



July 26, 2010

US Department of Energy
Office of the General Counsel
1000 Independence Avenue, SW
Room 6A245
Washington, DC 20585

Re: NBP RFI-Implementing the National Broadband Plan by Empowering
Consumers and the Smart Grid: Data Access, Third Party Use and Privacy

Introduction

Smart grid provides consumers with unprecedented access and control of their electricity usage, and it provides utilities with the ability to manage the electric grid with significantly greater efficiency. As the end-users, TIA believes consumers will ultimately determine how successful the smart grid can become. For utility-driven smart grid solutions, utilities can only do as much as voter-accountable regulators will allow. The success of consumer-driven smart grid solutions will rest entirely on consumer value and adoption. While consumer preferences for both the manner and the amount of interaction with the grid will vary significantly by individual, the secure provision of energy consumption and pricing data to customers, utilities, and third parties will be critical to the development of the smart grid. Consumer access to data will act as an important catalyst for accelerating smart grid deployment and is critical in enabling the creation of a consumer market for smart grid devices and solutions on the consumer's side of the

meter. Third party service providers will provide additional competition and innovation in providing home energy management services for consumers. The privacy of consumer data and clear policies regarding how and with whom the data may be shared will be essential to consumer adoption moving forward.

Data Access

Consumers and utilities share a dual ownership role with regard to the right to access customer energy consumption data. Customers should have a right to access consumption data directly from the meter in real-time or near real-time to both monitor and manage energy usage. Utilities should have a right to access consumption data necessary for management of the electric grid and billing purposes. TIA believes aggregate consumption data as opposed to device specific information is sufficient to meet most utility management and billing needs. Federal, state, and local government entities should have access to aggregate consumption data according to their jurisdictional requirements.

Third Parties

Third party service providers will play a critical role in providing competition and innovation in consumer home energy management services. In addition to accessing the data themselves, consumers need the ability to authorize access to that data in real-time or near real-time to third-party service providers. Whether the data is generated by customer-installed sensors or by the utility, customers should maintain control over which third parties are authorized to access personal billing and energy consumption information. TIA encourages the DOE to continue to work with stakeholders to define requirements for provision of the data as well as the cost to utilities for providing the data directly from the meter.

Consumer Control

Consumers should not be able to opt out of smart meter deployments. The most glaring benefit that would be lost by deploying two different meters would be the need for utilities to continue with truck rolls and manual meter reads, which would increase costs for all utility customers requiring smart meter customers to subsidize non-smart meter customers. Smart meters are a standard upgrade to utility infrastructure. For uses of the consumption data that go beyond utility operational needs, opt-in by consumers should be the default.

Privacy

TIA believes Fair Information Practice Principles (FIPPS) as provided by the US Federal Trade Commission should serve as the basis for developing policies regarding the privacy of energy consumption information. In developing specific policies and practices for energy data, the DOE should examine policies and self-regulatory models from other sectors that rely on both technology and policies and procedures to protect critical data. The privacy framework for the smart grid should protect privacy without sacrificing innovation. In taking a comprehensive and in-depth look at smart grid privacy, the Privacy Subgroup of the Cybersecurity Coordination Task Group at NIST has published NIST IR-1628, which outlines their relevant findings. TIA believes customer authorization should be the prerequisite for releasing data to a third party.

Consumer Awareness & Education

At this early stage in their development, smart grid deployments will require strong consumer and stakeholder engagement to educate consumers about the program

and alleviate concerns pre and post deployment. While consumer awareness of smart grid technology is improving, it remains relatively low. Because negative occurrences will receive more press than positive deployments, a sustained communication will be critical to consumer adoption. TIA recommends that the DOE coordinate with FERC's National Action Plan on Demand Response, state regulators, and other stakeholders to communicate positive smart grid accomplishments and counter negative press.

Consumer Cost & Incentives

TIA believes that incentives can play an important role in both funding and promoting awareness for consumer devices that interact with the smart grid. Incentives can act as a catalyst to spur consumer interest and accelerate greater interest and investment in the market. As the ICT industry has witnessed with the development of other technologies, low-income consumers will be best served through a regulatory environment that encourages innovation and competition, which brings down costs making technologies accessible to low-income consumers. Technological innovation throughout the ICT sector is improving performance and decreasing cost of deployment for smart grid applications. As initial costs could make home-to-grid technologies cost-prohibitive to some low-income consumers, TIA recommends that the government provide incentives to assist with the purchase of consumer smart grid devices.

Conclusion

TIA appreciates this opportunity to provide our perspective on the development of the smart grid and looks forward to working with the Department of Energy and other stakeholders moving forward.

Respectfully Submitted,

TELECOMMUNICATIONS INDUSTRY
ASSOCIATION

By: /s/ Danielle Coffey

Danielle Coffey
Vice President,
Government Affairs

Joseph Andersen
Consultant, Energy & Environment

TELECOMMUNICATIONS INDUSTRY
ASSOCIATION
10 G Street N.E.
Suite 550
Washington, D.C. 20002
(202) 346-3240
jandersen@tiaonline.org

Dated: July 23, 2010