

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0471E

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO TO IMPLEMENT DELIVERY OF ONE-SECOND TIME-STAMPED ELECTRIC USAGE DATA.

**COMMISSION DECISION ADDRESSING EXCEPTIONS
TO RECOMMENDED DECISION NO. R24-0684**

Issued Date: November 13, 2024

Adopted Date: November 6, 2024

TABLE OF CONTENTS

I. BY THE COMMISSION	2
A. Statement	2
B. Background.....	2
C. Settlement Agreement and Recommended Decision	5
D. Mission:data Exceptions to Recommended Decision	8
1. Collateral Attack on Amended AGIS Settlement	8
a. Exceptions	8
b. Response	8
c. Commission Findings and Conclusions.....	8
2. Failure to Comply with Amended AGIS Settlement and Sufficiency of Data Delivery Study.....	9
a. Exceptions	9
b. Response	11
c. Commission Findings and Conclusions.....	12
3. Mission:data Motion for Leave to Reply and Reply	19
a. Mission:data Reply	19
b. Commission Findings and Conclusions.....	20
II. ORDER.....	20
A. The Commission Orders That:	20

B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING November 6, 2024.21

I. BY THE COMMISSION

A. Statement

1. Through this Decision, the Commission denies the exceptions to Recommended Decision No. R24-0684 (“Recommended Decision”)¹ filed on October 14, 2024, by the Mission:data Coalition (“Mission: data”). The Commission also grants in part, and denies, in part, Mission:data’s November 1, 2024, Motion for Leave to Reply (“Motion to Reply”) and Reply. We further direct Public Service Company of Colorado (“Public Service” or the “Company”) to file certain information related to its customer data access and sharing practices as part of its upcoming Distribution System Plan (“DSP”) filing, so that we can more fully understand the extent to which current practices facilitate or impede the ability of its electric customers to participate in customer programs and services necessary to meet Commission requirements and State of Colorado goals around decarbonization and affordability.

B. Background

2. On September 22, 2023, Public Service filed an application for approval of a software development kit (“SDK”) with a process to sunset the SDK in two years if it is not being used, and further sought permission to defer incremental costs in a regulatory asset without carrying costs (“Application”). With the Application, Public Service also filed a Data Delivery Study (“DDS”) addressing pathways for providing energy usage data to customers and their authorized third parties. The DDS includes four pathways for providing data to customers and third

¹ Issued September 24, 2024.

parties: Local Polling Agent (“LPA”), Xcel Energy Cloud, Itron Cloud, and Direct Data Upload (“DDU”).

3. The Application arose out of multiple prior proceedings related to the implementation of advanced metering infrastructure (“AMI”). With the advent of distributed intelligence (“DI”) AMI technology, Public Service—at the request of Mission:data and other parties—was directed to file an application to amend the Certificate of Public Convenience and Necessity (“CPCN”) that it had previously been granted in Proceeding No. 16A-0588E for its Advanced Grid Intelligence and Security (“AGIS”) initiative, a grid modernization effort that incorporated AMI.²

4. In that subsequent application, Proceeding No. 21A-0279E, Recommended Decision R22-0131³ approved an uncontested settlement agreement (“Amended AGIS Settlement”) which amended the CPCN to address DI capabilities and committed Public Service to file the DDS and to address certain other components of customer data access and sharing through a further application, including:

- (a) Easy, open, non-discriminatory access for customer-authorized third parties;
- (b) Data parity between the Company and customers;
- (c) The reasonable terms and conditions under which customer-authorized third parties are eligible; and
- (d) The detailed customer authorization process and user experience.⁴

5. On April 26, 2024, Public Service filed a joint settlement agreement (“Settlement Agreement”) and motion for its approval (“Motion”) in this Proceeding. The Settlement Agreement was joined by Trial Staff of the Commission (“Trial Staff”) and the Colorado Office

² Decision No. C17-0556, issued July 25, 2017.

³ Issued May 7, 2022.

