



VIA ELECTRONIC MAIL

October 16, 2023

Hon. Michelle L. Phillips, Secretary
New York State Public Service Commission
3 Empire State Plaza
Albany, New York 12223-1350
secretary@dps.ny.gov

Re: CASE 20-M-0082 – Proceeding on Motion of the Commission Regarding
Strategic Use of Energy Related Data.

Dear Secretary Phillips:

Advanced Energy United (“United”) and the Alliance for Clean Energy New York (“ACE NY”) are submitting these comments in response to the Notice of Proposed Rulemaking on the New York State Energy Research and Development Authority’s Integrated Energy Data Resource Program Phase 2 Proposal published in the New York State Register on August 16, 2023, in the above referenced proceeding.

Respectfully submitted,

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**State of New York
Public Service Commission**

**Proceeding on Motion of the Commission Regarding
Strategic Use of Energy Related Data**

CASE 20-M-0082

October 16, 2023

**Advanced Energy United and the Alliance for Clean Energy New York Comments on
the Notice of Proposed Rulemaking concerning the New York State Energy
Research and Development Authority’s Integrated Energy Data Resource Program
Phase 2 Proposal**

I. Introduction

On August 16, 2023, the New York State Public Service Commission (“Commission” or “PSC”) issued a Notice of Proposed Rulemaking in the New York State Register, I.D. No. PSC-33-23-00007-P, considering the Integrated Energy Data Resource (“IEDR”) Program Phase 2 Proposal (“Proposal”) filed on May 12, 2023, by the New York State Energy Research and Development Authority (“NYSERDA”). The Commission is considering approval and/or modifications to the IEDR Phase 2 Proposal filed by NYSERDA and these comments provide input on the Proposal in furtherance of its expeditious implementation.

Advanced Energy United (“United”) is a national association of businesses that works to accelerate the move to 100% clean energy and electrified transportation in the U.S. Advanced energy encompasses a broad range of products and services that constitute the best available technologies for meeting our energy needs today and tomorrow. These include electric vehicles, energy efficiency, demand response, energy storage, solar, wind, hydro, nuclear, and smart grid technologies. United represents more than 100 companies in the \$374 billion U.S. advanced energy industry, which employs 3.2 million U.S. workers, including 157,000 individuals in the Empire State.

The Alliance for Clean Energy New York (“ACE NY”) is a member-based organization with a mission of promoting the use of clean, renewable electricity technologies and energy efficiency in New York State to increase energy diversity and security, boost economic development, improve public health, and reduce air pollution. ACE NY’s diverse membership includes companies engaged in the full range of clean energy technologies as well as consultants, academic and financial institutions, and not-for-profit organizations interested in this mission.

In these comments, United and ACE NY are referred to as “we”, “our organizations” and the “clean energy industry.”

II. Background

On March 19, 2020, the Commission initiated this proceeding to address the strategic use of energy-related data, and to develop the policies necessary to appropriately balance privacy and system security concerns with a rapidly changing energy marketplace increasingly reliant on development of a data rich environment. In its opening order, the Commission directed Staff to provide one whitepaper regarding the development of a data access policy framework,¹ and a second whitepaper on the creation of an integrated energy data resource.² Both whitepapers were issued on May 29, 2020, with a request for comments and stakeholder meetings were also conducted during the summer of 2020. On February 11, 2021, the Commission issued an order approving the creation of an IEDR program that would provide a centralized platform for collecting, integrating, managing, and accessing customer and system data from energy utilities.

Then, on April 15, 2021, the Commission issued an order approving a new data access framework (“DAF”) that provides a single, unified certification process for third parties to access customer usage and system data. Under the new framework, a third party would complete the certification once with a contractor of the Commission rather than undergo the process repeatedly with each utility. In addition, the framework seeks to

¹ State of New York Department of Public Service, “CASE 20-M-0082 - In the Matter of Strategic Use of Energy Related Data.” *Department of Public Service Staff Whitepaper Regarding a Data Access Framework*. May 29, 2020.

