MISSION DATA
empowering energy savings

September 11, 2020

Via Email

Hon. Michelle L. Phillips, Secretary to the Commission
New York State Public Service Commission
Empire State Plaza, Agency Building 3
Albany, NY 12223-1350
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Re: Docket No. 20-M-0082, Proceeding on Motion of the Commission Regarding Strategic Use of Energy Related Data

      Please find enclosed Mission:data Coalition's reply comments in PDF format on the proceeding listed above. If you have any problems accessing or viewing these comments, please contact me at the information below.

      Respectfully submitted,

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STATE OF NEW YORK

PUBLIC SERVICE COMMISSION

Proceeding on Motion of the Commission Regarding Strategic Use of Energy Related Data	Case 20-M-0082

Reply Comments of Mission:data Coalition

1.   Introduction

On June 30, 2020, the New York Public Service Commission ("Commission") issued the above-referenced Notice of Stakeholder Meeting and Soliciting Comments (the "Notice") concerning two white papers written by Department of Public Service Staff ("Staff"): one on a Data Access Framework ("Framework"), and the other on an Integrated Energy Data Repository ("IEDR"). Mission:data Coalition ("Mission:data") hereby submits these reply comments pursuant to the Notice.

Below, Mission:data responds to comments made on August 24, 2020 by the Joint Utilities,[1] the City of New York ("NYC"), and the Retail Energy Supply Association ("RESA").

As an initial matter, Mission:data notes that many parties proposed development of "use cases" as a first step toward designing both the Framework and IEDR. Mission:data agrees with

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[1] Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc. ("ConEd"), National Fuel Gas Distribution Corporation, New York State Electric & Gas Corporation, KeySpan Gas East Corporation d/b/a National Grid, The Brooklyn Union Gas Company d/b/a National Grid NY, Niagara Mohawk Power Corporation d/b/a National Grid ("National Grid"), Orange and Rockland Utilities, Inc. ("O&R"), and Rochester Gas and Electric Corporation ("Joint Utilities") .

this approach. Having a well-defined set of use cases makes discussions more productive in this docket, and it allows for the Commission to prioritize their development in the Framework and IEDR based upon the value to ratepayers and the market as a whole. Therefore, Mission:data proposes the following eight (8) categories of use cases in the table below. Each category could contain multiple use cases, which must be defined in detail. The type of entity accessing the information is represented on the left-most column. Use cases are categorized by whether or not customer consent is required prior to exchange of the information. The grey cell indicates a low-priority area that is excluded for the time being. We define distributed energy resource (DER) suppliers in a broad sense, including providers of energy efficiency, bill management services, retrofits, demand response, battery storage, solar energy, smart thermostats, etc.

Party	With consent	Without consent
DERs	Customer information (1)	Aggregated information (2) Grid information (3)
ESCOs	Customer information (4)	
Building owners	Customer information (5)	Aggregated whole-building information (6)
Cities		Aggregated information (7) Grid information (8)

Table 1: Use cases

Category #1: DER suppliers seek customer-specific energy-related information, with consent of the customer, in order to deliver services such as energy efficiency, rooftop solar, etc. Today, these DER suppliers must execute a Data Security Agreement.

Category #2: DER suppliers seek aggregated and potentially anonymized energy information about a geographic area or cluster of customers, such as natural gas usage by city block or energy savings across a portfolio of homes or buildings, without customer consent.

Category #3: DER suppliers seek information about the distribution grid such as hosting capacity for guiding planning and deployment. There is no customer consent.

Category #4: Energy Services Companies (ESCOs, i.e. retail suppliers) seek customer-specific energy information with consent for qualifying, serving or billing customers. Today this is accomplished via EDI.

Category #5: Building owners, managers and their agents seek individual usage and billing information for their own accounts. Today this is accomplished by accessing utility web portals, but other bulk, electronic methods should be explored, making this similar to category #1, except that the customer is requesting access to their own information.

