

PUC PROJECT NO. 42786

**PUCT REVIEW OF ADVANCED
METERING SYSTEM WEB PORTALS**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

COMMENTS OF THE MISSION:DATA COALITION
IN RESPONSE TO STAFF’S REQUEST FOR COMMENTS REGARDING THE SMART
METER TEXAS WEB PORTAL DATED MARCH 21ST, 2016



1. Introduction

The Mission:data Coalition, Inc. (“Mission:data”) is pleased to provide these comments on the Public Utility Commission of Texas (“PUC”) Staff request for comments regarding the Smart Meter Texas Web Portal. Mission:data is a coalition of more than 35 technology companies delivering consumer-focused energy services and solutions and representing over \$1 billion/year in energy management business across North America. Our members, and other companies not operating as retail energy providers, are typically referred to as “Third Parties.” We believe all consumers should have convenient, electronic access to the best available information about their own electricity use in order to support innovative new data-driven energy management services that can deliver significant energy savings very cost-effectively.

Mission:data filed comments on October 9th, 2014. Our representative, Michael Murray, presented at the ERCOT Joint AMS/WMS workshops on July 23rd, 2015 and October 16th, 2015, regarding improvements to the Smart Meter Texas (“SMT”) web portal. The comments below, as well as Mission:data’s prior comments and presentations to date, are intended to

help realize the value of the substantial ratepayer investment in advanced metering functionality to consumers across the state.

2. Whatever option for management of SMT is chosen must remedy the inadequate level of service SMT currently offers.

Mission: data members have experienced first-hand the disappointing technical operation of SMT. Customer service is inadequate, leading Third Parties to give up on SMT. In 2015, SMT was inexplicably offline for a period of two weeks. Third Parties struggle to register with SMT and complete the relatively simple interoperability tests due to unresponsive SMT staff. The difficulty and unnecessary delays with registration are aptly described in these comments we have received from a sample of our companies who have tried to integrate with SMT:

“The integration itself was really painful...Our engineers and product team were really not impressed with the work that [name redacted] did on getting it up and running...This process is itself laborious and requires a lot of back-and-forth between support on our end and support on [name redacted] end to get setup, but to make matters worse since launch you could only setup the system to push data for 3 months. After 3 months, you have to go back through the whole process with [named redacted] support, back-and-forth, etc. to get the reports setup to push again....There have been a lot of general complaints about the support staff, product and engineering resources on the other end...”

“Setup was a really bad experience...The initial request was lost, which created a 4-week delay in the account privileges/provisioning...Documentation was limited and not very accurate...We needed to call 3 times because of the limited documentation.”

“As requested, we created an SMT Help Desk support ticket regarding our integration efforts....On 11/24 we generated client-side java code to access their data services...but it failed due to errors on their side. This was a basic test, and indicated to us that no one was using this interface yet. Getting no response via email, we called their hotline and [name redacted] told us he would forward our issue to [name redacted] ("level 2 support")....Getting no response, we called the hotline again on 12/4 to ask if the 30 day integration limit was going to be upheld. No response. On 12/21 we contacted their [redacted] consultant about the outstanding ticket. He had not heard of the previous contact. We got a technical response on 12/22 ("you are using the wrong URL"), but it did not include enough information to fix the problem. We requested clarification but got no reply....Hearing nothing, we called the help desk again on 2/26 and [name redacted] resubmitted the ticket and suggested we raise the issue to [name redacted]. We called [name redacted] and described our issues, and he said he'd follow up....Hearing nothing, we contacted [name redacted] again on 3/10. He responded on 3/12, apologized for the lack of response from the SMT Maintenance team, and said they would contact us very shortly. Later, a tech support person contacted us and referred us to the third party integration starter kit, which we already knew about months before....We have done

integrations like this many times. Perhaps we have made some mistake, but their support has been quite lacking....”

We provide these quotes to the Commission not to dwell on specific failures in the past, but rather to make the Commission aware of the scope of the problem in the hopes that they be resolved in the near future. These are not isolated incidents. Indeed, according to a recent SMT monthly report, some 76 non-REP Third Parties are attempting to integrate with SMT’s API, yet only four (4) have successfully done so.¹ The poor completion percentage is in large part due to the lack of service and accountability on the SMT team. Regardless of which option for SMT ownership or governance the Commission chooses, the Commission must address these basic operational concerns. We provide recommendations below.

