



STATE OF MINNESOTA

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CEUD Workgroup

Re: Comments on CEUD Access

Dear Workgroup Members:

The workgroup has made substantial progress in identifying “the appropriate use and limitations on the use of Customer Energy Usage Data, balancing customer privacy and the state’s energy goals,” as directed by the Commission. After review and discussion of the various use cases, the workgroup achieved consensus on two important privacy protections. First, the workgroup parties agreed that customer consent should be required before a utility releases an individual customer’s energy-usage data. Second, none of the use cases contemplate a need for data more “granular” than monthly intervals. Therefore, the Commission should, at a minimum, prohibit utilities from providing individual customer data to third parties or from providing any energy usage data more granular than monthly intervals, unless the utility receives individual customer consent to release the requested data.

Ideally, a customer’s energy usage data would never be released by a utility to a third party without that individual customer’s consent. Certain workgroup participants, however, asserted that requiring individual customer consent would create an undue burden in obtaining certain sets of data. For example, if customer consent were always required to release energy usage data, parties attempting to obtain citywide energy usage data for benchmarking purposes would theoretically need to obtain customer consent from every account holder in an entire city. For these circumstances—in which obtaining customer consent may pose an undue burden—the group discussed a variety of potential strategies to prevent re-identification of individual customers’ energy usage data, including appropriate levels of aggregation and anonymization. While the workgroup did not resolve all of the questions regarding appropriate privacy protections for aggregated data, the discussion was helpful in establishing some guiding principles if the Commission elects to establish such a standard.

First, the Commission should not lose sight of the reason that an aggregation/anonymization process has been discussed. Namely, certain workgroup participants claim that requiring individual customer consent would create an undue burden in obtaining certain sets of data. Therefore, the Commission should consider limiting the use of any aggregation/anonymization process to those situations in which it determines that obtaining

individual customer consent would be unduly burdensome. For example, while some parties have suggested aggregation levels as low as four customers may be appropriate, the Commission should consider whether obtaining individual consent from four customers poses an undue burden on a party seeking energy usage data. If obtaining customer consent from four parties is not unduly burdensome, an aggregation/anonymization process is unnecessary.

Second, the workgroup appears to have recognized that a technical basis for any specific aggregation or anonymization standard is currently lacking. The workgroup does not currently have the capacity to assess aggregation thresholds or anonymization practices necessary to recommend specific protection practices. To assist the Commission with obtaining the necessary technical analysis to resolve these questions, the workgroup began to develop the “Utility Customer Energy Usage Data Accessibility and Risk Mitigation Study Scope” (“Scope”). The OAG supports the consultation of statistical and other expertise identified in the Scope.

Absent an appropriate technical analysis, the OAG continues to question whether any specific aggregation threshold, such as the “15/15” standard, or anonymization process is sufficient to prevent re-identification of individual customers. The OAG acknowledges that other jurisdictions have adopted “15/15” and other aggregation standards—some of which may provide less protection than “15/15”—for release of customer energy-use data. Despite the use of these aggregation standards, however, the workgroup was unable to obtain statistical or other technical evidence from other jurisdictions indicating that any specific standard adequately protects customer privacy. Therefore, the OAG urges the Commission to do so with caution to the extent that it elects to adopt an aggregation or anonymization process without additional expert input at this time. There is currently no evidence that any such standard will provide appropriate protections.

For these reasons, the OAG recommends the following risk mitigation alternatives. First, the Commission should prohibit utilities from providing individual customer data to third parties or from providing any energy usage data more granular than monthly intervals, unless the utility receives individual customer consent to release the requested data. Second, the Commission should retain appropriate technical expertise before adopting an aggregation/anonymization process for release of customer energy usage data.

Sincerely,

/s/Ian Dobson

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