² State of New York Department of Public Service, “Case 20-M-0082- Proceeding on Motion of the Commission Regarding Strategic Use of Energy Related Data.” *Department of Public Service Staff Whitepaper Recommendation to Implement an Integrated Energy Data Resource*. May 29, 2020.

standardize cybersecurity and confidentiality requirements, which were previously developed on an issue-by-issue basis. Anonymized data will also be easier to access, as the associated privacy screens have been relaxed.

On May 24, 2021, NYSERDA announced that \$5.4 million was available for a Program Manager (“PM”) to assemble and manage a team of specialists tasked with developing the IEDR, as well as to engage a Utility Data Advisor (“UDA”) to provide further support and guidance. NYSERDA is the designated Program Sponsor responsible for defining, initiating, overseeing, and facilitating the development of the IEDR platform.

Ultimately, the IEDR platform is slated to provide access to data to support approximately 50 use cases over two phases of development, with specific deadlines for achieving minimum performance capabilities. Specifically, the initial public version (“IPV”) of the IEDR was released on March 31, 2023, that addressed three priority use cases, and is on track to address an additional seven use cases in a minimum viable product (“MPV”) by the fourth quarter of 2023.

The current Phase 2 Proposal describes the plan to roll out the additional use cases via six themed iterative releases, with four to seven use cases per release, between December 2023 and July 2026. According to the Proposal, the six planned releases will build on the successes of Phase 1 by adding additional use cases to the IPV and MVP, create solutions to accelerate climate action, and deliver advanced capabilities based on maturing user energy data needs.

III. Current Proposal

The Proposal seeks approval of a proposed budget for Phase 2 of the IEDR Program. NYSERDA anticipates that Phase 2 will cost approximately \$36.4 million from 2024-2026 between the core program team, including: (1) approximately \$24.5 million in total labor costs; and (2) approximately \$11.0 million in licensing, travel, and other direct costs. To support a greater focus on providing benefits to Disadvantaged Communities (“DACs”), NYSERDA also specifically requests dedicated administrative funds reserved for contracting with or reimbursing organizations supporting DACs and that possess insights critical to advancing DAC objectives. The Proposal further explains that Phase 2 of the IEDR Program will incur non-core program costs, (i.e., the anticipated costs to the jurisdictional utilities to implement Phase 2 of the IEDR Program). Each of the utilities separately filed their proposed IEDR Phase 2 budget,

although our below comments focus on the IEDR Phase 2 Proposal filed by NYSERDA on May 12, 2023.

IV. Overall Comments

ACE NY and United have been longtime, strong supporters of improving data access,³ including in this proceeding,⁴ and we appreciate all the hard work that has been done to keep New York as a national leader in achieving its clean energy goals. We believe that a successful IEDR will be key to accelerated growth of the clean energy sector in a manner that maximizes innovation and brings benefits to customers. To that end, we support the overall approach proposed by NYSERDA and the funding request to implement Phase 2 of the IEDR and ask that it be approved expeditiously, so that the overall timelines proposed can be met if not exceeded.

V. Improved Engagement of LMI Customers and DACs

As it relates to the specific use cases proposed, we think it is prudent to draw some attention to two that are focused on low and moderate income (“LMI”) customers and DACs.⁵ We strongly support increased direct participation by these communities in opportunities to derive benefits from Distributed Energy Resources (“DERs”), and we are thus supportive of the development of these use cases. However, the use case related to DACs, as currently proposed, is largely utility centric. Since the primary purpose of the IEDR is to enhance data access for non-utility actors, we respectfully request that NYSERDA further develop this use case in a manner that more effectively engages third parties within DACs. Of course, utilities also have an important role to play in meeting the needs of DACs and should also benefit from the data made available via this use case, but this would seem to be an important opportunity to also support novel approaches to engage this historically difficult to reach segment. Conversely, the LMI use case⁶ does appear appropriately targeted towards non-utility

³ See Submitted Joint Comments of Advanced Energy United f/k/a Advanced Energy Economy (“AEE”), on behalf of the Alliance for Clean Energy New York (“ACE NY”) and the Advanced Energy Management Alliance (“AEMA”), Docket 18-M-0376, July 25, 2022.