Category #6: Building owners, managers and their agents seek aggregated, whole-building data for the purpose of EnergyStar benchmarking without consent of the individual accounts. This includes requesting that utilities automatically upload this information to EnergyStar.

Category #7: Municipalities seek aggregated and perhaps anonymized usage and/or cost data such as energy use by type by city block or zip code for public policy and planning purposes. Customer consent is not involved.

Category #8: Municipalities seek information about the distribution grid such as hosting capacity or grid constraints for public policy and planning purposes. Customer consent is not involved.

Note that Mission:data has proposed that DERs and ESCOs share use cases associated with aggregated information and grid information (categories #2 and #3). This is because we believe they raise similar issues regardless of licensing or certification requirements before the Commission, though they could be split up in the future if deemed necessary. However, Mission:data believes that categories #1 and #4 (involving DERs and ESCOs, respectively) should be distinct given the historic differences between licensing and data transfer mechanisms in New York (i.e., Electronic Data Interchange or EDI vs. Green Button Connect or GBC).

Mission:data proposes that these categories be used in further deliberations in this docket in order to sharpen each party's understanding and prevent unproductive discussions that have the tendency to bounce between numerous use cases.

2.   Mission:data Members Are Actively Addressing Many Challenges in New York

That the Framework and IEDR Seek to Solve

At the outset, Mission:data wishes to educate stakeholders and the Commission about work already underway in New York concerning use cases #1, #2, #5 and #6, as defined above. One of our concerns is that both the Framework and IEDR white papers do not appear to fully apprehend the state of data access (or the lack thereof) as it exists today. As we described in initial comments, there are critical issues not addressed by the white papers, such as liability, definition around the types of data to be provided to DERs, user experience, and metrics measuring the utilities' performance in providing information. Mission:data believes that charting the most productive path forward requires first understanding the existing landscape.

Regarding use cases #5 and #6, in which building owners, managers or their agents access individual customer information and aggregated, whole-building information, one of New York's market leaders is Bright Power. Bright Power uses electricity, natural gas and water use information from their commercial and multi-family clients' buildings in order to recommend efficiency improvements. Bright Power offers two analytical platforms, EnergyScoreCards, which assists with benchmarking and reporting, and MoBIUS, which provides real-time energy management.

The challenges Bright Power faces today with data access are not described in the Framework or IEDR white papers. One such challenge is the difficulty faced by commercial building customers in determining who has a login at the utilities' websites. Large organizations and building management firms could have dozens of employees involved with managing and paying utility bills online. Some utilities allow multiple individuals to create online accounts that are tied to the same utility account, but others do not, meaning that Bright Power must chase

down the single individual within an organization that has the ability to grant an authorization. This is not an insignificant cost and barrier to signing up building owners for DER products and services. We described this type of user experience challenge in our initial comments, and Mission:data notes that a centralized data repository such as the IEDR will not reach its full potential if the IEDR focuses only on data delivery and ignores the upstream issue of *how* customers can easily authenticate and authorize a third party in the first place. Mission:data also believes that the IEDR white paper should discuss how an authorization could be granted by a customer once, instead of multiple times, to cover his or her multiple accounts both within a utility and across several utilities.

Another ongoing challenge for Bright Power is access to customers' account and billing information. Bright Power notes that ConEd's "Third Party Portal" may be helpful, but neither the Framework nor the IEDR white papers discuss the status of third party web portals, whether and how other utilities in New York should offer similar portals, and the relationship between the IEDR and the portals. Unfortunately, Bright Power has not been able to try the Third Party Portal yet. Mission:data notes that the Joint Utilities claim that ConEd's "Third Party Access to My Account" tool is a "data-rich resource for customers and their agents."[2] However, information about what data will be accessible through this portal is not readily or publicly available. Many DER providers such as Bright Power wonder whether the Commission's resources would be better spent ensuring that existing data access methods from utilities function properly over time, reducing the burden on utility customers and DER providers to revise and change data collection sources and methods. Additionally, the Commission could ensure that standards across New

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[2] *Joint Utilities' Comments on the Department of Public Service Staff's Whitepapers Regarding a Data Access Framework and Implementing an Integrated Energy Data Resource.* Case 20-M-0082, August 24, 2020 at 14.

