

**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

DOCKET NO. E-100, SUB 153)	
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In the Matter of:)	
Commission Rules Related to Electric)	
Metering)	
)	
DOCKET NO. E-100, SUB 157)	
)	
In the Matter of)	
2018 Biennial Integrated Resource Plans)	REPLY COMMENTS OF
and Related 2018 REPS Compliance Plans)	ENVIRONMENTAL DEFENSE FUND
)	
DOCKET NO. E-100, SUB 161)	
)	
In the Matter of)	
Commission Rules Related to Electric)	
Customer Billing Data)	

The Environmental Defense Fund (EDF) submits the following reply comments regarding data access rules:

I. BACKGROUND

This docket arises from Public Staff’s recommendation that the Commission develop a rule regarding how customers and third parties could access customer energy usage data. Public Staff filed initial comments and proposed rule language. Several parties also filed comments. On May 26, 2020, the Commission filed an order requesting reply comments. In response, EDF submits the following reply comments.

II. DISCUSSION

The proposals before the Commission fall into three general categories: (1) the Public Staff's proposed amendments to Commission Rules R8-7, R8-8 and R8-51, which it filed with its initial comments; (2) proposed rule amendments filed by Mission:data and the North Carolina Attorney General's Office (AGO) in their initial comments; and (3) Duke Energy and Dominion's proposal in their initial comments that the Commission should allow them to provide data access through their web portals. EDF supports the proposals by Public Staff and Mission:data/AGO, and expresses no preference for either proposal. EDF recommends that the Commission adopt either proposal, and reject the utilities' proposal for the reasons stated in EDF's initial comments and as discussed below.

EDF recommends that the Commission approach this issue through the following guiding principle – ratepayers will pay for 100% of the costs of the utilities' grid modernization proposal (through higher rates), so the utilities should provide customers with 100% of the available benefits. Both Public Staff and the Mission:data/AGO's rule proposals satisfy this test because both proposals would require the utilities to adopt the Green Button Connect standard. The utilities' proposal fails this test because they would use their web portals to provide data access and would not adopt Green Button Connect.

The utilities have made and continue to make massive investments in grid modernization. For example, Duke Energy recently announced a five-year, \$56 billion capital investment plan

that includes grid modernization.¹ In 2017, Duke Energy proposed to spend \$13 billion over ten years for grid modernization in North Carolina.² One key benefit to grid modernization is providing customers and third parties with greater access to customer energy usage data. This allows customers to take advantage of energy efficiency, peak demand and other services that allow customers to save on their energy bills.

Green Button Connect is the national standard for sharing energy usage data. It has been adopted by other states with some of the largest numbers of customers in the country. This has created a national market for third-party energy services companies (including some based in North Carolina) to develop products and services that utilize this standard. This is where the value lies for Duke Energy's and Dominion's customers – to use Green Button Connect to take advantage of this robust supply of energy-savings products and services. If the Commission adopts the utilities' proposal, then third-party service providers would have to adapt their products to each individual utility's web portal and this added cost (and smaller potential market) will deter them from offering their products and services to the utilities' customers.

The Green Button Connect standard was promulgated through the National Institute of Standards and Technology (NIST), a national agency established by Congress to make U.S. industries more competitive, as explained on the NIST web page:

The National Institute of Standards and Technology (NIST) was founded in 1901 and is now part of the U.S. Department of Commerce. NIST is one of the nation's oldest physical science laboratories. Congress established the agency to remove a major

¹ "Duke Energy reaffirms capital investments in renewables and grid projects to deliver cleaner energy, economic growth" Duke Energy press release (July 5, 2020), available at: <https://news.duke-energy.com/releases/releases-20200705-6806042>.

² "Duke Energy embarks on a 10-year initiative to strengthen North Carolina's energy grid" Duke Energy press release (April 12, 2017), available at: <https://news.duke-energy.com/releases/duke-energy-embarks-on-a-10-year-initiative-to-strengthen-north-carolina-s-energy-grid>.

challenge to U.S. industrial competitiveness at the time—a second-rate measurement infrastructure that lagged behind the capabilities of the United Kingdom, Germany, and other economic rivals. From the smart electric power grid and electronic health records to atomic clocks, advanced nanomaterials, and computer chips, innumerable products and services rely in some way on technology, measurement, and standards provided by the National Institute of Standards and Technology.³

At a time when the U.S. economy is being challenged by the COVID-19 pandemic and many customers are unemployed, it is even more important for utilities to follow national standards that will allow businesses to be more competitive and will give residential customers every available opportunity to reduce their energy bills.

North Carolina recently joined a group of 14 other states and the District of Columbia in a joint memorandum of understanding to advance electric trucks.⁴ The plan calls for the states to work together to eliminate barriers, invest in infrastructure and provide financial incentives. The underlying idea is that these 15 states provide a vast market for electric trucks, which should cause manufacturers to spur production and invest in product development. The same reasoning applies to data access. Adopting Green Button Connect gives energy service providers access to a vast market that will cause them to develop a wide array of energy-savings products and services for customers.

Duke Energy and Dominion frequently argue in rate cases that they should receive the rate increases they seek because they manage their operations prudently. They support this argument by claiming to benchmark their operations against the top utilities in the industry and

³ “About NIST” NIST web page, accessed July 15, 2020; available at: <https://www.nist.gov/about-nist>.

⁴ “15 U.S. states to jointly work to advance electric heavy-duty trucks” *Reuters* (July 14, 2020), available at: <https://www.reuters.com/article/us-autos-emissions-trucks/15-u-s-states-to-jointly-work-to-advance-electric-heavy-duty-trucks-idUSKCN24F1EC>.

to follow industry best practices. Yet they refuse to adopt Green Button Connect, which is the national standard and industry best practice for sharing energy usage data.

When confronted with this discrepancy, the utilities argue that using their web portals to provide data access is the “functional equivalent” of Green Button Connect. The COVID-19 pandemic has produced a debate as to whether schoolchildren should return to classrooms in the fall or continue to learn through on-line classes. Regardless of one’s position on this issue, this is an example of how two alternatives might be “functionally equivalent” and yet differ vastly. So it is with data access. The utilities can use their web portals to provide data access but this is a vastly different approach from Green Button Connect and would provide customers with much less access to energy-saving tools from third parties.

CONCLUSION

Based on the foregoing reasons, EDF respectfully requests that the Commission either adopt the rule changes proposed by Public Staff or by Mission:data/AGO.

Respectfully submitted,

/s/ Dan Whittle

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CERTIFICATE OF SERVICE

I hereby certify that all persons on the docket service list for these three proceedings have been served true and accurate copies of the foregoing Reply Comments of EDF by first class United States mail, postage prepaid, or by email transmission with the party's consent.

This the 17th day of July, 2020.

/s/ Dan Whittle
