

RECURVE

Submitted via E-Mail and Comment Post to EO20110716

September 30, 2022

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, Data Access Plan Minimum Filing Requirements

Recurve appreciates the opportunity to comment on the Staff of the Board of Public Utilities' Data Access Plan Minimum Filing Requirements. Recurve is an industry leader in meter-based demand flexibility. Our data analysis platform is designed to integrate data from utilities and implementers to facilitate distributed energy resource market transactions. The Recurve platform supports a range of market actors to deliver distributed energy resources consistently and transparently via a streamlined market access model, rather than a restricted winner-take-all program design.

Recurve has submitted comments on AMI and data access issues previously (including on the AMI Data Access Straw Proposal in October 2021). Our comments on the Minimum Filing Requirements are focused on our initial core recommendations, specifically:

1. Ensure that consistent implementation is required across regulated entities if Green Button Connect is adopted as a standard for customer data access.

We are strongly in support of the staff proposal of standardization of the customer access form:

"Staff agrees that it is important for each EDC's release form to be consistent amongst the utilities, while simple enough so as not to negatively impact customer participation. In order to ensure comparable treatment of customers across New Jersey, Staff proposed to direct the EDCs, in consultation with interested stakeholders, to agree on the NJ-CRF common release form within 120 days, and provide a joint report to the Board memorializing the standardized approach." p. 7

We are also encouraged to see and support the requirement of consistent implementation across the utilities in section 9. *Format of Data Sharing.*

We fully support NJBPU's expectations for functionality and speed of access and expect that they will closely monitor functionality of the systems to ensure they are meeting the expectations of timely access and transfer of data.

"Staff also recommends that AMI data be transmitted to the authorized third parties no longer than 60 seconds after customer authorization. Staff agrees that the authorized third parties

should be able to access customer data as soon as possible after customer authorization is received, unless there are specific cyber threats and verification processes that dictate a longer period. Further, each EDC shall ensure 99.5% uptime of GBC services and public reporting of uptime and performance metrics." p. 11

2. Specify that enabling distributed energy resources is core to grid optimization and operations and represents an essential, primary use case.

We are pleased to see the many very important use cases for customers are clearly aligned with grid optimization and enabling distributed energy resources for the future. We expect that this list will likely grow over time. We also specifically support the staff recommendation that identifies core functions of the EDC and the adoption of open competition for authorized third parties.

"Staff recommends that any use cases that are outside of the EDC's core functions (such core functions include billing, settlements, and reliability) be open to competition by authorized third parties. Staff believes that this MFR is necessary to ensure that the EDCs do not gain an unfair competitive advantage over other entities. Staff also recommends that all consumer AMI data is not for resale." p. 11

3. Consider a step-wise approach to data access starting with decentralized standardization of a common specification and consider a centralized repository based on that experience.

We commend the NJBPU staff for developing a succinct yet thorough set of Minimum Filing Requirements (MFRs). This structure offers consistency without mandatory centralization and in turn should enable more nimble deployment in the short term, but still keep options open for the future if centralization re-emerges as a need.

4. Consider the inclusion of differential privacy as a risk-based security best practice to ensure data can be shared while appropriately protecting customer privacy.

While differential privacy is not cited directly in the MFRs, the expectations of protecting customer data privacy are clearly specified. As structured, they allow EDCs and third parties that work in partnership or independently to adopt best-in-class practices, like [differential privacy](#), to mitigate the risk of data breach. The de-coupling of utilities' liability from third parties represents an essential transfer of risk that will ensure third parties handling data will do so with full rights and responsibilities to protect customer data while still enabling advanced use cases.

"Staff recommends that the EDCs maintain cybersecurity standards consistent with the National Institute of Standards and Technology and industry best practices in order to protect customer data from unauthorized intrusion/release. Staff believes that this MFR will help to ensure that customer data is sufficiently protected. EDCs will not be liable for the acts of customer-authorized

third parties, and directs the EDCs to maintain a “bad actor” list of third-party entities that are banned from participation in AMI data sharing, with a right of appeal to the Board for entities who do not believe that a ban is warranted.” p. 7

As the utilities, third parties and NJBPU consider strategies for protecting customer data we encourage them to consider the recently published [Energy Data Access: Guide to Leveraging Differential Privacy](#). This guide provides an overview of considerations in minimizing risk and offers suggestions on how differential privacy can be effectively utilized to protect customer data.

We strongly support the staff proposal for the Data Access Plan Minimum Filing Requirements and appreciate the thoughtful consideration of stakeholder input.

Sincerely,

A handwritten signature in black ink that reads "Carmen Best". The signature is written in a cursive, flowing style.

Carmen Best
Vice President of Policy & Emerging Markets
Recurve Analytics, Inc.
carmen@recurve.com