

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

Illinois Commerce Commission	)	
On Its Own Motion	)	
	)	
Investigation into the Customer	)	Docket No. 15-0073
Authorization Required for Access by Third	)	(January 28, 2015)
Parties Other than Retail Electric Suppliers	)	
To Advanced Metering Infrastructure Interval	)	
Meter Data	)	

**BRIEF ON EXCEPTIONS OF THE MISSION:DATA COALITION**

Pursuant to the Rules of Practice of the Illinois Commerce Commission (“ICC” or “the Commission”), 83 Ill. Admin. Code §200.830, the Mission:data Coalition (“Mission:data”) files this Brief on Exceptions in the instant proceeding. The Proposed Order implements 16-108.6(c) of the Public Utilities Act requiring utilities adopting smart grid technologies to “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.” 220 ILCS 5/16-108.6.

By implementing a customer’s ability to authorize the provision of his or her electronic interval usage data to third parties of his or her choice, the Proposed Order represents a welcome step forward to enabling consumers to take advantage of Illinois’ investment in smart grid technologies. Both Commonwealth Edison and Ameren Illinois have stated that they intend to implement the Green Button Connect system by which consumers can share their ongoing data in a standard electronic format with third parties. The Proposed Order, and these commitments by Commonwealth Edison and Ameren Illinois, represent important steps forward in establishing

Illinois as a leader among states in taking the practical steps needed to enable consumers to realize the significant consumer benefits of smart grid technologies.

The development of data-driven energy management products and services represents a dynamic, innovative industry and the Mission:data Coalition appreciates a number of provisions in the Proposed Order that will foster continuing innovation, including flexibility in purpose specification and the language to not impose an arbitrary limitation on the term of authorization for many commercial consumers, which is helpful in allowing businesses to take advantage of longer-term contracts for energy management services and facilitate accurate measurement, evaluation and verification. Notwithstanding the Mission:data Coalition's general support for the Proposed Order, we submit these exceptions. Suggested language is included to amend the Proposed Order at page 16.

**I. The Proposed Order should clarify and distinguish the authorization language for residential and non-residential customers with regard to authorization term.**

While Mission:data generally supports the Proposed Order, we remain concerned that the Proposed Order's fixed 24 month authorization term unnecessarily limits consumers from exercising their right under Section 16-108.6(c) of the PUC to share their data in the cases where service continues for a period of longer than 24 months. The Proposed Order takes a step in the right direction by acknowledging a distinction in the application of the 24 month authorization term between commercial and residential customers, noting that "the language adopted here is for residential customers and small businesses only," exempting larger commercial customers from the 24 month limitation. Proposed Order at 13.

While Mission;data appreciates this distinction, Mission:data urges that the Proposed Order be revised so that the 24 month authorization term is applied to residential customers only

and not to small business customers. All non-residential customers – including small, medium and large commercial customers, industrial customers, etc. – should be grouped together and should not be limited to a 24 month maximum term. There is no information on the record that specifies the definition of a small business customer. Are small business customers less than 15 kW in peak demand? 50 kW? What customer class describes a common area meter in multifamily properties, for example? How are non-RES third parties supposed to plan for different customers with different authorization terms if the definition of small business is not transparent?

Further, if a small business owner is entrusted to manage payroll, comply with workplace safety rules, manage inventory, negotiate with suppliers and handle myriad other business operations, why does the Commission feel that small business owners cannot understand the authorization language for energy efficiency services? With the lack of a clear definition of small business customers, and the questionable need for added protection among small business customers relative to medium business customers, Mission:data urges the Commission to provide greater clarity and revise the Proposed Order’s authorization language to distinguish simply between residential and non-residential customers.

Second, Mission:data requests that the Proposed Order specify authorization language specifically for non-residential customers. Currently, the Proposed Order provides only authorization language for residential customers. Explicitly stating both sets of language will avoid confusion and ambiguity in implementation.

