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Tammy Pust  
Chief Judge and CEUD Workgroup Facilitator  
Minnesota Office of Administrative Hearings  
600 N. Robert Street  
St. Paul, MN 55164  
June 6, 2014

RE: CEUD Workgroup Comments on Privacy Policies of Rate-Regulated Energy Utilities  
Docket No. E,G999/CI-12-1344

Dear Judge Pust:

Midwest Energy Efficiency Alliance submits these comments in follow-up to the May 16, 2014 meeting of the Minnesota Public Utilities Commission Customer Energy Usage Data (CEUD) Workgroup.

### **Introduction**

Municipal and state governments in the Midwest are continuing to consider new building energy benchmarking and disclosure ordinances which request or require building owners to submit their annual energy use data. In addition, for-profit companies are consulting with private and non-profit building owners to manage their energy consumption by analyzing energy use data of their own building, as well as comparing to their peers. With such, access to energy use data are increasing in demand. As a result, privacy concerns are being raised by customers and others before energy regulators. The Minnesota Public Utilities Commission (MN PUC) inquiry seeking comments related to the customer energy use data (CEUD) privacy practices (via docket E,G999 / CI-12-1344) and the possible establishment of a uniform customer data collection policy across all MN rate-regulated utilities is appropriate and timely.

MEEA understands the desire of utilities to have the collection of data only as it relates to operation and delivery of their regulated services. However, with the increased demand for energy use data to predict and verify energy improvements, this issue has moved beyond solely affecting utilities' provision of traditional utility services. Use of energy consumption data is essential for a variety of parties including: governments, non-governmental organizations, energy efficiency implementers, building designers, and building owners. All of these entities are working to improve the energy efficiency of buildings. Typically these users desire only monthly, whole building consumption information; data which has low privacy concerns due to the aggregation of many meters together into one energy use total. Such demand will only increase as more municipalities, following Minneapolis and the completion of their second benchmarking ordinance submission (due on 6/1/2014), consider ordinances for the disclosure of building energy use or implement challenge programs for on a city-wide or neighborhood basis.



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We believe that the policies and procedures that other utilities around the United States have implemented can be replicated or customized to assist rate-regulated utilities in the Midwest to strike a balance between disclosure and privacy – allowing energy data to become readily available while protecting the legitimate security concerns of energy consumers.

The following text provides some considerations, produced during the Workgroup meetings, that we request the Commission include as they determine rules related to customer energy use data and privacy.

### **Current Availability of Energy Use Information**

Investigation into the current, public availability of energy use data indicated that there are many instances where residential, commercial and industrial energy use data is readily published and publically available - either via governmental documents or on the internet. However, the best source is from the where the data is generated – from the utilities themselves. Through the CEUD Workgroup discussions, the group learned many of these sources. Here are a few instances where energy use data is available but aggregated to remove a majority of private information:

#### **1 - Federal EIA**

Information made publically available each year by the Energy Information Agency (EIA) includes some general and some quite finite information on energy generation, but also consumption and number of end users. As an example, one can obtain a file which defines Retail Sales of Electricity by State, by Sector, and finally by number of users and the amount they consumed. The EIA does include privacy thresholds, and through their sensitivity analysis, determine if the information has becomes too finite. In these cases, they will limit the availability of the data or aggregate it into larger bundles of information.

[http://www.eia.gov/about/eia\\_standards.cfm#Standard32](http://www.eia.gov/about/eia_standards.cfm#Standard32)

#### **2 - MN Minnesota Department of Commerce, Division of Energy Resources - *Minnesota Utility Data Book***

This “Data Book” compiles information reported by electric and natural-gas utilities serving Minnesota. Most of Minnesota's energy use occurs through service provided by various investor-owned, cooperative, municipal, and privately owned utilities. Information from each of these sources is compiled in this document.

Surprisingly, the Utility Data Book includes energy usage and utility revenue information aggregated down to 2 customers – including those users in the residential, commercial, and industrial sectors. This aggregation level is even below the average of 4 or 5 that most other utilities in the United States follow as an internal requirement. The information contained in the Data Book is reported by the Minnesota Department of Commerce's Division of Energy Resources to track trends and the agency uses the data in its Regional Energy Information System (REIS). This data is collected through Minnesota Rules parts 7610.0100 to 7610.1130. Here is a link to the latest version of the document:

[https://mn.gov/commerce/energy/images/2010v2\\_Databook.pdf](https://mn.gov/commerce/energy/images/2010v2_Databook.pdf)



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## Summary of Data Aggregation Thresholds

Upon surveying the data aggregation thresholds other utilities in the United States have imposed on themselves to maintain the privacy of their customers' data, the typical threshold noted was 4 or 5 – no matter the customer type or sector. A summary of these existing, utility disclosure policies, completed by MEEA, is included in Appendix 1 at the end of this document.

The Workgroup discussion also produced a proposal for a five-part, proposed methodology which allows for certain customer energy use disclosure to occur outside of the aggregated thresholds, limiting the liability to utilities while satisfying the demand for data. This model included:

1. **Individual-customer data** could be released if customer consent is given.
2. **Building Owners** would be able to obtain aggregated, energy-usage data of their properties for benchmarking purposes from their utility(s) directly. Properties under the chosen aggregation threshold would be required to obtain individual consent from each meter customer. There are many examples of the individual consent Minnesota Utilities could draw from to create a universal model or individual consent agreements.
3. **Researcher Special Request** where information disclosed from utility(s) would not be made public and be used only for research purposes - such as a study to confirm if state energy goals are completed. In this case, information would be made available without customer consent, with no individual consumer information available, and all data aggregated by the utility. Whoever received the data would then be liable if information is made public.
4. **Via a Centralized Repository or Database**, utilities would gather their customers' energy usage data, and according to specific aggregation/geographical standards established by the Commission, make the data publicly available in a centralized location for standardized publication. These records would include large areas within a city or geo-political boundary such as a neighborhood, municipality, county, and/or utility service territory. Due to its single location for energy use information, this potential policy has many benefits including a means to reduce the utilities' burden of responsibility for data breaches and ease the burden of responding to numerous, individualized data requests. This repository would also allow the publicized data to be aggregated yearly, collected and available in one location, and processed in a standardized method that removes personal identifiable information yet allows for information to become publically available. This method of public data access is analogous to the U.S. census Bureau data collected and processed on a regular schedule.
5. **Additional data requests**, not defined within the other three categories or available following the data aggregate threshold methodology, would be referred to the MN Public Utilities Commission (PUC) on an individual basis for further analysis.

