

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF THE ATTORNEY GENERAL



**KARL A. RACINE**  
**ATTORNEY GENERAL**

**Public Advocacy Division**  
**Social Justice Section**

**ELECTRONIC FILING**

October 15, 2020

Ms. Brinda Westbrook-Sedgwick  
Public Service Commission  
Of the District of Columbia Secretary  
1325 G Street, NW, Suite 800  
Washington, DC 20005

**Re: Formal Case No. 1130 – In the Matter of the Investigation into the  
Modernizing of the Electric Delivery System for Increased  
Sustainability; and Various Rulemaking Dockets**

Dear Ms. Westbrook-Sedgwick:

On behalf of the Department of Energy and Environment, please find the enclosed Motion to File Comments on Pepco's Green Button Implementation Feasibility Report Out of Time. If you have any questions regarding this filing, please do not hesitate to contact the undersigned.

Respectfully submitted,

KARL A. RACINE  
Attorney General

By: /s/ Brian Caldwell  
BRIAN CALDWELL  
Assistant Attorney General  
(202) 727-6211 – Direct  
Email: [brian.caldwell@dc.gov](mailto:brian.caldwell@dc.gov)

cc: Service List

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE DISTRICT OF COLUMBIA**

**In the Matter of the Investigation into )  
Modernizing the Energy Delivery System )  
for Increased Sustainability )  
)**

**Formal Case No. 1130**

**DEPARTMENT OF ENERGY AND ENVIRONMENT’S MOTION FOR LEAVE TO  
FILE COMMENTS IN RESPONSE TO PEPSCO’S REPORT ON THE FEASIBILITY OF  
IMPLEMENTING GREEN BUTTON CONNECT MY DATA IN THE DISTRICT OF  
COLUMBIA OUT OF TIME**

Pursuant to Sections 105.8 and 117.5 of the Public Service Commission of the District of Columbia’s (Commission) Rules of Practice and Procedure (15 D.C.M.R. § 100 *et. seq.*) the Department of Energy & Environment (DOEE), by and through the Office of the Attorney General, hereby respectfully submits this Motion for Leave to File Comments in Response to the Potomac Electric Power Company’s (Pepco) Report on the Feasibility of Implementing Green Button Connect My Data in the District of Columbia (Comments) Out of Time.

On September 3, 2020, Pepco filed its Report on the Feasibility of Pepco to Implement Green Button Connect My Data in the District of Columbia (“Pepco’s Report”) pursuant to the Commission’s directives in Order No. 20364.<sup>1</sup> On September 14, 2020, the Commission issued a Public Notice soliciting comments from interested persons on Pepco’s Report. As such, comments were due on October 14, 2020.

Due to DOEE’s counsel’s unavailability on October 14, 2020, DOEE was unable to file its attached Comments on the date due. DOEE submits that accepting the attached Comments one day late will not prejudice any person as persons, including Pepco, will still have 29 days in which to review the attached Comments before submitting Reply Comments. Further, the

---

<sup>1</sup> *Rel.* June 5, 2020.

attached Comments will contribute to a more fulsome record upon which the Commission can render a decision on this important issue.

WHEREFORE, for the above-mentioned reasons, DOEE moves this Commission to accept its attached Comments on Pepco's Report out of time.

October 15, 2020

Respectfully submitted,

KARL A. RACINE  
Attorney General for the District of Columbia

KATHLEEN KONOPKA  
Deputy Attorney General  
Public Advocacy Division

JENNIFER L. BERGER  
Chief, Social Justice Section

*/s/ Brian Caldwell*

---

BRIAN R. CALDWELL (D.C. Bar No. 979680)

Assistant Attorney General  
Office of the Attorney General  
441 Fourth Street NW, Suite 600-S  
Washington, D.C. 20001  
o: (202) 727-6211  
c: (202) 445-1952  
[brian.caldwell@dc.gov](mailto:brian.caldwell@dc.gov)

*Attorneys for Department of Energy and  
Environment*



DOEE supports the implementation of the Green Button Connect My Data (CMD) platform in the District as a critical pathway for customers to share energy data with third parties in a streamlined manner. This implementation would represent a first step in the full utilization of the District’s advanced metering infrastructure (AMI). While DOEE supports the use of this functionality in concept, it is critical that the platform design allows for streamlined third-party access and leverages the work that Pepco has already done in the District and that Exelon subsidiary Commonwealth Edison (ComEd) has already done in Illinois. DOEE requests that the Commission require certification of Pepco’s CMD platform by the Green Button Alliance.<sup>2</sup>

DOEE also respectfully requests that the Commission address the issue of real-time data access, since CMD and the Green Button Download My Data (DMD) functionalities provide data on a 24-hour lag. Turning on the ZigBee network functionality in the District’s AMI infrastructure is critical to undoing the data asymmetry between customers and their electric utility, and will be an important tool in the District’s path to decarbonization by helping customers to perform demand-side management in real time. DOEE sees real-time customer data access as a critical piece of the “non-discriminatory” pillar of the Commission’s PowerPath DC Vision Statement.

