

The Commission met on **Thursday, December 15, 2022** with Chair Sieben and Commissioners Means, Schuerger, and Sullivan present.

The following matters were taken up by the Commission:

G-004/M-22-157

In the Matter of Great Plains Natural Gas Company Annual Report on Incentive Compensation and Refund Plan.

Chair Sieben moved that the Commission

1. Accept Great Plains' Annual Incentive Compensation Report.
2. Approve Great Plains' proposed \$15,679 refund.
3. Approve Great Plains' proposal to refund incentive compensation as a credit to the true-up balance calculated in the next RDM filing.
4. Order that, for the current annual incentive compensation refund, interest be applied using the prime rate compounded monthly starting from the date the incentive compensation was paid to employees.
5. Order Great Plains to include an updated refund amount that includes interest in its 2023 RDM update.
6. Order that, for future annual incentive compensation refund filings, interest be applied using the prime rate compounded monthly starting from the date the incentive compensation was paid to employees through the month immediately preceding the billing cycle in which the refund is issued to ratepayers.

The motion passed 4–0.

E-111/M-22-494

In the Matter of Dakota Electric Association's Petition to Modify its Member Service Information - Disconnection of Service Tariff and Request for Variance to Minnesota Rules.

Chair Sieben moved that the Commission

1. Grant Dakota Electric Association a one-year variance to Minnesota Rule 7820.2500.

- a. The rule variance shall continue in effect after the reporting described in Decision Option 5 until the Commission acts on the evaluation of the tariff modification.
2. Require Dakota Electric Association to replace the pre-disconnection in-person visit with an additional phone call prior to disconnection. If the Cooperative is not able to reach the member by phone, the Cooperative will send the member a second notice via certified mail.
3. Approve Dakota Electric Association's request to modify its Member Service Information – Disconnection of Service Tariff at Section VI, Sheet 13.1 as follows:
 - i. Notice of Disconnection
 - ii. Dakota Electric Association shall send notices to disconnect service by first class mail. A specific date will be given for the time when a payment must be received, or service may be disconnected.
 - iii. If Dakota Electric Association is not contacted by the consumer, at least one attempt will be made to contact the consumer by telephone. If no contact is made, an Association employee will make a final attempt to contact the consumer at the place of service, and if no contact is made, or if contact is made but no payment agreement can be reached, service may be disconnected. In the event of a known safety concern, Dakota Electric Association will not make a final attempt to contact the consumer at the place of service. Dakota Electric Association will, in lieu of contact at the place of service, send an additional notice to disconnect service by certified mail if unable to make earlier contact. A specific date will be given for the time when a payment must be received or service may be remotely disconnected. For the purposes of this tariff section, known safety concern is defined as a place of service that requires a police escort, has a potential problem dog, or permission from member to enter the place of service is required.
4. Require Dakota Electric Association to perform the following consumer protections for medically vulnerable and older adult members:
 - a. All remote disconnections shall take place during the first half of the business day.
 - b. Dakota Electric shall meet with and/or present information about its medical registry to community organizations within its service area.

- c. Dakota Electric shall modify its Critical Life-Sustaining Medical Equipment Form to clarify that reconnection is available for medical emergencies, not just medically necessary equipment.
 - d. Dakota Electric shall rename its Form to clarify that reconnection is available for medical emergencies, not just medically necessary equipment.
 - e. Dakota Electric shall revise its Form to include Nurse Practitioners and Physician's Assistants among the medical personnel who can provide written certification that failure to reconnect or continue service will impair or threaten the health or safety of a resident of the member's household.
 - f. Dakota Electric shall modify its Form to add an email address that will allow qualified medical professionals to email a completed and scanned Form to the Cooperative.
 - g. Dakota Electric shall revise its Form to clarify that a payment agreement is only required if a member's account is in arrears.
5. Require the Cooperative to report the following evaluation metrics at the end of the one-year variance:
- a. The number of disconnections completed with a field visit, including if any of the field visit disconnections were for accounts flagged as "known safety concern".
 - b. The number of remote disconnections performed, include if the Cooperative sent an additional notice via certified mail as a result of not being able to reach the member by phone, the number in each known safety concern category (i.e. dangerous dog, police escort, or permission required), and identify if any of the members were receiving assistance from the Low-Income Home Energy Assistance Program (LIHEAP) or in Emergency Medical Account status.

The motion passed 4–0.

E-286,112/SA-22-388

In the Matter of the Joint Petition for Approval of a Permanent Service Territory Transfer Between the City of North Branch, North Branch Water & Light Commission, and East Central Energy

Commissioner Sullivan moved that the Commission:

- 1. Approve the requested permanent service area transfer.

2. Request that the Minnesota Geospatial Information Office (MnGEO) update the Commission's maps to reflect the service area designations as shown on the map in the petition.

The motion passed 4–0.

