



Rockland Electric Company

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September 30, 2022

**VIA ELECTRONIC MAIL**

Honorable Carmen D. Diaz  
Acting Secretary  
New Jersey Board of Public Utilities  
44 S. Clinton Avenue, 9th Floor  
P.O. Box 350  
Trenton, NJ 08625-0350

Re: I/M/O Advanced Metering Infrastructure (AMI) Data  
Transparency, Privacy and Billing  
BPU Docket EO20110716

Dear Acting Secretary Diaz:

Pursuant to the Board of Public Utilities' Notice dated July 29, 2022, in the above-referenced Docket, I enclose Rockland Electric Company's comments regarding Board of Public Utilities Staff's draft minimum filing requirements for the New Jersey electric distribution companies' data access plans for advanced metering infrastructure data. Please note that Rockland Electric Company is making this filing solely in electronic form pursuant to the Board's directive in its Emergency Order dated March 19, 2020 in BPU Docket No. EO20030254.

Please contact me if you have any questions regarding this filing.

Very truly yours,

/s/ John L. Carley

John L. Carley  
Associate General Counsel

**ROCKLAND ELECTRIC COMPANY'S COMMENTS ON  
STRAW PROPOSAL ON ADVANCED METERING  
INFRASTRUCTURE (AMI) DATA TRANSPARENCY, PRIVACY & BILLING  
Docket No. EO20110716**

Rockland Electric Company (“RECO” or the “Company”) responds to the New Jersey Board of Public Utilities’ (“BPU” or the “Board”) July 29, 2022 Notice (“Notice”) seeking comments on Board Staff’s Minimum Filing Requirement (“MFR”) on Advanced Metering Infrastructure (“AMI”) Data Transparency, Privacy and Billing (“Straw Proposal”). RECO supports the development of consistent mechanisms to enhance data accessibility, and offers specific comments regarding the eleven AMI Data Access Topics identified in the Notice.

Introduction

RECO supports the BPU’s efforts to leverage AMI data to benefit the distribution system, streamline and modernize utility operations, provide an enhanced customer experience, and advance the Energy Master Plan goals. Through the Company’s AMI implementation, most of these goals are underway and being achieved. In addition, RECO customers already have access to their data, which facilitates efficient and informed energy usage by customers, thereby assisting the State’s achievement of its ambitious clean energy goals. RECO’s Green Button Connect (“GBC”) application provides customers with control over sharing their data. In addition, RECO continues to integrate AMI data more deeply into its planning, operations and emergency preparedness efforts and expects to expand and improve this integration as it continues to gain experience.

The Draft MFRs provide a starting point for additional in-depth discussions regarding the topics listed. RECO believes that robust working groups – comprised of Board Staff, the EDCs, industry participants, and other third parties – will enable parties to understand the current status of each EDC’s systems and AMI deployment plans, commercially available technology, the benefits of use cases and individual data sharing mechanisms to customers and other third parties, and the costs and benefits to best prioritize and implement each MFR, among other topics. Moreover, based on its Board-approved AMI deployment plan, RECO has fully deployed AMI meters to its customers. The Draft MFRs would require additional meter upgrade work, technology and supporting systems, which were not included in the Company’s AMI deployment plan and would come at an additional unknown cost. At a minimum, this work and associated cost may warrant an evaluation of the timing of upgrades and cannot be dismissed.

In addition to the costs, RECO is concerned about the language in the Draft MFRs regarding cyber security requirements for third parties obtaining data. While RECO

agrees with the customer data ownership concept in Draft MFR #1, two statements in the Draft MFRs are concerning and should be reconsidered in the complex and dangerous cyber world we currently live in. First, the Draft MFRs would “prohibit utilities from imposing any additional terms or conditions to the NJ – CRF [Common Release Form] or imposing additional cybersecurity requirements beyond those established across all EDCs and approved by the Board.”<sup>1</sup> Second, the Draft MFRs note Staff’s recommendation that “EDCs maintain cybersecurity standards consistent”<sup>2</sup> with the National Institute of Standards and Technology (“NIST”) Framework and industry best practices but the Draft MFRs provide no cybersecurity requirements for third parties. Instead, the Draft MFRs state that the “EDCs will not be liable for acts of customer-authorized third parties.”<sup>3</sup> The combination of these statements is concerning. Essentially, the Draft MFRs will allow any third party with access to the data to have no cybersecurity protections and potentially lose, misuse or otherwise compromise customer data without any repercussions.<sup>4</sup> If a third party is provided access to the data, it must meet certain baseline requirements for protecting it. Moreover, customers must be informed preemptively and be comfortable in their understanding that third parties will be permitted access to and use of customer data for authorized purposes only and that these restrictions will be enforced by the Board.