### **III. CONTEXT: CUSTOMER DATA ACCESS AND THE DISTRICT’S CLIMATE GOALS AND MANDATES**

DOEE has outlined the importance of customer data access in Clean Energy DC (CEDC), the District’s climate and energy action plan. The CEDC calls for the following with regard to data access:

- Advanced field telecommunications networks;
- Increased grid operational visibility;

---

<sup>2</sup> Green Button Alliance, “Green Button Testing and Verification Program” <https://www.greenbuttonalliance.org/certification>.

- Fast and flexible bulk electric storage to balance power fluctuations and mismatches resulting from non-dispatchable generation;
- Aggregated advanced meter data at the feeder level to enhance energy services.
- Smart inverters that enable DER to provide voltage and frequency support and to communicate with energy management systems;
- Tools that increase customer knowledge of their electricity use and how to better manage it;
- Building codes that facilitate the integration of DER with a focus on long-term grid capabilities needed to achieve the grid vision (see Action 0);
- Tools to provide electronic sensing and automated data extraction;
- Adjustable electronics that allow dynamic control of grid power flows;
- Utility and regulatory procedures that expedite the evaluation and integration of DER; and
- Legislation allowing third-party access to grid data, while considering grid security.”<sup>3</sup>

The CEDC also details the relationship between customer data access and greenhouse gas

(GHG) emissions:

The AMI meters have the capability to transmit real time data to customers via the ZigBee network; however, Pepco has not turned this function on. By making this data available to the District and other potential stakeholders, a greater understanding of energy use in different development contexts in the District can be achieved. Interval meter data is useful to the District, consumers, Demand-Side Management program operators, and potential microgrid providers. It can support the District and its stakeholders in achieving energy use reductions, peak load reductions, GHG reductions, DER installations, and the overall grid modernizing process.<sup>4</sup>

CMD is a tool that can be used to help DER solution providers enable customers to make the most informed and most impactful on-site energy improvements. DOEE believes that this functionality should be certified by the Green Button Alliance (GBA) and provided to every District customer, regardless of customer class. Given that Pepco already provides CMD to commercial customers, this expansion should not be costly or onerous to implement.

---

<sup>3</sup> DOEE, *Clean Energy DC: The District of Columbia Climate and Energy Action Plan*, p. 178-179.

<sup>4</sup> DOEE, *Clean Energy DC: The District of Columbia Climate and Energy Action Plan*, p. 180.

## **IV. CMD CERTIFICATION**

### **A. Confirmation of the Status of Pepco and Schneider Electric’s CMD Tool**

From a review of both the Green Button Alliance and Schneider Electric’s websites, it is not evident that the tool implemented in either the Pepco or the ComEd jurisdiction has been tested and/or certified as Green Button CMD by the GBA. DOEE requests that Pepco clarify whether or not the tools provided by Pepco and ComEd in both the District and in Illinois have been certified by the GBA. DOEE also requests that the Commission require certification as part of the approval of CMD roll-out.

### **B. The Benefits of Certification**

The GBA provides the following about their certification process:

The Green Button Alliance administers its Green Button Certified CMD program for Data Custodians through the testing facilities of UL Verification Services—a founding member of the Green Button Alliance. Testing and certification of Green Button CMD implementations assures utilities (data custodians) that they have properly implemented the standard and that the implementation will provide consistent Green Button data that will securely work with other Green Button Certified applications. A “Green Button Certified CMD” mark on a data custodian’s website assures third-party developers and customers that the implementation has been tested and complies with Green Button standards—and that customer privacy will be protected. Electricity, natural gas, and water utilities (data custodians) who have existing Green Button CMD implementations—or who are in the process of developing Green Button CMD offerings—can apply for Green Button CMD certification at <https://www.greenbuttonalliance.org/certification>.<sup>5</sup>

DOEE finds the benefits of this verification and testing to be an important step in for both CMD and DMD, assuring customers that their data is not only accessible and correct, but that it is secure.

## **V. CUSTOMER EMPOWERMENT AND CUSTOMER PROTECTION**

---

<sup>5</sup> Green Button Alliance, <https://www.greenbuttonalliance.org/certification>.

