

September 30, 2022

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**RE: Docket No. EO20110716, Data Access Plan Minimum Filing Requirements**

The Building Performance Association (BPA) is pleased to provide comments on the July 29 Recommended Minimum Filing Requirements (MFRs) for the electric distribution companies' (EDCs) advanced metering infrastructure (AMI) Data Access Plans. We appreciate the opportunity to provide input and applaud the NJBPU Staff for this thorough and thoughtful process to develop Data Access Plan standards that will help maximize the benefits of AMI data for New Jersey customers.

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. We support consistent, secure, and reliable access to utility data to enable data-driven energy management strategies and improved quantification of the energy savings and additional benefits from building performance projects.

BPA has submitted numerous comments before the NJBPU on AMI and data access issues previously, including on the AMI Data Access Straw Proposal in October 2021, and we appreciate the inclusion of many of our recommendations in these proposed MFRs. Below, we provide comment on a subset of the MFRs as well as general comments on ensuring transparent and effective data access policy to achieve New Jersey's clean energy goals.

**1. Customer Ownership and Sharing of Energy Related Data**

BPA applauds the clear parameters outlined in this requirement that “usage and demand data generated by AMI meters belong to the customer [...] and that such data should be easily accessible with ‘one click’ access and sharing ability.” The focus on data portability and ensuring customers can exercise the right to share their data with third party providers is critical to helping customers access energy services tailored to their needs.

BPA also recommends that the MFRs clearly define “energy-related data” to include, in addition to energy consumption data (collected at any interval, even those collected at one second or smaller time intervals), other account information that can support energy management (including, but not limited to, account numbers, service addresses, and billing history). For

example, certain account information may be necessary for providers to help enroll a customer in a demand response or efficiency program, and providers should have seamless electronic access to this information when authorized by a customer. Including these other layers of related data is critical to enabling the full range of energy services and benefits to customers.

## **2. AMI Data Provision Timelines**

BPA supports the Staff recommendation that unvalidated AMI data be made shareable with home area networks on a sub-15 second basis to allow for real-time (or near real-time) data usage. Importantly, this ongoing data analysis and communication would equip New Jersey 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.

We recommend that the requirement be changed to: “**any** customer-owned ~~qualified~~ energy monitoring device that a customer may procure from the competitive market.” Removing the term “qualified” will prevent discrimination against certain brands or device types and enable broader participation of customer devices. Given the rapid pace of technological change and innovation in smart energy monitoring, particularly with devices in the home that could communicate with advanced meters over Wifi networks, it is important to keep parameters sufficiently flexible to enable real-time AMI data access through any customer-owned device that is technically capable of participating now or in the future.

## **3. Adoption of Standardized Customer Privacy and Cybersecurity Requirements**

BPA commends Staff’s position “that it is important for each EDC’s release form to be consistent amongst the utilities” to ensure ease of customer, and approved third-party, access. As we have noted in previous comments, having a streamlined, consistent, and customer-friendly process for sharing data should be a central tenant of the MFRs. To this end, we strongly encourage requiring that the New Jersey Common Release Form is designed to be web-based and not a paper form. The web form should be designed in a user-friendly way, with both mobile and desktop computer versions, taking into account best practices for usability on the modern web.

We also encourage NJBPU to allow differential privacy, in addition to anonymization and aggregation, as a data protection strategy to properly balance the trade-offs of privacy and usability of different datasets. Allowing differential privacy techniques enables program review and effective energy management without having to get continuous consent from each individual customer. Privacy and security are critical, but sharing of certain aggregated datasets can be done with a mathematical evaluation of risk and reward that is provable and quantifiable. A recently published report by Recurve and the National Renewable Energy Laboratory, “[Energy Data Access: Guide to Leveraging Differential Privacy](#),” provides guidance

on operationalizing the inclusion of differential privacy into data access frameworks, and we recommend reviewing and considering these recommendations in the finalization of the MFRs.

## **7. Ensuring Fair Access and Competition**

BPA appreciates the focus on ensuring fair access and competition, and we reiterate that enabling third parties to perform analysis and disaggregation via apps installed on the meter will provide more benefit to customers and maximize the carbon-reducing potential of AMI. In particular, ensuring that third parties can access on-meter software applications and receive accurate data disaggregations is crucial and will allow third party energy service providers to target customers and identify cost-effective recommendations and energy optimization strategies. A recent report from Mission:data, [Digital Platform Regulation of Electric Utilities](#), further 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.

### **General Comments: Leveraging AMI Data to Its Full Potential**

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 *Energy Master Plan Goal 5.3.2* to “Develop 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 available tools and solutions to deliver on New Jersey’s clean energy goals, support reliability and resilience, and lower costs for customers.

BPA recently published [Building a Sustainable Infrastructure: Opportunities, challenges, and policy strategies to drive residential energy efficiency and decarbonization through advanced technologies and approaches](#). The report outlines how enabling utility data access is key to unlocking the full value of smart home technologies and devices for energy management and residential decarbonization. It can also support remote monitoring, diagnostics and virtual assessment approaches that provide cost savings, improve access to efficiency, provide lead generation and new business for contractors, and even enable Measurement & Verification (M&V) and pay-for-performance (P4P) program models.

We therefore strongly support the Staff-proposed MFRs with the clarifications outlined above, which will help leverage AMI data to its full potential to benefit New Jersey.

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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