

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

At a session of the Public Service  
Commission held in the City of  
Albany on October 12, 2023

COMMISSIONERS PRESENT:

Rory M. Christian, Chair  
Diane X. Burman  
James S. Alesi  
Tracey A. Edwards  
John B. Howard  
David J. Valesky  
John B. Maggiore

CASE 20-M-0082 - Proceeding on Motion of the Commission Regarding  
Strategic Use of Energy Related Data.

ORDER ADDRESSING INTEGRATED ENERGY DATA RESOURCE MATTERS

(Issued and Effective October 13, 2023)

BY THE COMMISSION:

INTRODUCTION

On December 1, 2022, the Joint Utilities<sup>1</sup> filed a petition (Petition) seeking clarification and/or rehearing of the Public Service Commission's (Commission) Order Implementing an Integrated Energy Data Resource.<sup>2</sup> Specifically, the JUs

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<sup>1</sup> The Joint Utilities (or JUs) are: Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., KeySpan Gas East Corporation d/b/a National Grid, Liberty Utilities (St. Lawrence Gas) Corporation, National Fuel Gas Distribution Corporation, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, Orange and Rockland Utilities, Inc., Rochester Gas and Electric Corporation, and The Brooklyn Union Gas Company d/b/a National Grid NY.

<sup>2</sup> Case 20-M-0082, Order Implementing an Integrated Energy Data Resource (issued February 11, 2021) (IEDR Order).

request that the Commission: (1) expressly direct the utilities to provide non-anonymized, non-aggregated customer specific data (what the JUs refer to as "Protected Customer Data") to the Integrated Energy Data Resource (IEDR) Solution Architect and Development Team (IEDR Administrator) without customer consent; (2) confirm that the IEDR Administrator will not share Protected Customer Data with third parties without customer consent; and (3) authorize the filing of utility-specific tariff changes to eliminate any utility liability for any improper access or sharing of Protected Customer Data by the IEDR Administrator. The JUs expect that the IEDR Administrator will agree to reasonable indemnity provisions in the contract (e.g., a cybersecurity and non-disclosure agreement) to be negotiated between the IEDR Administrator and each utility.

By this Order, the Commission clarifies that, pursuant to the IEDR Order and DAF Order,<sup>3</sup> the JUs shall transfer the defined Customer Data Sets to the IEDR Administrator without customer consent, as such transfer is an exchange of customer data between data custodians.<sup>4</sup> The Commission also clarifies that the IEDR Administrator shall not share Customer Data Sets without customer consent, subject to the data protection requirements set forth in the Commission's DAF Order and related orders. Finally, the Commission authorizes each utility to file utility-specific tariff changes that expressly eliminate utility liability for any improper access or sharing of Customer Data Sets by the IEDR Administrator.

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<sup>3</sup> Case 20-M-0082, Order Adopting a Data Access Framework and Establishing Further Process (issued April 15, 2021) (DAF Order).

<sup>4</sup> See n. 7, infra.

BACKGROUND

On February 11, 2021, the Commission issued the IEDR Order that established a statewide, consolidated IEDR platform to enable effective access and use of integrated energy customer data and energy system data by New York's energy service entities (ESEs).<sup>5</sup> The IEDR Order directed the development of the IEDR's design and adopted the necessary framework for funding, program management, and governance, including establishing utility-specific budget caps to complete the data sourcing efforts for Phase 1 of IEDR development.

On April 15, 2021, the Commission issued the DAF Order, which adopted a Data Access Framework (DAF) to serve as a single source for statewide data access requirements and provide uniform and consistent guidance on what is needed for access to energy-related data, including the availability of such data. The DAF Order, among other things, specifically defined and adopted data access considerations that are to be used to determine the necessary cybersecurity and privacy requirements that must be in place for an ESE to obtain access to data.

THE PETITION

The Joint Utilities assert that they support the Commission's objective of an IEDR to help meet the State's clean energy goals through increased customer participation in clean energy markets. The Petition notes that, since 2020, the Joint Utilities have worked collaboratively with Department of Public Service Staff (Staff) and the New York State Energy Research and

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<sup>5</sup> As defined in the DAF Order, an ESE is "any entity, including, but not limited to, energy service companies (ESCOs), distributed energy resource suppliers (DERS), and community choice aggregation (CCA) administrators, seeking access to energy related data" and, in limited circumstances, could also include utilities. See DAF Order, n. 4.