E,G-999/M-19-505

In the Matter of a Petition by Citizens Utility Board of Minnesota to Adopt Open Data Access Standards

E,G-999/CI-12-1344

In the Matter of a Commission Inquiry into Privacy Policies of Rate-Regulated Energy Utilities

Commissioner Schuerger moved that the Commission approve the following:

1. Retain the 4/50 screen for all aggregated CEUD requests.
2. Continue to use a 15/15 aggregation screen for all anonymized data requests.
3. Retain the current contract requirements set by the Standards for the release of anonymized data.
4. Require utilities to maintain a log of all CEUD requests, as well as the purpose for such requests.
5. Add to the Standards at section ~~IV~~ III.B.(1) a requirement for utilities to provide:

Aggregated CEUD shall be provided in a machine-readable format including (at a minimum):

(1) Customer class including, at a minimum, commercial, industrial, and residential, ~~and other~~. (These classes shall be inclusive of all customers served. Classes may be combined if a dataset violates the privacy screen)

(2) Number of Customers by customer class

(3) Energy Consumption (kWh or therms) by customer class

(4) Number of Customers removed from the dataset by customer class

6. Add to the Standards at section III.B.(1). a requirement for utilities to provide:

Aggregated CEUD at other than whole building level shall be provided in a machine readable format including (at a minimum):

(1) Customer class including, at a minimum, commercial, industrial, residential, and other. (Classes may be combined if a dataset violates the privacy screen)

(2) Number of Customers by customer class

(3) Energy Consumption (kWh or therms) by customer class

(4) Number of Customers removed from the dataset by customer class

7. Include in section IV. of the Standards a requirement for utilities to clearly indicate on CEUD reports how the utility determines which class a customer belongs to and how customer location is determined.

IV. Utilities will clearly indicate how the utility defines which class a customer belongs to when providing CEUD and how customer location is determined.

8. Include in the Standards at Section III.A. a requirement for utilities to provide contact information for third-party CEUD requests and inquiries on the utility's website.

III.A. A utility must prepare and make available aggregated and/or anonymized CEUD upon the written or electronic request of any qualifying third party. The procedure a utility uses to allow a person to request this data must be (1) convenient for the typical third party, and (2) available on the utility's website. Additionally, a utility will make available the contact information for third-party CEUD requests and inquiries on the utility's website. Such sets must consist of the past 24 months of historical CEUD in the smallest interval practicable unless otherwise requested by the customer or authorized third party.

9. Retain the requirement in section 3.A of the standards that states that "The procedure a utility uses to allow a person to request this data must be (1) convenient for the typical third party, and (2) available on the utility's website."
10. Retain the 5 MW peak demand exemption for large industrial and commercial customers put in place by Order Point 2 of the Commission's November 20, 2020 Order for aggregated building-level and anonymized CEUD datasets only.
11. Include in section III.B.(1) of the Standards, language to require an individual C&I customer's CEUD to be included in an aggregated dataset regardless of whether the customer's usage triggers a failure of the aggregation screen so long as the time scale of the requested data set and the public data set are equivalent, if that customer is found to be publicly reporting their energy usage elsewhere.

III.B.(1) Notwithstanding paragraphs (i) and (ii), individual customer CEUD that is publicly reported will be included in aggregated data sets, regardless of whether the customer's usage triggers a failure of the aggregation standard, so long as the time scale of the requested data set and the public data set are equivalent.

12. Modify the Standards to allow regional units of government to request CEUD.

III.B.(1)(iv) Aggregated CEUD may be requested by:

(a) Tax-exempt organizations based within the United States;

(b) U.S. Federal Government agencies and subdivisions thereof; State of Minnesota government agencies, boards, and/or commissions; regional or local government entities with jurisdiction within Minnesota; and government entities of federally recognized tribes that share Minnesota's geography; and

(c) Property owners or managers, so long as the CEUD requested applies only to the property the requestor owns or manages.

III.B.(2)(iv) Anonymized CEUD may be requested by:

(a) Tax-exempt organizations based within the United States;

(b) U.S. Federal Government agencies and subdivisions thereof; State of Minnesota government agencies, boards, and/or commissions; regional or local government entities with jurisdiction within Minnesota; and government entities of federally recognized tribes that share Minnesota's geography.

(c) Entities that provide or seek to provide demand response, energy efficiency, or other services to a utility may access anonymized data for the sole purpose of providing such services or preparing a proposal to the utility to do so.

13. Add to the Standards at section II. a definition for regional units of government that recognizes regional planning boards, regional development commissions, and the metropolitan council as regional units of government.

II. Definitions

A. *"Regional Unit of Government" means a regional planning board, regional development commission, and the Metropolitan Council as defined by Minnesota Statute Chapters 462 and 473.*

B. ~~G~~ *"Tax exempt organization" means a business entity organized in the United States for a nonprofit purpose and that is exempt from paying federal income tax pursuant to the Internal Revenue Code.*

C. ~~H~~ *"Third party" means a person or entity who requests CEUD other than their own from the utility that maintains the data.*

D. ~~I~~ *"Utility" means an investor-owned electric or gas public utility with customers greater than 50,000 within the state of Minnesota.*

14. Include in section III.B.(1) of the Standards the following order of operations for when an aggregated data request fails the privacy screen:

III.B.(1)(iii) A utility will follow this order of operations when applying the aggregation standard. At any point, when the data meets the privacy screen it will be released. Requesters may identify which solutions work for their needs at the time of request.

