

MIKE HARIDOPOLOS
President of the Senate



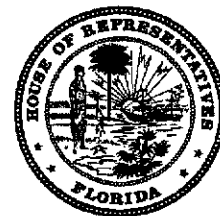
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DEAN CANNON
*Speaker of the
House of Representatives*



October 12, 2012

VIA E-MAIL

Mr. Walter Clemence
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: September 20, 2012, Commission Staff Smart Meter Workshop – Post-Workshop
Comments of the Office of Public Counsel

Dear Mr. Clemence:

Please find attached the Post-Workshop Comments of the Office of Public Counsel related to the September 20, 2012, Commission Staff Smart Meter Workshop. If you have any questions or would like a word version of these comments, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Erik L. Saylor".

Erik L. Saylor
Associate Public Counsel

cc: Mark Futrell

**Post-Workshop Comments of the Office of Public Counsel
related to the September 20, 2012, Commission Staff Smart Meter Workshop**

Smart meter data and privacy

Regarding the sharing of smart meter consumption data and privacy, several Florida utilities stated that they have no plans to share customer usage data at this time. Florida's Office of Public Counsel (OPC) submits that customers own their smart meter data and utilities have no right to sell or share individual customers' consumption data or share it with other entities, including utility affiliates, without the customers' express written consent. As for aggregated customer consumption data, customers who do not affirmatively provide written consent to share their data should not have their data aggregated with other customers. The Florida Public Service Commission (Commission) should review how other states are handling the marketing of individual and aggregated customer consumption data, and err on the side of customer privacy. In addition, any revenues derived from the sale or sharing of individual or aggregated customer data should accrue to the benefit of the customers.

Opt-in or opt-out program for customers

Regarding opt-in or opt-out programs for smart meter alternatives, OPC believes that customers should have a choice in the matter and that the Commission should strongly consider implementing an opt-in or opt-out program for customers. The Commission should look at what other states are doing regarding opt-in or opt-out programs and how they are handling the costs associated with implementing those programs. OPC has not studied the opt-in or opt-out programs from other states and cannot opine regarding which program would be better for consumers.

Smart meter education

With regards to smart meter education, OPC believes that utilities and the Commission should undertake comprehensive efforts to help educate customers on all aspects of smart meters. It is important that consumer education not be limited to concerns about health, privacy, and cyber security. In addition to these concerns, there should be comprehensive education to show consumers how to use smart meter data to control their own energy usage in order to save money on their electric bills. At this time, OPC is not aware of any specific smart meter education programs that accomplish this goal.

Promised smart meter cost savings

When utilities first started deploying smart meters and seeking cost recovery from customers, significant cost savings associated with smart meters were promised. In order to achieve these savings, smart meter programs must be cost-effective, and utilities must share the risks associated with the new technologies and the benefits used to justify the investment. Also, investments in smart meters and smart grid technology must be verifiable, transparent, and

utilities need to be held accountable for the costs they want customers to pay and the benefits they promise to deliver. Overall, costs should be reasonable and prudent. However, to OPC's knowledge, no studies, analyses, or quantification of the benefits or cost savings from the implementation of smart meters exist at this time. OPC is still waiting on the promised cost savings benefits of smart meters to be realized and shared with the customers.

Time-of-use rates

In the future, time-of-use rates or dynamic pricing must not become mandatory and consumers should be allowed to opt-in to additional dynamic pricing options.

Consumer protections

Smart meter investments should not result in reduced levels of consumer protections, especially relating to the implementation of remote disconnection. Also, traditional billing and dispute rights should be retained.

OPC's position regarding smart meters

OPC has received numerous customer calls on the issue of smart meters – some customers are strongly in favor of smart meters, and some are strongly against smart meters. OPC certainly understands and appreciates that some customers have grave concerns over the health, privacy, or security issues related to smart meters. As the customers' statutory representative before the Commission, OPC represents all customer classes. However, considering that OPC represents customers who are both for and against smart meters, OPC does not take a position regarding how smart meters should be implemented at this time. Overall, OPC believes that smart meters should be cost effective and that the utilities should justify their investment in smart meters; however, the jury is still out on what tangible benefits, if any, will result from smart meters.