



June 6, 2014

Subject: CEUD Working Group Comments

RE: Docket No. E,G-999/CI-12-1344

Judge Pust, PUC staff, and CEUD Working Group Members:

Thank you all for your hard work on this complicated subject matter. Please accept comments on behalf of Fresh Energy based on our latest working group discussions and phone call.

Fresh Energy is a non-profit 501(c)3 organization that works on advancing public policy that take steps toward a clean energy future. We support actions that promote energy efficiency, clean energy, responsible transit and land use, and climate change mitigation. As buildings account for almost 40 percent of energy consumption and greenhouse gas emissions in the country, improving the energy efficiency of buildings is an important piece of this mission. Access to energy consumption data is crucial to encouraging energy efficiency measures and helping meet state and local energy goals.

Through the process of the CEUD Working Group, we have heard that some state funded and supported policies and programs administered or monitored through state agencies have had difficulty achieving their goals due to Xcel's proposed aggregation level of 15/15. This rule has the potential of negatively impacting local policies that need whole-building data, like Minneapolis's Benchmarking and Disclosure ordinance. The 15/15 rule hinders low-income housing programs from obtaining consumption data that is essential to identifying potential for energy efficiency improvements and cost reduction, and obscures the ability to measure progress of projects that are publicly or rate-payer funded. For these reasons, we support the City of Minneapolis's proposed solution of an energy data center and a 4/80 aggregation level. We also support the idea of a scope study to determine what levels of aggregation (and other mitigation strategies) adequately can provide both customer privacy and adequate access to data to meet state energy goals. We do not support the exemption of industrial customers, or customers over a 5MW threshold. We also strongly believe that the recommendations from the California PUC report should not be considered a perfect strategy for Minnesota.

The 15/15 rule initially came to Minnesota via Xcel's work in Colorado, which was based on California's PUC having adopted a similar level of aggregation in 1997. However, the California PUC adopted this in the context of data access for California's Community Choice Aggregation programs and energy service providers, and since has clarified that this standard was not intended as a standard for aggregated generic data access and that the California PUC does not condone its use for data aggregation for benchmarking¹. As mentioned in our group discussions, the California PUC recently revisited this number and published new recommendations, which included a 15/15 aggregation level for some use cases. However, California's laws are quite different from Minnesota, and therefore the recommendations in the California PUC report should not be expected to provide the same level of access to data needed to meet our state energy goals. For example, the California Energy Commission has the right to request information using any aggregation levels beyond what the California PUC

¹ CPUC Resolution E-4535, <http://docs.cpuc.ca.gov/publisheddocs/published/g000/m028/k609/28609033.pdf> at footnote 38

recommends for policies such as energy benchmarking and disclosure policies. Minnesota state agencies and local governments do not have that level of authority, as we've seen demonstrated by their difficulty to sometimes gain access to necessary data. Furthermore, it was stated in the workgroup that the number 15 itself was arbitrary and not based on concrete evidence as the "right" level of aggregation necessary in order for customer privacy to be protected while allowing access to necessary data.

Several utilities, including Austin Energy, Commonwealth Edison, Puget Sound Energy (PSE), and ConEdison, have independently landed on thresholds of two to five meters for whole-building data aggregation. We believe that an aggregation number of 4 is especially critical with multi-family buildings as many utilities and housing programs define "multi-family" as 4+ or 5+ units. We support the City of Minneapolis's proposal of 4/80 for whole building data collection. We also support the idea of an Energy Data Center for neighborhood and whole city data, using the privacy protection approach similar to the United States Census Bureau. We appreciate the City of Minneapolis's approach to handling the concerns of all working group members with this proposal.

We believe that any "opting-in" option does not elicit enough participation in programs for the data to be effective or representative of the whole. Because some public data is already available, such as the EIA data, we do not believe that sufficient evidence has been provided to warrant an exemption of any kind for industrial customers from data disclosure, and have concerns that a 5MW exemption carries into large commercial customers as well.

We recently learned that there is already much data publicly available and even some guiding principles already in place in the Utility Data Book. As this was brought up late in our workgroup and mirrors many discussion topics we covered, we hope that the PUC staff will review the Utility Data Book and correlated statutes, and include relevant information into the final working group report.

Thank you again for all of your hard work.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alison Lindburg", written in a cursive style.

Alison Lindburg
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Fresh Energy

Date: 6/6/14