⁴ Proceeding No. 21A-0279E, Recommended Decision No. R22-0131, issued March 7, 2022, at Attachment A (p. 17, Sec. IV).

of the Utility Consumer Advocate (“UCA”). Public Service, Trial Staff, and UCA (together as, “Settling Parties”) provided testimony in support of the Settlement Agreement.

6. Mission:data filed a response opposing the Settlement Agreement on June 7, 2024.

7. On June 13, 2024, an evidentiary hearing was held. Pursuant to a stipulation between Public Service and Mission:data filed on June 5, 2024, Public Service provided a technical demonstration of certain functionalities related to customer data access and sharing at the hearing.

8. Mission:data, Trial Staff, and Public Service jointly with UCA filed statements of position on July 12, 2024.

9. On September 24, 2024, through the Recommended Decision, Administrative Law Judge (“ALJ”) Alenka Han approved the Settlement Agreement and granted the Motion without modifications.

10. On October 14, 2024, Mission:data filed exceptions to the Recommended Decision.

11. By Decision No. C24-0749-I, issued October 18, 2024, the Commission granted a motion filed by Public Service on October 15, 2024, seeking an extension of time to file its response to exceptions.

12. Public Service filed its response to Mission: data’s exceptions on October 28, 2024.

13. On November 1, 2024, Mission:data submitted its Motion for Leave and Reply, seeking permission to reply to Public Service’s response as well as a shortened, six-day response time for Public Service to response to its motion.⁵

⁵ On November 4, 2024, Mission:data filed an Errata to its Motion for Leave to Reply stating that it inadvertently requested a “waiver of response time” when it meant to state a request for “shortened response time.”

C. Settlement Agreement and Recommended Decision

14. The Settling Parties agreed that the Commission should approve the Application as modified by the Settlement Agreement. Through the Settlement Agreement, the Company would continue to offer an SDK through which third parties could register with GitLab to obtain relevant information and codes to develop customer-facing software or hardware; it would continue to provide Xcel Energy Launchpad (“XEL”), the online tool through which customers can connect their advanced meter and other devices to home Wifi; and XEL would allow customers to “bring your own device” (“BYOD”). The Company would continue to provide one-second data using the current LPA approach, and would be required to seek Commission approval for any alternative approach, which would need to also address the feasibility of DDU. The Company would also provide updates on the status of DDU in annual AGIS reports filed in Proceeding No. 16A-0588E.

15. The Settlement Agreement also permits the Company to propose, through a 90-Day Notice process, to discontinue the SDK and technical support on or before the earlier of December 31, 2027, or the use of 2,000 hours of technical support. The Company would be permitted to defer costs associated with ongoing operations and maintenance for the SDK in a regulatory asset not to exceed \$1.25 million, without carrying costs, and which would be discontinued in the next electric rate case.

16. Finally, the Settlement Agreement states that the Settling Parties commit to the principle of data parity as between the Company and third parties. Additionally, the Company commits to making best efforts to limit the frequency of home area network (“HAN”) agent updates to only those necessary for critical functionality, to avoid disruptions to customer applications or devices.

17. Recommended Decision R24-0684, issued September 24, 2024, approved the motion and Settlement Agreement as just, reasonable, and in the public interest. In so doing, it explained that the posture of the Proceeding was to consider the Settlement Agreement, and not the “optimal dissemination of data” more broadly.⁶ Accordingly, it rejected three arguments set forth by Mission:data in its response opposing the Settlement Agreement.

18. First, the Recommended Decision rejects Mission:data’s argument that the Application does not comply with the Amended AGIS Settlement by limiting the DDS to studying the transfer of data that is natively collected at the meter. The Recommended Decision finds that Mission:data presents a hypothetical and does not provide evidence that non-native data—such as rate codes and disaggregation insights—could be shared through the DDS pathways that were studied. Moreover, the Recommended Decision disagrees that “disaggregation insights” are clearly customer energy usage data which must be shared in parity with third parties pursuant to Electric Rule 3027(d).⁷

19. Second, the Recommended Decision rejects Mission:data’s argument that the Settlement Agreement unfairly modifies the Amended AGIS Settlement because it adds a timeline to sunset the SDK, which was not in the original settlement. The Recommended Decision found persuasive the arguments by Public Service that the cost of \$1 million per year for technical support did not justify the benefits of limited use of the SDK by customers or third-party developers. The Recommended Decision also found that any proposal to terminate the SDK would still involve significant process, such as a 90-Day Notice.

