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March 3, 2020

**VIA ELECTRONIC FILING**

Ms. Kimberly A. Campbell  
Chief Clerk  
Office of the Chief Clerk  
North Carolina Utilities Commission  
4325 Mail Service Center  
Raleigh, NC 27699-4325

Re: Docket E-100, Sub 161

Dear Ms. Campbell:

Enclosed please find Mission:data Coalition's Motion for Leave to Serve Discovery in the above referenced docket. By copy of this letter, all parties of record are being served.

/s/  
Kurt J. Olson, Esq.  
Counsel for Mission:data  
Coalition

cc: Counsel of Record

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The factual basis for the claims will not be tested and as such, the record in this docket ultimately will be deficient, incomplete and not fully informed.

Given these circumstances, discovery is clearly warranted. Discovery will permit an examination of the public utilities' claims and assertions. It will permit the parties to vet broad undocumented statements claiming that the adoption of nationally accepted protocols will "add [unacceptable] risk", "freeze" progress and is not warranted by customer demand. Discovery will permit the opportunity to test these claims and in turn, will lead to a fully developed record and a more reasoned decision informed by the actual factual standing.

WHEREFORE, Mission:data respectfully requests (i) leave to serve the attached discovery on the respective public utilities, and (ii) that DEC, DEP and DENC be required to respond to each discovery request addressed to them within 15 days of the Order allowing discovery.

Respectfully submitted this the 3rd day of March, 2020.

/s/ Kurt J. Olson  
Kurt J. Olson, Esq.  
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CERTIFICATE OF SERVICE

I hereby certify that all persons on the docket service list have been served true and accurate copies of the foregoing by first class mail deposited in the U.S. mail, postage pre-paid or by email transmission with the party's consent.

Respectfully submitted this the 3rd day of March 2020.

/s/ Kurt J. Olson  
Kurt J. Olson, Esq.  
Counsel for Mission:data  
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**DISCOVERY REQUESTS TO**  
**DUKE CAROLINAS, LLC AND**  
**DUKE PROGRESS, LLC**

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3. The phrase *Initial Comments* shall mean the pleading identified as *Initial Joint Comments of Duke Energy Carolinas, LLC, and Duke Energy Progress, LLC*, filed in the above referenced docket on February 10, 2020.

4. The phrase *the Public Staff's Proposed Rule* shall mean the draft R8-51 rules in Appendix II of the *Initial Comments and Proposed Draft Rules of the Public Staff* filed in the above referenced docket on February 10, 2020.

5. The phrase *paragraphs (d), (g) and (h)* shall mean paragraphs (d), (g) and (h) in the Public Staff's Proposed Rule.

6. The phrase *cybersecurity* shall mean the protection of computer systems and networks from (i) the theft, unauthorized access or damage to the hardware, software, or electronic data, and/or (ii) the disruption or misdirection of the services these systems or networks provide.

7. The phrase *NAESB REQ 21* shall mean the North American Energy Standard Board's Retail Electric Quadrant Standard # 21.

8. The phrase *ESPI* shall mean Energy Services Provider Interface.

### **INTERROGATORIES**

1. On pages 4-5 of the Initial Comments, DEC and DEP state that the "Implementation of [paragraphs (d), (g) and (h)] in January 2022 will *add risk* to the deployment of the Customer Connect Program for DEC (April 2021) and DEP (April 2022)" (emphasis added). With respect to that claim, please provide the following:

a. Please describe in detail how the implementation of paragraphs (d), (g) and (h) would "add risk" to the deployment of the Customer Connect Program for DEC.

**ANSWER:**

- b. Please describe in detail how the implementation of paragraphs (d), (g) and (h) would “add risk” to the deployment of the Customer Connect Program for DEP.

**ANSWER:**

- c. Please describe in detail how the implementation of paragraphs (d), (g) and (h) would impact or otherwise affect the timeframe for implementing the Customer Connect Program at DEC.

**ANSWER:**

- d. Please describe in detail how the implementation of paragraphs (d), (g) and (h) would impact or affect the timeframe for implementing the Customer Connect Program at DEP.

**ANSWER:**

- e. If a “risk” from implementing paragraphs (d), (g) and (h) allegedly involves, impacts or in any way relates to cybersecurity in connection with the deployment of the Customer Connect Program at DEC, please describe in detail how the implementation of



paragraphs (d), (g) and (h) would create or exacerbate that risk.

