State of New York

Public Service Commission

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

Introduction

The New York State Energy Research and Development Authority ("NYSERDA") hereby submits these comments in response to the Joint Utilities' (JU) petition seeking clarification regarding the Integrated Energy Data Resource (IEDR) platform.[1] On December 1, 2022, the JU petitioned the Commission to: (i) direct the Joint Utilities to provide non-anonymized, non-aggregated customer specific data (Protected Customer Data[2]) to the IEDR Solution Architect and Development Team (IEDR Administrator) without customer consent; (ii) confirm that the IEDR Administrator will not share Protected Customer Data without customer consent; and (iii) authorize the Joint Utilities to make tariff filings removing any utility liability associated with the IEDR Administrator experiencing a data loss.[3] NYSERDA believes that the New York State Public Service Commission (Commission) Order Implementing an Integrated Energy Date Resource issued on February 11, 2021, adequately directed transferring all requested data for creation and ongoing operation of the IEDR.[4] However, for the efficient and timely development and implementation of the IEDR, and to support value added query and analysis functions and use cases as directed by the IEDR Order, NYSERDA requests the Commission direct the JU to provide required data

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[1] Case 20-M-0082, Proceeding on Motion of the Commission Regarding Strategic Use of Energy Related Data, Joint Utility Petition Regarding Sharing Data with the Integrated Energy Data Resource ("JU Petition"), filed December 1, 2022.
[2] "Protected Customer Data" is a new term introduced by the JU in their Petition and previously undefined in either the IEDR or DAF Orders. NYSERDA recommends using the term "Customer Data Sets" as defined in the DAF Order and will use this term throughout these comments.
[3] JU Petition at p.1.
[4] Case 20-M-0082, Proceeding on Motion of the Commission Regarding Strategic Use of Energy Related Data, Order Implementing an Integrated Energy Date Resource issued on February 11, 2021 ("the IEDR Order), issued, February 11, 2021.

to the IEDR Administrator in a complete, unmasked, and unaggregated form and without customer consent.[5] Further, NYSERDA recommends the Commission to direct the JU to enter into applicable data sharing agreements with the IEDR Administrator within 30 days of the resulting Commission Order. If the relevant data sharing agreement is already entered at the time of the resulting Order, JU should be directed to update those agreements within 30 days of the resulting Commission Order, to adopt, as needed, the Commission directives therein. While NYSERDA comments do not address the JU request regarding utility liability associated with the IEDR Administrator experiencing a data loss, NYSERDA wants to inform the Commission that the procurement for the IEDR Administrator did not account for the costs and other requirements associated with Data Security Incidents that may happen on systems or environments that are not in the control of the IEDR Administrator.

Background

On February 11, 2021, the Commission issued the IEDR Order directing the implementation of the IEDR to securely collect, integrate, and provide broad and appropriate access to large and diverse sets of useful energy-related information on one statewide data platform.[6] The IEDR Order designated NYSERDA as the IEDR Program Sponsor responsible for defining, initiating, overseeing, and facilitating the IEDR program on behalf of New York State, and required that the IEDR enable approximately 50 use cases over Phases 1 and 2. In compliance with the IEDR Order directive, NYSERDA has: procured the professional services of a Program Manager, Solution Architect, and Development Team; organized, and sought inputs from, an IEDR Program Utility Coordination Group to ensure alignment of implementation schedules and policies of the IEDR between the IEDR Program Team[7] and utility IEDR Implementation Teams; organized, and sought inputs from, an IEDR Program Advisory Group comprising representatives for significant stakeholder categories; and lead extensive and ongoing stakeholder outreach to identify, validate, prioritize and develop stakeholder driven use cases. As such, the IEDR Administrator is

[5] This includes data as described in Appendix B of the IEDR Whitepaper such as Service Point Details, Customer Details, and Meter Details. At no point would the IEDR request, store, or utilize highly confidential personal information such as credit card numbers, social security numbers, or confidential financial information.

[6] The IEDR Order at p.2.

[7] The IEDR Program Team is defined as NYSERDA, the IEDR Program Manager, the IEDR Utility Data Advisory, and the IEDR Solution Architect and Development Team.

prepared to access the required data and implement critical prioritized use cases in support of New York's Climate Leadership and Community Protection Act (CLCPA) when the appropriate data is supplied by the JU.

The IEDR Order also directed 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., Rochester Gas and Electric Corporation, National Fuel Gas Distribution Corporation, St. Lawrence Gas Company, Inc., KeySpan Energy Delivery New York, and KeySpan Energy Delivery Long Island to: work with the Department of Public Service Staff (DPS Staff) and NYSERDA to implement a statewide IEDR; establish an IEDR Implementation Team led by a member of the company's senior management team, file tariff amendments necessary to effectuate the recovery of costs associated with the IEDR Program, and file General Accounting Procedures associated with the IEDR implementation cost deferral provisions discussed in the Order; and file quarterly reports on IEDR enablement project planning and investments, with the first report being due on or before October 31, 2021.

