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Public Utility Commission of Texas

TO: Chairman Peter M. Lake
Commissioner Will McAdams
Commissioner Lori Cobos
Commissioner Jimmy Glotfelty
Commissioner Kathleen Jackson

All Parties of Record

FROM: Office of Policy and Docket Management

RE: **PUC Docket No. 48745**
SOAH Docket No. 473-19-1841 – *Compliance Filing of Entergy Texas, Inc.
Relating to Participation in Smart Meter Texas and Changes to Its Advanced
Metering System.*

DATE: August 15, 2022

The Commission will consider a proposed order in this docket at a future open meeting. The parties shall file corrections or exceptions to the proposed order on or before 3:00 pm on Friday, August 26, 2022.

On January 3, 2019, the Commission referred this proceeding to the State Office of Administrative Hearings. Subsequently, the docket was returned to the Commission.

If a party proposes a correction or exception, the party must fully explain the correction or exception and must provide a citation to the record to support the correction or exception.

If there are no corrections or exceptions, no response is necessary.

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PUC DOCKET NO. 48745
SOAH DOCKET NO. 473-19-1841

COMPLIANCE FILING OF ENTERGY	§	PUBLIC UTILITY COMMISSION
TEXAS, INC. RELATING TO	§	
PARTICIPATION IN SMART METER	§	OF TEXAS
TEXAS AND CHANGES TO ITS	§	
ADVANCED METERING SYSTEM	§	

PROPOSED ORDER

This Order addresses Entergy Texas, Inc.'s compliance filing as required by ordering paragraph 6 of the Commission's order filed in Docket No. 47416 on December 14, 2017.¹ In ordering paragraph 6, the Commission ordered Entergy Texas to address the following: whether and to what extent Entergy Texas will participate in Smart Meter Texas; what changes, if any, should be made to Entergy Texas's web-based customer interface; and whether and to what extent Entergy Texas should provide third-party direct access to its customers' advanced metering system (AMS) data. The parties filed a unanimous agreement between themselves in this proceeding. The Commission does not require Entergy Texas to participate in Smart Meter Texas but orders Entergy Texas to comply with the ordering paragraphs of this Order with respect to its web-based customer interface.

I. Findings of Fact

The Commission makes the following findings of fact.

Applicant

1. Entergy Texas, Inc. is a Texas corporation registered with the Texas secretary of state under filing number 800911623.
2. Entergy Texas owns and operates for compensation in Texas equipment and facilities to generate, transmit, distribute, and sell electricity in Texas.

¹ *Application of Entergy Texas, Inc. for Approval of Advanced Metering System (AMS) Deployment Plan, AMS Surcharge, and Non-Standard Metering Service*, Docket No. 47416, Order, Ordering Paragraph No. 6 (Dec. 14, 2017).

3. Entergy Texas is required under certificate of convenience and necessity number 30076 to provide service to the public and retail electric utility service within its certificated service area.

Background: Docket Nos. 47416 and 47472

4. In the Commission's order filed in Docket No. 47416 on December 14, 2017, the Commission approved Entergy Texas's AMS deployment plan, AMS surcharge, and changes in nonstandard-metering-service fees.
5. In ordering paragraph 6 of the Commission's order filed in Docket No. 47416 on December 14, 2017, the Commission held as follows:

“Unless the final order in Docket No. 47472² provides otherwise, within 90 days after the final order in Docket No. 47472 is signed, [Entergy Texas] shall initiate a proceeding to address whether and to what extent [Entergy Texas] will participate in Smart Meter Texas; what changes, if any, should be made to [Entergy Texas]'s web-based customer interface; and whether and to what extent [Entergy Texas] should provide third-party direct access to customer AMS data.”
6. In Docket No. 47472, the Commission approved business requirements for Smart Meter Texas, which is a web portal used by the following electric utilities to make metering data available to customers and others: AEP Texas, Inc.; CenterPoint Energy Houston Electric, LLC; Oncor Electric Delivery Company LLC; and Texas-New Mexico Power Company.
7. In its order filed in Docket No. 47472 on July 12, 2018, the Commission did not order otherwise than as provided in ordering paragraph 6 of the Commission's order filed in Docket No. 47416 on December 14, 2017.

Compliance Filing in This Docket

8. On October 9, 2018, Entergy Texas initiated this docket by making the compliance filing required by ordering paragraph 6 of the Commission's order filed in Docket No. 47416 on December 14, 2017.

