



Via E-Mail

October 7, 2021

Aida Camacho-Welch
Secretary of the Board
New Jersey Board of Public Utilities
44 South Clinton Avenue, 9th Floor, P.O. Box 350
Trenton, New Jersey 08625

RE: Docket No. EO20110716, In the Matter of the Straw Proposal on Advanced Metering Infrastructure (AMI) Data Transparency, Privacy & Billing

The Building Performance Association (BPA) respectfully responds to the August 24 notice by the New Jersey Board of Public Utilities (NJBPU) to provide comments on the Straw Proposal on Advanced Metering Infrastructure Data Transparency, Privacy, and Billing.

BPA is a membership-driven 501(c)6 industry association focused on the home and building performance industry—delivering improved energy efficiency, health, safety, and environmental outcomes. BPA supports home performance contractors, state and regional organizations, weatherization agencies and training centers, manufacturers and local non-profits focused on residential and commercial energy efficiency.

As leaders in the residential energy efficiency industry, we are pleased to provide the following comments on determining appropriate data access standards to ensure AMI is leveraged to meet its full promise to benefit customers and help meet New Jersey's long-term clean energy goals. BPA has submitted many comments to the NJBPU on AMI and data access issues previously,¹ and we applaud the inclusion of many of our recommendations and best practices in this Straw Proposal. We look forward to continuing to work with NJBPU Staff to support the development of standardized Data Access Plans (DAPs) "deliberately designed for access and interoperability" (Straw Proposal, page 2), and encourage continued focus on how data access standards can provide direct energy savings and benefit to customers.

¹ In the Matter of FY20 CRA, Budgets and Program Plans, Public Stakeholder Comments, submitted June 11, 2019; In the Matter of IEP Feedback, submitted November 15, 2019; In the Matter of Application of Utility Targets, submitted February 11, 2020; In the Matter of New Jersey's Energy Efficiency & Peak Demand Reduction Programs, submitted April 13, 2020; In the Matter of New Jersey's Core Programs, submitted July 27, 2020; In the matter of the November 23 AMI Work Session, submitted December 7, 2020.

Leveraging AMI to Its Full Potential

BPA strongly agrees with the NJBPU's assessment in this Straw Proposal that AMI offers enormous potential "to facilitate carbon reductions, lower costs for customers, open paths to competitive third-party innovation, and enhance utility response to storms and outages." As noted in previous comments to the NJBPU, BPA believes that enabling easy and secure access to customer utility data is critical to ensuring that AMI is fully leveraged. It will be critical to establish clear and appropriate protocols for data access in advance of AMI implementation and ensure those protocols are applied consistently across utilities. We therefore applaud NJBPU Staff's recommendation "to create and deploy [standardized Data Access Plans] that address data sharing, data access, data privacy, and billing reconciliation that should be implemented on a state-wide basis to ensure AMI is cost-effectively leveraged to meet its full promise."²

Just as this Straw Proposal looks at how other states have addressed AMI data access and privacy, we encourage the NJBPU to also look at ways to address barriers that have prevented AMI from being fully leveraged in other states. There is a great opportunity to learn from and build from those experiences, given that many states are ahead of New Jersey on AMI deployment. Research from the American Council for an Energy-Efficient Economy (ACEEE) finds that most utilities who have implemented AMI are greatly underutilizing the technology and missing opportunities to save energy. The 2020 ACEEE report, [Leveraging Advanced Metering Infrastructure to Save Energy](#), outlines steps that NJBPU could take to encourage utilities to leverage AMI to its full potential and avoid missed opportunities:

"Regulators can encourage utilities to better leverage AMI by quantifying and incorporating benefits from saving energy in the AMI business cases in regulatory proposals, then adjusting shareholder compensation based on performance in realizing those benefits. They can also **establish clear and reasonable protocols for data access**, set performance standards for metered energy savings, and **encourage innovation and pilots** that could leverage AMI but might involve technology or business model risk."
(Leveraging Advanced Metering Infrastructure to Save Energy, p. iv, emphasis added)

A streamlined, consistent process for data access is essential to enabling competition and innovation so that rich AMI datasets can be analyzed and translated to the customer to provide more actionable insights, new savings opportunities, and other services and assistance that provide customer and grid benefits.

