

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

The Citizens Utility Board and :
The Environmental Defense Fund :
: **14-0507**
Proceeding to Adopt the Illinois Open Data :
Access Framework. :

ORDER

By the Commission:

I. PROCEDURAL HISTORY AND BACKGROUND

On August 15, 2014, the Citizens Utility Board (“CUB”) and the Environmental Defense Fund (“EDF”) (together, “CUB/EDF”) filed a petition to initiate a proceeding to adopt the Illinois Open Data Access Framework (“Framework”) for the purpose of reviewing, refining, and adopting 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).

Pursuant to notice given in accordance with the law and the rules and regulations of the Illinois Commerce Commission (“Commission”), a status hearing was held on August 29, 2014 before a duly authorized Administrative Law Judge (“ALJ”) at the Commission’s office in Chicago, Illinois. The Office of the Attorney General of the State of Illinois (“AG”), Ameren Illinois Company d/b/a Ameren Illinois (“Ameren”), Commonwealth Edison Company (“ComEd”), the Illinois Competitive Energy Association (“ICEA”), the Mission:data Coalition (“Mission:data”), the Retail Energy Supply Association (“RESA”) and the Staff of the Commission (“Staff”) (together “the Parties”) participated in this proceeding.

The Commission issued a data request to all parties on September 23, 2014. The Parties filed responses to the request on November 6, 2014 and Replies to Responses on November 20, 2014. Per common agreement, CUB and EDF filed a Motion to Stay the proceedings on December 18, 2014. The Motion requested that the Commission open a docket to address the need for and form of any customer authorization required for access by third parties, other than retail electric suppliers (“RES”) to Advanced Metering Infrastructure (“AMI”) interval meter data, and to stay the instant proceeding while the parties worked in good faith to consider the “remaining data access issues and gain greater clarity about timing expectations and requirements” for AMI data. CUB/EDF Motion to Stay at 2-3. The Motion further laid out a proposed outline for discussions and means by which the utilities could address data access issues. *Id.*

During the stay, the Commission opened Docket No. 15-0073 pursuant to the Motion to Stay on January 28, 2015. Docket No. 15-0073 concluded with a Final Order on March 26, 2016 and an Amendatory Order on May 10, 2016. Among other things, the

Order in 15-0073 directed that the issue of a warrant process (a process by which a non-RES third party represents to a utility that it has customer authorization to access AMI interval data) be considered in Docket No. 14-0507.

Pursuant to the Order in Docket No. 15-0073, the Parties held three workshops to discuss the issue of a warrant process. As a result of the workshop discussions, the parties filed a Joint Motion for Partial Dismissal Pursuant to Commission Order on February 27, 2017. The Joint Motion requested that the Commission initiate a new proceeding to address questions associated with a non-RES third party warrant process for access to customer-specific AMI interval usage data. Joint Motion for Partial Dismissal at 1, *citing* Final Order, Docket No. 15-0073 at 30 (March 26, 2016). On March 15, 2017, the Commission granted the Joint Motion and opened Docket No. 17-0123.

CUB/EDF submitted the direct testimony of Andrew Barbeau, CUB/EDF Exhibits 1.0 and 1.1, and Exhibits 2.0, 2.1 and 2.2. ComEd submitted the direct testimony of Courtney Erickson on June 5, 2017. Ameren submitted the direct testimony of Ryan Ellen on June 5, 2017. An evidentiary hearing was held on June 22, 2017, and the record was marked "Heard and Taken". The Parties agreed to waive briefing in favor of entry of a proposed order to which no party objected.

II. RELEVANT STATUTORY PROVISIONS

Section 16-108.6 of the Public Utilities Act, 220 ILCS 5 ("PUA") provides, in relevant part:

"Smart Grid" means 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.

* * *

"Smart Grid functions" means:

(1) the ability to develop, store, send, and receive digital information concerning or enabling grid operations, electricity use, costs, prices, time of use, nature of use, storage, or other information relevant to device, grid, or utility operations, to or from or by means of the electric utility system through one or a combination of devices and technologies;

(2) the ability to develop, store, send, and receive digital information concerning electricity use, costs, prices, time of use, nature of use, storage, or other information relevant to device, grid, or utility operations to or from a computer or other control device;

(3) the ability to measure or monitor electricity use as a function of time of day, power quality characteristics such as voltage level, current, cycles per second, or source or type of generation and to store, synthesize, or report that information by digital means;

