



Data Accessibility Staff Report

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Executive Summary

Pursuant to the Michigan Public Service Commission's (MPSC or Commission) order in docket U-18485, 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, Commission Staff files this report summarizing data accessibility efforts for utility customers.

In the Commission's order from October 24, 2018, it directed Staff to conduct a forum inviting interested parties, including Michigan utilities, to further explore key data privacy/accessibility issues and prepare a report to the Commission to be filed in the U-18485 docket no later than April 15, 2019.

This report describes the history of the Commission's activity addressing data privacy tariff requirements for regulated utilities, including provisions for customers' access to energy usage data. The Stakeholder Forum was held on March 5, 2019. Key highlights of the Stakeholder Forum are included in this report. The Stakeholder Forum featured participation from regulated utilities, Commission Staff, and other interested parties. Presenters at the Stakeholder Forum brought in an enhanced perspective on data accessibility, including information about the Green Button national standard format for data (presented by the Green Button Alliance) and a neighboring Midwest state's experience addressing data accessibility issues (presented by the Illinois Citizens Utility Board). Michigan's two largest investor-owned utilities, DTE Energy and Consumers Energy, provided an overview of their revised data privacy tariffs with an emphasis on customer data accessibility.

The topic of customer data accessibility is an evolving subject. This report includes history of the Michigan utility data privacy/accessibility process as well as recommendations for the Commission to consider going forward which include 1) reviewing utility performance resulting from the implementation of the new and/or revised data privacy/data accessibility tariffs that were recently filed, 2) analyzing customer feedback regarding data accessibility, including accessibility for their authorized third-parties, 3) exploring lessons learned from neighboring Midwest state Illinois based on its advanced activity with data accessibility policy and implementation, 4) focusing on customer consent details for authorizing third-parties, including electronic signature options, 6) exploring policies and parameters addressing aggregated and anonymized data, 7) determining data ownership rights (utility versus customer), and 8) hosting additional data accessibility discussions with a wider range of stakeholders, including renewable energy installers and various energy service providers.

Introduction

A universal feature of service industries is that they have access to and correspondingly store customer data. The questions that arise are “how does the service provider protect customers’ data” and “how can customers have access to their own data that the service provider is serving as the steward of?” This situation is no different for the utility service industry. The Michigan Public Service Commission (MPSC or Commission) has prioritized the need for customer data protection when regulated utilities serve as stewards of the data, as well as assuring that the customer has proper access to their data that the utility maintains.

Commission dockets U-17102 and U-18485 address the need for regulated utilities to provide assurance to customers that their personally identifiable and energy usage data are protected. Additional to data protection is the assurance that the customers and their designated third-parties have access to customer data, enabling customers to make decisions about their own energy use, including energy waste reduction, demand response and renewable energy strategies.

The primary focus of this report is on the post-utility filings of data privacy tariffs and how utility customers have access to their energy usage data through the utility.

Issues

MPSC Data Accessibility History

Advanced technology deployed by the utilities has led to an increase in two-way communication from utility to customer, the development of alternative rate structures for the customer (due to more granularity with customer usage data), and a general increase in the amount of customer data that a utility receives. The Smart Grid Section has historically been responsible for addressing customer data privacy and data accessibility issues, primarily because of Staff’s focus on utility deployment of advanced technologies and the resulting increase and storage of customer data.

In 2012, in docket U-17102¹, the Commission required Michigan’s two largest investor-owned utilities, DTE Energy and Consumers Energy, to file data privacy tariffs. The intent was for the utilities to provide a transparent and thorough explanation to their customers about how they protect the privacy of the customers’ data that is collected and maintained. Contained in the data privacy tariffs were provisions that describe how the utilities provide data accessibility to customers who request information about their energy use history.

During this process in 2012, the Commission brought to Michigan data privacy experts from the Vermont Law School. The Vermont Law School experts participated in a Commission held public forum that addressed data privacy and data accessibility details. These same experts assisted the

¹ <https://mi-psc.force.com/s/filing/a00t0000005pQrBAAU/u171020014>

Commission Staff with developing a model data privacy tariff that was shared with DTE Energy and Consumers Energy, providing a template for the two utilities to follow when filing their data privacy tariffs. Subsequently, data privacy tariffs were filed by DTE Energy and Consumers Energy following the model data privacy tariff that was included in the Commission order.