## **A. Low Usage Rates**

DOEE finds that customer empowerment is an important outcome of a CMD roll-out. In order to ensure that such a roll-out does directly empower customers, the process for sharing with a third-party should be as streamlined as possible. DOEE has concerns about the low uptake of the existing programs by both Pepco and ComEd: “ComEd has noted low CMD usage rates, which is similar to Pepco’s observed low usage rate of the CEO tool. Since 2016, of the approximately 4,000,000 eligible customers, 146 have provided authorization to three third-party companies (as of July 10, 2020).”<sup>6</sup> Pepco’s report hints that what may be causing the slow uptake of CMD in Illinois is that the technical requirements for third-party access are prohibitively expensive, but it is not clear from the report what is causing the low uptake across both jurisdictions.<sup>7</sup> It will be important, to fully utilize the District’s AMI, that the CMD functionality is updated from the perspective of ease of access and ease of use in order to overcome those challenges. One potential solution is the certification process, as DOEE has described above. There are lessons to be learned from the California roll-out as well, which will be discussed in a later section.

DOEE requests that the Commission set targets for the number of customers that use CMD and require regular reporting by Pepco on the achievement of those targets.

## **B. Privacy and Non-Disclosure Agreements**

DOEE is also concerned about Pepco’s proposed process for third-party registration that includes a requirement of non-disclosure agreements between the third-party organizations and Pepco: “Pepco proposes to set up a self-registration process for third parties similar to the

---

<sup>6</sup> Report on the Feasibility of Pepco to Implement Green Button Connect My Data in the District of Columbia., pg. 10.

<sup>7</sup> Report on the Feasibility of Pepco to Implement Green Button Connect My Data in the District of Columbia., pg. 10.



process that ComEd currently employs. Pepco anticipates establishing a process whereby third parties register to be added as an “approved provider” on the Pepco website. Upon receipt of registration, Pepco will provide a customer privacy agreement and a Non-Disclosure Agreement (“NDA”) to the provider.”<sup>8</sup> It is not clear why an NDA should be signed between the utility and the third-party concerning a customer’s data that the customer is willing to release to the third-party. DOEE recommends that third-party access to the CMD conform to the process that Pepco is already using in the CMD tool for commercial customers. Alternatively, Pepco could follow the process used in California, which follows four points: “1) provision of basic company information; 2) demonstrate technical ability to connect to and access data from the utility’s ESPI platform; 3) acknowledge receipt of the utility’s tariff(s) governing customer usage data privacy, and the automated transmission of usage data to customer-authorized third parties; and 4) absence from Commission’s prohibited list.”<sup>9</sup> To empower fair and non-discriminatory access for Pepco customers with their own data, an NDA seems to be a hurdle that would be potentially limiting in the amount of third parties that would be able to access the platform.

While streamlined ability to share data is important, data security of the customer’s information is also paramount. In lieu of using NDA’s for every entity that needs to access customer’s data which could limit use of the CMD product, Pepco could specify an appropriate security standard that third parties are required to comply with, such as the Department of Energy’s Data Guard standard, which is affiliated with the GBA.<sup>10</sup>

---

<sup>8</sup> Report on the Feasibility of Pepco to Implement Green Button Connect My Data in the District of Columbia, pg. 7-8.

<sup>9</sup> CPUC, Decision 13-09-025 September 19, 2013, <https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M077/K191/77191980.PDF>; pg. 35.

<sup>10</sup> <https://www.greenbuttonalliance.org/smart-energy-consumer-collaborative-and-green-button-alliance-become-inaugural-members-of-dataguard-energy-data-privacy-partnership-program>.

Regarding data sharing and data aggregation according to the District of Columbia Municipal Code, customer data can be shared according to DC Code § 34–1507 as long as “a customer consents in writing”.<sup>11</sup> DOEE disagrees with Pepco’s assertion that aggregated data must be anonymized in order to be shared with third party aggregators, noting that if the customer consents in writing, the need for anonymization has been waived according to the Code.<sup>12</sup>

---

## VI. LESSONS FROM CALIFORNIA

DOEE finds that the extensive work done in California on implementing CMD can be instructive for the District. The California Public Utility Commission ordered the three large investor-owned utilities (IOUs) to implement platforms for third-party data sharing in 2013.<sup>13</sup> Pacific Gas and Electric (PG&E), San Diego Gas and Electric (SDG&E), and Southern California Edison (SCE) each have implemented CMD under this CPUC mandate. DOEE disputes Pepco’s characterization that CMD is not required in California, given that it was mandated and is in use by the three IOUs. The Order that Pepco cites in the Feasibility Report is referencing the use of the CMD platform specifically for Demand Response (DR) programs. The Decision from the CPUC that does not address the mandate to the state’s IOU’s to implement CMD, but instead requires the utilities to allow customers to contract with DR providers via the platform (but not require them to do so).<sup>14</sup>

---

<sup>11</sup> District of Columbia Municipal Code § 34–1507.

<sup>12</sup> Report on the Feasibility of Pepco to Implement Green Button Connect My Data in the District of Columbia, pg. 12-13.

<sup>13</sup> CPUC, Decision 13-09-025 September 19, 2013, <https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M077/K191/77191980.PDF>.

