

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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| In the Matter of the Application of the Dayton Power and Light Company for Approval of its Plan to Modernize its Distribution Grid. |))) | Case No. 18-1875-EL-GRD |
| In the Matter of the Application of the Dayton Power and Light Company for Approval of a Limited Waiver of Ohio Adm. Code 4901:1-18- 06(A)(2). |)))) | Case No. 18-1876-EL-WVR |
| In the Matter of the Application of the Dayton Power and Light Company for Approval of Certain Accounting Methods. |))) | Case No. 18-1877-EL-AAM |
| In the Matter of the Application of the Dayton Power and Light Company for Administration of the Significantly Excessive Earnings Test Under R.C. 4928.143(F) and Ohio Adm. Code 4901:1-35-10 for 2018. |))))) | Case No. 19-1121-EL-UNC |
| In the Matter of the Application of the Dayton Power and Light Company for Administration of the Significantly Excessive Earnings Test Under R.C. 4928.143(F) and Ohio Adm. Code 4901:1-35-10 for 2019. |))))) | Case No. 20-1041-EL-UNC |
| In the Matter of the Application of The Dayton Power and Light Company for a Finding that its Current Electric Security Plan Passes the Significantly Excessive Earnings Test and the More Favorable in the Aggregate Test in R.C. 4928.143(E). |)))))) | Case No. 20-680-EL-UNC |

INITIAL BRIEF OF MISSION:DATA COALITION

February 12, 2021

I. INTRODUCTION

Mission:data Coalition, Inc. (“Mission:data”) is a non-profit organization that promotes energy data portability, or the ability of utility customers to authorize utilities to transmit their energy-related data to third party service providers, such as energy management companies.¹ With members of approximately 30 technology companies delivering data-enabled distributed energy resources (“DERs”) for residential, commercial and industrial customers, Mission:data has expertise in technical and policy areas associated with data access, privacy, and maximizing the consumer benefits of advanced metering infrastructure (“AMI”), having participated in regulatory proceedings in Ohio and numerous other states.² As described in detail below, Mission:data supports the Stipulation and Recommendation (“Stipulation”) filed in this docket on October 23, 2020 as beneficial to customers of Dayton Power & Light Co. (“DP&L” or “Company”) because it establishes a framework for those customers to work productively with third parties who are able to leverage DP&L’s deployment of AMI to provide innovative, cost-saving energy services.

¹ Mission:data Ex. 1, Murray Direct Test. (Nov. 30, 2020) at 4:11-19.

² *Id.* at 2:17-18, citing testimony in California, Colorado, Georgia, New York, New Hampshire, North Carolina and Texas.

II. DISCUSSION

The question before the Commission is whether the Stipulation satisfies the Commission's traditional standard of review for stipulations. That standard of review includes three criteria:

- (1) Is the settlement a product of serious bargaining among capable, knowledgeable parties?
- (2) Does the settlement, as a package, benefit ratepayers and the public interest?
- (3) Does the settlement package violate any important regulatory principle or practice?³

In this Initial Brief, Mission:data focuses on how the data portability provisions of the Stipulation will significantly contribute to satisfying the second prong of this test, while carrying out established Ohio regulatory principles and practices under the third prong. Specifically, by establishing concrete parameters for customers to authorize third party access to energy data – including the more granular and more useful data that will become available as DP&L deploys AMI – the Stipulation will lay the groundwork for innovative energy services to flourish in Ohio.

Mission:data's experience with AMI deployments in many other jurisdictions is that it takes a focused and concerted effort to ensure that customer benefits from AMI are fully realized.⁴ Too often, AMI's direct customer benefits, such as energy conservation, are an afterthought, and utilities have not provided the tools for customers to meaningfully use their

³ *In re Columbus S. Power Co.*, Case Nos. 11-346-EL-SSO, et al., Opinion and Order (Dec. 14, 2011) at 27.

