

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Nancy Lange
Dan Lipschultz
Matthew Schuenger
Katie J. Sieben
John A. Tuma

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of a Commission Inquiry into
Privacy Policies of Rate-Regulated Energy
Utilities

ISSUE DATE: June 9, 2017

DOCKET NO. E,G-999/CI-12-1344

ORDER APPROVING CUSTOMER
ENERGY USE DATA CONSENT
FORM

PROCEDURAL HISTORY

In 2013, the Commission convened a workgroup to inquire into various aspects of privacy and the confidentiality of customer information held by energy utilities.

On January 19, 2017, the Commission issued an order addressing the dissemination of Customer Energy Use Data (CEUD) collected by utilities. That order expressed the Commission's desire to develop a model form to facilitate customers' consent to release of their CEUD by utilities to designated third parties. The order noted that while commenters in this docket had made substantial progress in developing a recommendation about how to enable Minnesota energy customers to consent to the release of their CEUD to designated third parties, they were unable to fashion a final recommendation for the Commission.

On January 25, 2017, the Commission issued a Notice of Comment Period requesting comments on the content and format of a potential CEUD release consent form to permit Minnesota's energy customers to give informed consent for the release of their data.

On February 22 2017, the following people and entities filed comments:

- Mission:data Coalition¹
- Fresh Energy
- Otter Tail Power
- Minnesota Energy Resources Corporation
- CenterPoint Energy
- Xcel Energy
- Minnesota Power
- Minnesota Office of the Attorney General
- Minnesota Department of Commerce
- Dakota Electric

¹ Mission:data Coalition is a national coalition of technology companies that deliver data-enabled energy management services and solutions.

FirstFuel Software² and the Minnesota Large Industrial Group³ filed reply comments in March. On May 18, 2017, the Commission met to consider the matter.

FINDINGS AND CONCLUSIONS

I. Use of a Model Customer Consent Form

Comments received following the January 25, 2017 Notice of Comments generally favored developing a model customer consent form based on a form used in Colorado (Attachment A to this order). The Colorado model form asks the customer to identify the third party who is to receive the customer's data, the type of data to provide (electric, gas, steam), the purpose for releasing the data (for example, to analyze the customer's energy usage), and the period for which the utility is to provide the data. The form also contains a statement informing the customer of his or her right to withhold consent, limit consent, and retract consent for disclosing the data.

Many commenters favored uniformity in use of a model form. Mission:data Coalition, FirstFuel, and the Department favored uniformity over all utilities so as to streamline the collection of CEUD for a large number of customers. FirstFuel also asserted that a web-based CEUD authorization would support large scale automated data transfers to assist in "big data" analytics.

Other utilities argued that use of a uniform form does not fit all utilities or all requests for data for CEUD. Other utilities stated that because they receive so few requests for CEUD, it would be difficult to justify the expense to develop a website to obtain consent.

II. Recommended Changes to the Colorado form

The Department recommended the following modifications to the Colorado model form disclosure page.

In addition to the [Customer Data] described above, the data recipient may also receive the following from your utility: your name; account number; service number; meter number; utility type; service address; premise number; premise description; meter read date(s); number of days in the billing period; utility invoice date; base rate bill amount; other charges including base rate and non-base rate adjustments; taxes; and invoice total amount. Your utility will not provide any other information, including Personally Identifiable Information such as your Social Security Number or any financial account number, to the data recipient through this consent form.

² FirstFuel Software is a "big data" analytics company that provides web-based customer engagement and demand side management solutions to approximately 30 electric and gas utilities, energy retailers and government agencies.

³ The Minnesota Large Industrial Group describes itself as a continuing ad hoc consortium of large industrial end-users of electricity in Minnesota, spanning multiple utilities and functioning to represent large industrial interests.

And,

Your utility will have no control over the data disclosed pursuant to this consent, and will not be responsible for monitoring or taking any steps to ensure that the data recipient maintains the confidentiality of the data or uses the data as authorized by you. Please be advised that neither you nor your utility will be able to control the use or misuse of your data once it has been released.

The Department also recommended the following changes to the Colorado consent form:

1. Removal of the language on the side of the form that says, “To be completed by the Customer” and “To be completed by the Data Recipient” and include those directives in a less visually confusing manner; and
2. Placement of the Customer Signature section after the Customer Disclosure section, ensuring that both of these sections are placed on the same page.

Last, the parties commented on whether the consent form should be made available in languages other than English. Two utilities disagreed that this should be required. The Department recommended that the form be made available in a number of languages, including Hmong, Somali, and Spanish. Other parties expressed concern about the costs of translating the form into multiple other languages.

III. Commission Action

The Commission appreciates the continuing efforts of the commenting parties in helping to fashion an acceptable consent form to be used as a model for release of CEUD by utilities to designated third parties. While most of the commenting parties were amenable to use of the Colorado consent form as a model form, with the modifications proposed by the Department, other utilities preferred to retain some measure of flexibility in the language of the consent form to be used.

The Commission has carefully weighed the various options discussed. The Commission concurs that the most reasonable approach, while retaining some level of flexibility for utilities with differing customer bases and needs, is to approve the modified Colorado consent form as a model for use in Minnesota, as attached to this order. And, to facilitate third party and customer access to the model form, the Commission will require all Minnesota rate-regulated utilities to make the approved form available, on line and in hard copy, to retail customers.

