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Customer Data

Summary of May 22, 2017 Stakeholder Engagement Group Meeting



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May 22, 2017 Agenda

Time	Topic
10:00 – 10:15	Introductions and Overview <ul style="list-style-type: none"> ▪ Purpose and objectives ▪ Ground rules ▪ Engagement process overview
10:15 – 10:45	Review 2016 Stakeholder Discussions on Customer Data and Development of SDSIP
10:45 – 11:00	2017 Commitments and Stakeholder Engagement Approach
11:00 – 12:00	Roundtable Discussion <ul style="list-style-type: none"> ▪ Stakeholder perspective on use cases for public access for whole building aggregated data
12:00 – 12:30	Lunch
12:30 – 1:15	Overview of Commission Order, June Filing and Whole Building Aggregated Data Privacy Benchmarking Effort
1:15 – 2:45	Roundtable Discussion <ul style="list-style-type: none"> ▪ Straw Proposal - Whole building aggregated data privacy standard ▪ Stakeholder comments and perspectives
2:45 – 3:00	Summary and Wrap-up



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Key Stakeholder Feedback from May 22nd Session

Stakeholder Input	Discussion Points	Next Steps
<p><i>Regarding 2016 recap and 2017 Customer Data WG Implementation Plan:</i></p> <ul style="list-style-type: none"> Provide additional details regarding Green Button Connect (GBC) including the timeline of utility rollout, latency parameters for coming AMI deployments, and status of utilities providing machine-readable tariffs for DER developers 	<ul style="list-style-type: none"> The utilities commented on the status of GBC initiatives and timing for utility-specific GBC deployments. In general, Interval data will be provided via GBC to customers with AMI meters and some utilities will be able to provide monthly data via GBC for customers without AMI meters Utilities with AMI deployments planned or underway updated the SEG on data availability (e.g., latency). The JU appreciate the value of DER developers being able to re-create/forecast customer bills and how machine-readable tariff elements may simplify that, but noted that this is likely to be addressed later on, once foundational data sharing work is well under way. 	<p>OPEN –The Customer Data Working Group will hold another stakeholder session later in the year which will include further updates on GBC implementations</p>



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<p><i>Regarding 2016 recap and 2017 Customer Data WG Implementation Plan:</i></p> <ul style="list-style-type: none">Will utilities support automatic uploads of whole-building data to Energy Star Portfolio Manager?	<ul style="list-style-type: none">Stakeholders suggested utilities use Energy Star Portfolio Manager to share data with municipalities to facilitate benchmarking and help protect customer privacyThe JU shared with stakeholders that some of the utilities are currently building functionality for automatic upload of whole building data to Energy Start Portfolio Manager	<p>OPEN – Follow up discussion as the utilities further develop their plans regarding Energy Star Portfolio Manager</p>



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Key Stakeholder Feedback from May 22nd Session

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<p><i>Regarding <u>public</u> access to aggregated whole building energy use data:</i></p> <ul style="list-style-type: none"> Energy Service providers might be interested in data as basis for service proposals to customers and/or building owners Public interest groups may find aggregated whole building data useful supporting local or regional initiatives and programs. Non-profits may not want their data available for public access 	<ul style="list-style-type: none"> Some expressed serious reservations with the concept of utilities releasing whole-building data to the public, privacy standards notwithstanding, because it would reveal competitive information for large energy users. Stakeholders' positions in part depended on whether they interpreted "public access" as 1) data being made available to <u>any</u> third party upon request, or 2) data made available to certain third parties (e.g., NGOs, agencies) for public purpose projects/research. A potential use case raised by stakeholders was a retrofit program sponsored by a municipal authority. This use case would require <i>monthly</i> and annual consumption totals. While the threshold contemplated for providing data to building owners is focused on annual consumption data for benchmarking purposes, additional use-cases for public access and details on the type of aggregated data needed should be developed to further evaluate if the data should be released, and what if any different privacy threshold could be applied. It was suggested that public parties could seek permission from a building owner to receive the building data. Other stakeholders expressed concern that such an approach would give building owners undue authority over use of aggregated tenant data, without consultation with the tenant. There would need to be some form of non-disclosure agreement for a utility to release building data to an unaffiliated third party, but it is not clear what that agreement would look like. 	<p>OPEN – Further discussion is needed for use cases for a privacy standard that is different than the current 15/15 for public access to whole building aggregated data</p>

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Key Stakeholder Feedback from May 22nd Session