**ANSWER:**

f. If a “risk” from implementing paragraphs (d), (g) and (h) allegedly involves, impacts or in any way relates to cybersecurity arising from or associated with the deployment of the Customer Connect Program at DEP, please describe in detail how the implementation of paragraphs (d), (g) and (h) would create or exacerbate that risk.

**ANSWER:**

g. Please describe in detail any “risks” that will allegedly arise from the implementation of paragraphs (d), (g) and (h) at DEC other than or in addition to the “risks” described in subparagraphs a, c and e above.

**ANSWER:**

h. Please describe in detail any “risks” that will allegedly arise from the implementation of paragraphs (d), (g) and (h) at DEP other than or in addition to the “risks” described in subparagraphs b, d and f above.

**ANSWER:**

2. Does DEC believe that the deployment of its Customer Connect Program and its investment in the related requisite infrastructure are in any way incompatible with NAESB REQ 21/ESPI, and if so, please describe in detail all ways and all the areas where such incompatibility or conflict exists.

**ANSWER:**

3. Does DEP believe that the deployment of its Customer Connect Program and its investment in the related requisite infrastructure are in any way incompatible with NAESB REQ 21/ESPI, and if so, please describe in detail all ways and all the areas where such incompatibility or conflict exists.

**ANSWER:**

4. Does DEC believe that the deployment of its Customer Connect Program will foreclose, from a feasibility or practical standpoint, or increase the financial cost of the future adoption and implementation of NAESB REQ 21/ESPI, and if so, please describe in detail why or how the deployment of DEC's Customer Connect Program will foreclose or increase the cost of the future adoption or implementation of NAESB REQ 21/ESPI.

**ANSWER:**

5. Does DEP believe that the deployment of its Customer Connect Program will foreclose, from a feasibility or practical standpoint, or increase the financial cost of the future adoption and implementation of NAESB REQ 21/ESPI, and if so, please describe in detail why or how the deployment of DEP's Customer Connect Program will foreclose or increase the cost of the future adoption or implementation of NAESB REQ 21/ESPI.

**ANSWER:**

6. On page 5 of the Initial Comments, DEC and DEP state that "To allow for the successful testing, training, conversion, and implementation of the core solution, [DEC and DEP] must freeze changes to many IT systems and business applications starting 2020." With respect to that claim please identify the following:

a. Please identify all “IT systems and business applications” supporting DEC individually or in association with DEP, where changes will have to be “frozen” starting in 2020 to allow for the successful testing, training, conversion, and implementation of the core solution and please explain why that will be required.

**ANSWER:**

b. Please identify all “IT systems and business applications” supporting DEP individually or in association with DEC, where changes will have to be “frozen” starting in 2020 to allow for the successful testing, training, conversion, and implementation of the core solution and please explain why that will be required.

**ANSWER:**

c. Please state the date or, if not currently known, the approximate date in 2020 when each IT system or business application identified in subparagraph 6.a, above will have to be “frozen” to allow for the successful testing, training, conversion, and implementation of the core solution.

**ANSWER:**

d. Please state the date or, if not currently known, the approximate date in 2020 when each identified IT system or business application identified in subparagraph 6.b., above will have to be “frozen” to allow for the successful testing, training, conversion, and implementation of the core solution.

**ANSWER:**

e. For each IT system and business application identified in subparagraphs 6.a and 6.b above please explain in detail why the action will be required.

**ANSWER:**

7. On page 5 of the Initial Comments, DEC and DEP state “First, [DEC’s and DEP’s] survey of their customers did not reveal a customer demand that outweighed the projected costs to implement [the Green Button Connect functionality].” Please describe in detail, how this survey was conducted, the date of the survey, how many customers participated in the survey, a general demographic breakdown of the customers surveyed by geographic location,

education level and any other grouping factor collected during the survey. Please also provide the response rate to the survey and results.

**ANSWER:**

**REQUEST FOR PRODUCTION OF DOCUMENTS.**

1. With respect to the customer survey referenced in Interrogatory 7, above, please produce for inspection and copying, the survey instrument (or survey instruments if there were more than one format) that was sent to all DEC and DEP customers participating in the survey.

**ANSWER:**

2. Please provide a copy of all responses received from all customers participating in the survey referenced in Interrogatory 7, above.

