

Decision No. C25-0294

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 DENYING
APPLICATION FOR REHEARING, REARGUMENT, AND
RECONSIDERATION OF DECISION NO. C24-0815**

Issued Date: April 17, 2025

Adopted Date: April 2, 2025

I. STATEMENT

A. Background

1. This matter comes before the Commission to address concerns with access to customer usage data. It was heard by an Administrative Law Judge (“ALJ”) who issued Recommended Decision No. R24-0684 (“Recommended Decision”). We then considered exceptions filed to the Recommended Decision, and now we address the Application for Rehearing, Reargument or Reconsideration (“RRR”) of Decision No. C24-0815 filed by Mission:data Coalition (“Mission:data”) on December 3, 2024. By this Decision, we deny the RRR and encourage stakeholders, including Mission:data, to continue to engage with this topic in the ongoing proceeding concerning Public Service Company of Colorado’s Distribution System Plan.

B. Mission:data's Application for Rehearing, Reargument, or Reconsideration

2. Mission:data submits two overarching arguments. First, it challenges the Commission's decision on exceptions which ordered certain customer data access issues to be addressed Public Service's DSP proceeding. Mission:data contends that the Commission should instead order a separate proceeding to address access to customer usage data.

3. While the Commission appreciates Mission:data's suggestion that some of these issues may be best explored in a separate docket, we remain unconvinced that approach will be more efficient than investigating them in the DSP proceeding. The Commission's decision on exceptions ordered Public Service to include in its DSP certain information relating to customer data access and sharing practices. Public Service did so.

4. Now, issues from this proceeding have been raised in direct testimony or can be raised in answer testimony in the DSP proceeding. In other words, those issues are live in a different proceeding where many stakeholders can weigh in on them. If it becomes apparent that these issues are truly best addressed in a separate docket the Commission will consider severing the issues into a new proceeding. At this point, however, we encourage the parties to engage with these issues in the DSP proceeding.

5. The second issue Mission:data presents has three parts, each of which Mission:data characterizes as the Commission potentially prejudging critical issues. First, Mission:data points out that the Commission concluded Mission:data has not shown that Public Service or any of its vendors or subcontractors had violated Commission rules around data parity or the AGIS settlement. Mission:data also points out that the Commission did not make an affirmative finding that the company and vendors were complying with the rules. What remains in the Commission's decisions is, as Mission:data acknowledges, a situation where no wrongdoing has been established.

6. Despite this, Mission:data asks us to modify Paragraph 41 of our decision on exceptions to restate the current state of affairs. In particular, it asks us to re-write the first sentence of paragraph 41 to state that “Furthermore, we reserve judgment on the question of whether excluding rate information or disaggregation insights from the DDS constitutes failure to comply with the terms of the Amended AGIS Settlement or violates Commission rules regarding data parity.” We perceive no need for the Commission to rewrite its decision to restate the current state of affairs.

7. The second request is that the Commission modify its prior decision to remove the term “energy usage data” to the broader term used in its rules, which is “customer data.” Interestingly, Mission:data notes that it, too, used the phrase “energy usage data” throughout the proceeding. Mission:data also requests that the Commission clarify that customer data is not limited just to what is recorded by an electric meter, but also includes data maintained throughout a utility’s network technology. Mission:data has not indicated that the parties’ and Commission’s use of the phrase “energy usage data” in this proceeding will lead to any confusion or harm, nor has it provided any reason for why the Commission would issue the requested clarification, and therefore we decline to modify the prior decision or issue the clarification.

8. Finally, Mission:data asks the Commission for another clarification, reaching back to a dispute about the quality of a data study (the DDS) that the Commission ordered, that Public Service undertook, and that was part of this Proceeding. On exceptions, Mission:data argued that the study was incomplete or so poorly done that it did not constitute compliance with our directive to undertake the study. We rejected that argument on exceptions while acknowledging that in the next iteration of the DDS we would like to see the approach refined.

Mission:data is now asking us to issue a ruling that the Commission does not conclude that Public Service's study satisfied the directive to undertake the study.

9. We have rejected this contention before and see no reason to conclude that Public Service failed to complete the DDS as ordered. As mentioned, we are asking for an improved iteration next time — but we remain unpersuaded to conclude that Public Service failed to meet its obligations to conduct the study this time around.

10. We look forward to learning more about the potential customer benefits associated with programs built around customer usage data. Moving forward, it makes sense to first examine this issue from the perspective of what customers could see as benefits from the technology, before delving into the technical parameters needed to support benefits that have yet to be fully developed.

II. ORDER

A. The Commission Orders That:

1. The Application for Rehearing, Reargument, or Reconsideration filed on December 3, 2024, by Mission:data Coalition, is denied. We look forward to engaging with stakeholders, including Mission:data, on these issues in the ongoing proceeding addressing Public Service's DSP as well as many of the issues raised in this Proceeding.

2. This Decision is effective immediately upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
April 2, 2025.**

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ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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Commissioners