² Commission Staff's Petition to Determine Requirements for Smart Meter Texas, Docket No. 47472, Order (July 12, 2018).

9. Entergy Texas proposed that it not be required to participate in Smart Meter Texas because Entergy Texas's web-based customer interface would provide all the required functionalities and would cost significantly less than participation in Smart Meter Texas.
10. Entergy Texas explained that all current participants in Smart Meter Texas are unbundled transmission and distribution service providers within the Electric Reliability Council of Texas (ERCOT) region, whereas Entergy Texas is a vertically integrated electric utility outside of ERCOT.
11. According to Entergy Texas, as of October 2018, the one-time up-front fee for Entergy Texas to join Smart Meter Texas was \$7.7 million and the subsequent annual cost would be \$600,000, not including the incremental internal costs for Entergy Texas to modify its information-technology systems to interface with Smart Meter Texas.
12. Entergy Texas stated that its proposed web-based customer interface would provide access to AMS data and, at the time of its compliance filing, would not require any changes.
13. According to Entergy Texas, its web-based customer interface would provide necessary functionalities and services not available through Smart Meter Texas.
14. Entergy Texas proposed that its web-based customer interface would use Green Button Download My Data, a national standard that allows customers to download their own energy-usage data. Entergy Texas currently provides Green Button Download My Data and on-demand reads to customers.
15. Entergy Texas proposed that its web-based customer interface would now also implement Green Button Connect My Data, a national standard that allows customers to automate the secure transfer of their own energy-usage data to authorized third parties based on affirmative customer consent and control.
16. According to Entergy Texas, its provision of direct access by third parties to customer AMS data through Green Button Connect My Data is reasonable and in accordance with industry security standards.
17. Entergy Texas requested that it be authorized to recover all upfront and ongoing costs associated with its participation in Smart Meter Texas if the Commission concluded that

Entergy Texas was required to participate in Smart Meter Texas or if the Commission ordered it to participate.

Notice

18. On October 9, 2018, Entergy Texas sent a copy of its October 9, 2018 compliance filing by first-class mail to each party that participated in Docket No. 47416.
19. On October 30, 2018, Entergy Texas sent a copy of its October 9, 2018 compliance filing by first-class mail to each party that participated in Docket No. 47472.
20. On October 30, 2018, Entergy Texas filed the affidavit of Scott Olson attesting to the mailing of a copy of the October 9, 2018 compliance filing to the parties that participated in Docket Nos. 47472 and 47416.
21. In SOAH Order No. 2 filed on January 29, 2019, the State Office of Administrative Hearings (SOAH) administrative law judge (ALJ) found that notice of the October 9, 2018 compliance filing in this proceeding was sufficient.

Intervenors

22. In Order No. 3 filed on November 14, 2018, the Commission ALJ granted a motion to intervene filed by the Office of Public Utility Counsel (OPUC).
23. In Order No. 4 filed on November 15, 2018, the Commission ALJ granted a motion to intervene filed by Mission: data Coalition, Inc.

Testimony

24. As part of its compliance filing, Entergy Texas included the affidavit of Rodney W. Griffith, director of advanced metering infrastructure implementation for Entergy Services, Inc. Mr. Griffith testified that the information in the report attached to the compliance filing was true and correct to the best of his knowledge.
25. On July 26, 2022, Entergy Texas filed the testimony of Richard E. Lain, manager of regulatory affairs for Entergy Texas, in support of the parties' agreement.

Evidentiary Record

26. On July 27, 2022, the SOAH ALJ filed an order admitting the following into the evidentiary record:

- a. Entergy Texas's compliance filing filed on October 9, 2018;
- b. Entergy Texas's proof of notice filed on October 30, 2018;
- c. The parties' agreement and its attachments and exhibits filed on July 26, 2022; and
- d. The settlement testimony of Richard E. Lain in support of the parties' agreement.

Referral to SOAH

- 27. On January 3, 2019, the Commission referred this proceeding to SOAH.
- 28. On February 8, 2019, the Commission issued a preliminary order.
- 29. On July 26, 2022, Entergy Texas filed a unanimous agreement between itself, Commission Staff, OPUC, and Mission:data Coalition, Inc.
- 30. On July 27, 2022, the SOAH ALJ filed an order dismissing the proceeding from SOAH's docket and remanding it to the Commission.