A portion of those tariffs addressed the need for customers to have easy access to their usage data from the utilities, however, it was clear that this was not a stagnant issue, and there was a need to more thoroughly address customer data accessibility over time. Case No. U-17102 only required the State's two largest utilities to file their data privacy tariffs. Next the Commission chose to address data privacy and data accessibility with the remaining Michigan investor-owned utilities through the amended billing rules process.

The Commission Staff and representatives from the regulated utilities engaged in several discussions addressing the needed amendments to the Consumer Standards and Billing Practices for Electric and Natural Gas Service, otherwise known as the "billing rules." Included in the discussions about modifications to the billing rules was the topic of customer data accessibility (including authorized third-party data accessibility on behalf of the customer).

The Commission approved changes to the Consumer Standards and Billing Practices for Electric and Natural Gas Service² in 2017, including revised language addressing customer data accessibility. Section R 460.153 addresses customer access to consumption data and confidentiality. Section R 460.153 (2)(g) reads: "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."

The Commission opened docket U-18545³ and directed all of Michigan's regulated utilities to file either new or revised data privacy tariffs, including provisions for customer data accessibility. The utilities filed their tariffs, and on October 24, 2018, the Commission accepted all the filed tariffs except one, and directed Staff to conduct a data accessibility stakeholder forum to further discuss data accessibility with utilities and other interested parties. The order further directed Staff to file this report by April 15, 2019 summarizing the stakeholder forum process and any corresponding recommendations going forward. The Commission order filed on January 18, 2019 accepted the final utility filed tariff. The tariffs from Michigan's two largest utilities DTE Energy (electric⁴ and

² http://dmbinternet.state.mi.us/DMB/ORRDocs/AdminCode/1779_2018-001LR_AdminCode.pdf

³ <https://mi-psc.force.com/s/filing/a00t0000005psNJAAAY/u184850002>

⁴ https://www.michigan.gov/documents/mpsc/dtee1cura1throughc_579204_7.pdf

gas⁵), and Consumers Energy (electric⁶ and gas⁷) include data accessibility revisions from their originally filed tariffs of 2012.

The Core Issue

The language of R 460 153 (2)(g) represents the core issue: the need for utilities to provide to their customers clear instructions about how they (or their authorized third-party) can obtain energy usage information in a timely manner and a format that is considered “readily accessible.” The billing rule language “clear instructions,” “timely manner” and “readily accessible format” are purposely not prescriptive, allowing the Commission to work out the real nuances and details with the utilities when the rules are interpreted. This created a need to have a more evolved discussion with utility providers, Commission Staff and other interested parties about these three particular terms, and how the terms can be best interpreted to serve utility customers.

It is also important to note that different entities throughout the state and the country will have different interpretations of these three key terms which are embedded in R 460.153 (2)(g). Having a more comprehensive conversation about data accessibility requires the inclusion of experts who have a variety of experiences with the data accessibility topic.

The Stakeholder Forum

Staff hosted a stakeholder forum to share the history of data privacy and data accessibility at the MPSC and to further the conversation about a changing world where utilities have more access to granular customer data, customers are demanding quicker and easier access to their energy usage information, and third-parties are providing additional energy services to customers, which requires access to data to deliver those services.

On March 5, 2019, approximately 60 people participated (in-person and remotely through Skype) in the Data Accessibility Stakeholder Forum held at the MPSC from 9:00 am to 12:00 pm. The attendees represented Michigan utilities, Commission Staff, alternative energy providers, non-governmental agencies and various others. Energy Operations Division Staff welcomed the participants with a brief overview of the importance of this issue to the Commission and provided an overview of the Commission’s history addressing data privacy and data accessibility. DTE Energy presented an overview of the company’s recently revised data privacy tariff with an emphasis on how the company is addressing data accessibility. Consumers Energy presented an overview of the company’s recently revised data privacy tariff with an emphasis on how the company is addressing data accessibility. The Green Button Alliance presented an overview of how the Green Button Download My Data and Green Button Connect My Data standards work as