⁴ See Submitted Joint Comments of Advanced Energy United f/k/a Advanced Energy Economy (“AEE”), on behalf of the Alliance for Clean Energy New York (“ACE NY”) and the Advanced Energy Management Alliance (“AEMA”), Initial Comments in response to the June 30, 2020, Notice of Stakeholder Meeting and Soliciting Comments, Docket 20-M-0082, August 24, 2020.

⁵ These are use cases 24 and 27, as listed in Table 6 at page 16 of the Proposal.

⁶ See Proposal pp. C-2 and C-3.

entities, and we recommend modifying the DAC case to mirror the LMI use case more in that regard.

VI. Critical Utility Data and Involvement

In Section 2.4 of the Proposal, NYSERDA addresses two identified risks. First is getting the utilities to be forthcoming with the data they control so that the development of the IEDR can continue apace and on schedule. We agree that this is a significant risk and are pleased that the Commission's recent Order⁷ addressing IEDR matters, directs the utilities to begin transferring customer data sets, system data, and to file tariff revisions, within 30 days of the issuance of the October 13th Order.⁸ We also support requiring the utilities, NYSERDA, and the IEDR Administrator to file a letter within 60 days regarding any delay in the commencement of transfers of the data.⁹ We also hope that this Order will remove any impediments that were delaying the sharing of data between utilities and the IEDR by clarifying what was protected customer data, and what data could be shared without customer consent. We support the delineation of data sets and data sharing liability in the October 13th Order and believe its timely implementation will allow utilities to promptly begin sharing data with the IEDR Administrator within the timeframes needed to complete Phase 1 and enable Phase 2 to proceed as planned.

In that vein, we also strongly encourage the Commission, NYSERDA, and the utilities to make sure that all of the requirements of Phase 1 are completed and implemented by the December 31, 2023, deadline so that there is a strong foundation upon which all stakeholders can build as we strive to achieve the timeline and goals of both Phase 1 and Phase 2. In particular, it is important that the MVP for Phase 1 is completed, as the mapping features released so far in the IVP are incomplete. Efficient and effective access to customer billing data, particularly customer specific interval data, is at the heart of the IEDR goals for many stakeholders. It is important that NYSERDA is able to fully scale and deploy all Phase 1 use cases by the start of Phase 2.

⁷ See Case-20-M-0082, Proceeding on Motion of the Commission Regarding Strategic Use of Energy Related Data, Order Addressing Integrated Energy Data Resource Matters (issued and effective October 13, 2023) ("October 13th Order").

⁸ Id., p. 17.

⁹ Id., p. 18.

The second risk identified, related to the DAF, is how IEDR users can quickly and conveniently be certified to access the IEDR. Here we also agree that this risk is real. A balance needs to be struck between ensuring the privacy and security of customer data and the ability of third parties to access that data. As we have consistently indicated in prior comments concerning access to utility data “it is key to innovation and ongoing support of products, services, and technologies developed and offered by [Energy Service Entities] (“ESEs”) that provide value to the grid, all customers, and support the development of new products and services that will help New York State achieve its goals within the Climate Leadership and Community Protection Act” (“CLCPA”).¹⁰ Additionally, it is imperative that the Commission, NYSERDA, or the utilities do not impose overly burdensome requirements for qualified entities to obtain timely and convenient access to the IEDR platform. We are, however, encouraged by the Proposal to have a third party complete the certification once with a contractor of the Commission, rather than undergo the process repeatedly with each individual utility, and we encourage all stakeholders to continue to work to expeditiously resolve this issue.¹¹

