



June 20, 2023

**VIA E-FILING**

Will Seuffert  
Executive Secretary  
Minnesota Public Utilities Commission  
121 7th Place East, Suite 350  
St. Paul, MN 55101-2147

Re: In the Matter of a Petition by Citizens Utility Board of Minnesota  
to Adopt Open Data Access Standards and a Commission  
Inquiry into Privacy Policies of Rate-Regulated Energy Utilities  
**Docket Nos. E,G-999/M-19-505 & E, G-999/CI-12-1344**  
**INITIAL COMMENTS**

Dear Mr. Seuffert:

Pursuant to the Minnesota Public Utilities Commission (or the "Commission") June 7, 2023 Notice of Comment Period in Docket No(s). E,G-999/M-19-505 and E, G-999/CI-12-1344,<sup>1</sup> Minnesota Power (or the "Company") hereby electronically submits its Initial Comments for the topic open for comment related to Open Data Access Standards and Customer Privacy Policies:

1. *Should the Commission adopt the proposed amendment to its March 13, 2023 Order to bring the Open Data Access Standards into compliance with H.F. 2310 as recommended by MLIG?*

Please contact me at (218) 355-3297 or [jkuklenski@mnpower.com](mailto:jkuklenski@mnpower.com) with any questions regarding this filing.

Respectfully,



<sup>1</sup> *In the Matter of a Petition by Citizens Utility Board of Minnesota to Adopt Open Data Access Standards (Docket No. E,G-999 / M-19-505); and In the Matter of A Commission Inquiry into Privacy Policies of Rate-Regulated Energy Utilities (Docket No. E, G-999 / CI-12-1344).*

Mr. Seuffert  
June 20, 2023  
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Jennifer Kuklenski  
Public Policy Advisor  
Minnesota Power  
30 W Superior Street  
Duluth, MN 55802

JK:th  
Attach.

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

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In the Matters of a Petition by  
Citizens Utility Board of Minnesota to  
adopt Open Data Access Standards and  
a Commission Inquiry into Privacy Policies  
of Rate-Regulated Energy Utilities

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Docket No. E,G-999 / M-19-505  
E,G-999/CI-12-1344  
**INITIAL COMMENTS**

**I. INTRODUCTION**

Minnesota Power (“Minnesota Power” or “the Company”) hereby electronically submits its Initial Comments Filing in Docket No.(s) E,G-999/M-19-505 and E,G-999/CI-12-1344 in response to the Commission’s Notice of Comment Period issued on June 7, 2023 regarding the Minnesota Large Industrial Group’s (“MLIG”) petition for expedited relief to amend the current Open Data Access Standards (“ODAS” or “Standards”) established in the Commission’s most recent Order, bringing them into compliance with H.F. 2310.

**II. BACKGROUND**

On August 6, 2019, the Citizens Utility Board of Minnesota (“CUB”) filed a petition to initiate a proceeding to consider ODAS adoption for the sharing of aggregated or anonymized Customer Energy Use Data (“CEUD”). CUB’s proposed Standards seek to establish statewide rules and practices governing third-party access to CEUD, replacing the system where each utility set its own standards for releasing CEUD. On November 20, 2020, the Minnesota Public Utilities Commission (the “Commission”) issued an Order (the “November 2020 Order”) adopting the Standards for the sharing of aggregated and anonymized CEUD for electric and natural gas utilities with more than 50,000 customers in Minnesota, to be implemented in a multi-step process.<sup>1</sup> At the time of adoption, the Commission applied the standards to whole building aggregated CEUD for building owners and benchmarking purposes.

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<sup>1</sup> Order, Adopting Open Data Access Standards and Establishing Further Proceedings, November 20, 2022 (eDocket No. 202011-168476-01).

On February 11, 2022, the Commission issued a Notice for Comment in the above referenced dockets, requesting initial comments regarding what actions, if any, the Commission should take to further refine the Standards adopted in the November 2020 Order.<sup>2</sup> After receiving initial and reply comments from several parties,<sup>3</sup> the Commission held a hearing on December 15, 2022 to consider the matter.

On March 13, 2023, the Commission issued an Order (the “March 2023 Order”) with an updated framework that expanded third-party access to CEUD; required methods for streamlining CEUD requests; removed fees for data aggregated at the building, municipal, tribal nation, and county levels; added census boundaries to the Standards’ list of geographic boundaries for CEUD requests; required reporting for CEUD request denials; modified the production requirement for aggregated CEUD at intervals no shorter than monthly; added an order of operations for when an aggregated data request fails a privacy screen; and removed an exemption (the “C&I Exemption”) for commercial and industrial (“C&I”) customers with peak demands over 5 MW for all use cases except building-level aggregated CEUD and anonymized CEUD.<sup>4</sup>

On March 31, 2023, the MLIG filed a petition for reconsideration of the March 2023 Order regarding the removal of the C&I Exemption from the Standards.<sup>5</sup> On May 18, 2023, the Commission met to consider the matter and issued an Order denying MLIG’s petition for reconsideration.<sup>6</sup>

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<sup>2</sup> Notice of Comment Period on Refinements to Open Data Access Standards, Feb. 11, 2022 (eDocket No. 20222-182688-02).