York utilities are uniform of terms of how data is accessed, the format, the data points included, and frequency of updates, rather than investing in a new, complex IEDR that does not appear to contemplate use cases #1 or #5 in sufficient detail. There is also a concern that if the IEDR does not provide the level of detail the businesses need or their clients demand, DER providers will not be able to take advantage of the IEDR's benefits, and will instead continue collecting data from existing sources.

Recurve Analytics, Inc. (Recurve) is another example of a vendor providing pathways for data access for specific use cases. In opening comments in this proceeding, Recurve described their implementation of a distributed data access model that focuses on the interoperability of systems. Since 2018, Recurve has acted as the advanced measurement & verification provider for NYSERDA to launch their pay-for-performance programs. This project represents specific use cases within categories #1 and #2 for mobilizing decarbonization markets with pay-for-performance. As the prime contractor, Recurve has built out data integrations from multiple utilities in the state. Recurve also calculates building-level hourly baselines for individual buildings (where AMI is available), tracks the change in energy consumption consistently and transparently, values the stack of grid and climate benefits, and provides secure, privacy-protected, aggregated energy savings data to market actors. Recurve's work is critical in animating the market around load flexibility; however, it is unclear from the Framework and IEDR white papers what will happen to these noble efforts if the IEDR is constructed.

3.   **Reply to the Joint Utilities**

(A) The Joint Utilities Agree With Mission:data That Addressing Liability is Critical

One point of agreement with the Joint Utilities is that addressing liability is critical to the success of both the Framework and the IEDR. For example, the Joint Utilities state that more definition on the Framework is needed, "including the assignment of liability."[3] Regarding the IEDR, the Joint Utilities state that "...liability and insurance within ESE risk management is not adequately described. For example, will the Provider of ESE verification services assume liability for data security and breaches?"[4]

In initial comments, Mission:data was concerned that liability issues were not raised in the Framework or IEDR. We stated that addressing liability issues was absolutely critical to ensure positive outcomes for distributed energy resource ("DER") market animation in New York. Due to the Joint Utilities' view – real or perceived – of expansive liability for a third party data recipient's acts, we argued that incentives in New York currently promote zero utilization of Green Button Connect ("GBC") platforms. This disincentive will continue to burden implementation of the Framework and IEDR unless liability is addressed head-on and utility interests are better aligned with DER market animation objectives.

(B) The Joint Utilities Do Not Appear to Fully Appreciate the Value of Data Standardization

The Joint Utilities make several statements about standardization that warrant a response. For example, the Joint Utilities appear to appreciate some of the benefits of standardization of data access methods, stating that they "agree with Staff that, properly developed, a standardized

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[3] *Joint Utilities' Comments on the Department of Public Service Staff's Whitepapers Regarding a Data Access Framework and Implementing an Integrated Energy Data Resource.* Case 20-M-0082, August 24, 2020 at 3.

[4] *Id.* at 8.

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platform has the potential to facilitate investment and community planning that will accelerate the deployment of clean energy solutions throughout New York State."[5] The Joint Utilities also state that a thorough scoping phase should "include an evaluation of whether focusing on data standardization, as opposed to a statewide centralized platform, is most appropriate at this time."[6]

