

199—20.21(476) Customer participation in wholesale markets through demand response activities.

20.21(1) *Temporary participation limit.* Retail electricity customers of a rate-regulated electric utility with an aggregate load of 100 kilowatts or more with that utility may participate individually or through an ARC in wholesale electricity demand response programs operating in conjunction with wholesale electricity markets.

20.21(2) *Date certain for full participation.* Beginning on January 1, 2028, retail electricity customers of rate-regulated electric utilities, regardless of aggregate load size, may participate individually or through an ARC in wholesale electricity demand response programs operating in conjunction with wholesale electricity markets.

20.21(3) *Data sharing tariff.*

a. Within 180 days of August 26, 2026, each rate-regulated electric utility shall file a proposed tariff with the commission specifying standards for the sharing of customer data in order to effectuate customer participation in wholesale electricity demand response programs operating in conjunction with wholesale electricity markets.

b. In furtherance of effectuating customer participation in wholesale electricity demand response programs operating in conjunction with wholesale electricity markets, the data sharing tariff shall, at a minimum, provide for the following:

(1) Adoption of a nationally recognized data exchange protocol to streamline data portability.

(2) Establishment of a process by which customers securely give permission for their data to be shared with an ARC.

20.21(4) *Limitation on dual participation.* When necessary to avoid improper double-counting, a rate-regulated utility may limit participation in a utility's demand response programs to customers not participating individually or through an ARC in wholesale electricity demand response programs. Upon customer complaint filed pursuant to 199—Chapter 6, the utility shall have the burden of proving the necessity of the participation limitation.

20.21(5) *Costs tracked.* The rate-regulated utility's costs associated with facilitating customer participation individually or through an ARC in wholesale electricity demand response programs operating in conjunction with wholesale electricity markets shall be tracked separately.

20.21(6) *Limitation of utility liability.* A rate-regulated utility shall not be held liable, in any manner, for the actions of an ARC or a customer participating individually in demand response programs operating in conjunction with wholesale electricity markets.

20.21(7) *Recovery of costs incurred due to fraud, mismanagement, or other misconduct.* Any reimbursement of costs incurred by customers, local balancing authorities, or other utilities due to fraudulent activities; improper excess market payments; or other unjustified expenses arising from participation of an ARC or individual customer in demand response programs operating in conjunction with wholesale electricity markets shall be sought from the operator of the wholesale electricity market. Complaints or concerns relating to such costs should be directed to the market operator and not to any electric utility serving such participating customers.

[ARC 0455D, IAB 7/22/26, effective 8/26/26]