

Minnesota Public Utilities Commission

Staff Briefing Paper

Meeting Date: September 7, 2017 * Agenda Item # 3

Companies: Rate-Regulated Energy Utilities

Docket No. E,G-999/CI-12-1344
In the Matter of a Commission Inquiry into the Privacy Policies of Rate-Regulated Energy Utilities

Issues:

1. Should the Commission approve the Consent Form proposed by Great Plains Natural Gas Company?
2. Should the Commission approve the Consent Form proposed by Minnesota Energy Resources Corporation?
3. Should the Commission approve the Consent Form proposed by CenterPoint Energy?
4. Should the Commission modify its Consent Form approval process?

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1. Relevant Documents

<i>Order Approving Customer Energy Use Data Consent Form</i>	June 9, 2017
Minnesota Energy Resources Corp. (MERC): Petition to Modify Form	July 21, 2017
CenterPoint Energy: Petition to Modify Form.....	July 28, 2017
Minnesota Energy Resources Corp. (MERC): Modified Petition	August 15, 2017
Great Plains Natural Gas Co.: Petition to Modify Form.....	August 16, 2017
Great Plains Natural Gas Co.: Replacement Page	August 16, 2017

2. Background

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. In part, that order expressed the Commission’s desire to develop a Model Consent Form to facilitate customers’ consent to the release of their CEUD by utilities to customer-designated third-parties.

On June 9, 2017, the Commission issued its *Order Approving Customer Energy Use Data Consent Form*. There the Commission stated:

1. The Colorado consent form ... 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.

Three utilities, MERC, Great Plains and CenterPoint, each seek to modify the Model Consent Form to better suit their operations.

3. Petitions

3.1 MERC Petition

MERC seeks to modify the Model Consent Form to: (1) remove reference to the availability of forms in languages other than English, (2) add its logo and company contact information, (3) remove references to electricity, steam, renewable energy and load management, and (4) modify the language regarding the period over which data is provided. To better manage requests MERC does not wish to make CEUD available on an automatic, on-going basis, preferring to provide only CEUD collected prior to the date of the data request. MERC, however, will honor continuing requests.

3.2 CenterPoint Petition

CenterPoint seeks to modify the Model Consent Form to: (1) add its contact information, (2) remove references to electric and steam CEUD, (3) remove the Spanish language reference to consent form availability, and (4) add its logo and make small formatting changes.

3.3 Great Plains Petition

Great Plains seeks to modify the Model Consent Form to: (1) remove reference to the availability of a Spanish language form, (2) add its logo and company contact information, (3) remove references to electric and steam energy data, (4) describe in more detail the CEUD to be made available, and (5) modify the language regarding the period over which data is provided. To better manage requests Great Plains does not wish to make CEUD available on an automatic, on-going basis, preferring to provide only CEUD collected prior to the date of the data request. Great Plains will honor successive requests.

4. Staff Comment

4.1 The Petitions

Staff believes that the modifications sought by the companies are not unreasonable. Staff suggests that MERC's form could be improved to make it clear to customers and third-parties that CEUD can only be made available for periods **prior** to the date of the request and that future CEUD can be obtained through subsequent requests. This appears to be the intent of MERC's language.

4.2 Future Petitions

Currently, pursuant to the Commission's June 9th Order, changes to the Model Consent Form require Commission approval. Going forward Staff speculates that utilities will seek to make additional changes, even if only to change references to company contacts (e.g. phone numbers, addresses and websites). Further, the utilities that have not yet sought to modify the Model Consent Form may seek to do so in the future. As such, the Commission may wish to consider a more streamlined approval process, that is, to grant approval of a requested modification automatically if no objection to a request is received from an interested party or Commission Staff within 60 (or 45) days of the filing of the request. The Commission adopted this process to expedite municipal franchise fee changes (Docket 09-970). Allowing approval of ministerial changes that implicate no policy issues after a 60 day period would allow interested parties an opportunity to weigh in and would give the Executive Secretary the discretion to approve the consent form changes if no party or the Commission Staff has any concerns. This process has been in place for franchise fees changes since 2011 and has worked well.

4.3 Commission Options

Re: The Petitions:

- A. Approve MERC's proposed changes to the Model Consent Form.
- B. Approve MERC's Consent Form with modifications.
- C. Reject MERC's request.

- D. Approve CenterPoint's proposed changes to the Model Consent Form.
- E. Approve CenterPoint's Consent Form with modifications.
- F. Reject CenterPoint's request.

- G. Approve Great Plains' proposed changes to the Model Consent Form.
- H. Approve Great Plains' Consent Form with modifications.
- I. Reject Great Plains' request.

Re: Future Petitions

- J. Delegate authority to the Executive Secretary to approve via notice minor changes to utilities' consent forms if no party or Commission staff raises concerns within 60 days of the filing of the modified consent form. (*Staff note: staff believes 45 days would also be a reasonable time period.*)
- K. Take other action.