Non-Participation in Smart Meter Texas

- 31. The parties agreed that Entergy Texas should not be required to participate in Smart Meter Texas because its web-based customer interface, as modified by the parties' agreement, will provide all the functionalities required under 16 Texas Administrative Code (TAC) § 25.130.
- 32. It is appropriate for the Commission not to require Entergy Texas to participate in Smart Meter Texas.

Agreed Protocols

- 33. Exhibit 1 to the agreement sets forth the agreed protocols for data access and sharing through Entergy Texas's web-based customer interface.
- 34. The parties agreed for Entergy Texas to implement the current version of its third-party data-access platform within 30 days of the date of this Order.
- 35. It is appropriate for the Commission to require Entergy Texas to implement the current version of its third-party data-access platform within 30 days of the date of this Order.

36. The parties agreed for Entergy Texas to implement the necessary changes to its third-party data-access platform to comply with exhibit 1 to the parties' agreement within 18 months of the date of this Order.
37. It is appropriate for the Commission to require Entergy Texas to implement the necessary changes to its third-party data-access platform to comply with exhibit 1 to the parties' agreement within 18 months of the date of this Order.

Agreed Monthly Status Reports

38. The parties agreed for Entergy Texas to file monthly status reports explaining progress and any problems or delays related to compliance with exhibit 1 to the parties' agreement.
39. It is appropriate for the Commission to require Entergy Texas to file monthly status reports related to compliance with exhibit 1 to the parties' agreement until full compliance is achieved.

Agreed Function Blocks and Certification

40. Attachment 1 to exhibit 1 to the parties' agreement specifies the function blocks to be included in Entergy Texas's Green Button Connect My Data platform.
41. The parties agreed for Entergy Texas to obtain certification from the Green Button Alliance that Entergy Texas's Green Button Connect My Data platform, with the function blocks specified in attachment 1 to exhibit 1 to the parties' agreement, meets the standards of the North American Energy Standards Board's energy-services-provider-interface retail-energy-quadrant book 21.
42. It is appropriate for the Commission to require Entergy Texas to obtain certification from the Green Button Alliance regarding its Green Button Connect My Data platform.
43. The parties agreed for Entergy Texas to be required, and it is appropriate for the Commission to require Entergy Texas, to implement only the function blocks identified in attachment 1 to exhibit 1 to the parties' agreement as they existed on the date the parties' agreement was executed if the Green Button Alliance, the OpenADE, or the North American Energy Standards Board were to change the interpretation of—or were to modify, change, add, or delete—any of the Green Button standards in a way that would

require additional function blocks for certification or otherwise would affect the requirements of the function blocks in attachment 1 to exhibit 1 to the parties' agreement.

Stipulations Regarding Costs

44. The parties agreed to support Entergy Texas's recovery of reasonable and necessary internal and external costs for the incremental changes required to implement the Green Button Connect My Data platform.
45. The parties agreed to support Entergy Texas's recovery of reasonable and necessary incremental on-going costs of operating the Green Button Connect My Data platform.

Stipulations Regarding Reasonableness

46. The parties agreed that Entergy Texas's proposed web-based customer interface, including the Green Button Connect My Data platform, uses appropriate and reasonable standards and methods to provide secure access to meter data.
47. Entergy Texas's proposed web-based customer interface, including the Green Button Connect My Data platform, uses appropriate and reasonable standards and methods to provide secure access to meter data.
48. The signatories agreed that providing direct access by third parties to customers' AMS data through the Green Button Connect My Data platform is reasonable and in accordance with industry security standards.
49. Providing direct access by third parties to customers' AMS data through the Green Button Connect My Data platform is reasonable and in accordance with industry security standards.

Agreed Reporting Requirements

50. Attachment 2 to exhibit 1 to the parties' agreement lists reporting requirements for Entergy Texas's proposed web-based customer interface.
51. Entergy Texas agreed to comply with the reporting requirements listed in attachment 2 to exhibit 1 to the parties' agreement.
52. It is appropriate to require Entergy Texas to comply with the reporting requirements listed in attachment 2 to exhibit 1 to the parties' agreement.

Agreed Filing of Future Proceeding

53. In its current version, 16 TAC § 25.130(g)(1)(F) does not require an electric utility outside of ERCOT to offer home-area-network functionality.
54. The parties agreed that, within 60 days of the date of this Order, Entergy Texas would file an application to change its deployment plan under 16 TAC § 25.130(d)(10) to implement on-demand read functionality instead of the home-area-network functionality in Entergy Texas's current deployment plan.
55. It is appropriate for the Commission to require Entergy Texas to file an application to change its deployment plan under 16 TAC § 25.130(d)(10) to implement on-demand read functionality instead of home-area-network functionality.