⁴ Mission:data Ex. 1, Murray Direct Test. at 11:5-17.

granular electric usage data for their benefit. The Stipulation substantively addresses these potential pitfalls, as described below.

First, the Stipulation provides significant opportunities for customers to more economically manage their monthly utility bills. Sections 11(b) of the Stipulation requires DP&L to offer Green Button Connect My Data (“GBC”), a national standard for electronically exchanging energy-related data developed by the National Institutes of Standards and Technology.⁵ GBC has been required by state commissions in California, Colorado, Illinois, New York and Texas, covering over 36 million electric meters nationwide.⁶ Adhering to the GBC standard increases interoperability of new energy products and services in DP&L’s territory by providing a standardized avenue for customers to authorize third-party access to energy data.

This standardization and accessibility via GBC will enable customers to reach a wider range of competitive offerings to help manage monthly utility bills, such as tailored energy efficiency recommendations via web-based tools or software “apps.”⁷ Research has demonstrated that substantial energy savings of up to 6% - 18% are possible if customers are exposed to various forms of information feedback about their energy usage.⁸ Furthermore, section 11(d) of the Stipulation provides customers with the ability to connect devices wirelessly to their smart meter in order to access real-time energy usage data. This allows customers to diagnose high-use devices or appliances in their homes and businesses, use smartphone “apps” to

⁵ *Id.* at 6:2-6, 7:4-6.

⁶ *Id.* at 5:15-16.

⁷ *Id.* at 12:8-10.

⁸ *Id.* at 9:4-7.

help reduce consumption during peak periods on time-of-use rates, or automatically control devices in the home to manage loads using the “Internet of Things.”⁹

This functionality – reaching significantly beyond simple customer viewing of energy usage data through a utility website – is vital to achieving the promised benefits of AMI because customers are unlikely to analyze their granular energy usage information themselves. Energy data is complex on its own, even without considering the added details of specific utility tariffs, applicable market prices, and other variables that may be relevant to a customer’s energy choices. Third-party experts can leverage their knowledge to assess and synthesize customers’ energy usage information into actionable form, and the Stipulation’s data portability provisions make this possible.¹⁰ For these reasons, Mission:data concurs with DP&L witness Ms. Sharon R. Schroder, who stated that section 11 of the Stipulation ensures that “The SGP [Smart Grid Plan] and the data it will unlock will foster innovation in the competitive marketplace, providing customers with new energy choices and solutions available today.”¹¹

Second, the data portability provisions are consistent with nationally-recognized standards and best practices, and they align with Ohio statutes and the Commission’s objectives for grid modernization. Most importantly, the Stipulation’s data portability provisions are key to carrying out state policy under R.C. 4928.02, which requires the Commission to “(O) Encourage cost-effective, timely, and efficient access to and sharing of customer usage data with customers and competitive suppliers to promote customer choice and grid modernization” and “(P) Ensure

⁹ *Id.* at 8:4-8.

¹⁰ *Id.* at 10:11-22.

¹¹ Company Ex. 4, Schroder Direct Test. (Nov. 30, 2020) at 20:6-8.

that a customer's data is provided in a standard format and provided to third parties in as close to real time as is economically justifiable in order to spur economic investment and improve the energy options of individual customers.”

Moreover, the Stipulation aligns with the Commission’s August 2018 report, “PowerForward: A Roadmap to Ohio’s Electricity Future” (the “Roadmap”) by providing standardized access to customer energy usage data for CRES providers and other third parties.

