



January 13, 2016

VIA ELECTRONIC FILING

Hon. Kathleen H. Burgess
Secretary to the Commission
New York State Public Service Commission
Empire State Plaza, Agency Building 3
Albany, New York 12223-1350

Re: Case 14-M-0101 – Proceeding on Motion of the Commission in Regard to Reforming the Energy Vision

Dear Secretary Burgess:

The Advanced Energy Economy Institute (AEEI), on behalf of Advanced Energy Economy (AEE), the Alliance for Clean Energy New York (ACE NY), the Northeast Clean Energy Council (NECEC), and their joint and respective member companies, submit for filing these comments in response to the *Notice of the Agenda for Technical Conference Regarding Customer and Aggregated Energy Data Provision and Related Issues*, released on December 4, 2015.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Ryan Katofsky", with a long horizontal stroke extending to the right.

Ryan Katofsky
Senior Director, Industry Analysis

Comments on Provision of Customer Data to Third Parties (Case 14-M-0101)

**Advanced Energy Economy Institute
Alliance for Clean Energy New York
New England Clean Energy Council**

Introduction

The mission of Advanced Energy Economy Institute (AEEI), the charitable and educational organization affiliated with Advanced Energy Economy (AEE), is to raise awareness of the public benefits and opportunities of advanced energy. As such, AEEI applauds the New York Commission for opening this proceeding on Reforming the Energy Vision (REV), which seeks to unlock the value of advanced energy to meet important state policy objectives and empower customers to make informed choices on energy use, for their own benefit and to help meet these policy objectives.

In order to participate in the REV proceeding, AEEI is working with AEE and two of its state/regional partners, the Alliance for Clean Energy New York (ACE NY) and the Northeast Clean Energy Council (NECEC), and the three organizations' joint and respective member companies to craft the comments below. These organizations and companies are referred to collectively as the "advanced energy community," "advanced energy companies," "we," or "our."

AEE is a national business association representing leaders in the advanced energy industry. AEE supports a broad portfolio of technologies, products and services that enhances U.S. competitiveness and economic growth through an efficient, high-performing energy system that is clean, secure and affordable. ACE NY's mission is to promote the use of clean, renewable electricity technologies and energy efficiency in New York State, in order to increase energy diversity and security, boost economic development, improve public health, and reduce air pollution. NECEC is a regional non-profit organization representing clean energy companies and entrepreneurs throughout New England and the Northeast. Its mission is to accelerate the region's clean energy economy to global leadership by building an active community of stakeholders and a world-class cluster of clean energy companies.

The advanced energy community strongly supports the efforts of the Commission in this proceeding, and is committed to playing its part to create a high-performing electricity system in New

York State. To that end, the advanced energy community looks forward to its continued involvement in this proceeding, and in assisting the Commission in this endeavor.

1: Enabling customers to share their energy use with vendors they choose

Q1: Protocols or alternatives to Green Button

Green Button Connect is currently the most widely developed and accepted standard for accessing customer data – by customers or third parties. We agree that Green Button Connect is the appropriate standard to use and that utilities should begin to implement it fully. However, we note that Green Button Connect has experienced limited deployment and uptake to date. To communicate fully with third parties, a DSP will need to exchange an unprecedented volume of data and number of data fields. We strongly recommend that Staff assess the full range of data needs anticipated by all entities, and identify any gaps in the current Green Button specification.

Green Button remains the only standard that we are aware of that has achieved substantial levels of deployment; however, as technologies are continuously evolving, we encourage Staff to watch out for new formats that provide additional functionality or ease of use. We also support the use of open-source protocols for data exchange, which will help speed adoption and provide for better interoperability between systems.

Q2: Regulation of Vendors Receiving Data

The advanced energy community agrees that there should be regulations in place to protect customers and safeguard data; however, receiving data at a customer's direction is not an appropriate trigger for oversight and regulation of a third party beyond existing state and federal consumer protection and data privacy laws and regulations governing all businesses. A company that receives customer data through Green Button Connect or another protocol should not automatically be considered a Distributed

Energy Resource Supplier (DERS) under the Staff's proposed Uniform Business Practices for Distributed Energy Resource Suppliers (UBP-DERS).¹

In a situation where a customer decides to provide his/her own data to a third party, it is not at all clear what the basis would be for Commission jurisdiction over that third party. We refer back to the original Track One order which outlined two conditions that would trigger oversight over a DER provider: 1) the acquisition of customer data by any means established under the Commission's authority and 2) the sale of DER services into DSP markets.² We note that first criterion is written broadly enough so that some interpretations could include data provided through Green Button Connect; however, a correct interpretation should fit clearly within the boundaries of Public Service Law and recognize consumer choice. As the Staff proposal on DER Oversight noted, Section 53 of New York Public Service Law states that an entity falls under the jurisdiction of the Commission when it "sells or facilitates the sale or furnishing of...electricity to residential customers." Customer-facing apps that utilize Green Button for data exchange and analyze that data at the customer's discretion do not meet this test, nor do many other services that might include data exchange through Green Button Connect or other similar protocols, such as is common practice among energy auditing companies.

