that consent must be written. The Company has stated above that it wishes to participate in the working group the Board develops for the purposes of establishing the NJ-CRF, which may be an alternative consent methodology.

The Company considers non-wires solutions, such as storage, to address system needs. As ACE gains experience with non-wires solutions, the Company anticipates further integrating these solutions into its planning processes. As discussed previously, ACE anticipates integrating AMI data into the modeling and tools used to facilitate DER integration into the distribution system.

ACE's affiliates currently use AMI data in a limited manner for regulatory reporting. The Company can provide more detailed input on this topic when more specific information is provided. This information could include what type of performance metrics, and how those metrics would be used. A working group discussion may also be the appropriate mechanism to allow this discussion.

Finally, Staff notes in the Straw Proposal that FERC "Order No. 2222 allows all DERs to be aggregated and bid into the PJM market to provide energy, capacity, or any other services it can provide." Although FERC has ordered the implementation of such, each of the markets needs to develop rules to support such implementation. In its effort toward compliance with FERC Order No. 2222, PJM has released draft rules<sup>4</sup> and the Company has participated in working group discussions regarding those rules. Based on the Company's current understanding of PJM's draft requirements, ACE's Board-approved AMI technology will not be sufficient for market participation for many, if not the majority, of DER aggregations. The Company understands PJM's current approach to require revenue-grade metering on all storage participating in a FERC Order No. 2222 enabled aggregation, as well as metering on all DER participating in aggregations within multiple resource types. As this matter develops at PJM, the Board may wish to engage a working group to evaluate this concern, and any other unaddressed MFRs in this section.

#### **4. Maximizing Impact of AMI of Reliability, Planning and Reporting Metrics**

**Response:** The Straw Proposal seeks comment on the use of AMI for planning and reliability. ACE does agree in principle that AMI data should be collected and stored for analysis and use in distribution planning. However, ACE cautions that the level of detail necessary and tools required for the retrieval and analysis need to be understood and developed. Future planning could include the use of actual customer load profiles derived from AMI data to better identify overloaded equipment and system deficiencies along with the ability to better understand DER integration. This process should be considered as part of the Integrated Distribution Plan ("IDP") process anticipated in the EMP; ACE looks forward to initiating that process with the Board.

In addition, ACE agrees that an AMI system should improve emergency operations, including better identification of outage locations along with improved integration with an Outage Management System ("OMS") to provide faster and more efficient restoration. During major events, it is expected that the data derived from AMI will drive efficiencies that will help improve

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<sup>4</sup> See Presentation of PJM Staff, DER and Inverter-based Resources Subcommittee (DIRS), (Aug. 2021), available at [DERA Pricing/Dispatch Example \(pjm.com\)](https://www.pjm.com/~/media/DERA/Pricing/Dispatch-Example/pjm.com)

the overall duration of the event through improved outage identification and the ability to “ping” meters to determine its status. Furthermore, the ability to remotely connect and/or disconnect meters should be present with an AMI system. Guidelines and procedures around remote connect/disconnect processes need to take safety of personnel, customers, the public and property into consideration before remote operations are considered.

ACE notes that some of the discussion concerning planning is discussed under Section 3. To the extent that any proposed MFRs are unaddressed, ACE submits that they should be further evaluated in a working group setting.

## **5. Data Granularity and Appropriate Rollout Schedule**

**Response:** The Straw Proposal seeks comment on data granularity and rollout. The Company has committed to collecting the interval data. ACE’s affiliates (Pepco and Delmarva Power & Light) collect hourly data for residential customers. While increased granularity may provide additional insights, this granularity has to be balanced with the collection and storage of this data. The lower the interval, the more costly the collection and storage becomes. As referenced above, this information should be available as soon as the afternoon of the following day. The customer or their agent can then leverage their My Account to download their data.

As part of the Company’s deployment plan, interval data is scheduled to be available to customers during the first quarter of 2023. This date coincides with AMI meters being substantially deployed in the ACE service territory. ACE will adopt an agile approach to functionality availability, including over the air readings, outage awareness, etc. It is important to note that sharing data with third parties, dynamic pricing, wifi/HAN integration programs is not currently part of the SEN proceeding; that aspect was deferred to this proceeding. As those elements are beyond the scope of the current SEN proceeding, additional time, analysis, evaluation, quantification, planning, and funding will be required to address those concerns once the requirements are finalized.

To the extent that any MFRs are not specifically addressed in this section, ACE submits that a working group discussion should be held to address them.

## **6. Ensuring Fair Access and Competition for All Meter Capabilities**

**Response:** The meter equipment and communication network selected as part of SEN was based on the business requirements to meet the Company’s current customer needs. As discussed above, the scope of the SEN proceeding did not include elements presented in this Straw Proposal; implementation of such would require more time, analysis, evaluation, quantification, planning, and funding. Regarding apps and the use of the NJ-CRF, the Company submits that further discussion must be vetted among a working group. In this section, it appears that the NJ-CRF is something more than consent, which was how the NJ-CRF concept appears to be presented in Section 2 above. This confusion in the meaning of the NJ-CRF is all the more reason for working group discussions in advance of MFRs or a compliance obligation.

