

**BEFORE THE PUBLIC UTILITIES COMMISSION OF  
THE STATE OF COLORADO**

IN THE MATTER OF THE PROPOSED  
RULES RELATING TO SMART GRID DATA  
PRIVACY FOR ELECTRIC UTILITIES, 4  
CODE OF COLORADO REGULATIONS 723-  
3.

DOCKET NO. 10R-799E

**REPLY COMMENTS OF THE TELECOMMUNICATIONS INDUSTRY  
ASSOCIATION**

Pursuant to Decision No. C10-1192, the Telecommunications Industry Association (“TIA”) is pleased to provide comments regarding the proposed Smart Grid Data Privacy Notice of Proposed Rulemaking (“NOPR”). TIA is the leading trade association for the Information and Communications Technology (“ICT”) industry. With 500 member companies that manufacture or supply the ICT products and services that will make the smart grid a reality, TIA is committed to the successful and secure modernization of the electric grid in a way that ensures privacy of consumer data without sacrificing innovation of smart grid technology.

**TIA COMMENTS**

Electric utilities and the ICT industry share a long tradition of partnering to build and maintain the communications networks contributing to the security and reliability of the grid. Advances in technology and more robust use of ICT to transform the current electric grid into a smart grid present exciting opportunities for consumers and utilities in the State of Colorado and throughout the United States. While the potential benefits of a smart grid are clear, at this nascent

stage in its development, the policy and regulatory framework in which the grid matures will significantly impact how smart the grid can become and the benefits it can achieve in both the short and long term. TIA appreciates the leadership position that the Commission is taking and appreciates the opportunity to share our perspective and lessons learned.

**Rule 3014(c)**

As currently written, TIA believes that Rule 3014(c) has the potential to impede innovation and competition in smart grid technologies by limiting consumers in their choice of technologies to manage their electric energy information.

Rule 3014(c) states:

A utility may use, disclose, or permit access to its customer's individually identifiable smart meter data to a third party and affiliates only upon written or electronic request by the customer that specifically identifies the third party or affiliate to whom the smart meter data may be disseminated and specifically identifies the purposes the information will be used for. A utility may charge a reasonable fee for providing this service. If revenues from this service are less than the cost of service for that service, the rates for other regulated utility operations shall not be increased to recover the difference.

To open the door to innovation in smart grid technologies, it is imperative that consumers have access to usage and pricing data and have the ability to easily authorize access to third-parties. TIA believes that consumer control of their data is critical to consumer acceptance of smart grid technologies. If a consumer wishes to provide third parties access to their electric energy information, utilities should be required rather than permitted to provide that information in order to provide consumers as many energy management alternatives as possible.

Section 3014(c) would impose a fee for the provision of data to third parties and affiliates who do not provide utility services while Section 3013 allows for sharing of data to affiliates, joint venture parties and independent contractors who provide regulated utility services without any such fees. Such a bifurcated approach would decrease competition and innovation in smart

grid technologies. Imposing additional fees on such data would limit consumer choice in smart grid technologies, essentially double-billing consumers who choose a third party service. TIA recommends that the Commission allow utilities to recover costs associated with the provision of data, but not by directly penalizing consumers who opt to use third parties.

TIA recommends a neutral smart grid architecture where multiple interoperable technologies can coexist and compete as the most beneficial approach for both consumers and the development and deployment of the smart grid. TIA recommends that the Commission insure that consumers have access to the greatest number of home energy management solutions possible by allowing all technologies to compete fairly on both sides of the meter. In addition to serving a broad range of consumers, this will allow competition to drive innovation maximizing the intelligence of the grid.

WHEREFORE, TIA respectfully submits its Comments.

DATED this 20<sup>th</sup> day of January, 2011.

TELECOMMUNICATIONS INDUSTRY ASSOCIATION

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