

MEMORANDUM

6/6/14

TO: CEUD Workgroup
FR: Brendon Slotterback, City of Minneapolis
RE: Comments on the Minnesota Department of Commerce Data Book

City of Minneapolis staff submits these comments in response to the discussion at the 5-16-14 CEUD workgroup meeting regarding the Minnesota Utility Data Book. After the meeting on the 16th, Commerce staff circulated to the CEUD workgroup the latest version of the Data Book, containing utility customer data from 1965 to 2010. It can be found here:

https://mn.gov/commerce/energy/images/2010v2_Databook.pdf

We believe the existence and process for developing the Utility Data Book provide very significant precedent for any approach to distributing CEUD in Minnesota. We believe the Utility Data Book and the comments below are relevant primarily to the use cases discussed by the workgroup that are larger than the building scale: use cases 1-7 from the matrix dated 5-14-14.

In summary, Minnesota statute already requires that customer energy usage data be collected from utilities and distributed to the public to meet public policy objectives. Additionally, state statute specifies what customer energy usage data is considered non-public, and the Department of Commerce has interpreted this statute to develop an aggregation standard to protect customer data. The aggregation approach currently in use by the Department to protect individual data likely offers less protection against the estimation of individual customer data than solutions previously proposed to the workgroup by the City of Minneapolis and others. Finally, the Utility Data Book and associated statutes, rules, and procedures provide a valuable framework from which future CEUD access solutions for use cases 1-7 could be based.

These topics have all been significant points of discussion for the CEUD workgroup, and to date, it appears most workgroup members were unaware of the existence of the Data Book or statutes and administrative rules that guide its production. We recommend that the Commission review the Data Book and associated statutes and rules carefully as part of any decision on CEUD access by third parties.

Key points regarding the relevance of the Data Book follow.

Minnesota Statute already provides the purpose and need to collect and distribute CEUD to third parties. Statute [216C.17](#) subdivision 1 states:

***Energy data program.** In order to further the purposes of sections 216C.05 to 216C.30, the commissioner shall develop and maintain an effective program of collection, compilation, and analysis of energy statistics. The statistical program shall be developed to insure a central state*

repository of energy data and so that the state may coordinate and cooperate with other governmental data collection and record-keeping programs.

In turn, 216C.05 describes the purposes of energy planning, and Minnesota energy policy goals including annual energy savings of at least 1.5 percent each year, reduction in the per capita use of fossil fuel as an energy input by 15 percent by the year 2015, and achieving a 25 percent share for renewable energy of the total energy use by the state by 2025.

Subdivision 4 of 216C.17 states:

Public inspection. *Reports issued pursuant to this section, other than individual corporate reports classified as nonpublic data in section 13.68, shall be available for public inspection in the office of the department during normal business hours.*

The department has chosen to also publish these reports online, and provides data in spreadsheet form upon request.

Minnesota statute already provides a definition of non-public energy data based on a count of customers, and the Department has interpreted this statute through rule-making and published aggregated data for many years. Statute [13.68](#) subdivision 1 states (emphasis mine):

Nonpublic data. *Energy and financial data, statistics, and information furnished to the commissioner of commerce by a coal supplier or petroleum supplier, or information on individual business customers of a public utility pursuant to section 216C.16 or 216C.17, either directly or through a federal department or agency are classified as nonpublic data as defined by section 13.02, subdivision 9.*

The Utility Data Book includes energy usage and utility revenue information aggregated down to 2 customers for many utilities across Minnesota. The Data Book indicates that both customer counts and usage totals are withheld in certain instances to protect “individual company data”. See footnotes on pages 46 and 53 of the 2010 Data Book.

The table below is an example, and shows all the instances from the 2010 Data Book in which industrial customer electricity usage is aggregated at levels below 15 customers.

Utility Name	Industrial Customer Count	Total MWh
North Itasca Electric Cooperative	2	200
Nobles Coop Electric	2	41,084
Minnesota Valley Coop Lt & Pwr	3	56,598
Agralite	3	55,297
Brewster Electric Light & Power	3	893
Spring Grove Municipal Electric	3	3,071
South Central Electric Assn	3	82,335
Eitzen Public Utilities	3	324
Litchfield Public Utilities	4	39,756

Runestone Electric Association	4	9,986
Federated Rural Electric Assn	4	224,495
Mountain Iron Water & Light	5	857
Harmony Electric Dept	5	416
Stearns Coop Electric Assn	5	33,741
St Peter Municipal Utilities	5	25,268
McLeod Coop Power Association	6	50,264
Lake City Utility Board	6	94,779
Grand Rapids Public Utilities	6	23,684
Worthington Municipal Power	7	98,396
Goodhue Co Coop Electric Assn	7	1,081
Staples City of	7	6,286
Tri-Co Electric Cooperative	7	55,178
North Branch Mun Water & Light	8	4,546
Wright Hennepin Coop Elec Assn	9	67,475
New Ulm Public Utilities	9	81,715
Hibbing Public Utilities Comm	10	13,773
Steele Waseca Coop Electric	10	82,014
East Grand Forks Water & Light	11	83,757
East Central Energy	12	101,983
Fairmont Public Utilities	12	53,530
Sleepy Eye Public Utility	14	17,906

The Department of Commerce has used aggregation of customer usage data as a means of reducing the risk of individual customer data being made public. The aggregation thresholds used by the Department are lower than those proposed by the City of Minneapolis and other workgroup members. The Department is currently using two customers as a minimum threshold for the publication of aggregated energy usage data, presumably because state statute seems to indicate that only individual commercial customer data is non-public. In previous comments to the workgroup about use cases 1-7, the City of Minneapolis and other workgroup members have recommended an aggregation threshold of at least four customers, with additional disclosure avoidance techniques such as the n-k rule to protect those customers which may make up a large percentage of the aggregate total, such as large industrial users in small communities or geographic areas. Adopting the disclosure avoidance approaches suggested by the City would likely result in greater protection against the potential estimation of non-public data than the rules used by the Department currently provide.

The statutes, rules, and process used to develop the Utility Data Book provide both a model and administrative framework by which CEUD could be collected, processed and distributed to meet the needs of use cases 1-7. The Department of Commerce already has statutory authority to collect energy consumption and revenue data from utilities on an annual basis, and to make this data available to the public. This process is very similar to the Energy Data Center concept proposed by the City of Minneapolis to enable community and neighborhood CEUD access by third parties. While more detailed

data would be needed from the utilities to meet the needs of requestors identified in use cases 1-7, the basic framework is in place. We recommend that the Commission look to the statute, rules and process that are used to create and publish the Energy Data Book as framework for future CEUD access solutions.