⁵ <https://www.michigan.gov/documents/mpsc/dtegas1cura1throughc 573687 7.pdf>

⁶ <https://www.michigan.gov/documents/mpsc/consumers13curcandd 579015 7.pdf>

⁷ <https://www.michigan.gov/documents/mpsc/consumers2curc29throughend 575660 7.pdf>

readily accessible format for accessing data. The Illinois Citizens Utility Board presented a summary of the Illinois experience with this topic, including references to particular commission dockets and Illinois utilities' implementation of data accessibility procedures. MPSC Staff presented information provided by the Mission:data Coalition emphasizing the energy service providers that belong to its coalition, and what their organization's national experience has been with data accessibility policy and issues. The combined presentations were posted on the MPSC website.⁸

Highlights of the Stakeholder Forum include:

Creating a better understanding of the efforts from Michigan's two largest utilities to provide data accessibility to customers and their authorized third-parties, including hearing about both utilities' plans to implement a Green Button solution.

Providing a comprehensive overview of how the Green Button standards are being implemented by utilities across the country, and a better understanding of the inner workings of the Green Button Alliance⁹.

Exposure to the data accessibility value proposition for Illinois customers and providing a more thorough understanding of statutory conditions and regulatory discussions that have taken place with this issue in Illinois.

Hearing about a national perspective from a coalition of energy service providers regarding the value of customer data and the need for that data to be accessible without complications.

Clarification of an issue raised by alternative electric suppliers (AESs) and alternative gas suppliers (AGSs). In response to a question asked, DTE Energy and Consumers Energy clarified that they did not expect current processes for AESs and AGSs to change as there are already approved tariffs and policies in place.

Related Topics from the Stakeholder Forum that Represent the Complexity of this Data Accessibility Issue:

- Data aggregation (and dis-aggregation) – a topic that has been addressed in other states such as California and Illinois, but has not been addressed in a meaningful way in Michigan
- Energy usage data versus personally identifiable customer data
- Anonymized data – a way of sanitizing data to assure privacy protection – keeping the people related to the data anonymous
- Associated security and cyber risks
- Mechanisms to secure information in transit

⁸ <https://www.michigan.gov/mpsc/0,4639,7-159-91243-488862--,00.html>

⁹ <https://www.greenbuttonalliance.org/>

- Mechanisms to keep the customer in control
- The variables of data in transit and data at rest
- Beyond the data format, the “implementation” aspect of data access – with some suggesting a single platform solution for data accessibility similar to ready-tellers for distribution of money
- Utilities that utilize the Green Button Download My Data standard – how data records are addressed during power outages
- An open data access framework - the Illinois¹⁰ model

Topics that were not covered in the Stakeholder Forum:

Michigan customer satisfaction/dissatisfaction regarding the ease of accessing usage data from their utility. Staff has received some feedback from customers and businesses about their inability to access usage data in an expedient and useful way from their utility, however, staff does not have access to any statistical data that addresses the level of customer satisfaction/dissatisfaction with this topic.

Utility costs of implementing Green Button Download My Data or Green Button Connect My Data standards. There are many variables that affect the investment that a utility needs to make to implement a Green Button solution. Some of those variables include the size of the utility and the details of the utility’s existing platform. Michigan utilities vary in their interest and ability to implement a Green Button solution. For future reference, Staff is aware of one study available that explores costs of implementing Green Button. That study is entitled “Green Button Cost-Benefit Analysis Report”¹¹ and was developed for the Ontario Ministry of Energy by Odunsky Energy Consulting.

Data ownership. In all states except Texas, the policy assumption is that the utilities own the customer data but serve as “stewards” of the data collected. In Texas, state law makes it clear that customers are the owners of customer data.

Potential Next Steps for Michigan

Important steps have been taken in Michigan to address data privacy and the related sub-topic of data accessibility. Initially, the State’s two largest utilities filed their data privacy tariffs that included details of customer data accessibility. The remaining investor-owned utilities filed their

¹⁰http://blogs.edf.org/energyexchange/files/2014/08/14--CUB-EDF-Exhibit-1-1-Open-Data-Access-Framework-FINAL.pdf?_ga=2.50183526.1370733279.1515770596-1403171267.1515770596

¹¹<http://ontarioenergyreport.ca/pdfs/Green%20Button%20Cost-Benefit%20Analysis%20Report%20FINAL.PDF>

data privacy tariffs. Staff suggests the following steps as the Commission, utilities, and remaining stakeholders continue to engage in this topic.