Development Authority (NYSERDA) towards implementing the IEDR. According to the Petition, the next step in the IEDR's development is for the Joint Utilities to share "Protected Customer Data" with the IEDR Administrator without customer consent.<sup>6</sup> The Petition notes that the Commission has a longstanding policy of protecting customer data, including requiring customer consent for customer-specific data sharing, and that the Commission, through the DAF Order, set forth the need for a consistent process, with defined pathways for access to customer data, including provisions of consent for sharing. The Petition argues, however, that the Commission did not explicitly authorize, in either the DAF Order or the IEDR Order, that the Joint Utilities can share data with the IEDR Administrator absent consent, or that the IEDR Administrator can share such data with any third parties, including ESEs, without consent.

The Petition expresses the Joint Utilities' willingness to comply with NYSERDA and Staff requests to provide Protected Customer Data to the IEDR. Accordingly, the Petition requests a Commission order directing the Joint Utilities to share Protected Customer Data with the IEDR without customer consent, if the Commission finds such sharing is warranted. The Petition also requests that, if the Commission directs the utilities encompassing the Joint Utilities to provide Protected Customer Data to the IEDR Administrator without customer consent, the Commission should explicitly clarify that the IEDR Administrator should not share Protected Customer Data with third parties, including ESEs, without first obtaining customer consent. The Joint Utilities assert that such a directive would

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<sup>6</sup> The Petition states that Protected Customer Data includes, but is not limited to, the customer data sets defined in the DAF Order.

be consistent with a longstanding Commission policy holding that Protected Customer Data should not be shared absent customer consent.

The Petition further argues that the utilities encompassing the Joint Utilities were not participants in the selection of the IEDR Administrator, do not have any role in overseeing the activities or operations of the IEDR Administrator or the IEDR platform, and would have no ability to protect the data stored in the IEDR. For these reasons, the Petition requests that the Commission approve utility-specific tariff changes to protect the utilities against legal liability if there is an event that discloses Protected Customer Data. Consistent with this request for relief, the Petition proposes the following tariff language, to be filed on three days' notice:

The [Utility] has provided non-anonymized and non-aggregated customer specific data to the State's Integrated Energy Data Resource (IEDR) pursuant to the New York Public Service Commission's [XX Order] in Case 20-M-0082. If such data is improperly released from the IEDR as the result of a cyber-related incident, or inadvertently disclosed by the IEDR administrator or its agents or contractors due to an operational error, the [Utility] will not be liable for such release or disclosure.

The Petition argues that this Commission-approved tariff language would serve to alert customers that their confidential data is being shared in a prescribed process with the IEDR Administrator and would be stored in the IEDR platform.

NOTICE OF PROPOSED RULE MAKING

Pursuant to the State Administrative Procedure Act (SAPA) §202(1), a Notice of Proposed Rulemaking was published in the State Register on December 28, 2022 [SAPA No. 20-M-

0082SP10]. The time for submission of comments pursuant to the Notice expired on February 27, 2023. Comments were received from NYSERDA, the Alliance for Clean Energy New York jointly with Advanced Energy United (collectively, ACE NY), and the City of New York (The City).

NYSERDA

Initially, NYSERDA states that "Protected Customer Data" is not defined in either the IEDR or DAF Orders, and instead recommends use of the term "Customer Data Set" as defined in the DAF Order.<sup>7</sup> NYSERDA requests that the Commission formally adopt the data categories and data fields described in Appendix B of Staff's May 29, 2020 White Paper (IEDR White Paper) recommending the implementation of an IEDR as the minimum to be shared by the JUs with the IEDR, with the understanding that the list may be expanded to meet the requirements of use cases or enhance the value to stakeholders as identified by either the IEDR Program Team or the JUs. NYSERDA also requests that the Commission direct each utility to share all stewarded Customer Data Sets in a manner and within reasonable time as requested by the IEDR Administrator, and each utility to share 24 months of customer data, or for the life of the account, whichever is less. NYSERDA seeks system, rate/tariff, or other data stewarded by each utility as requested by the IEDR Administrator. NYSERDA also requests that the Commission clarify that the utilities should not redact, omit, mask, or aggregate the requested customer data for any reason without explicit direction from the IEDR Program Team.

