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Admitted in: RI, MA, NY

November 13, 2020

*Via Electronic Mail and Overnight Mail*

Luly E. Massaro, Commission Clerk  
Rhode Island public Utilities Commission  
89 Jefferson Boulevard  
Warwick, RI 02888

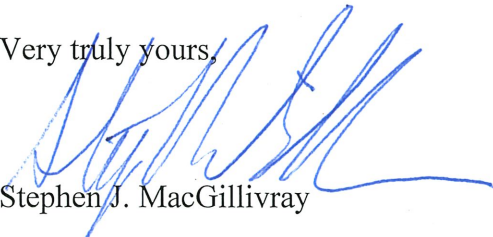
**RE: RIPUC Docket No. 5058 -Responses to Data Requests Issued October 28, 2020**

Dear Ms. Massaro:

Enclosed please find 5 copies of Colonial Power Group, Inc.'s Responses to Data Requests Issued October 28, 2020.

Thank you for your attention to this matter. If you have any questions, please contact me at 401-490-3430.

Very truly yours,



Stephen J. MacGillivray

SJM:med  
Enclosures

Copy to: Docket No. 5058 Service List

# Data Request

1-1

Colonial Power Group, Inc.

RIPUC Docket No. 5058

In Re: The Narragansett Electric Company d/b/a National Grid  
Application to Add Terms and Conditions for Municipal Aggregators

Responses to Data Requests Issued October 28, 2020

November 13, 2020

Data Request 1-1

Please indicate all potential recipients of the information included in Colonial Power's proposed additional language in Section 4B(1) of the Terms and Conditions.

Response

Such information would only be provided to the Municipal Aggregator or its agent. This information would *not* be provided to any Nonregulated Power Producer, either directly from National Grid or forwarded by the Municipal Aggregator or its agent.

Prepared by or under the supervision of: Stuart Ormsbee

# Data Request

1-2

Colonial Power Group, Inc.

RIPUC Docket No. 5058

In Re: The Narragansett Electric Company d/b/a National Grid  
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Data Request 1-2

How often would Colonial Power suggest National Grid be required to provide the information sought in the proposed Section 4B(1) and/or 4B(2)?

Response

The information sought in the proposed Section 4B(1) addresses information necessary to conduct customer awareness and education mailings to all customers within the community. Colonial anticipates that Municipal Aggregators will want to conduct an education campaign prior to program launch, and perhaps annually thereafter but with the possibility of more than one campaign within the first year.

The information sought in the proposed Section 4B(2) involves customer information for Eligible Customers that would be requested in advance of supply procurement processes and to inform periodic ‘sweeps’ of new Eligible Customers after initial program launch. Colonial does not anticipate requesting such information more frequently than four times a year.

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# Data Request

1-3

Colonial Power Group, Inc.

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Data Request 1-3

Currently, residential customer information is not shared to Nonregulated Power Producers unless the customer allows. Why does Colonial Power proposed to strike language that National Grid proposed to notify customers that their information will be shared unless they request it not be shared? If the answer is because it conflicts with another portion of the Terms and Conditions, please explain why customers should not be able to opt out of having their information shared.

Response

Colonial believes that the Commission here is referring to Section 3C(6)(c) of National Grid's proposed Terms and Conditions. Colonial's reading of this section is different than suggested by this Data Request. Starting with the opening paragraph of Section 3C, Colonial reads the provision to say that in the course of providing educational material to customers regarding a municipal aggregation program, the Municipal Aggregator, or its Supplier, shall provide "Notification that specific information will be released unless the Customer requests not to."

Colonial is concerned that such a requirement is potentially confusing and may cause an unnecessary and adverse customer reaction. Such a message might be read to suggest that the Municipal Aggregator somehow intends to release customer specific information held in its possession. Such messaging would be antithetical to the Municipal Aggregator's express intent to keep customer information confidential (see Colonial's response to Data Request 1-5).

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# Data Request

1-4



Colonial Power Group, Inc.

RIPUC Docket No. 5058

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Data Request 1-4

At the Technical Session, it was represented that Colonial Power's proposed revisions to Section 4B are not included in the Massachusetts Terms and Conditions. What problem has arisen in Massachusetts that needs to be solved through this proposal? Has Colonial Power made this suggestion for Massachusetts Department of Public Utilities consideration? If so, what was the result?