The Roadmap declared that:

...the data generated [from advanced meters] needs to be used to better enable customer choice to inform customers of their energy consumption and costs so they can manage their energy usage, adopt technologies that provide benefits and drive systemic benefits for the grid.¹²

The Commission echoed this sentiment in its order closing out the PowerForward Data and Modern Grid Workgroup on April 22, 2020, stating that “timely and efficient access to and sharing of customer usage data with customers and competitive suppliers is necessary to promote customer choice and grid modernization”¹³ This articulation of Commission policy regarding the realization of customer benefits from AMI deployment will be well-served by implementation of GBC to enable customer-authorized energy data portability. It is worth noting here that GBC is not duplicative of DP&L’s existing Electronic Data Interchange (“EDI”) system for Competitive Retail Energy Suppliers (“CRES”); in fact, the two are complementary, and GBC may be used by CRES as well as non-CRES third parties as authorized by customers.¹⁴

¹² Mission:data Ex. 1, Murray Direct Test. at 13:20-24 (citing PUCO, PowerForward: A Roadmap to Ohio's Electricity Future (Aug. 29, 2018)).

¹³ Mission:data Ex. 1, Murray Direct Test. at 14:4-19 (citing Case Nos. Case No. 18-1595-EL-GRD *et al.*, Entry (Apr. 22, 2020) at 4).

¹⁴ Mission:data Ex. 1, Murray Direct Test. at 7:9-20.

As for adherence to national standards and best practices, the Stipulation's provisions address many of the important lessons learned from data portability efforts in other states. For example, Sections 11(b)(i)-(ii) of the Stipulation ensure that DP&L's GBC implementation is tested and certified as compliant with the standard by an independent entity, avoiding the problem of false claims of adherence to the GBC standard, instances which have occurred in other jurisdictions.¹⁵ Section 11(b)(vi) ensures a streamlined customer experience in granting a data-sharing authorization; without an easy-to-use interface, GBC deployments in other jurisdictions have been of poor quality and experienced low utilization rates.¹⁶ Finally, the Stipulation is consistent with data portability trends across the economy, including various sectors such as banking, healthcare and social media.¹⁷

Third, the Stipulation provides important opportunities for Commission oversight to ensure that customers derive the maximum value from investments in AMI and related information technology ("IT") systems. The terms and conditions under which third parties may access GBC will be articulated in a tariff subject to Commission approval, per section 11(b)(ii) of the Stipulation. This is critically important because in other states without sufficient oversight, utilities have unilaterally imposed terms and conditions on third parties that were onerous, unreasonable or conflicted with commission orders.¹⁸ Section 11(b)(ii) ensures the Commission has the opportunity to review and approve this important contractual interface between regulated and unregulated providers, ensuring that terms and conditions imposed by DP&L will not hinder

¹⁵ *Id.* at 12:7-8.

¹⁶ *Id.* at 12:17-22.

¹⁷ *Id.* at 5:2-17.

¹⁸ *Id.* at 15:3-5.

the development of the competitive energy management marketplace in Ohio. Moreover, if DP&L plans to use a new type of advanced meter with “distributed intelligence” capabilities, section 5(c)(ii) requires DP&L to file a description of its plans and allow for stakeholder comment 180 days prior to implementation. These mechanisms ensure that the Commission has the opportunity to exercise oversight over components of the AMI deployment that can provide substantial customer benefits.

III. CONCLUSION

The data portability provisions of the Stipulation will, if approved, help ensure that DP&L’s customers will be able to receive the benefits of advanced metering infrastructure. No other Ohio utility has deployed Green Button Connect My Data as a robust platform for customer data portability, and this proceeding represents a unique opportunity for the Commission to forge a new pathway for customer benefits from grid modernization in the state. Therefore, Mission:data respectfully requests the Commission approve the Stipulation and ensure that DP&L implements it faithfully to enable an innovative marketplace for energy services in Ohio.

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this document was filed with the e-filing system of the Public Utilities Commission of Ohio on February 12, 2021, and the e-filing system will electronically serve notice of the filing on the parties referenced in the service list of the docket card who have electronically subscribed to this case.

/s/ Madeline Fleisher

Madeline Fleisher

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Summary: Brief - Initial Brief of Mission:data Coalition electronically filed by Ms. Madeline Fleisher on behalf of Mission:data Coalition