On April 15, 2021, the Commission issued an Order to establish a uniform and comprehensive Data Access Framework (DAF) to govern the means and methods for accessing and protecting all types of energy-related information. NYSERDA is committed to defining, initiating, overseeing, and facilitating the IEDR program on behalf of New York State in compliance with Commission directives as well as the applicable statutory and regulatory requirements.

NYSERDA Comments

(i)

The Successful Implementation of Phase 1 and 2 of the IEDR Requires that Joint Utility Customer Data in a Complete, Unmasked, and Unaggregated Form and without Customer Consent be Transferred to the IEDR Administrator.

The IEDR Order required approximately fifty use cases over Phases 1 and 2 and specific deadlines for achieving minimum performance capabilities. In doing so, Phase 1 is required to enable at least five of the highest priority use cases with an expectation that there could be ten or more use cases achieved and will

be completed within 24-30 months of the work's commencement by the Program Manager (Q4 2023). During Phase 2, the initial IEDR is required to be expanded and enhanced for approximately forty additional use cases, building on the successful implementation and operation of Phase 1. Phase 2 will be completed 36 months after the completion of Phase 1 (on or about July 30, 2026).

To determine feasibility, likelihood of success and value, the IEDR Program Team, led by NYSERDA, conducted a detailed identification process, inclusive of a combination of market research, various levels of stakeholder engagement, and consultation with Subject Matter Experts (SMEs), to select specific use cases for inclusion in the IEDR Minimum Viable Product (MVP). The use cases included in the MVP are determined to be the foundation in which future use cases and functionality of the IEDR will be built upon, and the completion of the MVP will mark the successful conclusion of Phase 1. Customer Data Sets are an integral component of several of the use cases designated for development in the MVP. The table below presents a selection of use cases prioritized using stakeholder input for development and release in the MVP which require customer data in a complete, unmasked, and unaggregated form and without customer consent to provide value to users.

Use Case	Description	Needs & Role of Customer Data
Consent for Already Identified Customers	This use case will allow a customer interested in an energy efficiency, on-site clean generation, or other clean energy product and/or service to grant permission to a third-party to access their energy consumption and billing information. This use case will also allow a third-party clean energy product and/or service provider to request a customer they've engaged with to grant permission to access their data, then fulfil that access once consent is given. In addition, this use case will allow customers to review, edit, and revoke their granted permissions on an on-going basis.	**Data needs and requirements include:** Unique property ID, service points, address, meter IDs, GBC usage summary representing bill, service period start and duration for the Usage Point, reference to the bill image applicable, unique invoice ID, bill issuance date, amount due, due date, date on which the next bill is expected, an indication of whether the bill replaces any preceding bill (and if so a reference to the invoice ID).
Implementing Community Choice Aggregation (CCA) Programs	This use case will better enable local governments (village, town, city, etc.) to understand energy consumption in their community so that they can better decide where to source their electricity from, plan and	**Data needs and requirements include:** Unique identifiers, measured interval consumption by fuel type, synthesized interval consumption by fuel type, interval length, interval start date/time, meter ID, meter location, meter to service address mapping, service address to billing

	implement effective CCA programs[8], and do so at a competitive price.	address mapping, building size, facility type, rate class, and customer load profiles. Individual customer records will be aggregated to allow users to: • View frequently updated, aggregated energy consumption metrics per town/village/city • View ICAP tags and CCA eligibility
Aggregated Whole Building Energy Consumption-Building Manager	This use case will support building manager / property management company / product service providers' ability to participate in efforts to benchmark energy efficiency and comply with local regulations / laws through access to whole building energy data across all types / sizes of buildings, including those that require customer consent. To achieve that goal, this use case will enable analysis of prior year energy consumption data for all fuel types used in a given building, as well as the ability to aggregate these individual meter-readings into total energy consumption by fuel and property type. In addition, specifically for small buildings, end users will be able to dive deeper into which buildings create the most emissions and which retrofitting options would be most ideal using provided current distributed energy resource (DER) deployment by building data.	**Data needs and requirements include:** Unique identifiers, measured interval consumption by fuel type, synthesized interval consumption by fuel type, interval length, interval start date/time, meter ID, meter location, meter to service address mapping, service address to billing address mapping, building size, facility type, rate class, and customer load profiles.
Aggregated Whole Building Energy Consumption-Government Agency	This use case will support government agencies who want access to whole building energy data for all buildings that meet the criteria for not needing customer consent (i.e., aggregated in accordance with 4/50 rule as outlined in the DAF Order) for benchmarking and energy program planning and implementation.	**Data needs and requirements include:** Unique identifiers, measured interval consumption by fuel type, synthesized interval consumption by fuel type, interval length, interval start date/time, meter ID, meter location, meter to service address mapping, service address to billing address mapping, building size, facility type, rate class, and customer load profiles.

[8] CCA allows local governments to work together through a shared purchasing model to put out for bid the total amount of electricity and/or natural gas being purchased by eligible customers within the jurisdictional boundaries of participating municipalities.