⁶ Decision No. R24-0684, issued September 24, 2024, at ¶ 56.

⁷ Electric Rule 3027(d) provides in part: “As part of basic utility service, a utility shall provide access to the customer’s standard customer data in electronic machine-readable form, without additional charge, to the customer or to any third party recipient to whom the customer has authorized disclosure of the customer’s customer data. Such access shall conform to nationally recognized open standards and best practices.”

20. Finally, the Recommended Decision rejected Mission:data's argument that the DDS is flawed because it relied on false and conclusory assumptions. The Judge found that Mission:data's arguments were not well-supported and that its suggested remedy, requiring Public Service to redo and refile its application with a revised DDS within 18-24 months, was not clearly likely to lead to a different result.

21. However, the Recommended Decision also raised concerning information about the DDS, and customer data access and sharing more generally. First, it highlighted evidence suggesting that Public Service knew that Itron did not offer DDU before it committed to provisions in the Amended AGIS Settlement regarding studying DDU as part of the DDS.⁸ Second, it raised that language in the DDS itself indicated that Xcel or Itron could create a single DDU app; in contrast, Accenture, the DDS author, assumed that every third party seeking DDU would need to create its own meter agent⁹ based on statements by Itron.¹⁰ Third, based on the software demonstration at hearing, the Recommended Decision raised the concern that XEL is not very accessible, which could artificially limit customers from using new energy management tools.¹¹ Overall, however, the Recommended Decision found that the larger policy questions raised by Mission:data regarding optimal methods of transferring customer data are a better fit for a different proceeding, such as Public Service's upcoming DSP filing, as opposed to this narrow Application.¹²

⁸ Decision No. R24-0684, issued September 24, 2024, at ¶ 74.

⁹ An "agent" is a grid-edge software program. *See* HE 102, Att. JTM-1, at 9.

¹⁰ HE 102, Att. JTM-1, at 16 ("It is also possible that a single shared agent could be developed that would allow a change in destination based on a configuration file change. This shared agent could be developed by Itron or Xcel Energy to meet their strict security requirements").

¹¹ Decision No. R24-0684, issued September 24, 2024, at ¶ 79.

¹² Decision No. R24-0684, issued September 24, 2024, at ¶ 80.

D. Mission:data Exceptions to Recommended Decision**1. Collateral Attack on Amended AGIS Settlement****a. Exceptions**

22. In its exceptions, Mission:data argues that granting the Company's request to sunset the SDK, with the process determined by the Settlement Agreement, is a collateral attack on the Amended AGIS Settlement. Mission:data argues that the Amended AGIS Settlement did not have an end date or a sunset process, and creating one through this proceeding is inappropriate and a violation of due process.

b. Response

23. In its response, Public Service argues that Mission:data is misinterpreting Colorado law. It states that a collateral attack would be an attempt to avoid, evade, defeat, or deny the force and effect of a decision. Public Service argues that the Recommended Decision correctly found that the request to sunset the SDK was not a collateral attack because the subsequent pleading raised changed circumstances, such as the cost of maintenance and data about limited customer and developer usage of the Gateway SDK and technical support.

c. Commission Findings and Conclusions

24. We agree with the principles raised in Public Service's response and deny Mission:data's exceptions as to this point. The effect of the Recommended Decision is to approve a process by which the Company can propose to stop providing technical support to SDK users based on low uptake. Proposing to not continue paying for a service that is not being used is not inconsistent with the prior approvals in the Amended AGIS Settlement. It is undisputed that there has been limited uptake of the SDK or technical support offerings, and Mission:data does not

generally oppose the Settlement Agreement provisions around the SDK and cost recovery.¹³ While Mission:data argues that the sunset provision has been added without due process, the Company has been clear about its proposal from the start.¹⁴ The Application was sent to parties to the Amended AGIS Settlement, and some of those same parties joined this Settlement Agreement. Accordingly, there was significant notice and due process attached to this action, and approving the Settlement Agreement will institute additional due process requirements should Public Service propose to sunset the SDK and technical support offerings in the future.