In addition, NYSERDA urges the Commission to direct the utilities encompassing the Joint Utilities to, within 30

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<sup>7</sup> The term "Customer Data Sets" includes customer contact information, customer billing, and customer energy usage. See DAF Order, Appendix A.

days of the issuance of an order, update and execute data sharing agreements with the IEDR Development Team to include the sharing of Customer Data Sets. In order to timely meet the Commission timeline for IEDR Phase 1 and Phase 2 priority use cases, NYSERDA further requests that the Commission direct the Joint Utilities to begin sharing Customer Data Sets within 60 days of the issuance of an order.

NYSERDA requests that the Commission clarify the role of the IEDR as a "data custodian" as described in the DAF Order, with all associated rights and responsibilities. NYSERDA also requests clarification that the IEDR would not be prevented from sharing or making public derivatives of Customer Data Sets to meet prioritized use cases if the data is anonymized and aggregated in a manner that complies with all applicable legal and regulatory requirements, state policy, and Commission directives. NYSERDA further urges the Commission to direct the utilities to: (1) coordinate with the IEDR Administrator to enable streamlined, user-friendly customer consent and accurate, (near) real-time customer authentication and validation mechanisms, including Single Sign-On and all future secure authentication methods as specified by the IEDR Program Team, and (2) make available, and be fully responsible for providing, accurate customer contact information when available, including telephone number and email address, updated and made available to the IEDR daily, in order to support customer verification mechanisms such as a one-time passcode mechanism.

ACE NY

ACE NY supports the JU's request for the Commission to direct the utilities to share protected customer data with the IEDR Administrator without customer consent, which ACE NY notes is a custodian-to-custodian transfer. ACE NY asserts that the IEDR Administrator, as the custodian of customer data, must be

subject to the same types of restrictions and expectations with regard to the security and privacy of protected customer data, as well as follow the same rules covering the circumstances under which it could share that data with third parties. To that end, ACE NY recommends that the Commission confirm that the IEDR Administrator cannot share protected customer data with third parties absent customer consent. ACE NY also supports the Joint Utilities' request to amend each utility's tariff to remove liability for third-party data breaches related to data transferred by utilities to the IEDR, provided that the data loss is not found to be related to any actions, or lack thereof, on the part of utilities. ACE NY requests the ability for stakeholders to review the tariff changes prior to their implementation.

The City

The City requests that the Commission confirm that customer consent is not necessary for disclosure of aggregated customer energy usage data under the 4/50 Standard established in the DAF Order, which found that data including at least four customers, with no one customer accounting for more than 50 percent of the total consumption, is sufficiently aggregated to preclude the identification of individual customers within the data set. The City also requests clarification regarding when the use of non-aggregated but anonymized data can be disclosed without customer consent. The City recommends that the Commission analyze (with input from the City) the potential use of a proxy identification number process for municipal IEDR use cases targeted at climate planning and public health and safety initiatives.

LEGAL AUTHORITY

The Public Service Law (PSL) provides the Commission



with broad jurisdiction and authority related to the “[m]anufacture, conveying, transportation, sale, or distribution of ... electricity ...”<sup>8</sup> Furthermore, PSL §5(2) instructs the Commission to “encourage all persons and corporations subject to its jurisdiction to formulate and carry out long-range programs ... with economy, efficiency, and care for the public safety, the preservation of environmental values and the conservation of natural resources.” The Commission’s supervision of electric corporations includes the responsibility to ensure that all charges made by such corporation for any service rendered shall be just and reasonable.<sup>9</sup> PSL §66 empowers the Commission to “[p]rescribe from time to time the efficiency of the electric supply system.” The Commission may exercise this broad authority to direct regulatory standards to execute the provisions contained in the PSL. Additionally, the Commission has the authority to direct the treatment of Distribute Energy Resources (DER) by electric corporations.<sup>10</sup>

#### DISCUSSION AND CONCLUSION

In the IEDR Order, the Commission identified a need to implement a statewide, centralized repository to collect, integrate, analyze, and manage a wide variety of standardized energy-related information from the State’s utilities and other sources. This statewide IEDR is intended to provide ESEs with access to useful energy-related information and tools in a more streamlined manner than under the current process where data is obtained separately from each individual utility. Specifically, IEDR users would be able to access and use a variety of query

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<sup>8</sup> PSL §5.