While the IEDR Order is clear with respect to transferring all requested data for creation and ongoing operation of the IEDR, it is imperative that the IEDR is in possession of all required data in a complete, unmasked, and unaggregated form to support value added query and analysis functions and use cases. Further, the IEDR requires data from all customers, unless special circumstances exist and the Program Team documents an exemption, to provide the envisioned value of the IEDR (e.g., the IEDR cannot accurately aggregate energy consumption at the community or building level if all consumption records for the community or building are not available). As a result, the IEDR Program Team requests that the Commission clarify the following:

- The Commission should formally adopt the data categories and data fields described in Appendix B of the Department of Public Service Staff Whitepaper Recommendation to Implement an Integrated Energy Data Resource[9] as the minimum to be shared by the JU with the IEDR, with the understanding that this list may be expanded to meet the requirements of use cases or enhance the value to stakeholders as identified by either the IEDR Program Team or the JU. In addition, the Team requests that the adoption of Appendix B is not limited to the exact text of Appendix B, as each utility may have a unique definition, naming convention, or schema for the included data categories and fields, and these differences should not prohibit the sharing of this data.
- Each utility shall share all stewarded Customer Data Sets in a manner and within reasonable time as requested by the IEDR Administrator. In doing this, each utility will share 24 months of Customer Data, or for the life of the account, whichever is less. Additionally, each utility shall share system, rate/tariff or other data stewarded by each utility as requested by the IEDR Administrator.
- Utilities shall not redact, omit, mask, or aggregate the requested customer data for any reason without explicit direction from the IEDR Program Team.
- Utilities shall share the requested data within a reasonable timeframe established in agreement with the IEDR Program Team, whether that occurs during development, as part of on-going operations, and/or during any future updates to the IEDR.

[9] Case 20-M-0082, Proceeding on Motion of the Commission Regarding Strategic Use of Energy Related Data, Department of Public Service Staff Whitepaper Recommendation to Implement an Integrated Energy Data Resource (the IEDR Whitepaper), filed May 29, 2020.

- The Commission should direct the JU to update and execute data sharing agreements with the IEDR Development Team within 30 days of a resulting Order to include the sharing of Customer Data Sets.
- Further, in order to timely meet the Commission timeline for Phase 1 and Phase 2 priority use cases, NYSERDA requests that the JU be directed to begin sharing Customer Data Sets within 60 days of a resulting Order.

(ii)

The IEDR must be Empowered to Obtain Customer Consent for Resharing of Data with Third Parties in a Manner that is Consistent with the DAF and Supports Equitable, Secure, and Streamlined Sharing and Access to Accelerate Development of Energy and Climate Solutions.

On April 15, 2021, the Commission issued an Order to establish a uniform and comprehensive Data Access Framework to govern the means and methods for accessing and protecting all types of energy-related information. The IEDR Platform is on track to be developed and implemented to comply with all requirements outlined in the IEDR Order and DAF Order, and NYSERDA is committed to facilitate the implementation of the IEDR in compliance with all applicable statutory and regulatory requirements. In aid of that, NYSERDA requests the Commission clarify the role of the IEDR as a Data Custodian[10], as defined, described, and envisioned in the DAF Order, with the associated rights and responsibilities. Further, the Commission should clarify that the IEDR will not be prevented from sharing or making public derivatives of Customer Data Sets to meet prioritized use cases if the data is anonymized and aggregated in a fashion compliant with all the applicable legal and regulatory requirements, state policy and Commission directives.

The Commission confirmation of the IEDR's status as a Data Custodian will enable the IEDR to apply customer consent mechanisms that appropriately support customer choice and will not share non-anonymized, non-aggregated customer data with third parties without consent. The IEDR Administrator will employ UtilityAPI or an equivalent Platform to automate Customer Data Set requests, consent, and data download. This will be the only point of access for non-public customer data that exists in the

[10] "The data custodian will be any entity where the energy-related data are housed and being accessed, such the utility (sic) or a centralized data warehouse."

platform for end user ESEs. The UtilityAPI Platform has been certified to be compliant with required IEDR cybersecurity controls, including NYS Information Security Policy NYS-P03-002 and SOC 2 Type 2 Trust Services Criteria of Security, Availability, and Confidentiality, and is currently in use at several utilities to satisfy similar requirements for the Green Button Connect standard.

For the reasons discussed above, NYSERDA requests the commission to recognize the IEDR as a Data Custodian and direct the JU to:

- coordinate with the IEDR Administrator to enable streamlined, user-friendly customer consent and accurate, (near) real-time customer authentication and validation mechanisms, including Single Sign-On (SSO) and all future secure authentication methods as specified by the IEDR Program Team, to increase the number of convenient options available to customers to share Customer Data with and receive benefits from 3rd parties.
- make available, and be fully responsible for providing, accurate customer contact information when available, including telephone number and email address, updated and made available to the IEDR daily, in order to support customer verification mechanisms such as one-time passcode (OTP).

Conclusion

The timely access to Customer Data Sets is critical to the foundation, functionality, and future success of the IEDR, and to the Program Team's ability to create a public resource that delivers the myriad benefits as envisioned by the Commission in the IEDR Order. NYSERDA appreciates the opportunity to file these comments and the Commission's consideration of the discussion herein.

Respectfully submitted,

Sunny Joshi, Esq.
Senior Counsel