

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

THE CITIZENS UTILITY BOARD)	
and)	
THE ENVIRONMENTAL DEFENSE FUND)	
)	Docket No. 14-____
Proceeding to Adopt the)	
Illinois Open Data Access Framework)	

**Verified Petition of the Citizens Utility Board and
Environmental Defense Fund to Initiate a Proceeding to
Adopt the Illinois Open Data Access Framework**

Pursuant to the Rules of Practice of the Illinois Commerce Commission (“ICC” or “the Commission”), 83 Ill. Admin. Code § 200.100, the Citizens Utility Board (“CUB”) and the Environmental Defense Fund (“EDF”) hereby petition the Commission to initiate a proceeding to adopt the “Illinois Open Data Access Framework.” The purpose of this proceeding will be to review, refine and adopt the Framework as the governing standards for access to customer usage data by customers, utilities, and third parties (any party other than the customer and the utility). In support of this Motion, CUB and EDF state the following.

1. CUB is a statewide organization of residential ratepayers with the duty to represent and protect the interests of the residential utility consumers of this state and the legal authority to file this petition on behalf of its members. 220 ILCS 10/5(1)(a) and 220 ILCS 10/5(2)(d) and (e).

2. EDF is a non-profit organization whose mission is to preserve the natural systems on which all life depends. Guided by science and economics, EDF strives to find practical and lasting solutions to the most serious environmental problems.

3. The Commission has general supervision of all public utilities 220 ILCS 5/4-101. In Illinois, the Commission has general authority for “any matters covered by the provisions of the [Public Utilities] Act, or by any other Acts relating to public utilities.” 220 ILCS 5/10-101. The Commission has the authority under Illinois law to direct the utility to do what is reasonably necessary to accomplish the legislature’s objective. *Abbott Lab. Inc. v. Illinois Commerce Comm’n*, 289 Ill.App.3d 705, 712, 682 N.E.2d 340, 347-348 (1 Dist.1997), citing *Lake County Bd. of Review v. Prop. Tax Appeal Board*, 119 Ill.2d 419, 427, N.E.2d 459 (1988).

4. The Energy Infrastructure Modernization Act (“EIMA”) states that it is the policy of Illinois that significant investments must be made in the State’s electric grid over the next decade to modernize and upgrade transmission and distribution facilities in the State.” Public Act 97-616, as modified by Public Act 97-646. By encouraging these investments, the General Assembly stated that it hoped to ensure that Illinois’ electric utility infrastructure would promote future economic development in Illinois and that Illinois electric utilities will be able to continue to provide quality electric service to their customers, including innovative technological offerings that will enhance customer experience and choice. *Id.*

5. “Smart Grid” is defined in the EIMA as investments and policies that together promote one or more of the following goals:

- (1) Increased use of digital information and controls technology to improve reliability, security, and efficiency of the electric grid.
- (2) Dynamic optimization of grid operations and resources, with full cyber security.
- (3) Deployment and integration of distributed resources and generation, including renewable resources.
- (4) Development and incorporation of demand-response, demand-side resources, and energy efficiency resources.
- (5) Deployment of "smart" technologies (real-time, automated, interactive technologies that optimize the physical operation of appliances and consumer

devices) for metering, communications concerning grid operations and status, and distribution automation.

(6) Integration of "smart" appliances and consumer devices.

(7) Deployment and integration of advanced electricity storage and peak-shaving technologies, including plug-in electric and hybrid electric vehicles, thermal-storage air conditioning and renewable energy generation.

(8) Provision to consumers of timely information and control options.

(9) Development of open access standards for communication and interoperability of appliances and equipment connected to the electric grid, including the infrastructure serving the grid.

(10) Identification and lowering of unreasonable or unnecessary barriers to adoption of Smart Grid technologies, practices, services, and business models that support energy efficiency, demand-response, and distributed generation.

220 ILCS 5/16-108.6(a).

6. Both the Commonwealth Edison Company ("ComEd") and the Ameren Illinois Company ("Ameren") have opted to participate in the EIMA's performance-based formula rate structure. *See* ICC Dockets No. 11-0721 and 12-0001. Both utilities have also begun deployment of advanced metering infrastructure ("AMI") and other smart grid investments which are required by the EIMA. *See* ICC Dockets No. 12-0298 and 12-0244.

10. The Commission has stated that among the "immediate benefits" of AMI are:

Once AMI meters are installed, customers will be able to benefit from the latest Smart Home applications. For example, they will be able to participate in any supplier's dynamic rate offerings and/or any curtailment service (demand response) provider's or [utility] DLC [Direct Load Control] programs, such as the PTR program . . .