3. The PUCT should consider establishing a registration process for Third Parties.

If the JDOA continues to run SMT, the Commission should consider establishing a registration process for Third Parties with the Commission. As was mentioned repeatedly in the ERCOT Joint AMS/WMS workshops last year, the customer authorization process at SMT is clunky and very difficult for consumers; one reason for the friction in the authorization process is the desire for customers to be fully informed of the implications of their actions. Lacking direct oversight over Third Parties, the Commission is understandably hesitant to streamline the customer authorization process, lest a “bad actor” abuse the system or violate a consumer’s privacy. By having Third Parties register with the Commission, a better balance can be found between ease of use by customers on the one hand, and privacy and security on the other. For example, other states such as California have established a simple but effective eligibility criteria for Third Parties. Third Parties must (i) provide contact information, (ii) demonstrate technical interoperability with the data exchange system, (iii) agree to tariff provisions involving protecting customer data, and (iv) not be banned by the Commission, which could order utilities to terminate providing energy data to Third Parties that the Commission has determined should

¹ SMT Third Party Statistics Report as of December 1st, 2015. Available at: http://www.ercot.com/content/wcm/key_documents_lists/55957/SMT_Third_Party_Statistics_Report_Reporting_Period_November_as_of_12.1.15.docx

be banned from receiving data because of a pattern or practice of violating customer privacy laws or rules.² Whether considered in this or another docket, we ask the Commission to consider a simple registration process that will give stakeholders greater confidence in customer authorizations so that the process can be streamlined, ultimately leading to improvements in utilization of the SMT web portal.

4. Any scenario involving ERCOT ownership of SMT must provide Third Parties with ERCOT Market Participant status; any scenario involving continued JDOA ownership of SMT must require service level guarantees and operational accountability.

To reiterate from Mission:data's October 9th, 2014 comments in this docket, "[T]he Commission's decision-making processes should result in...*non-discriminatory policies* for third parties to both gain eligibility and continuous access to SMT" (emphasis added).³ Given the poor operational record of SMT to date describe above, we must conclude that Third Parties have suffered *de facto* discrimination in accessing customer-authorized usage data. Unfortunately, Third Parties do not have any meaningful influence over SMT's service level. Mission:data requests that remedies be made available by the PUCT in this docket, or future dockets, regardless of the SMT ownership options on the table. There are several structural mechanisms that could provide such a remedy.

First, if ERCOT is to have resulting responsibility for Third Party access via an Application Programming Interface ("API"), then the PUCT must establish a reasonable path to ERCOT Market Participant status for all interested Third Parties, where such Market Participant status confers the same voting rights and opportunities for redress as any other Market Participant enjoys currently. Such status shall involve eligibility criteria for Third Parties that are appropriate for the role that Third Parties play in Texas's overall electricity system.⁴

Second, if the JDOA is determined to have responsibility for Third Party access, then the JDOA must be held accountable for SMT operations and events such as the two-week unplanned outage of SMT that occurred in April 2015. How can the Commission effectively oversee the JDOA moving forward? There are several mechanisms, but we recommend at a minimum that

² California Public Utilities Commission, D.13-09-025 dated September 19th, 2013.

³ Comments of Mission:data Coalition, Inc. on Project No. 42786 dated October 9th, 2014 at p. 4.

⁴ For example, there should be no bonding requirements, since, unlike generators, non-performance by Third Parties will not result in blackouts.

the Commission mandate a service level agreement, i.e. a guarantee from the JDOA to operate SMT with at least 99.99% uptime, equivalent to 53 minutes per year of downtime, with exceptions for periodic scheduled maintenance windows. The JDOA should be required to report monthly on outage statistics (ideally gathered from an independent source) to the Commission and pay fines for non-performance. Given the immense financial resources already invested in SMT, a service level agreement will provide a reasonable and much-needed level of assurance to Third Parties that they can operate in Texas without fear of unpredictable business interruptions such as that witnessed in 2015. Indeed, it would be irresponsible for the Commission to authorize the level of spending contemplated by the JDOA without industry-standard safeguards in place for operational reliability and accountability such as a service level agreement.

Furthermore, the JDOA must be responsible for replying to Third Party support requests within one (1) business day. Weeks or months of delays, as we showed above, are unacceptable. Periodic reporting of support response times, with penalties or fines for non-performance, should be established.

As we wrote in our October 9th, 2014 comments: “If [SMT] suffers from outages, data errors, or funding shortfalls, it will be our members and other third parties whose businesses will suffer. Most importantly, it will be Texas consumers who will lose the benefits of cost-effective energy savings if third parties leave the state.”⁵ Sadly, a number of Third Parties have already left the state of Texas due to SMT’s problems. The Commission has an opportunity to put SMT on a course for success in the future. Regardless of the option chosen, we urge the Commission to remedy the shortfalls of SMT’s past.

Thank you for the opportunity to provide comments.

Respectfully Submitted,

_____/s/_____

Michael Murray
Mission:data Coalition, Inc.
April 1st, 2016

⁵ Ibid. at p. 4-5.