RECO’S specific comments regarding the eleven AMI Data Access Topics identified in the Notice are set forth below.

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

RECO agrees that the customer owns the data and in fact, the Company’s privacy policy allows customers to choose what they would like done with the data. Given the existence of a privacy policy, there is no need for any statement in the Data Access Plan. RECO notes that GBC is already in place for its customers.

**2. AMI Data Provision Timelines**

RECO’s AMI Infrastructure can transmit 5-minute interval data for commercial customers, and 15-minute interval data for residential customers. RECO agrees that

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<sup>1</sup> MFR #3

<sup>2</sup> MFR #3

<sup>3</sup> MFR #3

<sup>4</sup> Agreements, such as a Data Security Agreement, that include a risk assessment are critical to producing customer confidence in sharing its data with third parties. See, for example, in New York, Public Service Commission Case 18-M-0376, *Proceeding on Motion of the Commission Regarding Cyber Security Protocols and Protections in the Energy Market Place*, Order Establishing Minimum Cybersecurity and Privacy Protections and Making Other Findings, issued October 17, 2018.

validated AMI data can be made available to customers and authorized third parties within 48 hours after the meter readings are captured.

RECO appreciates Board Staff's movement away from having meters connect directly to customer Home Area Networks ("HAN") and making the customer responsible for purchasing "a behind the meter device" to obtain this data. A customer owned device that attaches to the power cable in the customer's breaker box and enables energy monitoring via Wi-Fi to mobile apps or web portals, will bolster an existing market for these devices and associated software while significantly reducing the exposure of cyber risks.

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

RECO supports the goal of making customer data easily accessible to customers and their designees and feels this can be done with reasonable safeguards seen in other critical industries. Privacy and cybersecurity best practices are essential, critical components of RECO's data sharing activities and RECO is concerned that the Draft MFRs could potentially compromise these practices. As described herein, before receiving any shared data from utilities, it is imperative that third parties identify and mitigate their cybersecurity risks. The Draft MFRs do not embrace this concept but rather go in the opposite direction, noting that parties accessing data need not have any requirements. This is not consistent with best practices for sharing data.

The BPU should consider in the evolving, modern grid environment a common and comprehensive approach to managing cybersecurity risks that focuses on people, processes, and technology. It is crucial to maintaining cybersecurity that implementation includes an industry-approved risk management methodology and alignment of control implementations with recognized and accepted industry standards, *e.g.*, NIST standards. The cybersecurity industry continues to evolve, as does technology. Cybersecurity insurance is also essential.

The Draft MFRs describe the development of a Common Release Form ("CRF"). RECO recommends further discussion regarding the purpose of the CRF. For example, will the CRF include common consent language that customers would agree to? Will the CRF also include common data security and privacy requirements that would be imposed on third parties seeking to obtain customer data? To the extent the CRF refers to common requirements for third parties, RECO agrees that the requirements should be developed through a collaborative process, which would provide the latest required cybersecurity and privacy protections that third parties must meet. This will not only facilitate a

smoother and faster data access implementation but also limit the risk that gaps in cybersecurity and/or privacy protection would significantly imperil long-term customer trust and impede the development of market products tied to this data. Any additional appropriate non-disclosure agreement (“NDA”), data security or access agreements (“DSA”), or safety protections need to be clearly defined for each data type, and cybersecurity risks should be identified and mitigated. Cybersecurity and governance of data should be consistent with all markets (*i.e.*, distribution, transmission, and wholesale) and avoid conflicts with the competitive nature of markets and data access. Standardization of these requirements for third parties will reassure customers when they authorize access to their data that the appropriate protections are in place.

The EDCs are directed 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. RECO has no objection to maintaining on its website a “bad actor” list that is provided by the BPU and to notifying the BPU of any third party whose behavior RECO finds problematic. It is wholly inappropriate, however, to make EDCs responsible for determining whether a third party constitutes a “bad actor” who should be banned from participation in AMI data sharing. Requiring the EDCs to make such determinations inevitably will give rise to bias and conflict of interest claims, spurious as they may be. In RECO’s view, only the BPU can assume this investigation and enforcement role.