Stakeholder Input	Discussion Points	Next Steps
<p><i>Regarding <u>public</u> access to aggregated whole building energy use data:</i></p> <ul style="list-style-type: none"> Geographic information and zip codes would be helpful to cities that are developing climate action plans – having additional data allows cities to focus their resources and customer outreach Aggregations by service class may present unique privacy issues 	<ul style="list-style-type: none"> JU and stakeholders discussed how to manage exceptions based on aggregation types. Example: aggregation by a zip code using 15/15 may work at the total usage level but become problematic if rate classes are examined within the zip code. The same privacy standard (i.e. 15/15) would apply at the rate class level if there were more than 15 customers per service class and no class had more than 15 percent of the total. There could be special cases – i.e. if there are only 2 customers in a service class. This would be an exception and those classes would be merged into another class for privacy. At a given level, the next level down should not be able to identify customers The JU agree with stakeholders on the importance of benchmarking and presented to the group the extensive list of resources used for benchmarking to arrive at the straw proposal of 4/50 	<p>OPEN – JU will continue to discuss and engage stakeholders. Further discussion is needed for use cases for a privacy standard that is different than the current 15/15 for public access to whole building aggregated data</p>



Key Stakeholder Feedback from May 22nd Session

Stakeholder Input	Discussion Points	Next Steps
<p><i>Regarding the JU straw privacy proposal of 4/50:</i></p> <ul style="list-style-type: none"> There should be a simpler process for tenant authorization, to obtain and to record. Why did the JU straw proposal include both the meter and volume thresholds? 	<ul style="list-style-type: none"> With the JU straw proposal of 4/50, building owners will need individual customer authorization to access whole building energy data when buildings have less than 4 accounts with any one account exceeding 50% of the total building consumption <ul style="list-style-type: none"> JU explained they believed the 50% volume layer added an additional layer of customer privacy protection but will explore the impact on data access further. The volume threshold is based on 12 months total use JU explained individual tenants' authorization would be required if the building fell below the threshold Helpful if the consent process is electronic without a wet signature or scanned documents (e.g., customer authorization via a web portal) The example Terms and Conditions from Colorado would provide additional privacy protection for customers 	<p>OPEN – The JU are taking the stakeholder input under consideration in the development of the proposed aggregation privacy standard and related terms and conditions for use</p>



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Key Stakeholder Feedback from May 22nd Session

Stakeholder Input	Discussion Points	Next Steps
<p><i>Regarding the JU straw privacy proposal of 4/50:</i></p> <ul style="list-style-type: none"> Benchmarking (including voluntary benchmarking) is critical to meet public policy initiatives (e.g., NYS and NYC 80 x 50 goals) as it allows jurisdictions to have access to building information to identify the most effective energy efficiency policies and promote the voluntary services they offer; provides utilities with information to target energy efficiency programs and those customers who could benefit from them the most; and, allows building owners to understand and better manage their building energy performance. It is critical to make it as easy as possible for building owners to voluntarily benchmark, while still protecting customer privacy. Advocates believe that a more lenient standard than 4/50 would make EE program success (and achievement of climate and clean energy goals) more likely, particularly for upstate service territories 	<ul style="list-style-type: none"> The JU agree with stakeholders on the importance of benchmarking and presented to the group the extensive list of resources used to help develop the straw proposal of 4/50. While there are other privacy standards in use, some using only a customer account/meter count threshold, the JU proposed an account/volume threshold as a reasonable starting point. Some benchmarking advocates recommended a privacy standard of 2 accounts, and others 4-5 accounts, without a usage threshold. These participants expressed concerns that a 4/50 threshold would be unduly burdensome for building owners in areas outside of New York City, as well as buildings that are not exempted from the threshold in New York City. On the other hand, consumer and customer advocates indicated that a usage threshold is very important to protect customer privacy, and that they would consider a standard more like 10/40. JU commented that analysis is being conducted to determine how many buildings would fall below the 4/50 threshold and require individual customer consent. 	<p>OPEN – JU agree with stakeholders on the importance of benchmarking and analysis of individual utility customer base. JU invite stakeholders to continue to provide input into the benchmarking effort as necessary</p>

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Key Stakeholder Feedback from May 22nd Session

