

Eric Lightner
Director
Federal Smart Grid Task Force
Office of Electricity Delivery and Energy Reliability
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585

October 14, 2014

Re: DOE Request for Public Comment—Data Privacy and the Smart Grid: A Voluntary Code of Conduct

Dear Mr. Lightner:

The Edison Electric Institute ("EEI"), on behalf of its member companies, hereby submits the following supplementary comments in response to the Request for Public Comment issued by the Department of Energy ("Department" or "DOE") in connection with the August 12, 2014 draft "Data Privacy and the Smart Grid: A Voluntary Code of Conduct" ("VCC").¹

As stated, in its initial comments, EEI is the association of the United States investor-owned electric utilities and industry associates worldwide. Its U.S. members serve almost 95 percent of all customers served by the shareholder—owned segment of the U.S. industry, about 70 percent of all electricity customers, and generate about 70 percent of the electricity delivered in the United States. EEI frequently represents its U.S. members before Federal agencies, courts, and Congress in matters of common concern.

As the work of the VCC Implementation Group continues, EEI would encourage it to incorporate rules and associated implementation schedules that will afford service providers sufficient time to conduct the internal evaluations, assessments, and potential revisions that will

¹ Office of Electricity Delivery and Energy Reliability, Department of Energy, *Data Privacy and the Smart Grid: A Voluntary Code of Conduct*, 79 Fed. Reg. 54695

be necessary prior to enabling a service provider to commit to VCC adoption. Speaking from an investor-owned utility perspective, several potential VCC adopters operate in multiple states, various regulatory environments and climates, differing governance structures, and with varying limitations on existing technological infrastructure. For instance, some subsidiaries may have grown together organically over decades, while others may be the result of recent mergers or acquisitions. Such utilities may utilize one system-wide set of practices or policies or it may have separate sets of privacy practices and policies for each subsidiary that: (1) may or may not operate in retail competition states; (2) may or may not have legislative, regulatory, or commission rules in place already with respect to data privacy; (3) may or may not have various degrees of open records or other privacy laws in each state; (4) may or may not have internal stakeholder and governance models that require broad input before major changes to policies and practices can be made; or (5) may or may not have current infrastructure capable of implementing specific aspects of the VCC, requiring investment decisions to be made prior to committing to VCC adoption. Accordingly, EEI would encourage the adoption of implementation timelines that would afford companies: (1) sufficient time to conduct the necessary assessments and evaluations to arrive at a deliberate and meaningful commitment to adopt the VCC, as well as (2) allowing sufficient time for actual implementation once that commitment has been made.

In conclusion, EEI commends the good work of all those who participated in the development of the VCC and looks forward to its continued progress.

Respectfully submitted,

/s/ Eric Ackerman

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