2. Failure to Comply with Amended AGIS Settlement and Sufficiency of Data Delivery Study

a. Exceptions

25. Mission:data makes several arguments that the DDS was not sufficient and Public Service otherwise did not fulfill its obligations under the Amended AGIS Settlement.

26. First, Mission:data argues that the assumption that every third party authorized to receive customer energy usage data must create its own DDU application¹⁵ is false based on the findings of the DDS itself. Mission:data advocates for a single shared agent, citing to Public Service testimony agreeing that this is feasible but also that it was not studied. Mission:data cites to discovery and testimony indicating that Accenture, the study author, received conclusory information from Itron about prohibitions on implementing the DDU method. Mission:data thus argues that the Recommended Decision did not properly evaluate this false assumption. Mission:data also argues that the Recommended Decision erred in failing to evaluate Itron's claims of security issues associated with DDU, which it says were merely assertions. Mission:data also

¹³ Decision No. R24-0684, issued September 24, 2024, at ¶ 77.

¹⁴ HE 100, Application, at 1.

¹⁵ In this instance, "application" is used to refer to a computer program designed to carry out a task, not an application filed before this Commission.

argues that the Recommended Decision failed to consider its evidence that DDU is being pursued in other states and why such evidence is insufficient to demonstrate that DDU is feasible.

27. Second, Mission:data argues that Public Service violated Commission rules and failed to comply with the Amended AGIS Settlement by not studying how to provide rate information or disaggregation insights to customer-authorized third parties as part of the DDS. It argues that the Recommended Decision errs by accepting Public Service's statement that this information is not available on the meter and therefore cannot be shared; inappropriately applies to Mission:data the burden to demonstrate that there was immediate need for this data; and that not providing this data is a violation of Electric Rule 3027(d).

28. Third, Mission:data contends that the Company did not meaningfully address data parity, and that the conclusion that DDU is infeasible represents an uneven competitive playing field. Mission:data argues that requiring a customer to buy an additional Wifi device is overly burdensome and will result in fewer customers adopting energy management technologies, and states that Public Service maintains a more streamlined process to itself through the Itron Cloud scenario. Additionally, Mission:data argues that without rate or disaggregation insights, third parties will only be able to make inferior recommendations.

29. Fourth, Mission:data argues that the Company did not comply with the Amended AGIS Settlement because it does not ensure that HAN functionality is available to all customers. At hearing, the demonstration showed that Public Service is limiting HAN functionality to customers who have a single meter, and excluding those with multiple meters.

30. Finally, Mission:data argues that the Recommended Decision's concerns about the costs of redoing the study are not appropriate. It states that a well-designed study could provide

significant benefits to the Company's customers, and decisions around the prudence of cost recovery for the original study should happen in a rate case.

31. Overall, Mission:data also argues that the Recommended Decision incorrectly assigned it the burden of proof of demonstrating that the DDS was not in the public interest and that non-native data was needed.

b. Response

32. In response, Public Service states that there is substantial evidence in the record to support that the Settlement Agreement is just, reasonable, and in the public interest.

33. First, Public Service states that Mission:data raises certain issues in exceptions that were not previously litigated: the impacts on adjacent markets and competition; the potential for Public Service to subsidize unregulated competitive data products with ratepayer funds; and the concern that the HAN functionality is only available for customers with one meter, rather than multiple meters.

34. Second, Public Service reiterates how its DDS was in compliance with the Amended AGIS Settlement despite excluding non-native data from feasibility analysis, and argues that it addresses data parity through the SDK, BYOD, and XEL tools. Public Service raises that the ALJ agreed by finding that Mission:data did not show evidence of need for that non-native data. It asserts that Mission:data is incorrect in attributing absent words to Rule 3027(d)—a violation of laws of statutory construction—and that the Recommended Decision correctly applied to Mission:data the burden of proof to make its case that the data was needed.

