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RULEMAKING RELATING TO
ADVANCED METERING

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PUBLIC UTILITY COMMISSION
OF TEXAS
CLERK

COMMENTS OF THE JOINT NON-ERCOT UTILITIES

Entergy Texas, Inc. (ETI), Southwestern Public Service Company (SPS), El Paso Electric Company (EPE), and Southwestern Electric Power Company (SWEPCO) (collectively Joint Non-ERCOT Utilities) provide the following comments based on the Public Utility Commission of Texas Staff (Staff) Strawman Rule filed in the Rulemaking Relating to Advanced Metering filed on August 19, 2019. Staff proposed amendments to 16 Tex. Admin. Code § 25.130 (TAC), relating to advanced metering, § 25.133, relating to non-standard metering service, and § 25.5, relating to definitions, in order to conform §§ 25.130 and 25.133 to legislation passed in the 85th and 86th legislative sessions relating to the deployment of advanced metering and meter information networks in areas outside the Electric Reliability Council of Texas (ERCOT).¹ The Joint Non-ERCOT Utilities support revisions to the above referenced rules and request that the Public Utility Commission of Texas (Commission) consider certain clarifications and revisions to Staff’s strawman.

I. 16 TAC § 25.130(c)(4): Non-Standard Advanced Meters

The original and amended 16 TAC § 25.130(c) defines non-standard advanced meters as a meter with features in addition to the advanced metering system (AMS) features approved in the Deployment Plan. These meters have enhanced functionality over the standard advanced meter. 16 TAC § 25.133, also known as the AMS opt-out rule, pertains to non-standard meters — meters that do not function as an advanced meter. Non-standard advanced meters and non-standard meters are terms that refer to two substantially disparate types of meters, yet the nomenclature used creates confusion. The Joint Non-ERCOT Utilities recommend revising the name of non-standard advanced meters to alleviate confusion. For example, Staff might consider using the term

¹ HB 853 (86R) amended PURA §39.5521, HB 986 (86R) amended PURA §39.402, HB 1595 (86R) amended PURA §39.5021, and SB 1145(85R) amended PURA §39.452.

“enhanced advanced meter” to refer to meters with additional functionality over and above the functionality and features of a standard advanced meter.

II. 16 TAC § 25.130(d)(9): Reporting Requirements

The advanced metering rule refers to both monthly progress reports and semi-annual status reports to be filed every six months. 16 TAC § 25.130(d)(9) continues by providing a framework for the *monthly progress reports* detailing the required components, including the number of advanced meters installed and a description of any significant delays or problems. However, no explanation is given on the required contents of the *semi-annual status report*. In fact, there is only one reference to a semi-annual status report in the entire rule with no additional description. The Joint Non-ERCOT Utilities understand that the reference to “semi-annual status reports” may have been carry-over from the original 16 TAC § 25.130 rulemaking and that the requirements for both the monthly reports and the semi-annual reports were consolidated into the monthly reports. Consequently, the Joint Non-ERCOT Utilities recommend clarifying the rule to remove the reference to the six-month status report completely. Electric utilities will still provide monthly progress reports with the components outlined in the rule.

The monthly progress report component addressed in the proposed language in 16 TAC § 25.130(d)(9)(A) requires the number of advanced meters installed to be listed by Electronic Service Identifier (ESI ID), for meters in ERCOT, and by other unique identifiers for meters outside of ERCOT. For meters outside of ERCOT, the Joint Non-ERCOT Utilities do not understand the purpose of reporting on the deployment of meters by a unique identifier and submit that reporting the number of advanced meters installed by geographic region in each monthly report, including the cumulative totals, provides reasonable metrics upon which compliance with an electric utility’s Deployment Plan may be monitored. To report monthly on the number of deployed meters with a unique identifier in areas outside of the ERCOT region would require an unnecessary expenditure of time and resources.

In addition, the strawman refers to notifications that must be provided for the reports and requires “upon filing of such reports, the electric utility ~~must~~ shall notify all ~~certified~~ Retail Electric Providers (REPs) of the filing through standard market notice procedures.”² The Joint Non-ERCOT Utilities request this language be clarified to specify this reference to electric utilities in

² Staff Strawman Rule at 6.

ERCOT. The Joint Non-ERCOT Utilities believe that it is not the intent of Staff to expand the notice applicability in this sentence. This clarification will avoid the interpretation that non-ERCOT electric utilities will also have to provide notice to REPs.

Moreover, 16 TAC § 25.130(d)(9) states that utilities are required to provide progress reports on a monthly basis and status reports every six months following the filing of its Deployment Plan with the Commission until deployment is complete. The Joint Non-ERCOT Utilities suggest that it would be more appropriate for utilities to begin providing the reports after deployment begins. Prior to deployment, there would be nothing substantive to report, as per the monthly progress report criteria in 16 TAC § 25.130(d)(9)(A-E), until the utility has begun deployment. The Joint Non-ERCOT Utilities recommend revising the current language as follows:

Once deployment has commenced, Each electric utility must provide progress reports on a monthly basis ~~and status reports every six months following the filing of its Deployment Plan~~ with the commission until deployment is complete.