#### **4. Reporting Metrics**

RECO supports metrics that are consistent, serve to improve the customer experience, and are easy to administer. In developing metrics, it is important to understand the use case for each metric and the targeted audience for the information. Reporting metrics is one of the areas that will greatly benefit from significant discussion and development in stakeholder sessions. For example, will the reported information be used by Board Staff to evaluate programs and achievement of State goals? Will the data be published for third party access, and if so, in what format and what are the appropriate clarifying information? Likewise, the reporting formats (*e.g.*, histograms) must be useful to Board Staff and easy to administer by the EDCs.

RECO recommends that the proposed metrics be further refined, for instance, not all types of data errors or issues are the same. There needs to be more clarity on many of the definitions and actionable standards that are consistent with GBC performance targets.

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

Currently, RECO's AMI meters register interval data on a 15-minute basis for residential customers and on a 5-minute basis for commercial customers. For both residential and commercial customers, the usage data is transmitted back to the Company every 15 minutes (frequency). As Board Staff correctly concludes in the Notice, 15-minute granularity is currently sufficient for residential customers. RECO agrees that any migration to a 5-minute standard for residential customers should be tabled until a future date.

## 6. **Additional Data Fields**

As an initial matter, an EDC should be allowed a reasonable amount of latitude to gather information that will facilitate its ability to provide its customers with safe and reliable electric service. Any attempt to define "core energy data set" too restrictively will undercut such ability. Similarly, requiring the EDCs to secure customers' approval to gather such data, including disaggregated data, is fundamentally misguided.

The Draft MFRs recommend three use cases for which AMI data should be published, including electric vehicle ("EV") charging, identification of disadvantaged communities, and potential for future volt/VAR services. Consumption by a singular or set of EV chargers that are separately metered by an AMI meter can be reported on either 5- or 15-minute intervals, as applicable. However, individual charging sessions are not, and cannot be, collected by an AMI meter as currently configured. For example, a separately metered publicly accessible EV charger on a commercial rate code would collect total consumption at that meter in 15-minute intervals. However, if the charger has more than one plug so that more than one car can charge at the same time, an AMI meter does not explicitly track the plug in and plug out times of each vehicle. A similar situation arises at a single-family home with an EV charger in the garage and one meter for the entire home. Rather than the AMI meter, the charger itself or telematics in the EV may have the capability to provide charging data. New Jersey programs that incent EV charging generally require the sharing of charging data with the program sponsor.

RECO is willing to discuss the other two data fields. Moreover, RECO is amenable to working with the other EDCs to develop a methodology for handling requests for future data fields. Indeed, RECO fully expects that this will be a topic of continuing interest. As a threshold matter, however, RECO cautions that as with many aspects of the AMI data experience, the inclusion of additional data fields should be subject to a rigorous cost-benefit analysis. Any such additions should consider the technical limitations of the AMI systems, including any back office systems, installed by the EDCs and the investments needed to upgrade these systems to collect the data. Initially, the BPU's

focus should be on instituting a user-friendly model that provides broad-based customer benefits at reasonable cost.

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

While the newer AMI meters will support distributed intelligence or “apps,” these use cases have not yet matured, are unproven and lack the infrastructure required. Current distributed intelligence makes use of meter data to deliver on our AMI business case targets (including reduced operation and maintenance costs, better outage reporting and voltage optimization) and allow the utility to make better decisions on their management of the grid, which RECO believes produces significant value to customers. To have something that is customizable by customer and used by the customer would take a significantly larger effort and invoke myriad cybersecurity challenges (not only for the customer, but also for the utility). RECO points to the multi-billion dollar apps industry, led by Google and Apple, that has developed over a decade or more and at correspondingly significant costs to each of these companies to underscore this point. In addition, it would require a significant effort so that the customer or third party is not creating something that will damage the utility’s AMI communication network and ability to collect all the data necessary for all the other activities mentioned. As stated above, privacy and cybersecurity best practices are essential components of sharing data and RECO has multiple concerns that these apps could potentially compromise these practices, as well as compromising the integrity of the whole billing process, given that the meter is integral to the Company’s billing process. At a minimum, these significant concerns would have to be addressed before proceeding. Finally, as stated above, more viable alternatives exist including GBC and customer owned behind the meter devices not directly tied to the meter that would spur additional and appropriate competition and enable these apps. For all these reasons, these recommendations are premature, and in many cases problematic, to fulfilling the AMI business case and protecting customer privacy and cybersecurity and in need of more discussion and cost benefit analysis.

## **8. Billing and Settlements**

RECO uses AMI data to settle with PJM and to calculate a customer’s Peak Load Contribution whenever the data is available.