35. Finally, Public Service says that Mission:data misunderstands the DDU, that it misinterprets statements by Public Service witnesses around assessing security issues, and that the ALJ reasonably determined Public Service Witness Miller was more credible around security

arguments than Mission:data Witness Murray. Similarly, Public Service argues that it was reasonable for the Recommended Decision to reject evidence about three other states studying DDU as speculative and to reject Mission:data's recommendation to order a new DDS as unlikely to result in a different outcome and therefore not a reasonable use of ratepayer funds.

c. Commission Findings and Conclusions

36. We deny Mission:data's exceptions as to the Company's compliance with the Amended AGIS Settlement.

37. We agree with Mission:data that there appear to be flaws in the DDS—as does Trial Staff in their settlement testimony.¹⁶ As Mission:data has raised, the DDS acknowledges, and a Public Service witness conceptually agreed, that a single shared agent could be developed to provide DDU.¹⁷ However, the DDS then relies on conclusory statements by Itron to reject DDU as infeasible because of the assumption that multiple third-party agents are required.¹⁸

38. At the same time, it is not clear that the DDS was so inappropriately scoped as to support an argument of noncompliance; that customers are being harmed by current data-sharing practices; or that Mission:data's suggested solution, to refile the DDS with refined assumptions, would be the correct policy approach to resolve potential DDS flaws.

¹⁶ HE 201, Haglund Settlement Testimony, at 9:1-14 to 10:1-2.

¹⁷ Mission:data Exceptions at 13.

¹⁸ We trust that the ALJ was in an excellent position to review credibility of witnesses as the officer at the evidentiary hearing. However, and while we are raising this after the fact, we place less stock in the credibility of Public Service Witness Miller. In reading the hearing transcript, we find his statements about the DDS scope and role of security architecture to be ambiguous at best, not clear as Public Service seems to think in its response. We remind parties of our expectation for clarity and civility in this complex process.

39. Overall, we agree that the Recommended Decision correctly applied the burden of proof throughout its review of the Application and Settlement Agreement. While Mission:data provided information that DDU is being explored in other states, we disagree that this information is sufficient to know whether DDU is feasible for a different meter vendor in this situation.¹⁹ The process of approving and rolling out AMI has been complex and protracted, with mid-course technological changes, and there are many functionalities in addition to customer data-sharing which must be evaluated in the course of such a significant infrastructure project.

40. Additionally, the DDS contrasts an approach that is consistent with what is currently available, the LPA, with three other data delivery approaches: DDU, and Xcel Energy and Itron Cloud models.²⁰ Those three models were similarly expensive to implement compared to LPA and all raised challenges related to technical and practical feasibility.²¹ Neither Cloud model was fully critiqued by parties within the Proceeding. Accordingly, we are not convinced that an alternative to LPA is necessary to pursue at this time, and we do not agree that a revised DDS in a new application would be an appropriate remedy.

41. Furthermore, we disagree that excluding rate information or disaggregation insights from the DDS failed to comply with the terms of the Amended AGIS Settlement or violated Commission rules regarding data parity. Public Service and Trial Staff testimony indicates that Public Service is only obtaining one-second data for its own applications through the LPA, similar to third parties, which undercuts Mission:data's concerns regarding competitive risk.²² In other

¹⁹ Mission:data's primary arguments are that both Itron and Landis+Gyr meters use the Linux operating system and receive over-the-air software updates. Mission:data Exceptions at 18. This is a reasonable starting point, but not sufficient for a conclusion of similarity.

²⁰ HE 102, Miller Direct Testimony, at 20:14-22 (stating that instantaneous demand, accumulated kWh, and other data can be accessed currently via LPA).

²¹ See HE 102, Att. JTM-1, at 111-113 (Conclusions Table).

²² See, e.g., HE 201, Haglund Settlement Testimony, at 7:8-8:15.

words, it is not clear that Public Service is using Customer-Facing DI Capabilities within the definitions set forth by the Amended AGIS Settlement.²³ While Mission:data has raised rationales for why rate data is useful to third parties to provide recommendations to customers,²⁴ we agree with the Recommended Decision that it is less clear that disaggregation algorithms are being applied to one-second data through the LPA agent, and so it is unclear if any disaggregation insights being developed by Public Service, Itron, or any vendors or subcontractors are being developed in a way that meets the definition of Electric Rule 3027(d) regarding “standard” customer data (i.e., data that is collected from the meter, such as kWh).