<sup>9</sup> PSL §65.

<sup>10</sup> PSL §§5(2), 66(1), 66(2), 66(3), 66-c, 66-j, and 74.

tools that enable useful analyses across all of the statewide energy-related data that is stored within the IEDR platform.

While a statewide IEDR would provide significant benefits and help accelerate progress toward achieving the State's clean energy and climate goals, it must also be accessible in a way that protects data from illicit use. In this regard, the Commission has established that all aspects of implementing and operating the IEDR must comply with any policies adopted under the DAF.<sup>11</sup> As stated in the IEDR Order, it is critical that "users' access to the IEDR's various tools [] be governed by access controls that align with the legitimate needs of each user type while also preventing unwarranted access to information that does not serve those legitimate needs."<sup>12</sup>

The Petition, as well as the public comments provided in response, highlight a number of outstanding questions regarding the anticipated architecture and functionality of the IEDR, including but not limited to the types of data to be housed on the platform, the type(s) of connections between the utilities and the IEDR platform itself (and, commensurately, the types of cybersecurity risks and necessary safeguards against those risks), and even how the IEDR is expected to operate with respect to providing data to ESEs. In order to ensure that the IEDR platform is developed and operated as intended by the IEDR Order, the Commission finds it necessary to provide additional clarity regarding both the IEDR platform and broader issues related to data access.

Initially, while the Petition uses the term "Protected Customer Data" to generally describe non-anonymized, non-aggregated customer-specific data (including but not limited to

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<sup>11</sup> IEDR Order, pp. 14-15.

<sup>12</sup> IEDR Order, p. 11.

Customer Data Sets defined in the DAF Order), this term is not defined in the DAF or IEDR Orders, and improperly suggests that the data to be transferred to the IEDR includes highly confidential personal information. As noted below, highly confidential personal information, defined in Appendix A of the DAF Order as “[h]ighly sensitive information specific to an individual, such as social security number, banking information, or driver’s license,” should not be transferred outside of the utility systems for any reason, including to the IEDR platform. Instead, the defined term “Customer Data Set” more accurately reflects the types of data that shall be transferred to the IEDR platform pursuant to the IEDR Order, and shall be used in the context of this Order.<sup>13</sup>

Next, the Commission clarifies that the transfer of Customer Data Sets, as defined in the DAF Order, from the Joint Utilities to the IEDR platform does not require prior customer consent. The DAF Order specifically defines a “data custodian” as “any entity where the energy-related data are housed and being accessed, such [as] the utility or a centralized data warehouse.”<sup>14</sup> The IEDR is such a centralized data warehouse that will function as a data custodian for the purposes of managing the energy-related data received from various sources, including from the Joint Utilities. Thus, the transfer of this data from the utilities to the IEDR is a custodian-to-custodian transfer of data that does not require prior customer consent.

The Commission notes that Customer Data Sets are not the only data that the IEDR platform is intended to manage. As the Commission stated in the IEDR Order, the IEDR is intended to collect, house, integrate, analyze, and manage “a wide variety

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<sup>13</sup> See note 7, supra.

<sup>14</sup> See DAF Order, n. 13.

of standardized energy-related information from the State's electric and gas utilities and other sources."<sup>15</sup> This includes data elements identified by Staff in Appendix B of the IEDR White Paper and adopted as part of the IEDR Order, which includes Customer Data Sets, as well as various types of utility system data.<sup>16</sup> Timely provision of these data sets is necessary to fulfill the core purposes of the IEDR program, including to "enable DER providers, utilities, government agencies, and others to more readily develop valuable technical and business insights [that] will, in turn, lead to faster and better policy, investment, and operational decisions that will accelerate realization of New York State's clean energy goals."<sup>17</sup>

The Commission also confirms that all of the protections established in the DAF Order will apply to the IEDR, including that any ESE seeking access to data via the IEDR platform must comply with the policies and requirements established as part of the DAF for release of such data, including the signing of a Data Security Agreement or Data Access Agreement between the data custodian and the ESE, which details the responsibilities of both parties in protection of said data. As a data custodian, the IEDR will be governed by the DAF, which establishes the means and methods for ESEs to access Customer Data Sets and other energy-related information from the IEDR platform, while ensuring that such information is properly protected from unauthorized disclosures. Any data

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<sup>15</sup> IEDR Order, p. 13.