Response

Based on Colonial's experience, municipal officials understand and emphasize the importance of customer education regarding both their aggregation programs and customer choice in general. They wish to do the best job possible to reach the electricity consumers in their communities and provide information most useful to them. Pursuant to guidance by the Massachusetts Department of Public Utilities ("DPU"), utilities in Massachusetts provide customer mailing lists to aggregation programs comprised only of customer names and addresses for customer accounts enrolled in Basic Service. Customer accounts that are enrolled with a competitive supplier are excluded. This practice inhibits town officials' efforts to bring awareness to the program to all residents. Colonial believes that all consumers residing in the municipality should be informed of the aggregation plan option and contends that educational outreach should extend to all customers that potentially could participate in the aggregation program, both now or in the future.

It has been suggested that it is not necessary for a municipality to access National Grid's complete list of customer accounts because those residents can be contacted through other means (for example, through property tax records). However, such address lists are problematic as many addressees are not the individuals responsible for procuring or paying for electricity. Further, a complete list from National Grid would identify the supply category for each account, either Standard Offer or Nonregulated Power Producer. With that delineation a municipality could carefully craft messaging unique to each customer group, thereby avoiding unnecessary confusion. For example, a consumer's future decision to extend a contract with a Nonregulated Power Producer would likely benefit from knowledge on the availability of a particular alternative (particularly if such educational materials clearly state, for example, the consequences of an early termination of a competitive supply contract).

This issue is currently pending before the DPU in Docket D.P.U. 19-65, the municipal aggregation plan docket for the City of Boston (the “City”). The City requested that the DPU allow the City’s local utility company to provide the complete customer list. The DPU denied the request, but the City filed a motion for reconsideration (filed on August 12, 2020). In its motion the City argued that the DPU’s ruling seemed essentially focused upon the risk associated with the broader delivery of opt-out notices required for Basic Service customers, and the avoidance of confusion by not delivering an opt out notice to, for example, customers receiving competitive supply. The City did not dispute this concern. It proposed to deliver opt-out notices in this manner. The City asserts that its proposal is related to the delivery of educational materials only.

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# Data Request

1-5

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Data Request 1-5

Colonial Power’s representatives have indicated that there are protections in place to prohibit suppliers of load under municipal aggregation plans from using the customer information for direct marketing in that supplier’s role as a Nonregulated Power Producer (of retail energy supply). Please provide documentation to support this claim.

Response

The standard electric services agreement (“ESA”) that Colonial Power uses with all its municipal aggregation clients in Massachusetts includes the following provision:

2.5 OWNERSHIP AND USE OF ELIGIBLE CONSUMER DATA

Supplier acknowledges that the City shall have exclusive ownership of all right, title, and interest in and to all Eligible Consumer data (including addresses, telephone numbers or other identifying information) made available to Supplier as a result of execution of this ESA. Supplier shall use Eligible Consumer data solely to provide All-Requirements Power Supply to Participating Consumers and to render other services required or permitted under this ESA. Any other use of Eligible Consumer data without the prior written consent of the City is strictly prohibited. For the avoidance of doubt, Supplier shall not directly or indirectly use Eligible Consumer data for any marketing purpose other than at the direction of the City. Pursuant to such authorized use, Supplier may share such Eligible Consumer data with affiliates and third-party vendors as reasonably necessary to accommodate Supplier’s provision of All-Requirements Power Supply or other performance pursuant to this ESA (including, without limitation, collection of receivables), provided that Supplier will take reasonable measures to inform any such vendor of the confidential nature of such data and the restrictions set forth in this Article 2.5 and elsewhere in this ESA. Supplier shall provide to the City, at the City’s request, Eligible Consumer data in the format requested by the City. Except as in connection with the performance of this ESA or the taking of actions permitted by this ESA, Supplier shall not disclose any Eligible Consumer data to any third-party and Supplier shall take Commercially Reasonable measures to protect Eligible Consumer data from access by, or beneficial use for, any third-party. To the extent that the provision of All-Requirements Power Supply or other services under this ESA requires that Supplier have access to or

make use of any Eligible Consumer data, Supplier shall treat such Eligible Consumer data as confidential information. Supplier may use Eligible Consumer data to engage in direct marketing only during the term of this ESA and subject to the terms set forth in this Article 2.5 and in Article 18.2. At the end of this ESA, Supplier shall provide a copy of the Eligible Consumer data in an electronic format which is generally usable, as it then exists, to the City and at the City's written direction, to other parties. A material violation of this Article 2.5 shall be grounds for termination under Article 4.2(a). Supplier agrees violation of this Article 2.5 shall constitute irreparable harm.

The Supplier may only communicate with Participating Consumers and/or use the lists of Eligible Consumers and Participating Consumers to send Department-approved educational materials, opt-out notices or other communications essential to the operation of the Program. Such lists may not be used by the Supplier to market any additional products or services to Eligible Consumers or Participating Consumers.

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