## Scope

We recommend that any decision(s) produced by the Commissioners should govern equally over both electric and natural gas rate-regulated utilities, since most consumers of these fuels currently use and will continue to



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consume them into the future. Since consumers are increasing their desire to manage their building energy use information, they should be able to have readily available access to their data.

### **Timeline**

Since the data covered within this docket contributes to the City of Minneapolis Commercial Building Rating and Disclosure Ordinance, as well as many community initiatives currently underway state-wide, we recommend that establishing a ruling in a fairly quick timeline will assist buildings covered by this ordinance. Current state energy efficiency and greenhouse gas (GHG) goals (MN Statutes 216B.2401 - Energy Savings Policy Goal and 216B.241 - Energy Conservation Improvement) are also dependent on the availability of this information. Therefore, we suggest once the MN PUC makes a ruling, a timeline for implementation should be established which would specify the process to begin within 30-60 days and for consumer availability to occur within 180 days.

### **Utility Cost Recovery**

The cost of delivering energy use data should be cost-neutral to utilities. Our research indicates that U.S. utilities typically don't change for each request of energy use data, but roll all associated costs into their cost recovery plans. Of course, such costs will need to be clearly outlined by each Utility requesting reimbursement. It is also appropriate for the utility to produce this information as a service to their customers or a third party, when either is contributing to state or city energy reduction goals. MEEA does not have an opinion on how this process should be realized.

### **Conclusion**

MEEA sincerely thanks the MN PUC for seeking stakeholder comments on this matter. As discussed above, MEEA believes that data privacy and security for all energy customers in Minnesota is a relevant topic and ripe for clarification. The CEUD Workgroup did significant research and produced many viable alternatives to further this discussion. As state and municipal governments, as well as individual residential and commercial consumers, demand for energy consumption data increases, a process for rulemaking should be established to ensure fair and accessible access to this information. We look forward to the Commission's decision in this matter.

Thank you very much,

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MN PUC CEUD Workgroup - Summary Comments

Appendix 1 – Summary of Existing, Utility Disclosure Policies

Utility or PUC	Type of Organization	Aggregation Threshold (minimum)	Date Enacted	Automatic Upload to Portfolio Manager	Contact	Fee	Sectors	Commission Docket Number	Problems or Complaints?	Reason for Aggregation Rule	Other
Avista (WA+D)	Elect & NG IOU	None	2010	Y	Leona Doerge	None	Commercial and Industrial	State Laws: RCW 19.27A WAC 480-100-153	None Noted	State Law	No Residential Demand noted. Included internal flag when account has new contact that notification / permission is confirmed
Austin Energy (TX)	Elect Muni	4 customers /not one over 80% energy use in group	2010	N	Scott Jarman	Y - \$25/hr Commercial Only	Residential, Commercial, and Industrial	N/A - In-house Rule by Muni-Utility	None Noted	Better internal Utility Logistics Benchmarking Ordinance required aggregated Data	Data assembled by Smart Buildings (a Vendor) from meter reading database
Consolidated Edison (NY)	Elect & NG IOU	None	2010	N	Susan Gunn	Allowable but not used	Commercial and Multi-Family	Joint 09-E-0428 and 08-M-0152	None Noted	No aggregation threshold minimum meter required	No aggregation threshold minimum meter required
Commonwealth Edison (IL)	Elect IOU	4	2008	Y	Kevin Bricknell	None	Commercial and Industrial	IL Commerce Commission Energy Efficiency and Demand Response Plan from 11/2007 Docket No. 07-0540	None Noted	Un-mandated requirement but filed with Commission via incentive programs for cost recovery	Additional privacy safeguards on the administrative portion of the web-based data request tool to assure that building owners / operators are not trying to access information that they are not entitled to such as buildings they do not manage. Currently expanding offering to send usage data for stand alone programs for cost buildings directly to Energy Star Portfolio Manager
Peppo (DC)	Elect IOU	5 Meters	2012	N	Manuel Vera	None	Residential, Commercial, and Industrial	N/A - In-house Rule by Utility	None Noted	Local Government Benchmarking Ordinance necessitated aggregation	May require waivers if one meter is larger user, but haven't used as of yet. Currently working on Data Portal and Automated Connection to ESPM Available Fall 2014
Puget Sound Energy (WA)	IOU (NG for Seattle and Elect-NG for other areas)	5 (Accounts in Bldg w/o release form)	2010	Y	Kim Sganskki	None but allowable in Ordinance	Residential, Commercial, and Industrial	State Laws: RCW 19.27A WAC 480-100-153	None Noted	State Law	
Seattle City Light (WA)	Elect Muni	2 (Accounts in Bldg w/o release form)	2010	Y	Nicole Ballinger	None but allowable in Ordinance	Residential, Commercial, and Industrial	State Laws: RCW 19.27A WAC 480-100-153	None Noted	State Law	Created prior to Benchmarking Ordinance; Internal information given to Municipality for self study