(4) the ability to sense and localize disruptions or changes in power flows on the grid and communicate such information instantaneously and automatically for purposes of enabling automatic protective responses to sustain reliability and security of grid operations;

(5) the ability to detect, prevent, communicate with regard to, respond to, or recover from system security threats, including cyber-security threats and terrorism, using digital information, media, and devices;

(6) the ability of any device or machine to respond to signals, measurements, or communications automatically or in a manner programmed by its owner or operator without independent human intervention;

(7) the ability to use digital information to operate functionalities on the electric utility grid that were previously electro-mechanical or manual;

(8) the ability to use digital controls to manage and modify electricity demand, enable congestion management, assist in

voltage control, provide operating reserves, and provide frequency regulation; or

(9) the ability to integrate electric plug-in vehicles, distributed generation, and storage in a safe and cost-effective manner on the electric grid.

* * *

The AMI Plan shall secure the privacy of personal information and establish the right of consumers to consent to the disclosure of personal energy information to third parties through electronic, web-based, and other means in accordance with State and federal law and regulations regarding consumer privacy and protection of consumer data.

* * *

(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.

220 ILCS 5/16-108.6.

In addition, Section 16-122 of the PUA 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.

III. COMMISSION ANALYSIS AND CONCLUSIONS

The Commission believes that the utility customers ultimately financing AMI investment should receive benefits from the investment as soon as practicable. Utility AMI investments must be made consistent with the utilities' AMI Plans, including enabling the market for the development of smart grid products and services for utility customers. The Commission agrees with the Parties that it is important that standards and expectations are in place for the utilities, their customers and third parties on what data will be collected using the AMI system and how that data can be used. The Commission previously addressed some of these issues in Docket Nos. 13-0506 and 15-0073.

The Open Data Access Framework addresses the following issues: customer authorization, types of data, data format, method of delivery, timeliness, data security and charges for data access. While not an exhaustive list of considerations related to the development or implementation of AMI-based data services, these issues are important, and the Commission agrees with CUB/EDF and the utilities that the Framework may be considered by the utilities as they develop new information technology systems, customer services and other programs, and by all stakeholders as AMI investments are completed by the utilities.

The Commission understands that the Parties to this proceeding have had months of productive discussions around the issues addressed by the Framework. Both ComEd and Ameren have already begun addressing various aspects of the Framework through utility "data roadmaps." The Commission finds that the "data roadmaps" reflect those productive discussions and represent sound proposals for ways in which services and practices can be developed over time to enable Smart Grid functions and the market. The utilities have committed to working in good faith with all stakeholders to identify future AMI related data services, and the Commission encourages the parties to continue discussions on an informal basis throughout the period of AMI deployment.

The Commission commends all of the Parties to this proceeding for their hard work and good faith discussions. As a result, the various legal and technical questions around customer and third party access to data collected by AMI systems are being addressed in a timely and thoughtful manner.

IV. FINDINGS AND ORDERING PARAGRAPHS

The Commission, having considered the entire record and being fully advised in the premises, is of the opinion and finds that:

- (1) the Commission has jurisdiction over the parties hereto and the subject matter herein;
- (2) the recitals of fact set forth in the prefatory portion of this Order are supported by the record and are hereby adopted as findings of fact;
- (3) Sections 16-122 and 16-108.6 of the Public Utilities Act require Ameren and ComEd to collect, secure, manage and share various types of data captured through the use of AMI;
- (4) the Open Data Access Framework provides beneficial considerations for data collection, security, management and means by which customers and third parties can access AMI data; and
- (5) the Data Roadmaps of Ameren and ComEd represent sound and appropriate plans to develop various systems and services around AMI data for customers and third parties.

IT IS THEREFORE ORDERED that the Open Data Access Framework be considered by the utilities as they design new AMI-based data services, and by all stakeholders in discussions throughout the course of AMI deployment around how AMI data can be used to enable the market for the development of products and services for the customers of Ameren and ComEd.

IT IS FURTHER ORDERED that all motions, petitions, objections, and other matters in this proceeding that remain unresolved are to be disposed of in a manner consistent with the conclusions reached herein.

IT IS FURTHER ORDERED that, subject to the provisions of Section 10-113 of the Public Utilities Act and 83 Ill. Adm. Code 200.880, this Order is final; it is not subject to the Administrative Review Law.

By Order of the Commission this 26th day of July, 2017.

(SIGNED) BRIEN SHEAHAN

Chairman