42. There appears to be limited risk of any harm to customers at this time from upholding the Settlement Agreement. First, the Settlement Agreement commits the Company to continue studying DDU and to bring it forward in future applications regarding data delivery. Second, evidence suggests that there has been extremely limited uptake of the various data tools and applications so far. Public Service witnesses state that there were about 3,000 Colorado users of XEL²⁵ and no known Google Play or Apple Store applications that allow customers to utilize Public Service meter data.²⁶ Mission:data did not contest this information. Accordingly, the costs

²³ The Amended AGIS Settlement presents the following definitions:

- “‘Grid-Facing DI Capabilities’ are those solutions or services enabled or supported by DI that are for the benefit of the Company’s ownership, management, and maintenance of its distribution facilities on the Company’s side of the meter. Examples of Grid-Facing DI Capabilities include functions in the areas of location awareness, high impedance detection, power theft detection, secondary equipment assurance, transformer load management, feeder phase balancing, outage detection, and voltage monitoring and optimization” (at 6).
- “‘Customer-Facing DI Capabilities’ are those solutions and services enabled or supported by Load Disaggregation Capabilities on Advanced Meters, which provide analytical disaggregation of electric load inside the premise into end uses. Customer-Facing DI Capabilities expressly excludes solutions and services enabled or supported by analytical disaggregation of electric load through: 1) interval data recording at 5-minute or 15-minute intervals; and, 2) one-second or greater HAN data, which capability is described in Section II below” (at 8).

²⁴ HE 400, Murray Answer Testimony, at 9:1-10:2.

²⁵ Hearing Transcript at 174:3-175:7 (Miller).

²⁶ Hearing Transcript at 173:1-6 (Miller).

associated with transitioning from an LPA model to a different data delivery model are real, but the benefits remain unclear or hypothetical.

43. We are also not persuaded that the appropriate solution to the critiques parties like Mission:data raised about the DDS would be solved by requiring Public Service to redo the study with modified assumptions, and to refile it in 18-24 months, as Mission:data proposes. Instead, additional action led by the Commission may be necessary to determine whether customers have sufficient ability to access, understand, and share relevant data with authorized third parties for purposes of energy management. We are concerned by our review of the Company's technical demonstration at hearing and testimony that suggests that the customer experience associated with using LPA-transmitted data is cumbersome; the DDS also indicates that the LPA approach is the most complicated for customers.²⁷ The demonstration suggests that there are multiple steps a customer must go through to find the entry point to sign up for XEL.²⁸ Testimony also indicates that a customer who is using a smartphone to read meter data will lose access to that data upon leaving their home Wifi.²⁹ We are further concerned by the late-identified information that Public Service limits customers with multiple accounts from participating in the HAN,³⁰ and additional information may be necessary to better understand the significance of this practice.

²⁷ HE 102, Att. JTM-1, at 71 ("In comparison to the previously discussed solutions, a local polling application requires additional steps and potentially additional devices for implementation. It specifically requires the customer have an elevated level of technical proficiency in establishing an additional device on their network...").

²⁸ Hearing Transcript at 24:2-28:2 (Schroer).

²⁹ See, e.g., HE 400, Murray Answer Testimony, at 25:6-26:2.

³⁰ Mission:data Statement of Position at 28 (Hrg. Trans. At 26:6-9). While Mission:data characterizes the limitation as multiple meters, the transcript indicates the limitation is for multiple "accounts." It is not clear that these restrictions are necessarily the same.

44. With new state laws and changing circumstances, we are at the cusp of uncertain but potentially unprecedented investments in the Company's distribution infrastructure.³¹ We have long discussed the opportunity for customers to be partners in energy management and to help make infrastructure investments more efficient. With better information and tools, customers can determine whether to electrify, purchase electric vehicles, select a time-based rate, invest in energy-efficient appliances, or engage in demand response—and not only make that investment, but also optimize how they use it by managing energy in more sophisticated ways. This has long been the promise of advanced metering and access to the data it generates.³² Yet the Company's demonstration of its customer-facing tools reveals an interface which appears to complicate customer choices around data-sharing, and an overall approach which limits those tools' usefulness to customers while still requiring high technical sophistication.

