

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

Rulemaking to modify existing consumer
protection and meter rules to include
Advanced Metering Infrastructure

DOCKET U-180525

THIRD COMMENTS OF PUBLIC COUNSEL

March 29, 2019

I. INTRODUCTION

1. Pursuant to the Commission's Notice of Request for Additional Information (Notice) filed on March 18, 2019, the Public Counsel Unit of the Washington State Attorney General's Office (Public Counsel) respectfully submits these comments regarding the consumer protection and related meter rules in WAC 480-90 and WAC 480-100. The Notice included two requests for information. Request Number 1 was directed at the investor-owned utilities regarding their processes and procedures for ensuring the company does not unintentionally or erroneously remotely disconnect certain customers. Request Number 2 asked parties to identify and explain how other jurisdictions handle aggregate data. Public Counsel addresses Request Number 2 in these comments.

II. AGGREGATE DATA

Request No. 2. Other states have addressed how to require or otherwise establish the extent to which data collected from smart meters is sufficiently aggregated to permit usage and disclosure of that data without revealing customer-specific information. Please identify those states and describe the methodologies, definitions, regulations, or requirements each state has adopted.

2. Public Counsel relied upon guidelines and recommendations published by the Department of Energy¹ (DOE) as well as decisions from the California Public Utilities

¹ See Initial Comments of Public Counsel at 14-15.

Commission (California Commission) while drafting its comments on the handling of aggregate data in this rulemaking.² Specifically, Public Counsel referred to Decision 11-07-056³ and Decision 14-05-016⁴ of the California Commission and to the DOE best practices presented in its Energy Data Privacy Program Voluntary Code of Conduct.⁵ Public Counsel will not repeat all its comments here nor will it quote wholesale from the documents, but provides direct links to the documents in the footnotes, below.

3. In summary, the California Commission adopted general rules to protect the privacy and security of customer data generated by Smart Meters⁶ and applied different aggregation standards and varying levels of access depending on the specific use case for aggregate data.⁷ For example, for aggregated data of residential customers at the zip code level, which is to be made publicly available, the California Commission requires that the zip code must have 100 or more residential customers.⁸ Research institutions, however, may obtain anonymized, customer level data provided the research meet certain requirements and sign a non-disclosure agreement.⁹ The DOE code of conduct does not include specific rules but provides a list of variables that should

² See Initial Comments of Public Counsel at 13-14.

³ *Order Instituting Rulemaking to Consider Smart Grid Technologies*, Rulemaking 08-12-009, Decision 11-07-056 at 19, (Cal. Pub. Util. Comm'n July 29, 2011), http://docs.cpuc.ca.gov/PublishedDocs/WORD_PDF/FINAL_DECISION/140369.PDF [hereinafter CPUC D.11-07-056].

⁴ *Order Instituting Rulemaking to Consider Smart Grid Technologies*, Rulemaking 08-12-009, Decision Adopting Rules to Provide Access to Energy Usage and Usage-Related Data While Protecting Privacy of Personal Data, Rulemaking 08-12-009, Decision 14-05-016 (Cal. Pub. Util. Comm'n May 5, 2014), <http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M090/K845/90845985.PDF> [hereinafter CPUC D.14-05-016].

⁵ U.S. Department of Energy, DATAGUARD ENERGY DATA PRIVACY PROGRAM, VOLUNTARY CODE OF CONDUCT, FINAL CONCEPTS AND PRINCIPLES (Jan. 8, 2015), https://www.smartgrid.gov/files/DataGuard_VCC_Concepts_and_Principles_2015_01_08_FINAL.pdf [hereinafter DOE VCC].

⁶ See CPUC D.11-07-056.

⁷ See CPUC D.14-05-016.

⁸ *Id.* at 26.

⁹ *Id.* at 40-43.

be considered when developing an aggregation methodology,¹⁰ which Public Counsel listed in its initial comments.¹¹

III. CONCLUSION

4. Public Counsel appreciates the opportunity to submit these comments. If you have any questions regarding these comments, please contact Nina Suetake at NinaS@ATG.WA.GOV or at (206) 389-2055.

¹⁰ DOE VCC at 11.

¹¹ Initial Comments of Public Counsel, ¶ 21.
PUBLIC COUNSEL'S SECOND
COMMENTS
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