**ANSWER:**

3. With respect to the “IT systems and business applications” identified in response to Interrogatory 6a. above, please provide all system diagrams, including but not limited to, network topologies or application segmentation diagrams that demonstrate and/or explain the connection, relation or interdependency between an identified IT system and any business application.

**ANSWER:**

4. With respect to the “IT systems and business applications” identified in response to Interrogatory 6b. above, please provide all system diagrams, including but not limited to, network topologies or application segmentation diagrams, that will demonstrate and/or explain the connection, relation or interdependency between an identified IT system and any business application.

**ANSWER:**

5. Please provide all diagrams of the Customer Connect Program planned for DEC that will show, at a minimum, database layers, application layers and web portal layers.

**ANSWER:**

6. Please provide all diagrams of the Customer Connect Program planned for DEP that will show, at a minimum, database layers, application layers and web portal layers.

**ANSWER**

Respectfully submitted this the 3rd day of March 2020.

\_\_\_\_\_  
/s/ Kurt J. Olson  
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**DISCOVERY REQUESTS TO**  
**VIRGINIA POWER AND LIGHT**  
**d/b/a DOMINION ENERGY**  
**NORTH CAROLINA**

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5. The phrase *paragraphs (d), (g) and (h)* shall mean paragraphs (d), (g) and (h) in the Public Staff's Proposed Rule.

6. The phrase *cybersecurity* shall mean the protection of computer systems and networks from (i) the theft, unauthorized access or damage to the hardware, software, or electronic data, and/or (ii) the disruption or misdirection of the services these systems or networks provide.

7. The phrase *NAESB REQ 21* shall mean the North American Energy Standard Board's Retail Electric Quadrant # 21.

8. The phrase *ESPI* shall mean Energy Services Provider Interface.

### **INTERROGATORIES**

1. On page 16 of the Initial Comments, you state "It is also important to recognize that adoption of these prospective rule revisions will require [DENC] to invest in and establish standards and security requirements outside of these rules to ensure [that DENC's] system remains protected from intrusion by third parties (whether authorized or not) requesting to connect to DENC in order to access customer data. These standards will also necessarily impose requirements on authorized entities who will connect to [DENC's] systems; such requirements are necessary to adequately protect customer data." In regard to that declaration please state:

- a. Whether DENC presently has "established standards and security requirements" or other "requirements" necessary "to adequately protect customer data" that apply to third-parties who receive customer energy information from DENC pursuant to an executed standardized consent form?

**ANSWER:**

- b. If the answer to Interrogatory 1a. above, is “Yes”, please describe in detail the “established standards and security requirements” that apply to third-parties who seek to obtain or receive customer energy information from DENC pursuant to an executed standardized consent form, describing with particularity all standards that apply and all requirements that are imposed upon such third-parties, and further describing any deviation in the standards or requirements that may apply based on circumstances such as the identity of the third-party seeking access.

**ANSWER:**

- c. If the answer to Interrogatory 1b. above is “No”, please explain in detail why DENC does not presently have or impose “established standards and security requirements” or other “requirements” necessary “to adequately protect customer data” applicable to third-parties who receive customer energy information from DENC under the existing protocol(s) pursuant to an executed standardized consent form.

**ANSWER:**

2. As it relates to cybersecurity and the protection of customer data, please describe in detail how DENC's existing customer web portal is different from NAESB REQ 21/ESPI.

**ANSWER:**

3. As it relates to cybersecurity and the protection of customer data, please describe in detail risks of a breach that in your view are inherent in NAESB REQ 21/ESPI that do not exist presently with DENC's current customer web portal access design.

**ANSWER:**

4. Is DENC aware of any risks of cybersecurity breaches inherent in NAESB REQ 21/ESPI that are not also inherent in or present in DENC's current customer web portal design?

**ANSWER:**

5. If your answer to Interrogatory 4 above, is Yes, please explain in detail DENC's understanding of the added risks allegedly inherent in NAESB REQ 21/ESPI that are not present in DENC's customer web portal design.

**ANSWER:**

6. Please describe in detail any inherent fault, defect or problem in NAESB REQ 21/ESPI that you are aware of that would allow or permit a cybersecurity breach absent utility operator negligence related to a failure to properly secure the information technology system.

**ANSWER:**

Respectfully submitted this the 3rd day of March 2020.

\_\_\_\_\_  
/s/ Kurt J. Olson  
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