

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Illinois Commerce Commission)
On Its Own Motion)
Investigation into a Non-RES Third-Party) Docket No. 17-0123
Warrant Process for Access to Customer)
Advance Metering Infrastructure Interval)
Meter Data)

**VERIFIED SUPPLEMENTAL REPLY COMMENTS OF
THE RETAIL ENERGY SUPPLY ASSOCIATION**

The Retail Energy Supply Association (“RESA”)¹, by and through its attorney, Gerard T. Fox, pursuant to 83 Illinois Admin. Code Part 200 and the Administrative Law Judge’s Ruling, hereby submits its Verified Supplemental Reply Comments in this proceeding, the Illinois Commerce Commission’s investigation into a warrant process by which third parties that are not Retail Electric Suppliers (“RES”) can obtain access to customer advanced metering infrastructure (“AMI”) interval data.

On August 24, 2018, Supplemental Response Comments were filed in this proceeding by RESA and the following parties: Ameren Illinois Company (“Ameren”), Commonwealth Edison

¹ The comments expressed in this filing represent the position of the Retail Energy Supply Association (RESA) as an organization but may not represent the views of any particular member of the Association. Founded in 1990, RESA is a broad and diverse group of twenty retail energy suppliers dedicated to promoting efficient, sustainable and customer-oriented competitive retail energy markets. RESA members operate throughout the United States delivering value-added electricity and natural gas service at retail to residential, commercial and industrial energy customers. More information on RESA can be found at www.resaenergy.org.

Company (“ComEd”), the Illinois Attorney General (“AG”), the Illinois Competitive Energy Association (“ICEA”), the Mission.data Coalition (“Mission”) and jointly by Elevate Energy, the Environmental Defense Fund and the Citizens Utility Board. In its Supplemental Response Comments, RESA took the position that the Commission should approve a warrant process for non-RES third parties in this proceeding, specifically the warrant process proposed by Mission for its Scenarios 1 and 2. In these Supplemental Reply Comments, RESA addresses the Supplemental Response Comments of the parties which addressed Mission’s proposed warrant process. RESA also proposes a modification to Mission’s warrant process.

RESPONSE TO COMED

ComEd opposes the approval of all of the warrant processes proposed in this proceeding, including the proposal of Mission, arguing that those proposals require inappropriate policy of non-RES third parties by the utilities and an unnecessary expenditure of additional resources. (ComEd Supplemental Response Comments, p. 4) While RESA understands ComEd’s concerns, RESA believes that it is important that customer interval data be as accessible as possible so long customers’ rights to privacy are protected and there are means to authenticate customer authorization. In RESA’s opinion, Mission’s proposal balances the customers’ need to work with non-RES third parties with the customers’ right to privacy and the utilities’ expenditures, which have not been quantified by ComEd or any other party in this proceeding.

RESPONSE TO THE ILLINOIS ATTORNEY GENERAL AND ICEA

While the AG acknowledges that Mission’s proposed warrant process has grappled with the direct customer-to-utility connection (AG Supplemental Response Comments, p. 6) and ICEA notes that Mission’s proposal has a “more protective approach to security than the initial

proposals” filed in this proceeding (ICEA Supplemental Response Comments, p. 14), they continue to recommend that the Commission reject all of the warrant processes proposed in this proceeding, including that of Mission. However, the Commission initiated this proceeding to consider a warrant process for non-RES third parties and the Administrative Law Judge denied the motions to dismiss this proceeding filed by the AG and ICEA on the basis that dismissing the docket “would be contrary to the purpose for this docket as outlined in the Commission’s Initiating Order”. In its Initiating Order, the Commission stated that this proceeding should consider adoption of a non-RES third party warrant process and address the appropriate safeguards and processes for such a process. (ALJ Ruling, May 3, 2018) For the reasons stated by Mission in its Supplemental Initial Comments and its Supplemental Response Comments and the Supplemental Response Comments of RESA, RESA believes that Mission’s proposed warrant process provides appropriate safeguards to protect against inappropriate disclosure of customers’ information.

RESPONSE TO MISSION

In its Supplemental Response Comments, Mission addresses the concerns of parties regarding acceptance of a warrant process for non-RES third parties. Unlike other parties, Mission does not start from the premise that the existing procedures of Ameren and ComEd for accessing customer data provide absolute protection against unauthorized disclosure of such data. Mission states that under the existing procedures of Ameren and ComEd, there is no mechanism for the utility to ensure that the person submitting their customer authorization release forms is the customer and there is no way to ensure that the customer is agreeing to have his or her information shared because the customer does not communicate directly with the

utility. (Mission Supplemental Response Comments, p. 16) In contrast, Mission adds security in several key areas: “the requestor’s identity is known with much greater certainty because encryption keys are signed by a certificate authority who verifies the third party’s identity; the customer is required to affirmatively consent by responding with a temporary code sent to their mobile phone or email address on file; and the resulting data transmission is sent over an encrypted channel known as Transport Layer Security (TLS), rather than sent via email, which can be insecure.” (*Id.*, pp. 16-17)

Regarding Commission oversight, the point is that the current system encourages the use of credential-sharing, an undesirable situation. If credential-sharing results in unauthorized disclosure of customer data, the Commission is unable to provide a remedy. As Mission states, “In order for the Commission to support the general trend in cybersecurity toward eliminating credential sharing, it is essential that the Commission address the structural reasons that make credential-sharing desirable by setting a uniform standard, whether for customers using the utility’s web portal or for non-RES third parties wishing to access customer data with customer permission.” (*Id.*, p. 17)

RESA has one suggestion that would improve Mission’s warrant process. When customers are requested to confirm that a non-RES third party has been authorized to receive their data, they should be informed of the length of time for which authorization is valid and given specific instructions how to revoke that authorization if they desire.

CONCLUSION

In conclusion, for the reasons stated in the Supplemental Initial Comments of Mission and in the Supplemental Response Comments of Mission and the Retail Energy Supply

Association, the warrant process proposed by Mission offers greater customer security than the status quo. Consequently, RESA recommends that the Commission approve the warrant process for non-RES third parties proposed by Mission, specifically the process described for its Scenarios 1 and 2, with the modifications proposed by RESA in these Supplemental Reply Comments.

Respectfully submitted,

Retail Energy Supply Association

By: /s/GERARD T. FOX
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NOTICE OF FILING

Please take note that on December 7, 2018, I caused to be filed via e-docket with the Chief Clerk of the Illinois Commerce Commission, the attached Verified Supplemental Reply Comments of the Retail Energy Supply Association in this proceeding.

/s/GERARD T. FOX

Gerard T. Fox

CERTIFICATE OF SERVICE

I, Gerard T. Fox, certify that I caused to be served copies of the foregoing Verified Supplemental Reply Comments of the Retail Energy Supply Association upon the parties on the service list maintained on the Illinois Commerce Commission's eDocket system for the instant docket via electronic delivery on December 7, 2018.

/s/ GERARD T. FOX

Gerard T. Fox

VERIFICATION

Gerard T. Fox, being first duly sworn, on oath deposes and says that he is an attorney for the Retail Energy Supply Association, that he has read the foregoing Verified Supplemental Reply Comments, that he knows of the contents thereof, and that the same is true to the best of his knowledge, information, and belief.



/s/Gerard T. Fox
Gerard T. Fox

Subscribed and sworn to me
7th day of December, 2018



NOTARY PUBLIC