III. 16 TAC § 25.130(d)(10): Revisions to an Electric Utility's AMS

Under the current rule, an electric utility is required to seek Commission approval prior to making changes to its AMS that would affect a REP's ability to use any of the AMS features identified in the utility's Deployment Plan. The Staff strawman revised this section to state that any changes to the AMS that would affect a utility's customer, the customer's REP of record, or *an entity authorized by the customer*, should be submitted for Commission approval. The only AMS functionality that "an entity authorized by a customer" should be able to access is the read-only meter usage data described in 16 TAC § 25.130(j). While the Joint Non-ERCOT Utilities appreciate that the Staff strawman's purpose is to expand the applicability of this rule to non-ERCOT utilities by adding "an entity authorized by the customer," the addition is overly-broad in this section.

IV. 16 TAC § 25.130(g)(1)(I): AMS Features

The required AMS minimum system features under 16 TAC § 25.130(g)(1)(I) include the capability to communicate with devices inside the premises including, but not limited to, load control devices and prepayment systems through a home area network (HAN). The Joint Non-ERCOT Utilities request the addition of on-demand reads (ODR) as an alternate to HAN.

Specifically, the same ODR framework that was approved in the recent Smart Meter Texas proceeding should be permitted by rule as an alternative to HAN, including limiting ODRs to two ODRs per hour per ESI ID (or per meter outside of ERCOT), 24 ODRs per day per ESID (or meter), and 3,000 total ODRs per electric utility per day subject to network traffic.³

Moreover, the Joint Non-ERCOT Utilities recognize the fast-paced evolution of technology and recommend additional alternatives that will grow into industry-accepted methods for providing real-time meter access and similar features that are currently provided through a HAN and connected devices. Providing for future developments in technology will lessen the need for good cause exceptions if an electric utility chooses to utilize a newer industry-accepted technology. Accordingly, the Joint Non-ERCOT Utilities recommend the following:

~~(I)(J)~~ capability to communicate with devices inside the premises, including, but not limited to, usage monitoring devices, load control devices, and prepayment systems through a home area network (HAN), based on open standards and protocols that comply with nationally recognized non-proprietary standards such as ZigBee, Home-Plug, or the equivalent; capability to provide on-demand reads (ODR) not in excess of two ODRs per hour per meter, 24 ODRs per day per meter, and 3,000 ODRs per electric utility per day subject to network traffic; or other industry-accepted methods of providing real-time meter access and associated features.

V. 16 TAC § 25.130(k)(1) Recovery Method

Subsection k of 25.130 refers to waivers addressed in subsection (g)(3) of the rule. Because Staff's strawman deletes the existing subsection 25.130(g)(2), the current subsection 25.130(g)(3) regarding waivers becomes the new 25.130(g)(2). Accordingly, the Joint Non-ERCOT Utilities believe that the reference in 16 TAC § 25.130(k)(1) to waivers should now refer to 16 TAC § 25.130(g)(2) as shown in redline format below:

As indicated by the definition of AMS in subsection (c)(2) of this section, the costs for facilities that do not perform the functions and have the features specified in this section must not be included in the surcharge provided for by this subsection unless an electric utility has received a waiver under subsection (g)~~(2)~~(3) of this section.

³ Commission Staff's Petition to Determine Requirements for Smart Meter Texas, Docket No. 47472, Order, July 12, 2018.

VI. 16 TAC § 25.133(d)(1)(A)(i): Notice to Customers Requesting Non-standard Metering Service

Under the AMI non-standard metering rule, non-standard metering service cannot be initiated until (i) the electric utility notifies the customer requesting non-standard metering service of the requirement to pay costs associated with initiation and continuation of non-standard metering service and the requirement for the customer to provide written acknowledgement, and (2) the customer provides the required payment and signed written acknowledgement.⁴ The Staff's strawman removed the portion of 16 TAC § 25.133(d)(1)(A) that limited providing notice to only customers who request non-standard metering service. In other words, under the strawman revisions, the requirement to provide non-standard metering service notice is now applicable to *all* customers prior to having an advanced meter installed. The Joint Non-ERCOT Utilities do not believe that it was the Staff's intent to require non-standard metering service notice to be sent to every customer 75 days before having an advanced meter installed. This would result in inevitable confusion for all customers who may interpret the notices as requirements to pay additional fees prior to having an advanced meter installed.

The Joint Non-ERCOT Utilities request that the requirement be clarified to state that the non-standard metering service notice in revised 16 TAC § 25.133(d)(1)(A) is only for customers who request non-standard metering service **before** their existing meter is changed out for an advanced meter pursuant to an approved Deployment Plan. Accordingly, the Joint Non-ERCOT Utilities requests the addition of the following language to 16 TAC § 25.133(d)(1)(A)(i):

if a customer requests non-standard metering service prior to a utility's installation of advanced meters, the electric utility must serve on that customer by certified mail return receipt requested notice of this service consistent with subparagraph (C) of this paragraph at least 75 days prior to the date the electric utility is scheduled to install an advanced meter at the customer's premises.

The qualifying language above clarifies that only customers who have requested non-standard metering service receive notifications of the required fees and acknowledgements.

⁴ 16 TAC § 25.133(c)(1)(G).

VII. Conclusion

The Joint Non-ERCOT Utilities appreciate the opportunity to participate in this rulemaking and respectfully request that the Commission incorporate the above recommended revisions and clarifications to 16 TAC §25.130 and §25.133. The undersigned representatives for ETI are authorized to sign this document on behalf of the Joint Non-ERCOT Utilities.

Dated: September 4, 2019

Respectfully Submitted,

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