The Commission and Staff should fully understand that basic standardization of customer energy data has been a tremendous struggle across the utility industry, and in New York in particular. It is difficult to take the Joint Utilities' statements that praise standardization seriously due to their poor record of standardization to date. For example, building owners have struggled for years with inconsistent and confusing request processes and data formats between the state's various utilities. ConEd rolled out a second aggregated whole-building data request process to directly populate data into Portfolio Manager to comply with Local Law 84 requirements for New York City. This process does not cover non-New York City properties or mid-year requests, so ConEd now has two different systems that require different request processes and authorization procedures to access the data. Even with automated benchmarking using EnergyStar, New York's utilities upload data at inconsistent timeframes, with ConEd uploading data to EnergyStar only once per calendar year, whereas National Grid uploads usage data quarterly. This diminishes the value of automated benchmarking because it is impossible for building owners to track their EnergyStar scores automatically on a timely basis, e.g., monthly. As for Green Button Connect, ConEd's system was not compliant with published, well-known Green Button standards as of 2019, as we argued in a recent rate case.[7] Thus far, ConEd has not

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[5] *Id.* at 10.

[6] *Id.* at 4.

[7] *Direct Testimony of Michael E. Murray on Behalf of Pace Energy and Climate Center.* Cases 19-E-0065 and 19-G-0066. May 24, 2019.

attained independent certification of its GBC platform – a simple and relatively inexpensive task that would go a long way toward ensuring interoperability. Mission:data also notes that the Retail Energy Supply Association ("RESA") provided an excellent spreadsheet attached to their comments detailing significant differences between the utilities' EDI systems and platforms. Unfortunately, it appears as though neither the utilities nor the Commission have demonstrated much interest in data standardization to date.

It often seems to Mission:data that utilities take every opportunity presented to them to *prevent* technological consistency. Inconsistency will continue to be a challenge in New York for data consumers, and DER suppliers in particular, unless and until the Commission oversees the utilities' IT systems and takes enforcement action against utilities for failure to adhere to standards over time. To be clear, Mission:data does not believe that the problem is with the *existence* of technical standards; rather, the problem is with utility *conformance* with such standards. Thus, one significant appeal of the IEDR to Mission:data is that it provides a single point of entry for individual customer energy data, thereby somewhat eliminating the need for standardization.

4.   Reply to New York City

Briefly, Mission:data strongly supports two points made by NYC in their comments. First, NYC points out that building owners receiving monthly whole-building aggregated usage data should not be subject to any eligibility requirements, such as the Data Security Agreement, as this would implicate 30,000 owners in NYC alone and introduce numerous problems.[8] This request is both reasonable and necessary for cities such as NYC to reach their energy and climate

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[8] NYC comments at 7.

goals. In use case categories #1, #5 and #6 above, we reflected the key distinction between DER

suppliers accessing customer data with permission, and building owners accessing their own

building's information, for this reason.

Second, NYC argues that the Commission should collect statistics from Energy Services

Entities (ESEs) seeking certification to find out how long it takes to become certified as an

accountability measure.[9] Mission:data strongly agrees. It has been our experience in other

jurisdictions that meeting registration or certification requirements can take excessively long

periods of time, and this is something the Commission should oversee closely to ensure that

inappropriate barriers are not being erected in DER markets.

5.   Reply to Retail Energy Supply Association

Briefly, Mission:data also supports many points made by RESA. Specifically, we support:

- The proposal for a tech-savvy working group to develop the Framework;[10]

- The need for the Framework to acknowledge commercial sensitivity associated with third

  parties disclosing the "purpose specification" with a utility;[11] and

- Providing copies of bills to authorized third parties, who may need the detailed

  information on bills for further analysis.[12]

Finally, Mission:data wishes to highlight RESA's Appendix A as a great illustration of how

complex, fragmented and inconsistent data access for ESCOs is across New York. Mission:data

considers RESA's Appendix A as a warning for DERs' potential dystopian future as DER

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[9] NYC comments at 11.

[10] RESA comments at 3-4.

[11] *Id.* at 10-11.

[12] *Id.* at 13-14.

markets evolve. While the IEDR might solve some of the standardization problems at a technical level, strong Commission oversight is still needed to ensure that other topics such as authorization requirements are also consistently implemented state-wide.

6.   Conclusion

Mission:data hopes that the information provided herein is helpful as the Commission deliberates these issues. Thank you for the opportunity to provide comments.

Respectfully submitted,

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