45. As infrastructure investments are increasing, the Company must incorporate customer decisions around load shifting programs and services in its overarching distribution system planning processes in a robust and strategic manner. To do this, it must be much easier for customers to find data about their energy usage and take thoughtful actions. Energy usage data must be easy to access and share; granular and timely to the kinds of decisions being made; and available in a usable format. In the interests of promoting a fair and robust competitive market—particularly where we are uncertain that the Company is properly incentivized to reduce or defer its own infrastructure investments—we must have parity of access to this data as between the Company and its vendors, and customers and their authorized third parties. Accordingly, we cannot overemphasize the significance of the customer experience as a tool to welcome customers

³¹ See, e.g., Proceeding No. 23V-0609E, Decision No. C24-0803, issued November 5, 2024 at ¶ 10.

³² See, e.g., Proceeding No. 16A-0588E, Decision Nos. C17-0556, issued July 25, 2017, at ¶¶ 38-39 and C21-0177, issued March 19, 2021, at ¶ 49; Proceeding No. 23M-0466EG, Decision No. R24-0009, issued January 5, 2024, at ¶ 26; Proceeding No. 20R-0516E, Decision No. R21-0387, issued July 8, 2021, at ¶ 153.

into managing energy and therefore the priority we place on data accessibility as a foundation for numerous critical decarbonization and affordability initiatives of the Commission and the State of Colorado more broadly.

46. We anticipate the Company will be filing information about its use of Grid-Facing and Customer-Facing DI Capabilities in its DSP filings, consistent with the Amended AGIS Settlement. However, we are concerned that the legacy of prior decisions regarding data access and advanced metering has led to unacceptable silos that limit the Commission's ability to evaluate the means by which customers are able to access and share energy usage data and related information. To address this potential gap in information, and so we can consider the appropriateness of existing data rules and practices in the future as appropriate, we direct Public Service to address the following concepts as part of its upcoming DSP application:

1. A description of the solutions by which Public Service makes customer energy usage data and insights derived from one-second or greater data available to customers, addressing at least: web portal, mobile applications, Electronic Data Interchange, and Green Button Download.
2. A description of the solutions by which Public Service makes this same information available to customers' authorized third parties, addressing at least: Green Button Connect and Xcel Energy Launchpad.
3. Information to be provided for each solution:
 - a. Type(s) of data provided and units;
 - b. Frequency of data provided (15-minute, one-second, etc.);
 - c. Whether the data is raw or processed (i.e., estimated);
 - d. The specific steps the customer must go through to access and/or authorize sharing of data, including available educational materials or technical support, as well as any marketing the Company has performed to notify customers of these steps;
 - e. Any limitations due to Public Service's or their vendors' or contractors' design or implementation of the solution that prevent a potentially eligible customer from being able to use it, including but not limited to limitations on the number of accounts, devices, meters, Internet bandwidth, etc.; and

- f. Current uptake of each solution as compared to customers that potentially would be eligible to use that solution.
4. This information should be provided separately by customer category (or rate class if applicable):
 - a. Residential customers;
 - b. Business, commercial, and/or institutional customers; and
 - c. Master meter operators, if different.

47. In other words, Public Service should address all means by which it provides its energy customers with data about their energy usage and allows them to share that data with consent, regardless of the technical approach by which it does so (*e.g.*, DI vs. non-DI). We anticipate that a component of the upcoming DSP filing will be to consider strategically the principles we have discussed here, including data parity and addressing the look, feel, and ease of the customer experience.

