

**UNITED STATES OF AMERICA
BEFORE THE
DEPARTMENT OF ENERGY**

Addressing Policy and Logistical)
Challenges to Smart Grid Implementation)

Request for Information

**SUPPLEMENTAL COMMENTS
BY
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

**JANINE L. MIGDEN-OSTRANDER
CONSUMERS' COUNSEL**

Jody M. Kyler
Assistant Consumers' Counsel

Office of the Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, Ohio 43215-3485
(614) 466-8574 (phone)
kyler@occ.state.oh.us

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¹ 75 Fed. Reg. 57006 (Sept. 17, 2010).

II. SUPPLEMENTAL COMMENTS

The RFI asked “for consumers, what are the most important applications of the smart grid? What are the implications, costs, and benefits of these applications?” OCC incorporates by reference its previous answer to this question, but wishes to supplement that response to introduce concerns about how smart grid technologies could enable or facilitate domestic violence.²

Smart grid technologies can collect and transmit detailed personal energy usage information. The collection of such detailed energy usage data could expose the type of activity that a person in the home is currently engaged in to anyone with access to that information. In the case of households where domestic violence occurs, it is more than likely that the abuser is the account holder because, typically, an abuser seeks to exert control over every aspect of the abused victim’s life. The level of detail enabled by smart grid technologies could allow an abuser who has access to real-time energy usage data to differentiate between whether the victim in the home is doing housework, watching television, talking on a cordless landline phone (and for how long), starting dinner on time, or has left the house. Such detailed and personal information, made easily accessible through a consumer’s utility account, could be used to exert more control and to enable domestic violence.

² Comments of the Office of the Ohio Consumers’ Counsel filed in response to the DOE’s RFI on November 1, 2010.

The Electronic Privacy Information Center (“EPIC”) states that a domestic abuser may engage in surveillance, monitoring, or tracking a victim’s daily activities.³ This type of tracking can be used to control whether the victim can contact the relevant authorities that could assist the victim. Smart grid technologies could enable such monitoring behaviors by domestic abusers. Likewise, smart grid technologies could endanger victims of domestic abuse who have escaped the home by allowing personal energy usage information that could assist the abuser in relocating the victim to be transmitted or shared with third parties.⁴

EPIC argues that victims of domestic violence “often have an urgent need for privacy” and to shield themselves from personal data disclosure.⁵ Accordingly, concerns about how smart grid technologies may enable domestic violence should not be taken lightly. Domestic violence is a series and ongoing problem.⁶ Therefore, those responsible for implementing smart grid technologies should institute privacy protections and protocols that can shield personal energy usage information of victims of domestic abuse when necessary.

Under no circumstances should Smart Grid or its devices increase the vulnerability of victims of domestic violence. Fortunately, because Smart Grid systems have not been yet been fully realized, those involved in the implementation of smart grid

³ Comments of the Electronic Privacy Information Center on Proposed Policies and Findings Pertaining to the [Energy Independence and Security Act] Standard Regarding Smart Grid and Customer Privacy,” California Public Utility Commission Rulemaking 08-12-2009 (Dec. 18, 2008) at 22-23, available at http://epic.org/privacy/smartgrid/EPIC_CPUC_Smartgrid_3-09-10.pdf.

⁴ Id. at 23.

⁵ Id. at 22.

⁶ For example, Ohio Domestic Violence statistics reports 22 fatalities and over 39,000 arrests made in regard to partner/spousal abuse in 2009. ⁶ Ohio Domestic Violence Network, *Ohio DV Stats 2009*, available at http://www.odvn.org/index.php?option=com_content&view=article&id=56&Itemid=43.

technologies still have an opportunity to develop privacy protections for victims of domestic violence. Awareness of the potentially dangerous and manipulative misuse of personal energy usage data that can be revealed by smart grid technologies is imperative as the smart grid roll-out continues. Further, privacy protections that can protect victims of domestic abuse should be established in conjunction with the development and implementation of smart grid technologies.

OCC recognizes that this is a significant conundrum. On the one hand, OCC understands the need to make information available to the account holder or occupants of a residence in order to effectuate behavior that takes advantage of the potential benefits of smart grid. On the other hand, OCC is deeply concerned about the safety and well-being of victims of domestic violence, which could be unintentionally compromised as a result of putting more detailed information in an abuser's hands. OCC has no easy solutions to this problem, but wishes to raise this issue because it is important that these concerns be part of the debate and are addressed in the design of smart grid programs in the context of privacy concerns.

III. CONCLUSION

WHEREFORE, OCC appreciates the opportunity to supplemental its initial comments in this docket concerning policy and logistical challenges to smart grid implementation and to address privacy issues that can impact Ohio residential consumers.

Respectfully submitted,

JANINE L. MIGDEN-OSTRANDER
CONSUMERS' COUNSEL



Jody M. Kyler
Assistant Consumers' Counsel

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