

January 19, 2022

William Seuffert
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
Saint Paul, MN 55101

RE: Docket Nos. E,G999/CI-12-1344, E,G999/M-19-505, AND E,G002,008/M-21-761 IN THE MATTER OF THE PETITION OF NORTHERN STATES POWER COMPANY AND CENTERPOINT ENERGY FOR APPROVAL OF THE PROCESS TO RELEASE WHOLE BUILDING DATA TO FACILITATE LOCAL RESIDENTIAL RENTAL ORDINANCE COMPLIANCE

Dear Mr. Seuffert:

Included here are Reply Comments submitted by the City of Minneapolis in response to the Minnesota Public Utilities Commission's ("Commission") Notice of Supplemental Comment Period in the matter of the petition of Xcel Energy and CenterPoint Energy for approval of the process to release whole building data to facilitate local residential rental ordinance compliance, Docket Nos. E,G999/CI-12-1344, E,G999/M-19-505, AND E,G002,008/M-21-761

In brief, we appreciate and agree with the support for the petition by Fresh Energy and the Citizens Utility Board of Minnesota in their Comments. We also appreciate the Minnesota Department of Commerce's recommendation for approval, and agree with the modifications they suggest, as further elaborated on in joint Reply Comments by Xcel Energy and CenterPoint Energy. Furthermore, we support the recommendations from the joint Reply Comments by Xcel Energy and CenterPoint Energy which we have collaborated on.

Finally, the City is appreciative of the careful consideration of this petition by other parties, including the Minnesota Office of the Attorney General. We particularly appreciate their attention to the City's legislative history behind the ordinance adoption and the recognition of the City's consideration of both data access and data privacy during legislation and implementation. The City feels that the suggested modifications made by the Office of the Attorney General are unnecessary and would create barriers to implementation of the ordinance for 1-4 unit properties too great to overcome if granted, resulting in

continued energy system inequities for residents, many of whom have lower incomes. We will primarily devote the substance of these Reply Comments to responding to the Office of the Attorney General's comments.

We look forward to continued dialogue and are available to answer any questions the Commission may have.

Sincerely,

Luke Hollenkamp
Mechanical Engineer, LEED AP, CEM
Division of Sustainability

**STATE OF MINNESOTA
PUBLIC UTILITIES COMMISSION**

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

**IN THE MATTER OF THE PETITION OF
NORTHERN STATES POWER COMPANY AND
CENTERPOINT ENERGY FOR APPROVAL OF THE
PROCESS TO RELEASE WHOLE BUILDING DATA
TO FACILITATE LOCAL RESIDENTIAL RENTAL
ORDINANCE COMPLIANCE**

**Docket Nos. E,G999/CI-12-1344,
E,G999/M-19-505, AND E,G002,008/M-
21-761**

REPLY COMMENTS OF THE CITY OF MINNEAPOLIS

The City of Minneapolis (“Minneapolis”) appreciates the opportunity to submit Reply Comments on Xcel Energy and CenterPoint Energy’s (“Utilities”) requested approval of the process to release whole building data to facilitate local residential rental ordinance compliance. We also appreciate the participation of the multiple parties who contributed to the record¹ and are pleased that there is a great deal of support for our recommended path to compliance with the municipal ordinance (“Ordinance”).² In these Reply Comments we respond to the questions in the Commission’s Notice of Comment Period, reiterate key priorities from our previous letter of support, and respond to concerns raised by the Office of the Attorney General (“OAG”).

1. Does the Utilities’ proposed confidence interval method fulfill the City of Minneapolis’ ordinance requiring disclosure of monthly energy use data while protecting utility customers’ identity and energy data as required by the Commission’s Open Data Access Standards? If not, what other method might be appropriate?

The Utilities’ proposed confidence interval method fulfills the City of Minneapolis’ ordinance requiring disclosure of energy use data while protecting utility customers’ identity and energy data as required by the Commission’s Open Data Access Standards.

¹ Initial comments were submitted by the Citizens Utility Board of Minnesota, Department of Commerce, Fresh Energy, and the Office of the Attorney General. Docket 21-761. Dec. 8, 2021.