As to the Straw Proposal's suggested use of a "statewide data warehouse," the Company's exploration of data access does not include that approach. The Company has invested significant resources building an internal data warehouse and this effort would be duplicative and costly to ratepayers. Instead, by leveraging protocols, such as GBCMD, a data access program can be built that ensures that all parties that have received customer consent to receive data "have non-discriminatory access." For example, other states have explored data access programs that do not require the development of a statewide data warehouse, such as New Hampshire.

To the extent that other MFRs are presented in this section, but are not otherwise directly addressed in these comments, the Company recommends a working group process.

## **7. Billing and Settlement Best Practices**

**Response:** The Board seeks comment on billing and settlement best practices. The Company agrees with the principle that AMI can help improve the efficiency of rates charged to customers. It is our plan to calculate the customer's Peak Load Contribution ("PLC") using the customer's specific interval data, if available. The Company also agrees that PLC is a better approach than continuing to use an aggregated profile to allow for better targeting of peak energy usage reduction opportunities.

It is always the Company's objective to settle customer accounts usage using actual customer data, but in collecting any consumption data, gaps in data do occur and validation, estimation, edit ("VEE") is required. VEE is a standard data processing method to ensure accuracy of utility consumption and accurate billing used across the industry. Customer settlement for certain billing rates is currently planned to be based on the billing period sum of interval data.

In support of third parties, ACE will make this interval data available to third party suppliers via EDI interface. To the extent that the Straw Proposal has additional questions regarding the data sharing and cost implications below, ACE believes these are best vetted in the working group process. ACE believes engaging in a robust discussion is necessary to analyze these matters fully.

Additionally, Staff seeks comments on the benefits of accelerating the transition to supplier consolidated billing ("SCB") as part of the push towards maximizing the benefits of AMI deployment. The question of SCB has been raised in the context of Community Solar. In that docket, ACE and other electric public utilities prepared a report reviewing the different billing options and recommending utility consolidated billing ("UCB"), not SCB. In advance of that report, the utilities conducted a stakeholder meeting and received numerous public comments. ACE remains aligned with the conclusions stated in the utility report recommending UCB.

The Straw Proposal does not address the utilities' report, does not consider UCB, and does not acknowledge the public process that preceded the report. Although it is doable, the SCB is not part of the current scope and will require additional time, analysis, evaluation, quantification, planning and funding will be required once the requirements are finalized. Accordingly, ACE recommends that further public process, through the working group, is necessary before proceeding with any MFRs regarding SCB.

## **8. Format of Data Sharing and Cost Implications**

**Response:** The Company recognizes that the Straw Proposal puts forward different data formats for consideration. As noted above, some of these formats, such as Green Button Connect My Data, have been considered in different jurisdictions involving ACE's affiliate companies. As noted above, ACE currently uses EDI for third party suppliers. In Section 2, the Company has already addressed some of the points presented in this section. An entire working group and stakeholder process could center on this point alone. Accordingly, ACE is looking forward to discussing the various formats for the output of information in the working groups Staff would create following this Straw Proposal.

## **9. Promoting Academic Research into Reliability and Clean Energy Adoption by Customers**

**Response:** Staff recommends through the Straw Proposal that the Board adopt standard terms for promoting access to AMI data for legitimate, non-commercial academic research into customer usage and system reliability. ACE generally supports the goal of promoting academic research into electricity usage and has struggled to do so considering the current consumer protection requirements in existing New Jersey law. Where the Company has wanted to assist the National Renewable Energy Laboratory, it has been unable to do so with granular customer proprietary data due to consent provisions discussed above. Because the Company takes these privacy restrictions seriously, it has been limited to only providing generalized, aggregated customer data that broadly summarizes usage. As such, the value of the data to academic research is greatly reduced. Legislative changes may be necessary to realize the goal presented by Staff in the Straw Proposal or perhaps language captured in the NJ-CRF, as vetted by the working group.

Staff seeks comment on the appropriate format and data access elements to allow faculty, graduate students and post-doctoral fellows, associated with academic institutions, to gain access to aggregated AMI data by signing a state-wide non-disclosure agreement ("NDA") that allows sharing of anonymized usage data at the zip code or sub-zip code level. These formatting and data access elements are likely best discussed in a working group involving these organizations.

Some third party non-suppliers, such as academic institutions, may want access to an anonymized customer data set. If ordered, the current preference is to implement Anonymized Data Services ("ADS"). Again, based on extremely low customer use/interest in other jurisdictions, the Company does not believe there has been a solid business case to build ADS.

