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June 27, 2023

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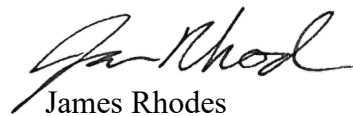
**In Re: The Narragansett Electric Co. d/b/a Rhode Island Energy's Advanced
 Metering Functionality Business Case - Docket No. 22-49-EL**

Dear Ms. Massaro:

Enclosed please find Mission:data Coalition's surrebuttal testimony of Michael Murray. An original and nine (9) copies of the testimony will follow by USPS.

Thank you for your attention to this matter, and please do not hesitate to contact me with any questions.

Sincerely,



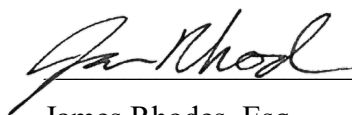
James Rhodes
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Enclosures

Copy to: Service List

CERTIFICATE OF SERVICE

I certify that a copy of the documents were forwarded to the Service List via e-mail in docket 22-49-EL on June 27, 2023.



James Rhodes, Esq.

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Docket No. 22-49-EL Advanced Meter Functionality (AMF)
Service list updated 4/17/2023

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**STATE OF RHODE ISLAND
PUBLIC UTILITIES COMMISSION**

**The Narragansett Electric Co.)
d/b/a Rhode Island Energy's)
Advanced Metering Functionality)
("AMF") Business Case)**

Docket No. 22-49-EL

**PRE-FILED SURREBUTTAL TESTIMONY OF
MICHAEL E. MURRAY**

**ON BEHALF OF
MISSION:DATA COALITION**

Date Filed: June 27, 2023

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1 **I. QUALIFICATIONS**

2 **Q. PLEASE STATE YOUR FULL NAME AND BUSINESS ADDRESS.**

3 A. My name is Michael E. Murray, and my business address is 1752 NW Market
4 Street #1513, Seattle, WA 98107.

5 **Q. ARE YOU THE SAME MICHAEL E. MURRAY WHO SUBMITTED DIRECT**
6 **TESTIMONY IN THIS DOCKET?**

7 A. Yes.

8 **Q. ARE YOU STILL THE PRESIDENT OF MISSION:DATA COALITION?**

9 A. Yes.

10 **II.**

11 **Q. WHAT IS THE PURPOSE OF YOUR SURREBUTTAL TESTIMONY?**

12 A. The purpose of my surrebuttal testimony is to refute several claims and
13 conclusions of Rhode Island Energy (“RI Energy” or the “Company”) made in rebuttal
14 testimony. Specifically, I address the rebuttal testimony of Philip J. Walnock and Wanda
15 E. Reder¹ and the supplemental testimony of Mr. Walnock and Stephanie A. Briggs.²

16 **Q. PLEASE SUMMARIZE YOUR SURREBUTTAL TESTIMONY.**

17 A. RI Energy has not demonstrated that they are prepared to manage the risks of
18 next-generation advanced metering functionality (“AMF”) or ensure that customer
19 benefits stemming from high-granularity energy data are maximized. Rather than
20 addressing the substance of my recommendations in direct testimony regarding Green

¹ Joint Pre-Filed Rebuttal Testimony of Philip J. Walnock and Wanda E. Reder. Filed June 6, 2023.

² Joint Pre-Filed Supplemental Direct Testimony of Philip J. Walnock and Stephanie A. Briggs. Filed June 6, 2023.

1 Button Connect (“GBC”), the Home Area Network (“HAN”) and Distributed Intelligence
2 (“DI”) capabilities, RI Energy dismisses them altogether on the erroneous basis that the
3 Company does not “know what technologies are available and how they will be used.”³
4 This is a tacit admission that the Company is ill-prepared for a successful AMF
5 deployment in Rhode Island.

6 Furthermore, there are significant concerns that RI Energy will install outdated
7 technology from 2015 and become locked into a 20-year relationship with Landis+Gyr
8 that makes it technologically and/or financially impossible for customers to access and
9 use energy management services provided by third parties. “Vendor lock-in” of the type
10 proposed by RI Energy could all too easily result in bad outcomes, such as the *de facto*
11 delegation of important state energy policies to a meter vendor not under the Public
12 Utility Commission’s (“PUC”) authority. I conclude that unless my recommendations are
13 adopted the Commission should deny the Company’s AMF proposal.

