

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-100, SUB 153
DOCKET NO. E-100, SUB 157
DOCKET NO. E-100, SUB 161

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET NO. E-100, SUB 153)	
)	
In the Matter of)	
Commission Rules Related to Electric)	
Metering)	
)	
DOCKET NO. E-100, SUB 157)	
)	ORDER REQUIRING INFORMATION,
In the Matter of)	REQUESTING COMMENTS, AND
2018 Integrated Resource Plans and)	INITIATING RULEMAKING
Related 2018 Compliance Plans)	
)	
DOCKET NO. E-100, SUB 161)	
)	
In the Matter of)	
Commission Rules Related to Electric)	
Customer Billing Data)	

BY THE COMMISSION: On November 19, 2018, the Commission issued an Order in Docket No. E-100, Sub 153 scheduling a staff technical conference and a tour of the meter testing facilities of Duke Energy Carolinas, LLC (DEC). That order also required all three electric utilities, DEC; Duke Energy Progress, LLC (DEP); and Dominion Energy North Carolina (Dominion), to file information describing their current meter testing programs.

On December 5, 2018, DEC and DEP filed the required information, and Dominion filed the required information on December 13, 2018.

On December 18, 2018, the staff technical conference was held, and a transcript of that conference was filed in this docket on January 16, 2019. On December 20, 2018, staff from the Commission and the Public Staff toured the meter testing facilities at DEC's Little Rock operations center in Charlotte. On December 21, 2018, DEC filed a copy of the tour presentation materials.

The above-described activities were conducted in order to assist the Commission in revising its rules for the location, testing facilities, average error calculations, and accuracy of electric meters (Rules R8-7 through R8-14, and R8-21).

Technical Conference Follow-Up Questions

During the December 18, 2018 staff technical conference, several questions were posed that DEC and DEP representatives were unable to answer without additional research. As a result, the Commission requests that DEC, DEP, and Dominion file responses to the following questions by March 1, 2019:

1. For new residential meters, what is the accuracy range that is required of meter manufacturers? (See page 10 of the transcript.)

2. The Public Staff and Commission Staff noted that the three electric utilities' monthly disconnect reports filed in Docket No. M-100, Sub 61A indicate significant differences among the utilities as to the percentage of customers who are disconnected for non-payment. The companies shall file comments in Docket Nos. M-100, Sub 61A¹ and E-100, Sub 153 by March 1, 2019, explaining to the best of their ability the reason(s) for these significant differences. (See pages 45-46 of the transcript.)

3. Would application of the industry standard set forth in the American National Standards Institute's standard ANSI Z1.4 fail a population of meters if meters in a test sample read slow (that is, the meters registered less than 98% of actual consumption)? (See pages 72-73 of the transcript.)

Additionally, several customers have filed comments with the Commission asserting that AMI meters and / or their radio communications result in "dirty electricity" or harmonic distortions that are harmful. The Commission finds good cause to require the electric utilities to file responses to these customers' concerns.

Proposals for Revised Meter Testing Rules

Pending receipt of the above information, and on a preliminary basis, the Commission envisions issuing for comment revised meter testing rules. In particular, the Commission is considering adoption of a rule that would require electric utilities to maintain on file with the Commission annual meter testing plans that address: (1) meter manufacturers' tests; (2) acceptance tests; (3) periodic testing for installed meters, both residential and non-residential; and (4) testing pursuant to customer requests or complaints. For residential meters, the periodic testing plan would include an explanation of the utility's statistically valid sampling plan, or reference an industry standard that assures statistical validity. The periodic testing of non-residential meters would include

¹ Electric and natural gas utilities file monthly reports in Docket No. M-100, Sub 61A on the number of service disconnections for all residential customers during such month as a result of the non-payment of a delinquent account.

minimum intervals for meter testing and inspections of related equipment, with higher usage customer meters being tested and inspected more often. In addition, the Commission envisions requiring utilities to pursue an independent audit, perhaps every three years, of the systems used to communicate billing data from meters to the billing system. This audit would include a review of measures in place to assure billing data accuracy, to protect data privacy, and to protect against cybersecurity threats.

The Commission finds good cause to request that parties file comments, suggestions, or draft rules, addressing the above-described topics by April 15, 2019. Subsequently, the Commission will issue draft rules for further comments by the parties.

Proposals for Data Access Rules

On January 16, 2019, the Public Staff filed comments in Docket No. E-100, Sub 157. Among other things, the Public Staff stated that there is a need for a rulemaking to “create rules that would provide customers or a third party with customer permission appropriate access to customer data, while protecting customers and their personal and energy consumption data.” The Public Staff stated that the rulemaking currently underway in Docket No. E-100, Sub 153 could be “updated to ... establish a definition of ‘customer data,’ who should have access to that data, how access should be granted, customer data protections, liability for parties who breach the confidentiality of data, and who pays for the access.” In addition, the Public Staff stated:

With the deployment of smart meters and a new customer information and billing platform, a greater emphasis on customer data regulation is necessary to ensure that customers understand and have confidence in their energy data and the bill developed for that data, how their data is used and made available to third parties, and who will be responsible for the integrity and security of that data.

The Public Staff stated further that this issue “should be addressed immediately.”

The Commission is of the opinion that the new rules requested by the Public Staff to address customer data issues (including usage data) implicate policies and parties well beyond the current scope of Docket No. E-100, Sub 153. Further, to expand the scope of that docket at this time could cause substantial delay in updating the Commission’s meter testing rules. Therefore, while the Commission will grant the Public Staff’s request to initiate rulemaking regarding customer data issues, the Commission will do so by opening a separate docket, Docket No. E-100, Sub 161. Parties may file interventions, initial comments, and proposed rules in Docket No. E-100, Sub 161 by April 15, 2019. In addition, the electric utilities and the parties to Docket Nos. E-100, Subs 153 and 157 shall be deemed to be parties to Docket No. E-100, Sub 161 without the need to file petitions to intervene.

IT IS, THEREFORE, ORDERED as follows:

1. That DEC, DEP, and Dominion shall respond to the technical conference follow-up questions, as set forth in this Order, by March 1, 2019;
2. That parties may file comments, suggestions, and/or draft meter testing rules by April 15, 2019;
3. That the Chief Clerk shall open a new docket, Docket No. E-100, Sub 161, for the purpose of initiating a rulemaking regarding Electric Customer Billing Data;
4. That parties may intervene in Docket No. E-100, Sub 161 and file initial comments and/or proposed rules by April 15, 2019; and
5. That DEC, DEP, Dominion, and the parties to Docket Nos. E-100, Subs 153 and 157 shall be deemed to be parties to Docket No. E-100, Sub 161 without the need to file petitions to intervene.

ISSUED BY ORDER OF THE COMMISSION.

This the 4th day of February 2019.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in dark ink, appearing to read "Janice H. Fulmore", is written over a faint, circular embossed seal of the North Carolina Utilities Commission.

Janice H. Fulmore, Deputy Clerk