## **9. Format of Data Sharing**

RECO currently offers GBC for customers to share their data with authorized third parties. Customers that wish to access their own data can log in to their My Account portal on RECO’s website. Once there, the customer can view their usage data and/or download it via Green Button Download in an Extensible Markup Language (“XML”)

standard format file. The customer can then share their data with any third party. In addition, authorized Third Party Suppliers can access customer data via Electronic Data Interchange (“EDI”) and the Company’s TPS portal (*i.e.*, RAIS).

RECO’s GBC platform is an integrated system with its parent company, Orange and Rockland Utilities, Inc., and its affiliate, Consolidated Edison Company of New York, Inc. While the Company appreciates the ease that statewide standards may offer to third parties using GBC, the Company notes that any changes to its existing platform, including the data fields provided, would need to be evaluated to determine the cost and time to implement which should be weighed against the additional benefits provided.

RECO currently shares the recommended data types via GBC. The recommendation to transmit AMI data to authorized third parties no longer than 60 seconds after customer authorization misconstrues how data is transferred via GBC. Specifically, once the customer authorization is approved, the third party must request the data by calling the application programming interface (“API”). Depending on the data size, it can be called by the API directly or if it is a larger request, it can be requested in batch. The Company continues to work on performance to improve response time of the APIs as the system matures.

The 99.5 percent GBC uptime is premature and should be discussed in a stakeholder forum.

#### **10. Emergency Responders Access**

It has been RECO’s longstanding practice to work with municipalities and emergency responders regularly. To develop a solution that meets emergency responders’ needs balanced with safety concerns, the Company recommends that the EDCs meet with Board Staff and emergency responders to understand the emergency responders’ needs and review the current information the EDCs are providing to develop a solution that meets everyone’s needs. Moreover, any data or information sharing must comply with the state and federal law, as well as the privacy and cybersecurity requirements developed in this proceeding.

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

In approving RECO’s AMI Program,<sup>5</sup> the Board recognized that it has the potential to provide additional data and the capabilities necessary to enable a host of benefits to the

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<sup>5</sup> *I/M/O the Petition of Rockland Electric Company for Approval of an Advanced Metering Program; and for Other Relief*, BPU Docket No. ER16060524, Decision and Order (dated August 23, 2017) (p. 20).



distribution system, thereby allowing RECO to streamline and modernize its operations, provide an enhanced customer experience, and benefit the environment. In light of this recognition, restricting any use of AMI data from any of the participants at this time is both premature and in direct conflict with these goals. The Draft MFRs define an EDC's core functions to include billing, settlements, and reliability, which is unreasonably restrictive based on existing utilities efforts described below and especially as the EDCs are being asked to plan and operate a grid that will evolve dramatically as these energy policies are put in place (*e.g.*, electric vehicles, solar, storage). The EDCs understand their electric systems and should be the authority on what is needed to run their systems. Third parties cannot interfere with this EDC duty. RECO recognizes the importance of sharing customer data, subject to appropriate privacy and other protections, with third parties. However, such sharing cannot come at the cost of compromising the grid or eliminating the role that EDCs play particularly in support of EDC programs and investments.

Furthermore, EDCs already play an important and increasing role in the achievement of the State's clean energy goals and must be allowed to use the data gathered to inform the development of EDC programs and to provide data to customers who use that data to manage their energy consumption and utility bills. EDCs are partners with the State in furthering the clean energy goals and offer programs targeted to advancing these goals (*e.g.*, energy efficiency programs, electric vehicle charging programs) while implementing other BPU programs (*e.g.*, community solar). RECO currently provides energy saving tips to its customers, including through Home Energy Reports customized to individual customers and their usage. Denying an EDC the ability to highlight a particular rate to a customer who may benefit from that rate is counter to the EDC's role as a trusted energy advisor. Narrowly defining core functions and then limiting an EDC's use of AMI data to those functions would be a disservice to customers. An EDC sends Home Energy Reports and bill inserts to customers, including low and moderate income customers who often need bill savings the most. Advising all customers of existing programs – whether offered by the State, federal government, EDC, or other entity – is a function that the EDC can undertake for its customers. These are just a few examples and it should be noted that none of them prevent third parties from also using AMI data to pursue their business cases and promote clean energy.

Finally, RECO supports sharing customer data, subject to appropriate customer consent and cybersecurity protections, with academia. Prior to such sharing, appropriate privacy standards, including adequate notice and consent mechanisms, must be established that balance a customer's expectation of privacy as it relates to their own data with the needs of third parties to receive that data. This will be addressed in the Data Access Plan.