Furthermore, the Company has concerns about a state-wide non-disclosure agreement signed with one (or several) institution(s) of higher learning. The Company questions whether the NDA option is sufficient to overcome the privacy provisions already imbedded in New Jersey laws. The legal instrument should be discussed in the working group and additional legislation may be necessary.

As the Straw Proposal has already indicated a willingness to address privacy concerns through a working group process, which the Company wishes to join, ACE believes that is the appropriate space for these discussions. The need for legislative and regulatory changes to further the cause of academic research can be addressed in that working group. Ultimately, the challenges can likely be overcome through that collaborative process and potential further legislation. Finally, ACE does not take a position on the use of blockchain or other technologies at this time; discussion should be had in the working group.

## **10. Appropriate Utility Use of AMI Data**

**Response:** In the Straw Proposal, Staff recommends that the Board enshrine the principle that EDC usage of smart meter data be limited to core functions, including billing, settlements and reliability. Again, ACE believes that the law speaks to this issue. For example, “an electric public utility may use individual proprietary information that it has obtained by virtue of its provision of electric generation service [and] electric related service . . . to [i]nitiate, render, bill, and collect for these services to the extent otherwise authorized to provide billing and collection services [and to] [p]rotect the rights or property of the electric . . . public utility.” N.J.S.A. 48:3-85(b)(5)(a)-(b). In addition, the law allows the electric utility to “[p]rotect consumers . . . from fraudulent, abusive, or unlawful use of, or subscription to, these services.” N.J.S.A. 48:3-85(b)(5)(c). Other utility uses of the data may exist for the benefit of customers, such that limiting the use may be contrary to customers’ best interest. To the extent that Staff seeks comment on how to define additional appropriate limitations, ACE recommends that Staff vet the questions through a working group process. Additional legislation may be necessary.

## **11. AMI Data Must Support Emergency Responder Effectiveness and Safety**

**Response:** As discussed in the comments to previous sections, ACE is concerned with the proposed definition of AMI providing “real time power quality and energy consumption data.” An outline of the timeline of how data will be collected and made available is discussed in response to Topic 1. Having access to the AMI system will allow ACE increased visibility of the energy grid and the customers on it, enabling enhanced customer service during a weather event. System operators will be able to interrogate meters to know which customers are out of service and which customers have been restored. This ability will improve the quality of the underlying outage information and provide a more informed estimated time of restoration. It will also help ACE avoid unnecessary truck rolls to feeders and areas that have already been restored, preserving valuable crew resources, and helping to manage outage restoration crews post-storm events more efficiently.

Allowing a more efficient restoration process will free up resources for ACE to work with emergency responders during emergency events. However, the AMI data itself will not be used by the emergency responders and it is not envisioned that emergency responders will have access to AMI data. Regarding the identification of live wires during a restoration event, ACE will continue to send personnel to those sites to evaluate those situations due to safety concerns. ACE has always prioritized working with emergency responders during weather events and will continue to do so with the implementation of AMI in its service territory.

## **12. Stakeholder Engagement**

**Response:** The BPU's Straw Proposal demonstrates that a significant number of topics – with likely varying perspectives from multiple parties – are related to a DAP. For this reason, ACE believes that establishing working groups is the correct path. The working group setting is the optimal setting to address the multitude of issues in this Straw Proposal and the many more related issues. This approach is consistent to the process undertaken in other jurisdictions where ACE has affiliates. ACE recommends that the working group is tasked with several topic areas for discussion and a goal to develop a report that details the discussion, areas of agreement and then individual positions, if needed. This process will ensure the working group is directed to produce specific results and hopefully develops a report or series of reports that outline consensus positions and areas that need decision by the BPU.

Staff seeks comment on how to measure whether the utilities have implemented a functional DAP before allowing full recovery of the AMI assets. Consistent with the Stipulation of Settlement approved by the Board in the ACE SEN proceeding, ACE's next Base Rate Case will include a request for recovery in base rates of all prudently incurred SEN Program Costs. The Board has already allowed another utility to receive cost recovery for its AMI deployment. ACE does not believe that full deployment of a DAP should allow the cost recovery agreed upon in the Stipulation. With regard to metrics, there are a number of metrics that are required in the Stipulation. ACE recommends that additional DAP-related metrics should be developed through the working group process. The metrics will depend on the scope, the goals of the DAP, and the means for exchanging energy information. Without a clearer vision of the products and procedures associated with the DAP, it is difficult to comment on specific metrics. This position is consistent with discussion of metrics in the Company's other jurisdictions, with respect to data access. The working group process will be key to resolving Staff's questions in the Straw Proposal.

## **III. Conclusion**

ACE appreciates the opportunity to comment on the Straw Proposal. ACE urges the Board's consideration of the several comments expressed herein. The Company also urges the creation of working groups, because robust discussion of the policy, implementation, and cost of this proposal is a necessary next step before the MFR Order directing action.