In re Commonwealth Edison Co. Petition for Statutory Approval of a Smart Grid Advanced Metering Infrastructure Deployment Plan pursuant to Section 16-108.6 of the Public Utilities Act, Final Order, ICC Docket No. 12-0298, at 6 (June 22, 2012) ("12-0298 Final Order").

The Commission has stated that the "AMI system is the foundation for creating customer value and that selection of the AMI components is a critical first step in the creation of customer value." 12-0298 Final Order at 7.

7. The Public Utilities Act addresses customer usage data as follows:

Section 16-122 states:

(a) Upon the request of a retail customer, or a person who presents verifiable authorization and is acting as the customer's agent, and payment of a reasonable fee, electric utilities shall provide to the customer or its authorized agent the customer's billing and usage data.

(b) Upon request from any alternative retail electric supplier and payment of a reasonable fee, an electric utility serving retail customers in its service area shall make available generic information concerning the usage, load shape curve or other general characteristics of customers by rate classification. Provided however, no customer specific billing, usage or load shape data shall be provided under this subsection unless authorization to provide such information is provided by the customer pursuant to subsection (a) of this Section.

(c) Upon request from a unit of local government and payment of a reasonable fee, an electric utility shall make available information concerning the usage, load shape curves, and other characteristics of customers by customer classification and location within the boundaries of the unit of local government, however, no customer specific billing, usage, or load shape data shall be provided under this subsection unless authorization to provide that information is provided by the customer.

(d) All such customer information shall be made available in a timely fashion in an electronic format, if available. 220 ILCS 5/16-122.

Section 16-108.6(d) provides:

(d) The AMI Plan shall secure the privacy of the customer's personal information. "Personal information" for this purpose consists of the customer's name, address, telephone number, and other personally identifying information, as well as information about the customer's electric usage. Electric utilities, their contractors or agents, and any third party who comes into possession of such personal information by virtue of working on Smart Grid technology shall not disclose such personal information to be used in mailing lists or to be used for other commercial purposes not reasonably related to the conduct of the utility's business. Electric utilities shall comply with the consumer privacy requirements of the Personal Information Protection Act. In the event a participating utility receives revenues from the sale of information obtained through Smart Grid technology that is not personal information, the participating utility shall use such revenues to offset the revenue requirement.

8. The Commission has concluded that, taken together, these two sections do not bar access by third parties (that is, parties that are neither the customer nor the electric utility) to a) customer usage data specific to one customer when authorization is given by a customer and b) anonymized customer usage data when no authorization is given. *See generally* Final Order, ICC Docket No. 13-0506 (Jan. 28, 2014) (“13-0506 Final Order”) and Final Order on Rehearing (July 30, 2014).

9. The Commission has already noted that deployment of AMI brings with it great potential for new types of services and offerings, 13-0506 Final Order at 16, and the Commission has discussed how customers could access interval usage data, 12-0298 Final Order at 7. However, at this time, there is no Commission order addressing issues such as how that customer usage should be provided, how often it should be provided, or how long authorization should be effective for. CUB/EDF Exhibit 1.0, attached to this Petition, describes the value of having such standards approved by the Commission at this time. The Illinois Open Data Access Framework, CUB/EDF Exhibit 1.1 attached to this Petition, sets forth principles which can be used by the Illinois Commerce Commission to guide the development of utility systems to making consumption data available to retail customers and third parties with authorized customer access, including retail electric suppliers, municipal governments and providers of demand response and energy efficiency services. The framework builds upon national best practices and upon statements made by Illinois providers of energy efficiency, demand response and dynamic pricing programs as to the value of customer usage data.

10. The framework addresses the following issues around what should be done with the customer usage data which will be gathered by the new AMI systems: data ownership, types of data, third-party access to data, data formats, methods of delivering data, timeliness of data delivery, quality of data, data security, the use of national standards, and

whether or not charges should be assessed for accessing data. CUB and EDF believe these are the primary areas where certainty is needed for the utilities and third parties as to the expectations of the Commission with respect to customer usage data.

11. CUB and EDF request that the Commission initiate a proceeding to adopt the Illinois Open Data Access Framework as the governing policy for access to customer usage data. In that proceeding, CUB and EDF agree to accept electronic service as governed by Part 200.150 of the Commission's rules. 83 Ill. Admin. Code §200.150.

12. At this time CUB and EDF understand both ComEd and Ameren to be in the process of designing and building utility data management systems to work with their AMI deployments. Under the EIMA, each utility's AMI deployment is reviewed annually on April 1st. 220 ILCS 5/16-108.6. CUB and EDF therefore request that this proceeding be concluded by March 1st, in time to allow the utilities to incorporate the framework into their April 1st filings and for the Commission to use in evaluating AMI deployment progress.

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Respectfully submitted,



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