

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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| In the matter, on the Commission’s own motion,      | ) |                  |
| to process data privacy tariffs filed in compliance | ) |                  |
| with Mich Admin Code, R 460.153 for approval.       | ) | Case No. U-18485 |
| _____   | ) |                  |

At the December 20, 2017 meeting of the Michigan Public Service Commission in Lansing, Michigan.

PRESENT: Hon. Sally A. Talberg, Chairman  
Hon. Norman J. Saari, Commissioner  
Hon. Rachael A. Eubanks, Commissioner

**ORDER OPENING DOCKET**

This order opens a docket for the processing and approval of data privacy tariffs filed in compliance with Mich Admin Code, R 460.153 (Rule 53) of the Commission’s Consumer Standards and Billing Practices for Electric and Natural Gas Service. Rule 53 provides as follows:

- R 460.153 Customer access to consumption data and confidentiality.
- Rule 53. (1) A utility shall provide to each customer, upon request, a clear and concise statement of the customer's actual energy usage, or weather adjusted consumption data for each billing period during the last 12 months, or both. A utility shall notify its customers at least once each year by whatever method is used to transmit the customers' bills, that a customer may request energy usage, or weather-adjusted consumption data, or both.
- (2) Each electric and natural gas utility shall file with the commission, for the commission’s approval, a customer data privacy tariff that contains a customer data privacy policy. The privacy policy shall do all of the following:
  - (a) Encompass all customer information or data collected or maintained by the utility.
  - (b) Clearly define customer information or data that the utility collects or maintains.
  - (c) Protect all customer information or data collected for the utility from unauthorized use or disclosure by the utility, its affiliates, or contractors.

(d) Ensure that, for secondary purposes, customer usage data, personally identifiable information, and certain other customer information are only disclosed to third parties with the customer's written consent.

(e) Specify that customer information may be disclosed without consent in response to a warrant or court order, as required for collection activities, or as necessary for primary purposes.

(f) Permit a customer to share his or her information with a third party that is not affiliated with the utility. The utility may elect to insert language in the privacy policy stating that the utility is not responsible, in this circumstance, for a third party's unauthorized disclosure or use of this information.

(g) Provide clear instructions regarding the method by which a customer and a third party, authorized by the customer, may obtain customer usage data in a timely manner and a readily accessible format from the utility.

(h) Indicate that the policy does not apply to aggregate data, containing general characteristics of a customer group, which is used for analysis, reporting, or program design purposes.

(3) The privacy policy shall be posted on the utility's website.

Because of concerns about customer data privacy, Rule 53 was added during a recent rulemaking in Case No. U-18120 where the Commission revised and consolidated two of its previous rules sets that pertained to consumer standards and billing practices for residential and non-residential electric and gas service. Rule 53 addresses customer access to energy consumption data and confidentiality. This rule addresses utility customers' access to their energy usage information as well as the utility's responsibility to file a customer data privacy tariff. The data privacy tariffs will provide customers information about what kind of customer information is collected and maintained by the utility and how that information is protected. The utility can use customer data for primary purposes that are central to the utility's operation, such as billing and energy waste reduction program administration. However, for secondary purposes, the rule requires explicit customer consent for the utility to release such data to any third party. As set forth in the rule, the data privacy tariffs shall specify that a customer can share his or her data with third parties that are not affiliated with the utility as authorized by the customer's consent; however, the utility would not be responsible for any unauthorized release of such information by

the third party. Further, Rule 53 requires that the data privacy policy be posted on the utility's website. To comply with the provisions of Rule 53(2), each electric and natural gas utility is directed to file a data privacy tariff in this docket by June 8, 2018. Upon conclusion of the Commission's review of each tariff, the Commission will issue a second order in this docket indicating whether it approves each tariff. Further, the Commission's Executive Secretary shall electronically serve a copy of this order on each Commission-regulated electric and natural gas utility in Michigan.

THEREFORE, IT IS ORDERED that:

A. Each electric and natural gas utility shall file a data privacy tariff in this docket by June 8, 2018.

B. The Commission's Executive Secretary shall electronically serve a copy of this order on each Commission-regulated electric and natural gas utility in Michigan.

The Commission reserves jurisdiction and may issue further orders as necessary.

MICHIGAN PUBLIC SERVICE COMMISSION

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Sally A. Talberg, Chairman

By its action of December 20, 2017.

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Norman J. Saari, Commissioner

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Kavita Kale, Executive Secretary

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Rachael A. Eubanks, Commissioner

# PROOF OF SERVICE

STATE OF MICHIGAN )

Case No. U-18485

County of Ingham )

Lisa Felice being duly sworn, deposes and says that on December 20, 2017 A.D. she electronically notified the attached list of this **Commission Order via e-mail transmission**, to the persons as shown on the attached service list (Listserv Distribution List).



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Lisa Felice

Subscribed and sworn to before me  
This 20th day of December 2017



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Steven J. Cook  
Notary Public, Ingham County, Michigan  
As acting in Eaton County  
My Commission Expires: April 30, 2018

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