<sup>16</sup> To be clear, the IEDR platform is intended to collect, aggregate, and facilitate access to publicly available system data from all of the State's utilities, but in no event should Critical Energy Infrastructure Information (CEII) be transmitted by the utilities to the IEDR platform.

<sup>17</sup> IEDR Order, pp. 13-14.

being accessed by an ESE via the IEDR platform would only be released consistent with the policies and requirements adopted as part of the DAF. Thus, for example, in a circumstance where an ESE currently must obtain customer consent to gain access to certain data, that ESE will continue to be required to obtain customer consent once that data is warehoused with the IEDR.<sup>18</sup> To the extent the Commission adopts any additional DAF policies in the future, the IEDR will also be required to adhere to those policies as they pertain to access to data, including any data privacy and security requirements.

Regarding unauthorized disclosures of any Customer Data Sets, the Commission acknowledges that the Joint Utilities would have no ability to protect the data stored in the IEDR platform once it has been transferred, and the protection of Customer Data Sets or other energy-related data on the IEDR platform from unauthorized disclosures would be the responsibility of the IEDR Administrator. Similarly, once the IEDR platform has been developed and is operational, ESEs would directly access data from the IEDR platform itself, instead of obtaining data from the utilities as is currently the case. Given that the IEDR would be solely responsible for the integrity of the data once transferred to the IEDR platform, it is imperative that, in developing, managing, and operating the IEDR platform, the IEDR Administrator implement appropriate safeguards and protocols to protect to the greatest extent practicable the IEDR platform against potential cybersecurity risks, including the disclosure of sensitive energy-related data

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<sup>18</sup> The Commission clarifies that customer consent is not required where aggregated customer energy usage data passes the 4/50 privacy screen, which the Commission has determined to demonstrate a balance between the protection of customers' identities and the broader interest of the public. See DAF Order, p. 29.

once that data has been transmitted from the utilities to the IEDR platform.<sup>19</sup> These safeguards should include, but are not limited to, having robust cybersecurity insurance policies in place to mitigate the risk of data security breaches. The IEDR Administrator and any ESEs seeking to access data from the IEDR platform are also reminded of their obligation to adhere to all of the requirements set forth in the Commission's DAF Order.

To be clear, while the IEDR Administrator has an obligation to safeguard the data on the IEDR platform, and ESEs are required to comply with the requirements of the DAF in order to gain access to Customer Data Sets or other energy-related data from the IEDR platform, each utility also has a continuing obligation to protect sensitive customer and system data in its possession in accordance with the Commission's established cybersecurity and privacy protection policies.<sup>20</sup> As noted above, the IEDR platform is intended to collect, aggregate, and facilitate access to publicly available system data from all of the State's utilities, but is not intended to house highly confidential personal information like social security numbers, or CEII. The Joint Utilities must continue to ensure that these types of confidential data are not inadvertently disclosed as a result of utility action, inaction, or negligence. Protections that the utilities should implement include but are not limited to: segregation of personally identifiable customer information from less sensitive business data; electronic masking of

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<sup>19</sup> The Commission acknowledges that a compromise of customer data resulting from a cyber-intrusion will remain a possibility in spite of robust defenses, but emphasizes the importance of carefully preparing for such contingency.

<sup>20</sup> See, e.g., Case 13-M-0178, Security for the Protection of Personally Identifiable Customer Information, Order Directing the Creation of an Implementation Plan (issued August 19, 2013).

personally identifiable information; physical security measures for the protection of critical cyber equipment and limitations on unauthorized physical access to that equipment; technical security controls such as next-generation intrusion detection systems and security information event management solutions; and regular third-party vulnerability assessments of the protection of sensitive customer information.<sup>21</sup>