<sup>14</sup> CPUC Decision 16-06-008 June 9, 2016 <https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M163/K294/163294060.PDF>.

DOEE requests that the Commission and Pepco examine the work that has been done at the CPUC Customer Data Access Committee, and review the certification, privacy and security, and quarterly reporting requirements for the IOUs implementing CMD since 2013, given their significant experience in implementing CMD.

## VII. COST

DOEE also requests that Pepco leverage the work that has already been done to deploy CMD within the District to commercial customers, as well as Exelon's other subsidiary ComEd in its CMD roll-out. While both programs have low uptake and may require some tweaking, DOEE disputes Pepco's \$8 million price tag that is based on the following assumption: "Currently, Pepco DC is the only utility in the Exelon Utilities family that is exploring the development of a new CMD product. As a result, if CMD is deployed at this time, the full costs of development and implementation will be borne by Pepco DC customers."<sup>15</sup> The request is not to create a new CMD product, but to expand the access of such a product to all of the District's customers. Additionally, ComEd has also fully implemented this product, and therefore the District should not be penalized as a "first mover," in this instance. Pepco noted in previous comments in FC1130 that Exelon is planning a CMD roll-out for residential customers across all jurisdictions: "Across our sister utilities in the Exelon family, there is a plan in place to extend GBCMD to residential customers as well."<sup>16</sup> Therefore, the District is only one of several jurisdictions in which the CMD tool will be applied, and is not the first to adopt the tool given the work of ComEd. Therefore, it is unclear why District ratepayers should have to absorb the full costs of a tool that will be extended to customers within the entire Exelon footprint.

---

<sup>15</sup> Pepco Report, pg. 5.

<sup>16</sup> Pepco Initial Comments on Staff Proposed Opinion and Order (Formal Case 1130), pg. 4.

## **VIII. CONCLUSION**

DOEE appreciates Pepco's work to submit this feasibility report for the implementation of CMD, and looks forward to working with Pepco, the Commission, and other stakeholders to improving access to both CMD and real-time usage data as the District continues to move down the path to modernization of the energy delivery system. DOEE respectfully requests that the Commission and Pepco leverage the work already done on CMD in California as well as the certification that the GBA can provide to ensure streamlined, protected sharing of customer data for those who wish to share it.

## CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of October 2020, I caused true and correct copies of DOEE's Motion to File Comments on Pepco's Green Button Implementation Feasibility Report Out of Time to be emailed to the following:

Ms. Brinda Westbrook-Sedgwick  
Commission Secretary  
D.C. Public Service Commission  
1325 G Street N.W. Suite 800  
Washington, DC 20005  
[bwestbrook@psc.dc.gov](mailto:bwestbrook@psc.dc.gov)

Christopher Lipscombe, Esq.  
General Counsel  
D.C. Public Service Commission  
1325 G Street N.W. Suite 800  
Washington, DC 20005  
[clipscombe@psc.dc.gov](mailto:clipscombe@psc.dc.gov)

Meena Gowda Esq.  
Deputy General Counsel  
DC Water and Sewer Authority  
5000 Overlook Avenue, S.W.  
Washington, DC 20032  
[Meena.gowda@dcwater.com](mailto:Meena.gowda@dcwater.com)

Kevin Auerbacher, Esq.  
Telsa, Inc.  
1050 K. Street NW Suite 101  
Washington, DC 20001  
[kauerbacher@telsa.com](mailto:kauerbacher@telsa.com)

Cathy Thurston-Seignious, Esq.  
Washington Gas  
1000 Maine Ave., S.W. 6<sup>th</sup> Floor  
Washington, DC 20024  
[cthurston-seignious@washgas.com](mailto:cthurston-seignious@washgas.com)

Brian R. Greene, Esq.  
GreeneHurlocker, PLC  
1807 Libbie Avenue, Suite 102  
Richmond, VA 23226  
[bgreene@hurlocker.com](mailto:bgreene@hurlocker.com)

Kristi Singleton, Esq.  
Assistant General Counsel  
U.S. General Services Administration  
1800 F Street, NW Room 2016  
Washington, DC 20405  
[Kristi.singleton@gsa.gov](mailto:Kristi.singleton@gsa.gov)

Adrienne Mouton-Henderson, Esq.  
Assistant People's Counsel  
Office of the People's Counsel  
1133 15<sup>th</sup> Street NW Suite 500  
Washington, D.C. 20005  
[ahenderson@opc-dc.gov](mailto:ahenderson@opc-dc.gov)

Nina Dodge  
DC Climate Action  
6004 34th Place, NW  
Washington, DC 20015  
[ndodge432@gmail.com](mailto:ndodge432@gmail.com)

*/s/ Brian Caldwell*  
Brian Caldwell