² Renter Energy Disclosure. https://www2.minneapolismn.gov/business-services/licenses-permits/rental-licenses/renter-protections/energy-disclosure/?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=

The Commission’s guidance in prior proceedings has not exhaustively defined what constitutes Customer Energy Use Data (CEUD) and, conversely, what does not. Minneapolis does not believe that data derived in part from CEUD is automatically CEUD itself, especially if the derived data is separated from CEUD by statistical firewalls that protect against reverse engineering. That being said, the confidence interval methodology suggested by the Utilities protects underlying data regardless of its classification. Minneapolis asserts that the confidence interval methodology presented by the Utilities would achieve the objective of the Ordinance and comply with data sharing rules.

Minneapolis respectfully disagrees with the OAG’s recommendation that confidence interval data should not be disclosed on a publicly accessible website. Minneapolis supports the Utilities’ Reply Comments that the confidence interval methodology provides adequate protection to the underlying energy data. Due to this, it is not necessary to arbitrarily limit public access to data once it has been released from the Utilities to Minneapolis, particularly since there is a public benefit in the disclosure of such information to renters, which led the Minneapolis City Council to adopt the Ordinance.

This Ordinance, adopted within a suite of Residential Energy Disclosure policies in 2019, intends to raise energy awareness for households, provide energy cost transparency during housing decision-making, create market incentive for energy improvements by property owners, and reduce energy burden through improved residential building stock. These policies align with the Minneapolis Climate Action Plan, which committed to energy disclosure strategies promoting energy efficiency and housing affordability.

Implementation of the 1-4 unit property phase of the Ordinance is a high equity priority for Minneapolis and its residents. Our data shows the 1-4 unit properties associated with the confidence interval methodology are some of the least energy efficient building stock in the city and are concentrated in the Minneapolis Green Zones and communities where low-income and low-wealth households reside. These areas represent much of the naturally-occurring affordable housing within Minneapolis.

Finally, Minneapolis supports the Utilities’ position in their Reply Comments that there is no reason for further differentiating 1-4 unit properties into additional subcategories with additional rules or restrictions, as the OAG recommends in their Comments.³

2. If using the Utilities’ proposed confidence interval method, does the method adequately protect consumer privacy? If not, how might the method be modified to offer greater privacy protections?

Minneapolis asserts that the Utilities’ proposed confidence interval method adequately protects consumer privacy.

Minneapolis disagrees with OAG’s position that the possibility of use of the confidence interval data by “potentially fraudulent third-party solicitors” is a reason to exclude data disclosure for 1-4 unit properties. The Commission weighed this concern when creating the energy data aggregation threshold standard for

³ Comments of the Office of the Attorney General. Docket 21-761. Dec. 8, 2021.

larger buildings and found the risk does not warrant prevention of energy data disclosure. Similarly, Minneapolis believes this reasoning extends to residences.

3. Is the proposed data management process sufficient? If not, what information is needed?

Minneapolis believes that the proposed data management process is sufficient.

4. Are there other issues or concerns related to this matter?

Minneapolis would like to note that since the establishment of the Minneapolis Clean Energy Partnership (“Partnership”) in 2014, the Commission has encouraged the Partnership to petition the Commission regarding important energy policy matters that the City and Utilities collaboratively engage on. Minneapolis is strongly committed to collaborating with the Utilities and the Commission to find a path forward for 1-4 unit properties that provides renters with address-specific energy cost information and allows for comparison between housing options. Minneapolis believes that the Utility’s Joint Petition represents an innovative and ground-breaking solution for small building energy disclosure. The Commission’s approval of the Petition would serve as an endorsement of this collaborative, multi-party process and allow the City to move forward with implementing the Ordinance.

Summary of Recommendations

In summary, the City of Minneapolis recommends:

- Approval the Utilities’ Joint Petition regarding use of a confidence interval methodology for small building energy data access.
- Approval of the Department of Commerce’s recommended modifications.

Finally, Minneapolis thanks the Commission for consideration of our reply comments.

Electronic Service Members 12-1344

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Pust	Tammy	Tammy.Pust@state.mn.us	Office of Administrative Hearings	No
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Residential Utilities Division	Generic Notice	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD	Yes
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