- 1) Observe the developments and evolution of the customer data accessibility landscape following the utilities' recently filed data privacy/data accessibility tariffs
 - a. Monitor utility websites to observe any web changes that facilitate seamless customer access to data privacy and data accessibility
 - b. Track customer interaction with the MPSC Customer Assistance Division, Renewable Energy Section and other sections and divisions who review calls and comments regarding customer data accessibility experience
 - c. DTE Energy will offer Green Button Download My Data in June 2019
 - d. Consumers Energy interval web portal will add the Green Button Connect functionality in September 2019
- 2) Analyze Illinois' experience with data accessibility and determine if there are lessons learned applicable to Michigan
 - a. Explore the Illinois Open Data Access Framework – driving principles, expected outcomes - determine the framework's role with policy, review positions on data ownership and types of data – consider the Illinois Commission order that encourages utilities to consider the framework¹²
 - b. Review Illinois utility communication/information to customers from ComEd¹³ and Ameren¹⁴ and determine if there are best practices applicable to Michigan
 - c. Review ICC Docket No. 13-0506¹⁵ regarding the release of anonymous data to third-parties for potential learnings applicable to Michigan
- 3) Further explore customer consent to authorized third-parties
 - a. Determine if Michigan utility consent forms require “wet-ink” signatures and if inconsistent data formats serve as persistent barriers for data-seekers
 - b. Determine best practices for electronic signatures
- 4) Explore the “data ownership” issue and compare utility models of data ownership versus serving as “stewards” of the data, and if that determination is significant to effective customer data accessibility
- 5) Consider hosting future stakeholder discussions about data accessibility - encourage additional stakeholder participation from renewable energy system installers, various energy service providers and others

¹² <https://www.icc.illinois.gov/docket/files.aspx?no=14-0507&docId=255196>

¹³ <https://www.comed.com/SiteCollectionDocuments/SmartEnergy/ADSHandbook.pdf>

¹⁴ <https://www.ameren.com/illinois/company/business-partners/share-my-usage>

¹⁵ <https://www.icc.illinois.gov/docket/Documents.aspx?no=13-0506>

Conclusion

In this changing era of technology implementation, customer choices and the increased role that customer data plays with alternative rate programs, issues surrounding customer data access will continue to grow in importance. The Commission has already established the importance of addressing data privacy/data accessibility by creating dockets U-17102, U-18485 (and the preceding updates to the Consumer Standards and Billing Practices for Electric and Natural Gas Services), followed by hosting the Data Accessibility Stakeholder Forum on March 5, 2019.

The Data Accessibility Stakeholder Forum provided an informational platform to review the history of the MPSC's treatment of customer data accessibility. The forum also provided valuable information about the present state of utility data privacy/accessibility tariffs, as well as information about how data accessibility is being addressed elsewhere in the country. These are all foundational topics that set the stage for a more robust conversation going forward addressing customer data accessibility.

If the Commission continues to focus on data accessibility solutions for Michigan utility customers and their authorized third-parties, relevant topics to explore could include 1) utility performance with the implementation of the new and/or revised data privacy/data accessibility tariffs that were recently filed, 2) customer feedback regarding data accessibility including accessibility for their authorized third parties, 3) lessons learned from neighboring Midwest state Illinois based on its advanced activity with data accessibility policy and implementation, 4) customer consent details for authorizing third-parties, including electronic signature options, 5) policies and parameters addressing aggregated and anonymized data, 6) determining data ownership rights (utility versus customer), and 7) hosting additional data accessibility discussions with a wider range of stakeholders, including renewable energy installers and various energy service providers

P R O O F O F S E R V I C E

STATE OF MICHIGAN)

Case No. U-18485

County of Ingham)

Michelle L. Conarton, being duly sworn, deposes and says that on April 15, 2019 A.D. she served a copy of the attached **Data Accessibility Report to Commissioners via e-mail transmission**, to the persons as shown on the attached service list.

[Name]

Subscribed and sworn to before me
This 15th day of April, 2019

Lisa Felice
Notary Public, Eaton County
My Commission Expires April 15, 2020

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