

**STATE OF RHODE ISLAND
PUBLIC UTILITIES COMMISSION**

In re: Rhode Island Energy Advanced Metering Functionality Business Case and Cost Recovery Proposal : : **DOCKET NO. 22-49-EL**

REPLY OF MISSION:DATA COALITION TO RHODE ISLAND ENERGY’S OMNIBUS RESPONSE TO MOTIONS TO INTERVENE

Pursuant to the January 12, 2023 email from the Chief of Legal Services at the Public Utilities Commission’s (“Commission”) to intervenors in the above-referenced docket, Mission:data Coalition (“Mission:data”) hereby respectfully submits this Reply to Rhode Island Energy’s (“RIE,” “RI Energy” or the “Company”) Omnibus Response to Motions to Intervene, which was filed January 9, 2023. Below, Mission:data addresses our assumptions of the scope of this proceeding; our organizational structure and interests; our position on the Company’s pre-filed testimony; and additional support for our assertion that no other intervenor represents Mission:data’s interests in this proceeding.

I. SCOPE OF PROCEEDING

At its broadest, RI Energy asserts that the scope of this docket “is whether to approve Rhode Island energy’s proposal for full-scale deployment of AMF and associated cost recovery as prudent and reasonable.” Rhode Island Energy Omnibus Motion at 4. RI Energy also declares that the other end of the spectrum is that “the purpose of this proceeding is not to dictate the precise time and manner that the Company will undertake future actions associated with the technology.” *Id.* These two assertions are in conflict because of the ways in which the two questions are inextricably intertwined. As further discussed below, decisions made now with respect to the scope and details of what is authorized under RI Energy’s proposal for AMF will necessarily determine what is possible and makes economic sense when it comes to the “time and manner” of future actions associated with

the deployment of the technology. For the Commission to make an informed decision regarding RI Energy's AMF proposal, it will benefit from an understanding of what future possibilities and functionality are either being promoted or foreclosed upon due to the technological and financial decisions being made in this docket. As such, Mission:data encourages the Commission affirm a scope broader than simply whether to approve meter deployment and cost recovery, and to consider the potential and operational limitations and opportunities that will flow from the RI Energy's proposal.

II. ORGANIZATIONAL STRUCTURE AND INTERESTS

Mission:data wishes to clarify the background of our organizational structure and the interests we represent. Mission:data is a not-for-profit organization, organized as a social welfare organization under section 501(c)4 of the Internal Revenue Code. As stated in our December 30, 2022 Motion to Intervene, Mission:data has members or supporters that work in the field of energy management or distributed energy resources ("DERs") more broadly. Mission:data is also funded by charitable donations from individuals and foundations. Although our corporate supporters – listed on our website at www.missiondata.io – aid our research and advocacy work in various ways, Mission:data is an independent legal entity with an independent board of directors. As such, Mission:data does not claim representation of its supporters or their direct interests; instead, Mission:data relies on their expertise and input to inform its own positions and strategic decisions as to when and where to engage in these critical questions across the country.

Rather than speaking for members, Mission:data's purpose is to support a class that is often under-represented in state regulatory proceedings such as this one: energy management organizations and technologies that wish to serve Rhode Island ratepayers through the permission-based analysis of customer energy data. Mission:data's advocacy in this area has been consistent ever since our founding in 2013, when we adopted two key principles: (1) consumers should have easy control over their energy information, including the ability to have such information shared electronically with the

energy management service provider of their choice; and (2) energy usage and pricing information should be available according to nationally recognized standards and best practices. These interests are not being represented by other parties in this docket.

In support of these public-interest purposes, Mission:data’s activities across the country include conducting research, publishing reports, learning from practitioners as to best practices in the field of “data portability,” and advocating at the state level for policies that help achieve these objectives. To date, Mission:data has intervened in 14 states and the District of Columbia, and data portability policies governing over 37 million electric meters nationwide have been influenced by our productive engagement with state regulatory commissions and interested stakeholders. Mission:data’s mission and principles, which are informed by collaboration with the previously cited companies and organizations, are directly at stake in this docket, as has been recognized in sister jurisdictions by allowing intervention.

III. POSITION ON RIE’S PRE-FILED TESTIMONY

Notwithstanding that Mission:data reserves the right to change its positions as a result of information gained through discovery and additional testimony, our position is described below for the Commission’s purpose of evaluating our intervention. As a general matter, Mission:data supports the deployment of advanced metering; however, in our experience, there are critical up-front decisions regarding AMF that are decisive in determining whether AMF ultimately delivers not just the maximum benefit to consumers but also whether it delivers on RIE’s articulated commitments. The decisions to be made in this proceeding include the financial and technological aspects of three key topic areas addressed in the Company’s pre-filed testimony: (1) Green Button Connect My Data (“GBC”), (2) Home Area Network (“HAN”), and (3) whether and how advanced metering functionality (“AMF”) enables a market for third party energy management services. Rhode Island Energy AMF Business Case Book 1 at 107:3-6; 80:17-20; and 81:7-20.

Regarding GBC and HAN, Mission:data's position is that the Commission should withhold approval of the Company's application for AMF until several common-sense improvements are made to the design, functionality, cost, and customer experience so that these tools are as useful and available to customers as early as possible.