Stakeholder Input	Discussion Points	Next Steps
<p><i>Regarding the JU straw privacy proposal of 4/50:</i></p> <ul style="list-style-type: none"> Any privacy standard proposed must include exemptions for building owners that are subject to local benchmarking laws or ordinances. 	<ul style="list-style-type: none"> JU has agreed to exemption for laws/ordinances The JU noted that their benchmarking has not yet identified such exemptions in other states with aggregated data privacy standards Con Edison reiterated that under Local Law 84, some building owners do not want their information to be shared. Also, the individual tenant data is not currently shared with the City Benchmarking advocates encouraged utilities to also exempt building owners that are participating in a voluntary municipal energy efficiency program. Utilities indicated keeping track of such programs could become administratively onerous, and voluntary initiatives may not have sufficient municipal approval to warrant a privacy exemption 	<p>CLOSED – JU and Stakeholders are in agreement on this issue</p>



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<ul style="list-style-type: none"> While 4/50 may be a step forward from 15/15, outside of NYC it may put the rest of the state at a disadvantage in terms of scaling up EE Local municipalities interested in promoting EE but those without a benchmarking law may find this threshold restrictive 	<ul style="list-style-type: none"> JU clarified there have not been any complaints related to security or privacy issues under Con Edison's whole-building data access tariff (for building owners only) JU's primary concern is a building owner, municipality, or agent providing information to unauthorized commercial entities (regardless of intent) Consumer and customer advocates share this concern. The goal would be to have building owners more proactively reach out to utilities and a simple process for them to submit consent Stakeholders expressed that it is critical that roadblocks to customer participation in voluntary EE programs are reduced, because not all towns will pass a benchmarking law and building owners may be reluctant to gather customer consent 	<p>OPEN – Further discussion is warranted</p>



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<p><i>Regarding the JU straw privacy proposal of 4/50:</i></p> <ul style="list-style-type: none"> How is a building defined? By size, rate class, other? 	<ul style="list-style-type: none"> Multi-tenant, multi-account Stakeholders suggested that 4/50 is a fairly protective threshold, along with protective terms and conditions, but it may not fit a building size that is scalable <ul style="list-style-type: none"> Industrial customers are often the buildings with the most potential, and most interested in energy efficient savings, but also the most sensitive to customer protection Hospitals are also sensitive about energy use data, but do not fall under industrial service class NYC Local Law 84 will move to 25,000 sq. ft. and above starting in 2018. There are diminishing returns when going after smaller buildings 	<p>OPEN – JU are considering stakeholder input in the development of the June 7th filing</p>



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Stakeholder Input	Discussion Points	Next Steps
<p><i>Regarding the JU straw privacy proposal of 4/50:</i></p> <ul style="list-style-type: none"> Could the JU consider or include in their aggregated privacy standard an opt-out approach for customer authorization 	<ul style="list-style-type: none"> There was a suggestion to have building owners notify customers that they are requesting access to whole building data and if the customer does not raise any opposition after a period of time it would be considered as approved authorization and utilities could share data with building owners. Consumer and customer advocates suggest that this should only apply in buildings with more than 4 units. Further, DPS Staff should work with utilities to create a notice written in plain language, and available in the top 6 non-English spoken languages, that adequately informs customers of the reason the building owner is requesting the data and the accompanying terms and conditions. Some stakeholders suggested the JU could provide basic anonymized information on their website as a statewide guidance for building owner's to send to tenants as example information JU indicated this concept would need further thought, as there are legal and logistical questions. 	<p>OPEN – Further discussion is warranted around ensuring that the building owner has informed customers of their options and the appropriate timelines for an opt-out option. Further discussion is also needed around enforcement</p>



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<p><i>Regarding the JU straw privacy proposal of 4/50:</i></p> <ul style="list-style-type: none"> Will the proposed Terms & Conditions overly limit a building owner's ability to pursue energy efficiency opportunities? T&C should be clear about what the data is used for and what safeguards are needed to protect customer data within the terms and conditions 	<ul style="list-style-type: none"> Stakeholders did not object to the proposed terms and conditions for aggregated whole building data provided to building owners (included as part of the straw proposal), provided that the terms do not severely limit what building owners can do with the data (i.e., want owners to be able to use the data to participate in a municipal EE program) <ul style="list-style-type: none"> The group discussed the balance to be struck with the lower thresholds for providing more granular customer and building data and what is included in the terms and conditions Stakeholders requested the JU include language in their proposal to explain what happens and who may be at fault if the data becomes compromised The JU clarified that building owners would have access to the whole building data, not to individual customer data. Those who touch the customer data are also subject to the building owner's T&C <ul style="list-style-type: none"> If the building owner shared data with a municipality of a program, it may be covered in the terms and conditions 	<p>OPEN – Further discussion is warranted, including what entity would enforce the Terms and Conditions</p>

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