14 **III. DISCUSSION**

15 **A. Risks of Approving Advanced Metering Without Policies on Green Button**
16 **Connect, Home Area Network and Distributed Intelligence**

17 **Q. IN DIRECT TESTIMONY, WHAT RISKS TO CONSUMERS AND THE MARKET**
18 **GENERALLY DID YOU IDENTIFY IN THE COMPANY’S PROPOSAL?**

19 A. I identified several: in some states, ratepayers have paid substantially higher-
20 than-necessary costs for GBC implementations because they were not properly

³ Walnock & Reder Rebuttal Testimony at 68:3.

1 specified in advance of large information technology deployments,⁴ and I noted the risk
2 of anti-competitive conduct, which can lead to abuses of the Company's monopoly
3 power in crushing innovation in the competitive market for energy management
4 services.⁵ In addition, an absence of HAN standards and interoperability requirements
5 has led to some utilities in other states imposing unfair and discriminatory restrictions on
6 certain device manufacturers such as pre-activation testing and certification
7 requirements as well as exclusive tying, which means that customers are only permitted
8 to access their real-time energy usage information by paying additional fees to a utility's
9 affiliate.⁶ With regard to DI, I highlighted that information asymmetry and a lack of fair,
10 reasonable and non-discriminatory terms for DI software application ("DI Apps") vendors
11 could diminish the Company's (and customers') ability to acquire innovative DI apps in
12 the future.⁷

13 **Q. WERE THESE CONCERNS ADDRESSED IN THE COMPANY'S REBUTTAL**
14 **AND SUPPLEMENTAL TESTIMONIES?**

15 A. No. The Company stated that it would be "premature"⁸ for the Commission to
16 address these issues and instead proposes a working group to discuss GBC, HAN and

⁴ Direct Testimony of Michael Murray, April 28, 2023, at 14:11-15:12.

⁵ *Id.* at 48:2-15.

⁶ *Id.* at 31:16-33:13.

⁷ *Id.* at 51:18-52:5.

⁸ Walnock & Reder Rebuttal Testimony at 67:14.

1 DI. The working group would meet after, rather than before, AMF has been approved by
2 the Commission.⁹

3 **Q. WHAT WERE THE COMPANY’S REASONS FOR CONCLUDING THAT**
4 **ESTABLISHING REQUIREMENTS NOW WITH REGARD TO GBC, HAN AND DI**
5 **CAPABILITIES WOULD BE “PREMATURE”?**

6 A. The Company stated three reasons:

7 First, the Commission must first decide whether to approve the
8 AMF Business Case and greenlight the implementation of AMF
9 before these issues become material. Second, the Company
10 cannot predict now what functionalities, technologies, or software
11 products will be available at the time AMF deployment is complete.
12 The Company cannot develop fully detailed policies and
13 processes regarding how Green Button Connect and the Home
14 Area Network will work until the Company knows what
15 technologies are available and how they will be used. Third, as
16 OER suggests, it will be most constructive to assemble a working
17 group to develop standards and requirements pursuant to which
18 service providers can access customer data.¹⁰

19 **Q. DO YOU AGREE WITH THE COMPANY’S FIRST REASON?**

20 A. No. RI Energy’s position is unsupported. While the Company may not view GBC,
21 HAN and DI to be a “material” consideration at this time, three stakeholders have a
22 strong interest in a determination on these important elements now: (1) Consumers who
23 wish to manage their energy usage with new software and technologies as soon as
24 possible after their advanced meter is installed; (2) companies that provide necessary
25 energy efficiency and load flexibility as a service to consumers, RI Energy and the

⁹ Id. at 68:3-6.

¹⁰ Id. at 67:17-68:5.

1 wholesale power market; and (3) the State of Rhode Island, which has ambitious
2 greenhouse gas emissions reductions goals.