Data has multiple purposes and can be shared to enable activities that do not raise any sort of regulatory concern. There are a number of free, web-based apps,³ and other services, such as the EPA's Energy Star Portfolio Manager, that currently use or are developing compatibility with Green Button Connect. Many of these apps provide free analytics and energy savings tips and feedback to residential and small business customers. Some apps integrate with social media so that customers can share their progress on energy savings with their contacts and help motivate others to do the same. These types of free services should be encouraged as part of market growth, but app developers are unlikely to offer these free services to customers if doing so incurs a cost to comply with regulatory oversight.

Further, the decision to share data through Green Button Connect (or another standard) is a customer choice that should not in itself subject the company receiving the data to Commission oversight. If a customer chooses to download usage data via Green Button Download My Data and send directly to a third party, this is not substantially different than the customer initiating the transfer of the data directly from the utility to the company. It is inconsistent for regulation and Commission oversight to apply in the second case but not the first.

¹ AEEI and several other parties noted that Staff's proposal for the UBP-DERS was ill suited to meet the needs of the emerging DER market. As proposed, the UBP-DERS could impose a significant burden on companies using Green Button Connect.

² Page 105, Track 1 Order, Feb 26, 2015. Case 14-M-0101

³ OpenEI Green Button Apps listing <http://en.openei.org/apps/>

When a customer either downloads their own data from the utility via Green Button Download My Data or uses Green Button Connect, utilities should provide information that is clearly visible to explain that providing this data to another company will entail revealing private information. Customers should also be advised to review the privacy and data handling policies of the recipient company before sending their information.

Q3: Fees for Data

Utilities should not charge companies for receiving in near real time, customer usage data through Green Button Connect or other similar standards. We recognize that the frequency, granularity, timeliness, and types of data provided can generate costs for the utility, however, there should be minimal incremental cost for enabling Green Button Connect over systems that utilities will already need to invest in to enable the customer portal and other systems to support the market for DER. Further, as we mentioned before, there are some services that are provided free of charge using Green Button Connect, and the Commission should not preclude those options for customers by allowing fees to be charged to the recipients of the data.

Q4: Other Considerations

Lessons from California's implementation of Green Button may help New York avoid some of the implementation problems that California experienced. The three major IOUs in California began implementing Green Button Connect in 2012, however, the system is not widely used. Reasons for the slow uptake by customers include:

- Lack of awareness among industry participants and end-use customers
- Disparity in technical understanding/capability among third party providers
- Inter-IOU disparities in data exchange platforms based on interpretation of the Green Button and Green Button Connect standards
- Lack of a standard state-wide third-party authorization process
- Availability of information, i.e., data fields, because the initial Green Button implementations provided only usage data but no billing information

The Commission should create rules that ensure standard utility implementation of Green Button across New York. To address inconsistencies in implementation, the Green Button Alliance has commenced a testing and certification process to make it easier for an energy provider to ensure its Green

Button implementation complies with the Green Button standard, while also assuring developers they can write a single application that can work across many utilities. Utilities should be directed to work with the Green Button Alliance to ensure that their implementations of Green Button are fully compliant with the standard.

2: Providing Aggregated Data to Third Parties

Q1: Aggregated Data Standards

We do not have a specific recommendation for a data standard, however, the data standard need not be complex. Many companies receive utility data today in CSV format (comma separated values), and that is sufficient for most of their needs. Access to the correct data is the primary concern.

Q3: Privacy Standards for Aggregated Data

Access to aggregated customer data is necessary for companies to be able to propose solutions that serve community needs and provide non-wires alternatives to locations on the distribution grid; however, the advanced energy community believes that any personally identifiable information should not be provided in aggregated customer data. Staff provided two examples of aggregated data standards: the “15/15 rule” where data must include at least 15 customers with no one customer representing more than 15% of the load and the “4/80 rule” where data must include at least 4 customers with no one customer accounting for more than 80 percent of the load. We do not have a specific recommendation for the appropriate standard, but should the Commission find that the 4/80 rule does not adequately anonymize customer data, it should could choose something in between the 4/80 and 15/15 rule. The Commission should not choose something more stringent than the 15/15 rule.

Q4: Other Considerations

Access to data is critical to enable advanced EM&V capabilities that are needed to help REV achieve its full potential. Advanced EM&V technology requires access to non-participant data to build robust comparison groups to quantify savings estimates, make bias corrections, and account for external factors that may impact savings measurement. These comparison groups are a necessary input for near real-time savings measurement. Empowering continuous EM&V that quantifies savings in near real-time is important for energy efficiency to transition toward a market based resource. As we outlined in our

comments on Utility Energy Efficiency Transition Implementation Plans (15-M-0252), a transition to market-based energy efficiency requires “EM&V 2.0 methods” that include new measurement devices and software that rely on non-participant comparison groups.

The current guidelines (Appendix C in the New York Evaluation Plan Guidance for EEPs Program Administrators) restrict the use of non-participant data for EM&V and create a hurdle for the deployment of these innovative EM&V technologies. Because many of these EM&V technologies are licensed to and implemented by utilities, data does not need to be transferred beyond the utility. As this approach lacks several of the complicating factors related to the release of customer data to third parties, the Commission can deal with this issue quickly and outside of the course of this proceeding.