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By Email for Electronic Filing  
Honorable Kathleen H. Burgess  
Secretary  
State of New York Public  
Service Commission  
Three Empire State Plaza  
Albany, NY 12223-1350

**RE: Case 14-M-0101**  
**Case 16-M-0411**  
**Joint Utility Aggregated Whole Building Data Terms and Conditions**

Dear Secretary Burgess:

In accordance with the New York State Public Service Commission's April 20, 2018 *Order Adopting Whole Building Energy Data Aggregation Standard*, Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, Orange and Rockland Utilities, Inc., and Rochester Gas and Electric Corporation hereby submit proposed terms and conditions for building owners or their agents to obtain aggregated whole building data.

Please contact me if you have any questions.

Very truly yours,

/s/

Kerri Kirschbaum  
Associate Counsel

## **Whole Building Aggregated Energy Use Data Terms and Conditions**

Pursuant to the New York State Public Service Commission's April 20, 2018 *Order Adopting Whole Building Energy Data Aggregation Standard* in Cases 16-M-0411 and 14-M-0101, [Utility Name] (the "Utility") is required to apply a privacy standard before providing access to aggregated energy use/consumption data to building owners or their authorized agents. Furthermore, the [insert date and name of future Commission order that approves these T&Cs] adopted the below Terms and Conditions and requires building owners or their authorized agents to accept them prior to receiving whole building aggregated data from the Utility. This data will be made available by the Utility to building owners or their authorized agents for the purposes of compliance with local laws or ordinances related to reporting whole building data (where applicable), energy efficiency projects, energy management or other energy-related efforts. By accepting the Terms and Conditions listed herein, you agree that you have read the terms and conditions and agree to abide by them.

Building owners or their authorized agents that request whole building energy data agree to:

- Only use the whole building energy use data for the purposes of building benchmarking, identifying energy efficiency projects, energy management, and complying with local laws or ordinances;
- Not disclose whole building energy use data except for the purposes of building benchmarking, identifying energy efficiency projects, and energy management;
- Take appropriate administrative, technical, and physical safeguards to protect the whole building data from any unauthorized use or disclosure to protect the data from unauthorized access, destruction, use, modification, or disclosure;
- Not attempt to determine an individual utility customer's energy use from the whole building energy use data and not to use the information to solicit any customers whose energy use is included in the aggregation;
- Not use the whole building energy use data for a secondary commercial purpose not related to the authorized purpose without first obtaining consent from the customer(s) to be targeted for such commercial purpose;
- Destroy any whole building energy use data that is no longer necessary for the purpose for which it was transferred;
- Not permit access to the whole building data by anyone that has not agreed to abide by the terms pursuant to which the data was provided by the Utility. This includes, but is not limited to, all interns, subcontractors, staff, other workforce members, and consultants; and
- Agree that any recipient of the whole building data does not obtain any right, title or interest in any of the data provided by the Utility.