3 On this latter point, the Company claims in rebuttal testimony that it must “keep
4 pace with Rhode Island’s aggressive and nation-leading Climate Mandates” by being
5 “ready to manage the changes in electric power generation and consumption that likely
6 will occur as a result.”¹¹ But when presented with specific proposals regarding GBC,
7 HAN and DI to do exactly that, the Company loses interest in preparedness. I do not
8 believe it is possible to square the Company’s position regarding the role of AMF in
9 meeting climate mandates with the dismissal of my proposal for GBC to facilitate \$32
10 million in federal energy efficiency funding as immaterial.¹²

11 Moreover, several state public utility commissions have determined policies for
12 GBC, HAN and DI capabilities concurrent with advanced metering deployment. This fact
13 highlights that other states have come to the opposite conclusion as the Company’s:
14 That it is not only material, but necessary, to determine the requirements of GBC, HAN
15 and DI in advance. In 2021, when approving RI Energy’s affiliate’s certificate of public
16 convenience and necessity for advanced metering, the Kentucky Commission ordered
17 RI Energy’s affiliate to provide proof of its Green Button Connect certification –
18 something I recommended in direct testimony – by June 30, 2023.¹³ The Kentucky
19 Commission reasoned:

¹¹ Id. at 13:20-14:3.

¹² Direct Testimony of Michael Murray at 13:7-10; 19:4-17.

¹³ Id. at 20:1-21:18.

1 The Commission reminds LG&E that the only reason the
2 Commission approved this CPCN is the net benefit to customers.
3 Nevertheless, merely meeting the [forecasted] net benefits when
4 additional customer benefits from AMI systems are available would
5 not result in rates that are fair, just and reasonable, nor service that
6 is adequate, efficient and reasonable. To that end, the Commission
7 further finds that additional requirements are necessary to ensure
8 that the benefits of the investment and those proffered by LG&E are
9 fully and completely captured such that ratepayers will not have any
10 rate impact from the implementation and deployment of the AMI
11 project and that customers receive the full benefit of the capital
12 expended for the public's convenience.¹⁴

13 The Kentucky Commission's order then went on to require Green Button Connect
14 certification, among other requirements.

15 **Q. DO YOU AGREE WITH THE COMPANY'S SECOND REASON?**

16 A. No. RI Energy seems to have misapprehended my direct testimony because
17 none of my recommendations require the Company to "know what [consumer-selected]
18 technologies are available and how they will be used." No one, least of all myself, is
19 arguing that we can predict the future. Rather, the central purpose of GBC and HAN is
20 to enable innovation in the competitive market that does not depend upon the Company
21 foreseeing, studying or integrating specific offerings into the Company's services. The
22 Company's second objection is misplaced.

23 **Q. DO YOU AGREE WITH THE COMPANY'S THIRD REASON?**

24 A. No. While working groups can be useful, we appear to disagree about their
25 purpose. RI Energy seems to believe that the purpose should be to identify specific

¹⁴ Kentucky Public Service Commission. Order entered June 30, 2021. Case No. 2020-00350 at 17.
Available at https://psc.ky.gov/pscscf/2020%20cases/2020-00350/20210630_psc_order.pdf

1 hardware and software tools available in the market, and then determine how the
2 Company's advanced meters can work with them. In contrast, I believe that a working
3 group – critically, one that meets prior to AMF approval – focused on defining the data-
4 sharing interfaces at the outer limit of the Company's monopoly would be much more
5 productive.

6 In my direct testimony, I proposed specific technical standards for GBC and the
7 HAN, specifically IEEE2030.5 over Wi-Fi. As a non-profit coalition representing
8 approximately 30 leading energy management companies nationwide, my organization
9 is well-suited to articulate data-sharing technical requirements that are desired by a
10 wide swath of the market. I do not believe that a working group focused on specific end-
11 use technologies that customers might use in the future is particularly useful *after* the
12 data-sharing interface has been defined and approved by the Commission.

13 **B. Vendor Lock-In**

14 **Q. WHAT ARE YOUR CONCERNS ABOUT VENDOR LOCK-IN GIVEN THE**
15 **COMPANY'S SUPPLEMENTAL TESTIMONY?**

16 A. My concern is that the Company has heightened, rather than assuaged, the fears
17 of vendor lock-in I articulated in direct testimony. For example, the Company states
18 plainly that it has a 20-year software-as-a-service ("SaaS") agreement with Landis+Gyr
19 for managing all of the data generated by advanced meters.¹⁵ This is a remarkable
20 admission because it means that Landis+Gyr will have 20 years of gatekeeping power

¹⁵ Walnock & Briggs Supplemental Testimony at 31:4-16.