² Straw Proposal on Advanced Metering Infrastructure (AMI) Data Transparency, Privacy & Billing, page 1.



In addition, for any future AMI investments, cost recovery should be linked to achieving well-defined data-sharing and data-utilization goals, and by bringing direct efficiency or conservation benefits to customers. Otherwise, there is a risk of wasting investment and delaying opportunities to save energy, help customers, and bring New Jersey closer to its clean energy goals.

Data Portability & Customer Ownership

BPA applauds the principles outlined under *1. Customer Ownership & ‘Hassle-Free’ Sharing of Energy Related Data* of this Straw Proposal, and we support the recommendation that the Board enshrine the principle that “customers own and have complete control over sharing of all individually generated interval usage and related AMI data” (page 9). Individual permission-based data access must be prioritized in the design of the DAPs.

To that end, BPA also appreciates the focus on data portability and enabling hassle-free sharing with authorized third parties. As noted in our previous comments to the NJBPU, a primary focus of data access regulation should be how a customer can exercise their right to share their data with third parties—who can turn the data into meaningful and actionable insights that customers would not be able to on their own. We therefore strongly support the following recommendation on page 9 of the Straw Proposal:

“Customers should be able to share their AMI data with energy services providers, including utility contractors and TPSs, with a minimum of hassle, including online industry-standardized forms that provide secure access to authorized agents with ‘one click’ and access to a single point of contact that will be listed prominently on each provider’s website.”

Enabling secure and ongoing data access via a simple online customer verification process would increase opportunities for third parties to help homeowners manage and optimize their energy use cost-effectively. BPA recommends that the NJBPU set a common user interface for all customers to authorize third party access to energy data and establish statewide customer privacy rules for which all utilities must comply. These practices will help to further secure consistent and ‘Hassle-Free Sharing’ by eliminating inconsistencies between the utilities’ technologies and processes and reducing costs to third parties. In addition, it would make education about data access to consumers easier and more consumer-friendly. We would also like to reiterate our recommendation from previous comments that the NJBPU review Mission:data Coalition’s [Energy Data: Unlocking Innovation with Smart Policy](#) report, which is a useful resource that includes guidance on promoting consistency in data-sharing policies, including issues of ownership and appropriately balancing privacy and security with convenient access.

Having a streamlined, consistent, and customer-friendly process for sharing data should be a central tenant of the standardized DAPs. It will also be important for data access and AMI utilization protocols to be non-discriminatory and provide opportunity for innovation, as outlined in the next section of these comments.

Supporting Market Competition & Innovation

In line with part 3 of the Straw Proposal, *Using AMI to Drive Efficient Achievement of New Jersey's Clean Energy Goals*, BPA stresses the importance of designing the DAPs to enable the market innovation necessary to meeting the state's clean energy goals in the short timeframe required. This will also help ensure that investments in AMI implementation are tied to direct energy savings or carbon reductions.

First, we encourage Staff to review a new report from Mission:data Coalition, entitled [Digital Platform Regulation of Electric Utilities](#), which outlines key principles and tools for state regulators to address the software and digital platforms that come with AMI and support fair competition and innovation. Enabling third parties not only to access AMI data but also to perform analysis and disaggregation via apps installed on the meter, and supporting competition, will provide more benefit to customers and maximize the carbon-reducing potential of AMI:

“The ability to load an app onto a meter at zero marginal cost and receive accurate disaggregations of energy usage is potentially game-changing for DERs, who could better understand each household and more accurately target their customers with cost-effective efficiency recommendations. For this new ‘App Store’ on advanced meters to benefit customers and to maximize its carbon-reducing potential, state regulators must force utilities to make these computing advancements accessible to third parties.”³

