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Mark L. Johnson, Executive Director and Secretary
Washington Utilities and Transportation Commission
621 Woodland Square Loop SE
Lacey, WA 98503

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State Of WASH.
UTIL. AND TRANSP.
COMMISSION

Re: Docket U-180525: PSE Comments in Response to the Commission’s Advanced Metering Infrastructure (AMI) CR-102 Notice

Dear Mr. Johnson:

Puget Sound Energy (“PSE”) appreciates the opportunity to respond to the Commission’s Notice of Opportunity to Comment and Notice of Adoption Hearing (“Notice”) issued on May 4, 2020. PSE appreciates the time, effort, and consideration expended by the Commission over the last year and a half in developing and revising these proposed rules. At this stage in the rulemaking process, PSE only has a few comments to make on the proposed rules. PSE’s comments, outlined below, are focused primarily on changes made between the third set of proposed rules (released on October 30, 2019) and this latest set of proposed rules that were issued with the CR-102 filing on May 4, 2020.

Proposed WAC 480-100-023: Definitions

Account and usage information: PSE appreciates the added definition of “account and usage information,” which is responsive to previous concerns PSE raised in its SBEIS Questionnaire Response filed on December 12, 2019 about the application of the definition of “customer information” to certain provisions in proposed WAC 480-100-153. PSE is unsure, though, what is meant by “customer financial information.” If the intent is to address customer payment information, PSE would prefer that the definition refer to “payment information” instead.

Written Consent: PSE appreciates that the definition of “written consent” includes consent obtained in electronic copy. PSE suggests that this definition be broadened slightly to capture keypress consent, which is unambiguous, logged consent conveyed by pressing a button on a telephone in response to a prompt such as “Press 1 to consent.”

Proposed WAC 480-100-128(6)(c)

As PSE indicated in its previous comments, PSE is requesting that this subsection be limited to disconnections for non-payments. For customer-directed disconnections, such as a move-out, the customer has requested service be terminated, which is a very different circumstance. In most

cases, there will no longer be an “active medical certificate” at that location because the customer will have vacated the premises already, nor is there a need to provide a payment opportunity prior to disconnection. The customer is requesting the disconnection, which negates the need for the added protection of a site visit. For these reasons, PSE suggests the following revision:

“(c) Prior to disconnecting for a customer for non-payment who has an active medical certificate in accordance with subsection (8) of this section, visit the customer’s premises and provide the customer with an opportunity to pay via appropriate methods including providing payment to the dispatched utility representative;”

Proposed WAC 480-100-128(6)(e) and Proposed WAC 480-100-133(2)

With respect to fees to disconnect or connect service, PSE prefers the previous rule language, which generally prohibited a utility from charging a fee for remote disconnection or reconnection, but left the door open for the utility to seek permission to charge a fee through a tariff filing. While PSE does not anticipate charging a fee for remote disconnection or reconnection at this time, PSE would prefer the rule remain flexible on this point and allow utilities to request fees through a tariff filing, if appropriate.

Proposed WAC 480-100-153(19)

PSE remains very concerned with the wording and expectations outlined in this subsection. In these proposed rules, as in the previous set of draft rules, the term “customer information” is combined with “personal information” as defined in RCW 19.255.010. This section appears to apply the breach notification requirements in RCW 19.255.010 to a broader set of information as captured in the definition of “customer information.”

As PSE commented previously, this is inconsistent and incompatible with PSE’s existing breach notification obligations and requires more than any other breach notification requirement PSE has encountered, both in Washington and in other states. PSE has developed company-wide policies and encryption approaches around the very specific definition of “personal information” in RCW 19.255.010(5). While PSE does have appropriate procedures and security controls in place to protect “customer information,” applying encryption methodologies to a broader set of “customer information” would: (1) require us to completely revamp our data and security systems, and (2) represent a very costly shift in how PSE goes about its business, with little added benefit to our customers.

In Staff’s matrix dated May 4, 2020, staff indicated that they agreed with PSE’s position (outlined above) and would modify the draft proposed rule language accordingly, but the language appears to be the same as it was in the previous set of draft rules issued on October 30. PSE recommends the following revisions be made to this subsection to address these concerns:

(15) The utility must notify customers of any security breach involving disclosure of personal information as defined in RCW 19.255.010 in accordance with that statute. ~~If a security breach involves customer information that does not contain such personal information, the utility shall notify customers and the commission as soon as practicable~~

of the breach and the measures the utility is taking to remedy the breach. The utility must take all reasonable measures including, but not limited to, cooperating fully with law enforcement agencies, to recover lost information and prevent the loss of further customer information.

Proposed WAC 480-100-153(21)

PSE appreciates the language Staff proposed that allows utilities to collect and disclose aggregate data for purposes of promoting energy efficiency, conservation and generating resource management. PSE suggests that distribution system efficiencies also be another allowable use for aggregate data, and that the voluntary efforts category call out customer-generated renewable energy and transportation electrification. PSE's suggested revisions are as follows:

(21) The utility may collect and release ((customer information in)) aggregate ((form if)) data to the extent reasonably necessary for the utility to perform duties directly related to the utility's primary purpose but must have sufficient policies, procedures, and safeguards in place to ensure that the aggregated information does not allow any specific customer to be identified. The utility may collect and release aggregate data on energy usage to the extent necessary to comply with legal requirements, or to facilitate voluntary efforts **such as customer-generated renewable energy or transportation electrification**, to promote energy efficiency, conservation, **distribution system efficiencies** or generating resource management; however ~~but~~ the utility must have sufficient policies, procedures, and safeguards in place to ensure that the aggregated information does not allow any specific customer to be identified.

PSE appreciates the opportunity to provide responses to this Notice. Please contact Kara Durbin at (425) 456-2377 for additional information about these comments. If you have any other questions please contact me at (425) 456-2142.

Sincerely,

/s/ Jon Piliaris

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