- (a) First seek to report the aggregated CEUD of residential, commercial, and industrial classes separately. These classes shall be inclusive of all customers served.*
- (b) Notify any customer whose CUD triggers a privacy screen failure of the data request, the name and contact information of the entity making the request, and the purpose of the entity's request, and allow the customer to give written permission to include their data in the data set.*
- (c) Combine commercial and industrial classes into one class (nonresidential).*
- (d) Remove the CEUD of each customer that triggers a failure of the aggregation screen, and report the number of customers excluded from the data set.*
- (e) If the nonresidential class still fails the privacy screen, report residential customer CEUD only.*
- (f) If the residential customer class still fails the privacy screen, exclude the residential class and report only commercial and industrial (or nonresidential).*
- (g) If all classes fail, combine all classes (total energy).*

15. Include in Section VI. of the Standards a requirement for Utilities to provide data aggregated at the building, municipal, native nation, and county levels at no charge.

VI.B. Notwithstanding Section VI.A, utilities shall provide data aggregated at the county, municipal, and building levels at no charge.

16. Add census boundaries to the list of geographic boundaries by which a third party may request aggregated data (Standards paragraph III.B.(1)(iii)) and anonymized data (Standards paragraph III.B.(2)(iii)).

III.B.(1)(iii) Aggregated CEUD may be requested by customer class and/or building or property, defined municipal boundary, county boundary, U.S. Census boundary, or U.S. postal code, provided that no data set violates paragraphs (i) and (ii).

III.B.(2)(iii) Aggregated CEUD may be requested by customer class and/or building or property, defined municipal boundary, county boundary, U.S. Census boundary, or U.S. postal code, provided that no data set violates paragraphs (i) and (ii).

17. Amend section III.C of the Standards to allow a utility to deny a CEUD request when a utility reasonably believes a data release would create a security risk for the utility, its customer(s), or the public.

III.C Notwithstanding section III.B, a utility may refuse to provide aggregated or anonymized CEUD when it reasonably believes the data release would create a security risk for the utility, its customer(s), or the public, or that the release would allow the third party to re-identify customers, violate the terms of the contract in 2(v) above, or otherwise use the data in violation of these standards.

18. Include in section III. of the Standards a requirement for utilities that refuse to provide CEUD to provide a timely, written explanation to the requester explaining the utility's reason(s) for refusing to provide the requested CEUD.

III.D. A utility that refuses to provide requested CEUD for any reason must provide a timely, written explanation to the requester explaining the utility's reason(s) for refusing to provide the requested CEUD.

19. Require utilities to report any CEUD requests that they refuse to grant under the Standards in their CEUD annual reports, including, at a minimum: the entity making the request, the data that was requested, and the utility's reason for refusing the request.

20. Modify section IV.A. of the Standards to require aggregated data to be shared at intervals no more granular than monthly, and anonymized data to be shared at intervals no more granular than hourly, as follows:

IV.A. Utilities will provide CEUD in as short intervals as practicable, with aggregated CEUD reported in intervals as short as no shorter than monthly, and ~~one-hour intervals recommended for~~ anonymized CEUD reported in intervals no shorter than hourly. where utility data collection infrastructure allows.

21. Make the following technical correction to the Standards:

III.B.(1)(ii)

CEUD data sets containing 3 or fewer customers or with a single customer's energy use constituting more than 50 percent of total energy consumption may be provided upon the written consent of (1) all customers included in the requested data set, in cases of 3 or fewer customers, and ~~or~~ (2) any customer constituting more than 50 percent of total energy consumption for the requested data set.

22. Make the following technical correction to the Standards:

III.B.(2)(iii)

Anonymized data sets may be requested by customer class and/or defined municipal boundary, county boundary, or U.S. postal code ~~area~~, provided that no data set violates paragraph (i)

23. Apply the Standards to requests for aggregated CEUD ~~including using~~ municipal boundaries and county boundaries.
24. Delegate authority to the Executive Secretary to establish a comment period to further develop the record on the following topics regarding anonymized data under the Commission's approved Open Data Access Standards:
- a. Identification of anonymized CEUD use-cases
 - b. Refinement of specific provisions of the contract requirements for anonymized data access for identified use cases.
 - c. Ascertaining the appropriate threshold for limiting the application of the Standards to commercial/industrial natural gas and electric customers for anonymized CEUD requests
 - d. Establishing the shortest data time interval for anonymized CEUD requests under the Standards.
 - e. Ascertaining the preferred method by which to apply the 15/15 anonymization screen to CEUD at 15-minute and hourly time intervals.
 - f. Ascertaining the ability of Utilities to respond to anonymized CEUD requests at varying time-scales.
 - g. [other topics]

The motion passed 4–0.

There being no further business, the meeting was adjourned.

APPROVED BY THE COMMISSION: January 4, 2023



Will Seuffert, Executive Secretary