

**STATE OF MINNESOTA
BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION**

Katie Sieben	Chair
Valerie Means	Commissioner
Matt Schuerger	Commissioner
Joseph Sullivan	Commissioner
John Tuma	Commissioner

January 19, 2021

**RE: In the Matter of the Joint Petition for
Approval of the Process to Release Whole
Building Data to Facilitate Local Residential
Rental Ordinance Compliance** **Docket: 21-761**

FRESH ENERGY REPLY COMMENTS

INTRODUCTION

Fresh Energy respectfully submits these reply comments in response stakeholder comments responding filed on December 8, 2021, to the questions posed by the Commission based on the petition filled by Xcel Energy and CenterPoint Energy (“the Utilities”) on October 29, 2021. As an active participant in both the 12-1344 and 19-505 Dockets, Fresh Energy is a supporter of data access as it promotes building energy efficiency and meeting the state’s climate goals.

RESPONSE TO PARTIES’ COMMENTS

Fresh Energy respectfully submits reply comments to the Office of the Attorney General - Residential Utilities and Antitrust Division (the “OAG”).

Response to OAG Comments:

In their comments, the OAG specify that the proposed confidence interval methodology does not adequately address customer privacy. Fresh Energy contends that much more open data access standards exist around the country and there have been no reported instances of wrongdoing. Moreover, adding additional requirements for 1–2-unit buildings and 3–4-unit buildings with one tenant using more than 50 percent of energy further complicates the data sharing process and interferes with the goal of providing digestible information to Minneapolis renters.¹

Additionally, the OAG argues that a public portal goes beyond the scope of the city ordinance. Having a public portal where estimated energy costs are widely accessible has two primary advantages. First, prospective renters can more easily compare properties without going through each individual landlord for utility data. Secondly as the Minnesota Citizen Utility Board (CUB) noted in their comments, public data will put pressure on landlords with poorer performing buildings to make efficiency improvements.²

¹ Comment filed by OAG on December 8, 2021, p. 12

² Comments filed by Minnesota Citizen Utility Board on December 8, 2021, p. 2

Finally, the OAG outlines a hypothetical example where high energy users are targeted by a “nefarious” third party due to their high energy use. This example captures exactly why this data is important to meet the state’s climate goals. It is most effective for both the City and third parties (not nefarious in nature) to target higher energy users with efficiency programs. While nefarious business practices are always a possibility, OAG has not shown that those harms are likely and that the possibility of bad actors outweighs the benefits of the public portal.

Without any real-world examples of any misuse of energy data, Fresh Energy believes that the confidence interval methodology balances the perceived risk with the widespread benefits of better data access.

CONCLUSION

Fresh Energy thanks the Commission for providing the opportunity to respond to stakeholders’ comments on this matter. As discussed above, we believe that access to data is in the public interest and a necessary step to ensuring we meet the state’s energy goals. While we appreciate the concerns raised by the OAG, the many benefits outlined by the parties in this proceeding outweigh the potential risk. As noted in our initial comments, Fresh Energy supports the Commission approving the petition filed by Xcel Energy and CenterPoint to comply with Minneapolis’ Time of Rent Energy disclosure.

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