1 over ratepayers that may wish to have their energy usage data transferred to other
2 entities. If the Commission were to order a small improvement in the Company's
3 proposed GBC platform, then Landis+Gyr would be able to name its price, and the
4 Commission would have very few options for pursuing a remedy. Worse, Landis+Gyr
5 could exclude its rivals from receiving customer data or degrade rivals' access to gain a
6 competitive advantage.

7 As an example, I note that Landis+Gyr offers managed electric vehicle ("EV")
8 charging services.¹⁶ It is possible that the Commission could find out several years from
9 now that another firm offers an exciting new EV offering the Commission wishes to
10 pursue, but the offering is incompatible with RI Energy's meters or software systems
11 due to a competitive disagreement with Landis+Gyr. The Company did not provide
12 supplemental testimony that mitigates these concerns.

13 In addition, I am concerned that the Company is relying on outdated technology
14 that could hobble Rhode Island's ambitious climate change goals. The Company states
15 that PPL Electric Utilities Corporation's request for proposals – which ultimately led to
16 the selection of Landis+Gyr – began in 2014, with a contract signed with Landis+Gyr in
17 2015. The Company states: "Rhode Island will have the same customer information
18 system as Pennsylvania, which includes the existing code scheme."¹⁷

19 I am hesitant to accept nine-year-old software requirements as the basis of a
20 large ratepayer investment to which RI will be committed for 20 years. It raises many

¹⁶ See Landis+Gyr, Driving the Global EV Revolution with Flexible Charging and Consumer Empowerment. Available at: <https://www.landisgyr.com/solution/ev-technology/>.

¹⁷ Walnock & Briggs Supplemental Testimony at 10:13-14.

1 questions that deserve investigation. Here are a sample that the Company's approach
2 would leave unanswered and uninvestigated:

- 3 • Can the software meet Rhode Island's current and anticipated future
4 needs?
- 5 • Will a customer information system designed in Pennsylvania in 2014 be
6 adequate for Rhode Island's clean energy goals?
- 7 • Can the system provide customer data to community choice aggregators
8 like the City of Providence and their data-dependent contractors and load
9 management offerings?
- 10 • What contractual, financial, or technological limitations will Rhode Island
11 be subject to because of the particular requirements envisioned in
12 Pennsylvania in 2014?

13 These questions have not been explored since the Commission was unable to set
14 parameters for the procurement of meter technology prior to the Company's selection of
15 a vendor, and they will not be answered in this docket should the Commission adopt the
16 Company's proposed course of action.

17 **Q. WHAT IS YOUR CONCERN ABOUT DELEGATION OF STATE ENERGY AND**
18 **CLIMATE POLICY?**

19 A. Given the admissions I describe above, I am concerned that RI Energy is ill-
20 prepared to offer GBC and HAN to customers absent minimum requirements. I am
21 particularly troubled by the risk that the Commission could irretrievably delegate its
22 authority for a period of 20 years to Landis+Gyr over important public policy matters

1 involving DI capabilities, load disaggregation, the use of Wi-Fi in advanced meters, and
2 innovative energy efficiency offerings. The Company may believe it is “premature” to
3 consider such topics now, but the reality is that once the advanced metering contracts
4 are signed and rate recovery is established, considerable negotiating power is gained
5 by a meter vendor that is outside of the Commission’s reach. In practice, this may mean
6 acquiescing to Landis+Gyr’s strategic and competitive desires regarding DI and Wi-Fi,
7 whether or not those align with Rhode Island’s policy objectives. While it may be
8 possible to satisfactorily address this concern, the Company has chosen not to address
9 this topic.

10 **IV. CONCLUSION**

11 **Q. WHAT IS YOUR CONCLUSION?**

12 A. Based on the Company’s supplemental and rebuttal testimony described above, I
13 conclude that unless my recommendations in direct testimony are adopted, the
14 Commission should deny the Company’s AMF proposal.

15 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

16 A. Yes.