48. In addition to this information, we are concerned about the ambiguities that surfaced during the DDS and how they contribute to a lack of clear delineation between the methods of data delivery. In particular, Public Service should directly address whether Xcel Energy or Itron could develop a single, shared agent for DDU implementation, consistent with the description of this approach in the DDS.³³ To the extent this requires Public Service or Itron to assume an alternative security architecture, or other design or development features, it should do so and explain its assumptions. Public Service should also explain the distinction between DDU as implemented by a shared Xcel Energy or Itron agent, and an Xcel Energy Cloud or Itron Cloud. Finally, Public Service should address the extent to which a third-party aggregator

³³ HE 102, Att. JTM-1, at 16 (“It is also possible that a single shared agent could be developed that would allow a change in destination based on a configuration file change. This shared agent could be developed by Itron or Xcel Energy to meet their strict security requirements”).

model of virtual power plants pursuant to Senate Bill 24-218³⁴ would be utilizing the kinds of data solutions that Public Service has proposed in this proceeding (*e.g.*, an Xcel Energy Cloud), or if it would rely on an alternative data delivery approach or communication pathway.

49. We may take other steps upon our review of this information to determine whether the means being used to facilitate access to and sharing of customer energy usage data are sufficient to support enrollment in customer rate and decarbonization programs to the degree that we expect will be necessary to meet Commission requirements and State of Colorado policy.

3. Mission:data Motion for Leave to Reply and Reply

a. Mission:data Reply

50. On November 1, 2024, Mission:data filed a Motion for Leave to Reply and Reply (“Motion to Reply”) to Public Service’s response to its exceptions. Mission:data argues that Public Service made factual errors or misrepresentations which it seeks to correct. Mission:data states that it repeatedly raised competitive concerns as did Trial Staff, in contrast to Public Service’s assertion that competitive concerns were first raised in exceptions. It states that Public Service misrepresents its historical support for AMI deployment. It states that Public Service falsely claims that its supporters are not competitors of Public Service, raising that Public Service provides energy analysis products that compete with other developers. Finally, it states that the issue of limiting HAN functionality to customers with a single meter only became apparent at the technical demonstration preceding the hearing, and that Mission:data raised the issue in its statement of position, not merely in exceptions.

³⁴ See, *e.g.*, § 40-2-132.5(8)(b)(II), C.R.S. (requiring that a qualifying retail utility file an application to implement a virtual power plant that addresses communication, dispatch, measurement, and verification for a distributed energy resource aggregator).

51. Mission:data represents that Trial Staff and UCA take no position on, and Public Service opposes, the Motion to Reply. It further requests a shortened response time to the Motion to Reply of six days, and explains that Public Service states that it does not oppose seven days instead of six for response.³⁵

b. Commission Findings and Conclusions

52. Recognizing Mission:data's long engagement on the issue of AMI deployment in Colorado, we grant Mission:data's Motion to Reply and consider its Reply, which corrects certain facts. However, none of those facts which are here corrected materially change the record with respect to the conclusions we set forth above. Because we have denied Mission:data's Exceptions, we see no need for any rebuttal to its Reply and therefore deny its request for shortened response time to the Reply.

II. ORDER

A. The Commission Orders That:

1. The exceptions to Recommended Decision No. R24-0684, filed by Mission:data Coalition ("Mission:data") on October 14, 2024, are denied, consistent with the discussion above.

2. The Motion for Leave to Reply and Reply, filed by Mission:data on November 1, 2024, is granted, and the request for waiver of response time is denied, consistent with the discussion above.

3. Public Service Company of Colorado is directed to incorporate information on customer data access and sharing in its upcoming Distribution System Plan filing, consistent with the discussion above.

³⁵ On November 4, 2024, Mission:data filed an errata to its Motion for Leave to Reply stating that it inadvertently requested a "waiver of response time" when it meant to state a request for "shortened response time."

4. Decision No. R24-0684, as modified by this Decision, is adopted as the decision of the Commission pursuant to § 40-6-109, C.R.S.

5. The 20-day period provided by § 40-6-114, C.R.S., to file an Application for Rehearing, Reargument, or Reconsideration shall begin on the first day after the effective date of this Decision.

6. This Decision is effective immediately on its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
November 6, 2024.**

(S E A L)



ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

MEGAN M. GILMAN

TOM PLANT

Commissioners

Rebecca E. White,
Director