

**State of Minnesota
Before the Public Utilities Commission**

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

In the Matter of the Joint Petition for
Approval of the Process to Release Whole
Building Data to Facilitate Local Residential
Rental Ordinance Compliance

E,G002,008/M-21-761

Comments of the Citizens Utility Board of Minnesota

On October 29, 2021, Northern States Power Company, d/b/a Xcel Energy (“Xcel Energy”) and CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Minnesota Gas, (“CenterPoint Energy”) (collectively referred to as “the Utilities”) filed a Joint Petition for approval of a process to release whole building data to facilitate local residential rental ordinances. The Petition responds to the Time of Rent Disclosure Ordinance of the City of Minneapolis (“Minneapolis” or “the City”). The Citizens Utility Board of Minnesota (“CUB”) supports this Petition.

CUB appreciates the City’s efforts to make energy use data available to prospective residents in a manner that both informs residents about the anticipated energy costs of their new housing and may motivate landlords to make property improvements to reduce renters’ costs. CUB was involved in a series of conversations with the City about the complexities of carrying the ordinance out in the context of our Petition for Open Data Access Standards (Docket No. E,G-999/M-19-505).¹ We appreciate the Utilities’ efforts to make the relevant energy data available in a manner that complies with the Open Data Access Standards adopted by the Commission in that docket and protects customer privacy in buildings with fewer than four units.

The value of utility data access is clearly documented by the record in Docket No. E,G-999/M-19-505. In particular, CUB believes that making information about past energy usage at a residence available to prospective tenants would help individuals budget for their energy costs and understand whether they can afford the prospective housing. It is likely to spur conversations between prospective renters and property owners so that both better understand energy usage in these properties and whether opportunities exist for energy

¹ The Joint Petition provides a useful summary of this docket at page 7.

conservation. We believe that the publication of this data is likely to motivate some property owners to make energy upgrades that would lower tenants' costs and reduce emissions associated with energy use.

We are persuaded that requiring landlords of buildings with fewer than four units to obtain consent from current and/or previous tenants in order to release customer energy usage data ("CEUD") would make compliance with the Minneapolis Time of Rent Disclosure Ordinance² ("the Ordinance") onerous and sometimes impossible.

We are further persuaded that tenants of these small rental units are some of the people who will likely benefit most from the Time of Rent Disclosure program, provided these properties can participate. According to the City of Minneapolis:

Many of these housing units [rental homes and apartment buildings of one to four units], which are some of the least energy efficient building stock, are concentrated in the Minneapolis Green Zones and communities where low-income and low-wealth households reside. These areas and the housing units they contain represent much of the naturally-occurring affordable housing within Minneapolis.³

Without action by the Utilities and the City, as proposed in the Joint Petition, many of the residents who stand to benefit the most from the Time of Rent Disclosure Ordinance could be left out of the program – repeating the same inequitable outcomes the City is attempting to address.

As we understand the Joint Petition, the proposed reporting would provide prospective renters with approximate information about historical electricity and natural gas costs associated with properties they are considering renting. Although this energy usage data is somewhat imprecise, it would give renters helpful expectations of their potential utility bills. The information would also allow renters to see whether bills tend to have high variability. It would help renters budget, help them understand if they can afford available properties, and provide them with data to question property owners about utility costs and potential conservation and efficiency upgrades. It would allow residents to factor energy costs into their decisions about where to live and would give landlords an additional reason to make conservation improvements to their properties.

² See Joint Petition at 8.

³ Joint Petition, Attachment B at 1-2. Green Zones are communities that the City has identified "that have been deeply affected by pollution, racism and other factors."

(<https://www.minneapolismn.gov/government/programs-initiatives/green-zones/>, accessed December 3, 2021.)

Approval of the proposal would allow the City to make the information accessible and usable by the public, furthering what we believe was the Commission's intention in adopting Open Data Access Standards in 2020.

Thank you for your attention to our comments in this matter.

Respectfully submitted,

December 8, 2021

/s/ Annie Levenson-Falk

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