RIE's testimony, and PPL's experience in other jurisdictions, do not adequately address these concerns. In our experience, the lack of advanced planning by utilities is responsible for negative outcomes including, but not limited to, extremely poor GBC and HAN implementation (the subject of multi-year and costly litigation in California, Illinois, New York, and Texas). For example, in one case, a California utility had its advanced metering approved in 2011, but because it had signed contracts with metering vendors without considering the future use of energy usage data, it later insisted on charging ratepayers \$41.90 per meter in order to "reprogram" each electric meter so that customers could participate in demand response programs. In 2011, planning for such eventualities was ignored in favor of the rush to get advanced metering deployed; unfortunately, avoiding this costly and artificial barrier to demand response enrollment down the road would have cost little if anything to address in 2011. But since the issue of energy usage data in demand response applications surfaced after advanced metering approval, the utility's vendor exploited a new regulatory requirement to achieve maximum revenue for itself through a "change order" process in which both the utility and the regulator had limited leverage. Mission:data seeks to avoid making this same type of mistake in Rhode Island by thoughtfully addressing RIE's technical and financial plans and ensuring there is more than merely lip service paid to the "future-proofing" of AMF.

Regarding market enablement, Mission:data's position is that RIE's AMF plan lacks substantive investment in, and discussion of, a category of organizations that will seek to utilize detailed customer energy data to help customers manage their bills and avoid costly grid upgrades. In its limited discussion, RIE does not consider the process of *how* customers will derive value from energy management tools that are not provided by RIE. *See* AMF Business Case Book 2 at 50

(discussion of AMF integration with other end-point devices without any mention of homeowner or consumer opportunities) *and Id.* at 113. With rapid innovation occurring in numerous fields including the “smart home,” demand response markets, and energy management technologies, RIE is short-changing customers by failing to plan for the inevitable market growth in non-utility sponsored technology and programs. Mission:data believes that relatively simple and low-cost measures can be taken now in order to ensure that customers receive the greatest benefits from advanced metering investments over time.

**IV. MISSION:DATA’S INTERESTS ARE NOT ADEQUATELY REPRESENTED BY
OTHER INTERVENORS**

Mission:data’s interests in advancing the ability of energy management organizations to serve Rhode Island ratepayers are not adequately addressed by any other party. While Mission:data often shares affinity with ratepayer advocates (in order to drive the most consumer value for AMF investments), Mission:data is distinct because our objectives are focused on customers having effective access to energy management services provided by non-utility entities. While the Rhode Island Office of Energy Resources may share some of those interests, Mission:data is unique because of our direct experience working with, and synthesizing viewpoints from, energy management organizations and their technological, financial, and legal considerations associated with accessing customer data. For example, in our experience, many utilities across the country have made small gestures toward GBC and HAN functionality in their AMF applications before regulators, just as RI Energy has; however, once AMF is approved and deployed, and one or two years has passed, it is Mission:data and our supporters that *use* GBC and HAN to design and build products that interface with GBC and HAN in order to serve customers. Frequently, those GBC and HAN investments are poorly implemented or lacking in critical areas in a way that was entirely predictable and preventable. Thus, the perspective of energy management organizations – whether small, entrepreneurial ventures; large companies offering “smart home” products; university researchers;

non-profit bill assistance providers; and many others – as practitioners of customer energy data analysis is uniquely provided by Mission:data in this proceeding.

Mission:data understands that some of these points regarding AMF may have been discussed in a previous stakeholder process. It is important to note that the stakeholder process is a non-binding forum for RI Energy and neither it, nor the Commission, are bound by those discussions. Additionally, participation in said process can neither confer nor deny an individual or entity the right to participate in subsequent proceedings that will have a binding impact. RIE erroneously and illogically concludes that Mission:data's choice not to participate in the prior stakeholder process is evidence that other participants will adequately represent its interest. Mission:data strongly disagrees with any such claim.

V. RI ENERGY'S CLAIM OF DISRUPTIVE INTENT

RI Energy has unfortunately decided to interpret an effort to inform the public of what is at stake in this docket as evidence that Mission:data "...is likely to be a disruptive rather than constructive presence in this docket." Omnibus Response at 9. This bald assertion is based wholly on two tweets that are critical of RI Energy's proposal and business model. Mission:data has no obligation to RI Energy or this Commission to justify the exercise of its First Amendment right to free speech, or its desire to maintain communications with its followers, supporters, and the general public. RI Energy is welcome to their opinion that the assertions contained in the public communication are either out of context or mischaracterized, and Mission:data notes that it was only RI Energy that introduced those statements into this forum. Unless RI Energy provides evidence of Mission:data's so-called "disruption" before the Commission or is willing to share their crystal ball to explain how they know what a tweet will portend in this administrative proceeding, then RI Energy's statements should be recognized for what they are: opinions of an organization apparently fearful of criticism and robust participation of stakeholders in this docket.

VI. CONCLUSION

WHEREFORE, Mission:data Coalition respectfully requests that the Commission grant its Motion to Intervene, dated December 30th, 2022, incorporating the additional information and factual assertions presented in this Reply, and that it be granted a full party in this proceeding.

Respectfully submitted,

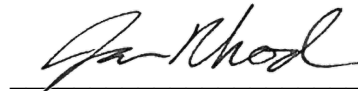


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Dated: January 19th, 2023

Certificate of Service

Consistent with Rules 1.6(G) and Rule 1.8, I hereby certify that an electronic copy of the Response to RI Energy's Omnibus Response to Motions to Intervene was served via electronic mail to the service list for the above captioned docket on January 19, 2023.



James Rhodes