As noted, to address the unauthorized release of data by the IEDR administrator, the JUs propose tariff language that would release each utility from liability related to data that is either "improperly released from" or "inadvertently disclosed by the IEDR administrator or its agents or contractors due to an operational error."<sup>22</sup> It is hard to fathom why a utility would be held liable for a data breach associated with the release of data by a third party, such as the IEDR administrator or an ESE, with whom it has no relationship outside of providing data as directed, pursuant to the orders issued in this case. Nevertheless, the Commission agrees that tariff language like that proposed in the Petition is both necessary and narrowly circumscribed to ensure that the utilities cannot be held liable, as a matter of law, for the unauthorized release of data by the IEDR Administrator. Based on the foregoing, the Commission directs each of the utilities encompassing the Joint Utilities to, within 30 days of the issuance of this Order, file proposed tariff revisions consistent with the language proposed in the Petition for Commission review. Consistent with the Commission's policies regarding data ownership, the tariff revisions shall also explicitly acknowledge that the customer (and not the utility) is the owner of the customer's data. The

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<sup>21</sup> Id.

<sup>22</sup> See p. 5, supra.

tariff amendments shall become effective on a temporary basis on December 1, 2023, subject to stakeholder comments and final Commission approval. Since these filings will be made in compliance with this Order, the requirements of Public Service Law §66(12)(b) and 16 NYCRR §720-8.1 for newspaper publication are waived.

While the Commission finds that it is reasonable for the utilities to include the above language in their tariffs regarding unauthorized disclosures of Customer Data Sets, the Commission also acknowledges the evolving nature of cybersecurity risks, as well as the evolving measures that need to be taken in light of those risks. Furthermore, as explained above, the utilities have a continuing responsibility to take adequate measures to safeguard their systems, as well as data that remains on their systems (e.g., highly confidential personal information and CEII). As such, to extent any cybersecurity events occur related to the IEDR platform that impact Customer Data Sets and/or utility systems, any damages that might result from such events, as well as the appropriate measures that must be taken to mitigate those damages, will be addressed by this Commission on a case-by-case basis.

Concurrent with the filing of the tariff revisions discussed above, the Joint Utilities and the IEDR Administrator are directed to finalize any data sharing agreements necessary to begin the transfer of data from the Joint Utilities to the IEDR platform. The Joint Utilities shall work with NYSERDA and the IEDR Administrator so that the transfer of Customer Data Sets and system data from the utilities to the IEDR platform, as envisioned in the IEDR and DAF Orders and in this Order, can begin within 60 days of this Order. If such data transfer cannot feasibly begin within that prescribed timeframe, for example, due to technical issues related to the continuing



development of the IEDR platform and/or transfer protocols, NYSERDA, the Joint Utilities, and the IEDR Administrator should jointly submit a letter to the Secretary explaining the reason for the delay, and an estimated timeframe for when the data transfers can begin.

The Commission orders:

1. The Commission's February 11, 2021 Order Implementing an Integrated Energy Data Resource is clarified, as discussed in the body of this Order.

2. Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., KeySpan Gas East Corporation d/b/a National Grid, Liberty Utilities (St. Lawrence Gas) Corporation, National Fuel Gas Distribution Corporation, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, Orange and Rockland Utilities, Inc., Rochester Gas and Electric Corporation, and the Brooklyn Union Gas Company d/b/a National Grid NY shall, within 30 days of the issuance of this Order, file tariff revisions as necessary, to effectuate the provisions directed in this Order. The tariffs amendments shall become effective on a temporary basis on December 1, 2023.

3. The requirements of Public Service Law Section 66(12)(b) and 16 NYCRR §720-8.1, as to newspaper publication of the tariff filings directed in Ordering Clause No. 2 are waived.

4. Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., KeySpan Gas East Corporation d/b/a National Grid, Liberty Utilities (St. Lawrence Gas) Corporation, National Fuel Gas Distribution Corporation, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, Orange and Rockland Utilities, Inc., Rochester Gas and Electric Corporation, and the Brooklyn

Union Gas Company d/b/a National Grid NY, together with the New York State Energy Research and Development Authority, and the IEDR Administrator referenced in the body of this Order, shall, within 60 days, file a letter regarding any delay in the commencement of transfers of data, as discussed in the body of this Order.

5. In the Secretary's sole discretion, the deadlines set forth in this Order may be extended. Any request for an extension must be in writing, must include a justification for the extension, and must be filed at least three days prior to the affected deadline.

6. This proceeding is continued.

By the Commission,

(SIGNED)

MICHELLE L. PHILLIPS  
Secretary