<sup>3</sup> Initial comments were filed in Docket No.(s) E,G-999/M-19-505 and E,G-999/CI-12-1344 by Minnesota Power, the Citizens Utility Board of Minnesota (“CUB”), the Minnesota Department of Commerce, Division of Energy Resources (the “Department”), the Minnesota Office of the Attorney General—Residential Utilities Division (the “OAG”), The City of Minneapolis (“Minneapolis”), Xcel Energy (“Xcel”), Dakota Electric, Otter Tail Power Company (“Otter Tail”), Minnesota Energy Resources Corporation (“MERC”), CenterPoint Energy (“CenterPoint”), and LHB Corp (“LHB”). Reply comments were filed in the same Docket No.(s) by Minnesota Power, CUB, the OAG, Minneapolis, Xcel, Otter Tail, MERC, CenterPoint, MLIG, Chen et al. (public comment), and LHB.

<sup>4</sup> Order, Refining Open Data Access Standards, March 13, 2023 (eDocket No. 20233-193874-01).

<sup>5</sup> MLIG Petition for Reconsideration, March 31, 2023 (eDocket No.(s) 20233-194413-03 and 20233-194413-01).

<sup>6</sup> Order, Denying Petition for Reconsideration, May 18, 2023 (eDocket No. 20235-195965-02).

On June 2, 2023, MLIG filed a petition to amend the Commission’s March 2023 Order to bring it into compliance with H.F. 2310 which was signed into law on May 24, 2023.<sup>7</sup> Relevant to MLIG’s petition is Minn. Stat. § 216C.331 which states at Subd. 8(d):

“Notwithstanding any other provision of law, a qualifying utility shall not aggregate or anonymize customer energy use data of any customer exempted by the commissioner under section 216B.241 from contributing to investments and expenditures made by a qualifying utility under an energy and conservation optimization plan, unless the customer provides written consent to the qualifying utility.”

On June 7, 2023, the Commission issued a Notice of Comment Period and expedited the comment period on MLIG’s petition pursuant to Minn. Rule 7829.1275. The topic open for comment is:

*Should the Commission adopt the proposed amendment to its March 13, 2023 Order to bring the Open Data Access Standards into compliance with H.F. 2310 as recommended by MLIG?*

### **III. INITIAL COMMENTS**

MLIG’s June 2, 2023 petition requested the Commission amend the March 2023 Order by adding the language from Minn. Stat. §216C.331. subd. 8(d) as an additional paragraph at the end of the “Purpose and Scope” section of the Standards.<sup>8</sup> Minnesota Power does not dispute that Minn. Stat. § 216C.331 impacts the March 2023 Order, warranting limited modifications to the Standards. Accordingly, the Company does not oppose the Petition for Expedited Relief filed by MLIG or MLIG’s recommended modification to the Standards.

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<sup>7</sup> Minnesota Session Laws - 2023, Regular Session, Chapter 60, H.F. No. 2310, OFF. OF THE REVISOR OF STATUTES, see lines 371.31–372.3, “Energy Benchmarking,” subd. 8(d): [https://www.revisor.mn.gov/bills/text.php?number=HF2310&type=bill&version=4&session=ls93&session\\_year=2023&session\\_number=0](https://www.revisor.mn.gov/bills/text.php?number=HF2310&type=bill&version=4&session=ls93&session_year=2023&session_number=0) (posted on May 25, 2023; last accessed June 13, 2023).

<sup>8</sup> MLIG’s proposed changes to the Standards set forth in the March 2023 Order are provided in Exhibit A attached to MLIG’s June 2, 2023 petition (eDocket No. 20236-196373-03).

#### IV. CONCLUSION

Minnesota Power continues to appreciate the opportunity to comment on CUB's petition to adopt ODAS, and the Commission's topics open for comment. The Company appreciates the measured, incremental approach the Commission has taken to develop the Standards. Minnesota Power looks forward to continued collaboration with interested stakeholders on matters related to CEUD access and privacy policies.

Please contact me at (218) 355-3297 or [jkuklenski@mnpower.com](mailto:jkuklenski@mnpower.com) with any questions related to this matter.

Dated: June 20, 2023

Respectfully,

A handwritten signature in black ink, reading "Jennifer Kuklenski". The signature is written in a cursive, flowing style.

Jennifer Kuklenski  
Public Policy Advisor  
Minnesota Power  
30 W Superior Street  
Duluth, MN 55802

STATE OF MINNESOTA     )  
                                      ) ss  
COUNTY OF ST. LOUIS     )

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AFFIDAVIT OF SERVICE VIA  
ELECTRONIC FILING

Tiana Heger of the City of Duluth, County of St. Louis, State of Minnesota, says that on the 20<sup>th</sup> day of June, 2023, she served Minnesota Power's Initial Comments in **Docket Nos. E,G-999/M-19-505 & E, G-999/CI-12-1344** on the Minnesota Public Utilities Commission and the Energy Resources Division of the Minnesota Department of Commerce via electronic filing. The persons on E-Docket's Official Service List for this Docket were served as requested.



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Tiana Heger