II. Conclusions of Law

The Commission makes the following conclusions of law.

1. Entergy Texas is a public utility as the term is defined in PURA § 11.004(1) and an electric utility as that term is defined in PURA § 31.002(6).
2. The Commission has jurisdiction over this matter under PURA §§ 39.107(h), (k) and 39.452(k).
3. Entergy Texas provided notice of its compliance filing initiating this proceeding in accordance with 16 TAC § 22.55.
4. Entergy Texas's web-based customer interface as described in exhibit 1 to the parties' agreement complies with the requirements of PURA³ § 39.107 and 16 TAC § 25.130.
5. Entergy Texas's inclusion of the Green Button Connect My Data platform in its web-based customer interface as described in exhibit 1 to the parties' agreement complies with the requirements of 16 TAC § 25.130(g)(1)(F).
6. The Commission processed this docket in accordance with the requirements of PURA, the Administrative Procedure Act,⁴ and Commission rules.

³ Public Utility Regulatory Act, Tex. Util. Code §§ 11.001–66.016.

⁴ Tex. Gov't Code §§ 2001.001–.902.

7. The internal and external costs for the incremental changes required to implement the Green Button Connect My Data platform are subject to reconciliation under 16 TAC § 25.130(k)(6).
8. This proceeding meets the requirements for informal disposition under 16 TAC § 22.35.

III. Ordering Paragraphs

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders:

1. The Commission does not require Entergy Texas to participate in Smart Meter Texas.
2. Entergy Texas must implement the current version of its third-party data-access platform within 30 days of the date of this Order.
3. Entergy Texas must implement the necessary changes to its third-party data-access platform to comply with exhibit 1, including its attachments 1 and 2, to the parties' agreement within 18 months of the date of this Order.
4. Entergy Texas must file monthly status reports explaining progress and any problems or delays related to compliance with exhibit 1 to the parties' agreement until full compliance is achieved. The monthly status reports must be filed in *Compliance Docket for Monthly Status Reports Related to Entergy Texas's Web-Based Customer Interface As Required in Docket No. 48745 (Compliance Filing of Entergy Texas, Inc. Relating to Participation in Smart Meter Texas and Changes to Its Advanced Metering System)*, Docket No. 53958.
5. Entergy Texas must obtain certification from the Green Button Alliance that Entergy Texas's Green Button Connect My Data platform, with the function blocks specified in attachment 1 to exhibit 1 to the parties' agreement, meets the standards of the North American Energy Standards Board's energy-services-provider-interface retail-energy-quadrant book 21. However, the Commission requires Entergy Texas to implement only the function blocks identified in attachment 1 to exhibit 1 to the parties' agreement as they existed on the date the parties' agreement was executed if the Green Button Alliance, the OpenADE, or the North American Energy Standards Board changes the interpretation of—or modifies, changes, adds, or deletes—any of the Green Button standards in a way that

requires additional function blocks for certification or otherwise affects the requirements of the function blocks in attachment 1 to exhibit 1 to the parties' agreement.

6. Entergy Texas must comply with the reporting requirements listed in attachment 2 to exhibit 1 to the parties' agreement. The reports must be filed in Project No. 53957, *Monthly Reports for Metrics Related to Entergy Texas's Web-Based Customer Interface As Required in Docket No. 48745 (Compliance Filing of Entergy Texas, Inc. Relating to Participation in Smart Meter Texas and Changes to Its Advanced Metering System)*.
7. Within 60 days of the date of this Order, Entergy Texas must file an application in a separate docket to change its deployment plan under 16 TAC § 25.130(d)(10) to implement on-demand read functionality instead of the home-area-network functionality in Entergy Texas's current deployment plan.
8. The Commission denies all other motions and any other requests for general or specific relief that have not been expressly granted.

Signed at Austin, Texas the _____ day of _____ 2022.

PUBLIC UTILITY COMMISSION OF TEXAS

PETER M. LAKE, CHAIRMAN

WILL MCADAMS, COMMISSIONER

LORI COBOS, COMMISSIONER

JIMMY GLOTFELTY, COMMISSIONER

KATHLEEN JACKSON, COMMISSIONER