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OPPOSE - House Bill 1065

Public Service Companies and Contractors—Customer Protection—Personal Information

Potomac Electric Power Company (Pepco) and Delmarva Power & Light Company (Delmarva Power) opposes *House Bill 1065 Public Service Companies and Contractors – Customer Protection – Personal Information*, which would prohibit Maryland public utilities and contractors from disclosing customer personal information without written consent from the customer, a criminal warrant mandating disclosure, or being otherwise required under Federal or State law.

Like many public utilities across the nation, Pepco and Delmarva Power collect, store, and utilize customers' personal information in the process of providing safe and reliable energy services at a reasonable cost. As our economy becomes increasingly digital and as customer adoption of new technologies continues to expand at a rapid pace, public utilities are engaging with customers and securing information from an increasingly digitized network. Pepco and Delmarva Power understand the need to protect customer information and ensure customers can avail themselves of new customer benefitting solutions, such as smart thermostats that can help with Maryland's EmPOWER goals and put control of energy usage literally at a customer's fingertips.

Disclosure of customer information and data privacy more generally are currently being addressed in the Public Service Commission's PC44 Competitive Markets & Customer Choice (CMCC) workgroup. Pepco and Delmarva Power are active participants in the workgroup, which is currently evaluating protocols regarding customer data access by third party entities. Currently, retail suppliers can access a customer's usage data in order to calculate the commodity charge. The vast majority of retail suppliers provide what we call "bill ready" information to Pepco and Delmarva Power for billing purposes. Retail suppliers need customer usage data in order to provide bill ready information to the utilities and retail supply contracts expressly include provisions about accessing usage data from the utilities.

While the final regulations in the CMCC workgroup have not yet been developed, a customer would have the ability to terminate that data access, select/limit the type and frequency of the data disclosed, and choose to provide access to his or her data for a given length of time before it is automatically terminated. As part of the access agreement with the customer, any third party with access to the data would be required to disclose how they plan to use the data and would need to have security protocols in place to ensure security of the data. The third party would also be prohibited from selling the customer's data.

Because House Bill 1065 is a blanket prohibition on disclosing information and because the CMCC workgroup is well underway developing consumer privacy protections for data sharing, including obtaining customer consent, House Bill 1065 is unnecessary.

Pepco and Delmarva Power understand the importance of protecting a customer's ability to access, distribute, or restrict the distribution of data and we look forward to working with stakeholders to ensure that customer interests are properly prioritized.

For these reasons, Pepco and Delmarva Power urge an unfavorable report on House Bill 1065.

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