Utilities are free to develop and use an alternative form, consistent with the form approved herein, with the caveat that any such alternative forms must be submitted to the Commission, as a compliance filing in this docket, for approval prior to use. To avoid interrupting the availability of consent forms, utilities may use the consent forms they are currently using for a period of up to 90 days following the date of this order.

The Commission will also allow, each utility, at its discretion, to post to its web site a Commission-approved consent form that enables customers to securely fill in, sign, and submit the form via the web site. The electronic form must be consistent with the hard copy consent form.

Further, the Commission will require all utilities to make their consent forms available in English. And, on a utility-specific basis, the Commission will require that the approved consent form be made available in any other language the utility or Commission determines appropriate for that utility based on information such as demographics and English language proficiency in the utility's service area.

Recognizing the potential costs such translations could impose on an individual utility, the Commission will delegate to the Executive Secretary the discretion to make the modified Colorado consent form available in other languages as may be requested by utility customers.

Finally, utilities are required to honor valid CEUD requests from third parties only to the extent the third parties use Commission-approved consent forms provided by the utility.

ORDER

1. The Colorado consent form, as modified herein (Attachment A), is approved as a model for use in Minnesota. All rate regulated utilities shall make the form available, on line and in hard copy, to retail customers.
2. Utilities may develop and use alternative consent forms, but any such alternative forms must be consistent with the attached model form and submitted to the Commission for approval as a compliance filing in this docket.
3. Utilities may use the consent forms they are currently using for a period of up to 90 days following the date of the Commission order.
4. Each utility, at its discretion, may post to its web site a Commission-approved consent form that enables customers to securely fill in, sign, and submit the form via the web site. The electronic form must be consistent with the hard copy form.
5. Utilities shall make their consent forms available in English and, on a utility-specific basis, in any other language the utility or Commission determines appropriate for that utility based on the demographics and English language proficiency in the utility's service area. The Commission hereby delegates to the Executive Secretary the discretion to make the attached model consent form available in other languages as requested.
6. Utilities shall honor valid CEUD requests from third parties only to the extent the third parties use Commission-approved consent forms provided by the utility.

7. This order shall become effective immediately.

BY ORDER OF THE COMMISSION

Daniel P. Wolf
Executive Secretary



This document can be made available in alternative formats (e.g., large print or audio) by calling 651.296.0406 (voice). Persons with hearing loss or speech disabilities may call us through their preferred Telecommunications Relay Service.

CONSENT TO DISCLOSE UTILITY CUSTOMER DATA
--

All requested information must be provided for the consent to be valid. This form may be available from your utility provider in other languages. To obtain a copy in another language, please contact your utility provider. Para obtener una copia de este formulario en español, por favor contacte a su proveedor de servicios públicos.

TO BE COMPLETED BY THE DATA RECIPIENT

Utility Name and Contact: _____
 Physical and Mailing Address: _____
 Phone: _____ Email: _____ Fax: _____
 For additional information, including the utility's privacy policy, visit [web address]

By signing this form, you allow your utility to give the following information to:

Organization/Trade Name: _____
 Contact Name (if available): _____
 Physical and Mailing Address: _____

 Phone: _____ Email: _____ Fax: _____

This organization will receive the following customer data:

- Information from your meter collected by your utility services provider from the following services (check all services that apply): **electric** **steam** **natural gas**
- Information regarding your participation in renewable energy, demand-side management, load management, energy efficiency or other utility programs
- Other (specify) _____.

This information will be used to:

- Provide you with products or services you requested
- Offer you products or services that may be of interest to you
- Determine your eligibility for an energy program
- Analyze your energy usage
- Other (specify): _____.

DATA COLLECTION PERIOD

The relevant timeframe associated with the requested data is from ___/___/___ and will:

- end on ___/___/___
- be effective until terminated by you.

You may terminate this consent at any time by sending a written request with your name and service address to your utility.

CUSTOMER DISCLOSURES

*** Customer data can provide insight into activities within the premises receiving utility service. Your utility may not disclose your customer data except (1) if you authorize the disclosure, (2) to contracted agents that perform services on behalf of the utility, or (3) as otherwise permitted or required by laws or regulations.***

You are not required to authorize the disclosure of your customer data. Not authorizing disclosure will not affect your utility services.

You may access your standard customer data from your utility without any additional charge.

Your utility will have no control over the data disclosed pursuant to this consent, and will not be responsible for monitoring or taking any steps to ensure that the data recipient maintains the confidentiality of the data or uses the data as authorized by you. Please be advised that you may not be able to control the use or misuse of your data once it has been released.

In addition to the [Customer Data] described above, the data recipient may also receive the following from your utility: your name; account number; service number; meter number; utility type; service address; premise number; premise description; meter read date(s); number of days in the billing period; utility invoice date; base rate bill amount; other charges including base rate and non-base rate adjustments; taxes; and invoice total amount. Your utility will not provide any other information, including Personally Identifiable Information such as your Social Security Number or any financial account number to the data recipient through this consent form.

TO BE COMPLETED BY THE CUSTOMER

PLEASE READ THE ABOVE CUSTOMER DISCLOSURES BEFORE SIGNING THIS FORM

By signing this form you acknowledge and agree that you are the customer of record for this account and that you authorize your utility service provider to disclose your customer data as specified in this form.

CUSTOMER ACCOUNT NUMBER

SERVICE ADDRESS

PRINTED NAME

SIGNATURE OF CUSTOMER OF RECORD

DATE SIGNED