VII. Retaining Technology Flexibility for use of Caster Implementation

Additionally, we recommend that the IEDR plan focuses on future use cases without overly prescribing any specific technology that could accomplish the goals of the IEDR. Building future flexibility into additional use cases, encourages market innovation and ensures that the utilities are not required to upgrade or change systems to meet overly prescriptive requirements that may be superseded by new technology. As an example, the “enable real-time access to smart meter data via Zigbee/Wi-Fi” use case suggests utilization of Wi-Fi via 2030.5 for Advanced Metering Infrastructure (“AMI”) 2.0,¹² but we assert that it would be more appropriate to add additional guidance that also allows for other methods that may

¹⁰ See Submitted Joint Comments of Advanced Energy United f/k/a Advanced Energy Economy (“AEE”), on behalf of the Alliance for Clean Energy New York (“ACE NY”) and the Advanced Energy Management Alliance (“AEMA”), Docket 18-M-0376, July 25, 2022.

¹¹ See Submitted Joint Comments of Advanced Energy United f/k/a Advanced Energy Economy (“AEE”), on behalf of the Alliance for Clean Energy New York (“ACE NY”) and the Advanced Energy Management Alliance (“AEMA”), Initial Comments in response to the June 30, 2020, Notice of Stakeholder Meeting and Soliciting Comments, Docket 20-M-0082, August 24, 2020.

¹² See Integrated Energy Data Resource (IEDR) Program Phase 2 Proposal, Prepared by, New York State Energy Research and Development Authority (NYSERDA), p.19.

become available from a progressive/evolving marketplace to be utilized as well. This addition/option better ensures that future emerging approaches and standards may be considered if they can cost-effectively achieve the same goals of the use case.

VIII. Additional Use Case for Consideration – New York City Local Law 97

We recommend that both the Commission and NYSERDA consider working closer with stakeholders involved with implementing New York City’s building decarbonization ordinance, Local Law 97.¹³ That law will be going into effect in 2024 and there may be value for both the IEDR data sets, as well as available information about the buildings that have to comply with Local Law 97’s benchmark provisions.¹⁴ Certainly, at a minimum, the information should not be duplicated and multiple stakeholders could benefit from the possibility of easily available information surrounding the implementation of Local Law 97. It will also be more productive and efficient to require the provision of all baseline building sector data, so that entities accessing the IEDR can do so expeditiously in a cost-effective manner.

IX. Reimbursement of Funds Required to Engage LMI and DACs

In the Proposal, NYSERDA requests that funding be used for participation in required gathering workshops¹⁵ to help ensure that DAC use cases and functionality are prioritized. NYSERDA has recognized the importance of engaging DAC stakeholders, and that to facilitate this, providing compensation to groups representing DACs can address barriers to their participation. We support and encourage these efforts that more fully engage DAC stakeholders.

¹³ See <https://www.nyc.gov/site/sustainablebuildings/ll97/local-law-97.page>

¹⁴ See https://www1.nyc.gov/assets/buildings/apps/pdf_viewer/viewer.html?file=2014CC_AC_Chapter3_Maintenance_of_Buildings.pdf§ion=conscode_2014

¹⁵ See Proposal, p. 22.

X. Conclusion

Data is the lifeblood of today's modern energy economy. Timely and convenient access to utility and customer data for third-party providers is a necessary and vital component of moving the electric utility industry into the digital age, unlocking value, and engaging customers in new ways. If done properly, New York's data access efforts can appropriately provide for a competitive marketplace, stimulate job-creating innovation, lead to the development of new products and services, animate the distributed energy resources market, benefit the electricity system, enhance customer options to control energy usage and costs, and support the transition to more advanced energy technologies.

Advanced Energy United and the Alliance for Clean Energy New York sincerely appreciate the opportunity to provide these comments. We recognize and appreciate all the effort and time Staff and the Commission have put into this important proceeding and we look forward to the prompt approval of the IEDR Phase 2 Proposal and the continued participation in this and other important energy proceedings.