



Via electronic submission

January 9, 2017

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

Re: Case 16-M-0411, In the Matter of Distributed System Implementation Plans

Secretary Burgess,

On behalf of Northeast Energy Efficiency Partnerships (NEEP),¹ please accept our comments regarding the Joint Utilities' proposed Supplemental Distributed System Implementation Plan ("SDSIP"),² submitted to the Commission on November 1, 2016. NEEP is a regional non-profit that works to accelerate energy efficiency as an essential part of demand side solutions that enable a sustainable regional energy system. Our Policy Outreach and Analysis group serves as an information resource for policymakers, program administrators, and others to support the adoption and implementation of public policies and programs that advance energy efficiency.

Introduction

We congratulate the Joint Utilities for the thoughtful combination of policies and proposals outlined in the SDSIP. We are encouraged by many aspects of the document, and thank the Commission and Staff for the opportunity to comment. Our greatest hope is that any Order related to the SDSIP will deliver on the goals of the Cuomo Administration as set forth in the State Energy Plan, which commitments to a 600 trillion Btu increase in energy efficiency.³ We offer comments on only one aspect of the SDSIP: building energy data aggregation thresholds for multi-tenant properties.

Energy Data Aggregation Threshold for Multi-Tenant Properties

Enabling access to building energy data is a critically important aspect of managing building energy usage. While discussions of energy data access often raise valid privacy concerns in the multi-tenant market segment, providing building owners with aggregated and anonymized whole building energy usage data is becoming the accepted solution for these concerns.⁴ In order to alleviate concerns in such a scenario, most utilities offering

¹ These comments are offered by NEEP staff and do not necessarily represent the view of the NEEP Board of Directors, sponsors or partners.

² Joint Utilities. Docket No. 16.M-0411. Supplemental Distributed System Implementation Plan. Available at: <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId=%7b3A80BFC9-CBD4-4DFD-AE62-831271013816%7d>

³ 2015 New York State Energy Plan. Available at: <http://energyplan.ny.gov/-/media/nysenergyplan/2015-state-energy-plan.pdf>

⁴ Northeast Energy Efficiency Partnerships. Public Building Energy Benchmarking: Utility Data Access Options and Opportunities. Page 22. (December 2016) Available at:

<http://www.neep.org/sites/default/files/resources/Public%20Sector%20Building%20Energy%20Benchmarking%20-%20Utility%20Data%20Access%20Options%20and%20Opportunities.pdf>

aggregated and anonymized data require tenant consent if a building has: (1) a small number of tenants; and/or (2) no single tenant uses a significant proportion of the building's energy.

SDSIP Proposes 15/15 Standard for Data Aggregation

Within the SDSIP, the joint utilities propose "adoption of a 15/15 privacy standard for aggregated data provided by utilities to third parties, other than utility vendors or contractors or required by law or Commission order."⁵ Adoption of the 15/15 standard suggests that the joint utilities will require the written consent of a tenant before disclosing their energy usage to a building owner in any case where there are less than 15 tenants in a building or any single tenant uses more than 15 percent of that building's energy. In their filing, the joint utilities describe the 15/15 standard as a conservative approach.

U.S. Department of Energy Data Aggregation Recommendations

The Department of Energy's recently released [Guide to Data Access and Utility Customer Confidentiality](#) ("the guide") may help illuminate the value of various approaches to energy data aggregation thresholds, as well as many other industry best practices in the sphere of energy data access.⁶ The guide provides an overview of energy data aggregation thresholds embraced by various jurisdictions as of January 2016, which is excerpted below.

Energy Data Aggregation Thresholds by Jurisdiction

Utility Company (Service Territory)	Aggregation Thresholds
Austin Energy (Texas)	4/80%
Baltimore Gas & Electric (Maryland)	5
Clark Public Utilities (Washington)	2
Commonwealth Edison (Illinois)	4
Consolidated Edison (New York City)	2
Eversource (Boston & Cambridge, MA)	4/50%
National Grid (Boston, MA)	4/50%
National Grid (New York City)	4/50%
Pacific Power (Oregon)	5
Peoples Gas (Illinois)	5
Pepco (District of Columbia)	5
PSEG Long Island (New York City)	2
Puget Sound Energy (Washington)	5
Rocky Mountain Power (Utah)	5
Seattle City Light (Washington)	2
Xcel Energy (Minnesota, Colorado)	4/50%

Source: US Department of Energy (January 2016)

⁵ Supra, at note 2. Page 144.

⁶ See *Generally*, U.S. Department of Energy. Guide to Data Access and Utility Customer Confidentiality. (January 2016) Available at: https://betterbuildingsinitiative.energy.gov/sites/default/files/attachments/Guide%20to%20Data%20Access%20and%20Customer%20Confidentiality_0.pdf

The table excerpted above provides an analysis showing that many jurisdictions have chosen to embrace a less conservative standard than 15/15. The guide also cites analyses showing that “the greatest improvements in privacy protection take place as aggregation thresholds increase from two to six meters. If an aggregation threshold reaches six meters or higher, the incremental increase in privacy protection is small compared to the loss of eligible properties.”⁷ Furthermore, one large and often influential jurisdiction which is only included as a footnote within the guide is California.

California Moves Beyond 15/15 Standard

In the SDSIP, the joint utilities cite several California investor owned utilities that have adopted the 15/15 or 15/20 standard.⁸ However, we must direct the Commission to California’s [AB 802](#), which was enacted in October 2015 and legislatively adopts a new statewide standard for energy data aggregation and anonymization.⁹ Referenced as footnote 2 within the Department of Energy’s Guide, AB 802 grants owners of commercial buildings with three or more active utility accounts and multi-family building owners with five or more utility accounts access to aggregated and anonymized whole building energy data direct from the utility.¹⁰ This standard is a significant departure from the California standards cited in the SDSIP.

Conclusion

NEEP commends Staff, the Commission, and the Joint Utilities for their continuing support of energy efficiency in the Empire State. It is our belief that continued coordination between Staff, NYSERDA, utilities, and other relevant stakeholders on the issue of energy data aggregation thresholds can help grow the economic engine that is energy efficiency and deliver savings to ratepayers for decades to come.

Please accept these comments in the spirit they are intended: to aid the Commission, and ultimately the people of New York, in securing a more affordable, reliable, cleaner and sustainable energy future.

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⁷ *id.* at page 5.

⁸ *Supra*, at note 2. Page 143-4.

⁹ California State Assembly. AB 802. (October 2015) Available at:

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB802

¹⁰ Burger, A. Institute for Market Transformation. Why Building Owners Should Care About California AB 802. (September 2015) Available at: <http://www.imt.org/news/the-current/why-building-owners-should-care-about-california-ab-802>