Second, data access and digital platform policies that enable expanded utilization of AMI can also support new **Pay-for-Performance (P4P)** program models and opportunities to reward market innovation that achieves measurable results. P4P is a market-based model that provides the flexibility for aggregators to pursue innovative strategies and aligns the incentives to optimize and target interventions that will deliver the most cost-effective impacts. With performance-based incentives there is a financial motivation to maximize grid and customer

³ Digital Platform Regulation of Electric Utilities:
<https://static1.squarespace.com/static/52d5c817e4b062861277ea97/t/5ff3b7a4dc8f8e0b711f94fc/1609807781400/Digital+Platform+Regulation.pdf>

outcomes (and support energy reduction and climate goals). The Minimum Filing Requirements should require utilities to have analytical capabilities for energy efficiency or demand management aggregators to evaluate the energy savings of their products or services in aggregate across a portfolio of homes or buildings. That would enable providers or aggregators in P4P programs to evaluate their overall energy savings achieved on different timescales. Utilizing differential privacy policies, and evaluating in an aggregate, would allow for program review and energy reduction effectiveness without having to get continuous consent from each individual customer. Privacy and security are critical, but data sharing can be done with an evaluation of risk and reward as there is far more to be gained in program design and energy savings by instituting clear guidelines than by building barriers.

Ongoing and Real-Time Access

BPA is very encouraged by the Straw Proposal's focus on providing "ready access" to AMI data on an ongoing and real-time (or near real-time) basis. Real-time data analysis and communication equips homes and buildings to be grid assets responding to peak demand periods or other conditions and adjust energy usage to support reliability, affordability, and decarbonization. With access to utility data, third parties can run innovative energy efficiency and demand response programs that engage customers and achieve savings for users and the grid, and they can conduct virtual audits using disaggregated AMI data to assess savings opportunities across a portfolio of homes.⁴

BPA reiterates that there are numerous uses for ongoing AMI data access, and we urge the NJBPU to ensure that these opportunities are enabled through the DAPs:

- **Improving EM&V of residential efficiency programs.** AMI produces granular data and monitoring which enables an unprecedented ability to conduct near real-time quality control for home improvement installations. NJBPU should also consider requiring utilities to utilize AMI to do near real-time evaluations, address poor performing or over-predicting contractors, and reward contractors whose work exceeds expectations. By reducing evaluation and paperwork costs, programs can reach more customers and have more opportunity to meet energy savings targets.
- **Program targeting and behavior-based programs.** More granular data from AMI can be used to target customers with the greatest energy-saving potential, improving program cost-effectiveness. AMI data can also support behavioral efficiency programs by providing more detailed and near real-time feedback. Market actors and aggregators can help customers understand that data and turn it into actionable insights, provided

⁴ <https://www.naseo.org/data/sites/1/documents/publications/AnnDyl-NASEO-GEB-Report.pdf>



that protocols are in place to enable third-party access to data (discussed further below).

- **Supporting grid-interactive efficient buildings and demand flexibility.** Grid-interactive efficient buildings (GEBs) can respond to grid conditions to not only save energy, but also provide demand flexibility to shift energy usage off-peak or even absorb and store excess renewable energy when supply exceeds demand. With strong data access and portability standards, AMI can provide a critical piece of the building-to-grid connection to enable GEBs. The [Residential Grid-Interactive Efficient Building Technology and Policy](#) report published by the National Association of State Energy Offices (NASEO), discusses how AMI and ongoing data access can help advance energy efficiency and demand flexibility to support energy affordability, reliability, and carbon reductions.

In closing, BPA commends the NJBPU and staff for recognizing the importance of data access policy and for the great work done so far to implement *EMP Goal 5.3.2* to “[d]evelop standards to ensure customers have control of and accessibility to free and standardized energy management data.” Ensuring open, transparent and effective data access policy will be key to leveraging all of the tools in the toolbox to achieve New Jersey’s clean energy goals. Moving forward, we encourage the NJBPU to focus on prioritizing individual permission-based access and enabling market innovation through user-friendly and non-discriminatory standards.

Thank you again for the opportunity to provide these comments. We welcome the opportunity to answer any questions you may have.

Sincerely,

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