**II. The Proposed Order should rule not on whether or not to allow a warrant process, but rather on what customer information should be required in order to ensure security and validity of a warrant.**

The Proposed Order’s rationale for not approving a “warrant”-type authorization process is that “a process has not been described that will enable utilities to be sure that an authorization

arriving through a warrant process accurately reflects the customer's direction." Proposed Order at 13. In fact, Mission:data described just such a process. Mission:data Final Ver. Com. at 9-10, Mission:data Ver. Surrep. Com. at 7-8 and appendix at 10-13. To reiterate, Mission:data stated that "*It is vital to understand that a third-party-led process is not inherently more or less secure than the process in which the customer visits the utility website.*" Mission:data Ver. Surrep. Com. at 9-10. The precautions against fraudulent consent involve simply asking the third party to provide unique identifying information of the customer. These requirements could be *more* extensive than those required to create an account on the utility's website, meaning a warrant process would have *greater* likelihood of truly representing customer direction than even the web-based Green Button Connect process. We don't believe it is the Commission's intent to limit use of an authorization process that provides greater security than the default method.

The objections raised by the parties to a warrant process have to do with doubts about the authenticity of the request, perhaps assuming that an account number by itself would be abused by bad actors to access confidential usage data. But no party has argued that requiring multiple unique pieces of corroborating identifying information of a customer puts customers at risk of fraudulent behavior. Indeed, Mission:data even argued that any remaining unease with a warrant process, even after requiring multiple pieces of customer identifying information, can be further remedied by two-factor authentication. Mission:data Ver. Final. Com. at 7-8. Therefore, we urge the Commission to amend the Proposed Order to allow for a third party-led process, specifying in order to ensure security what customer identifying information should be required.

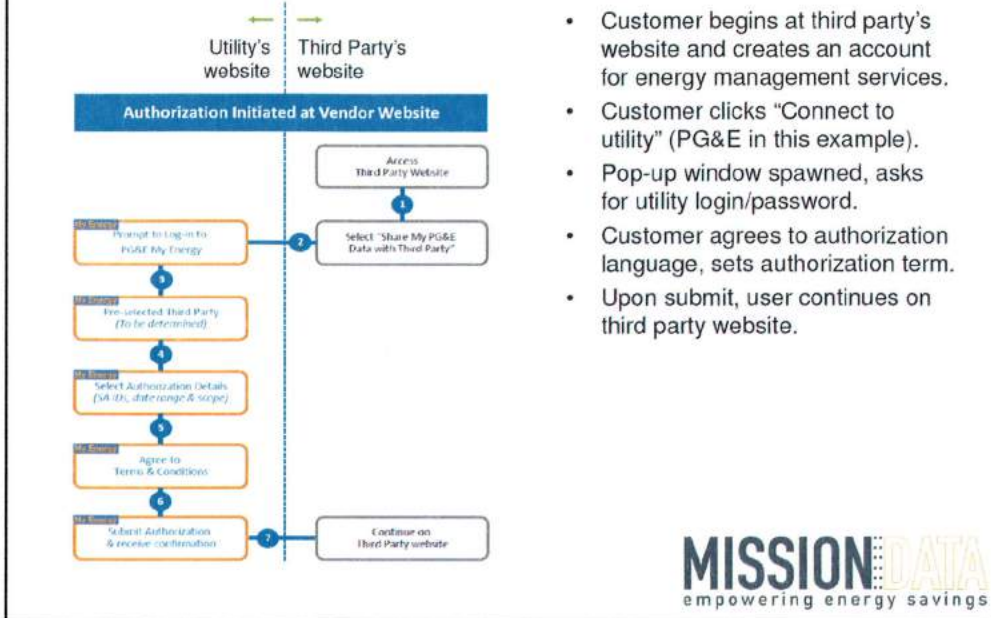
If the Commission still does not feel there is sufficient information in the record of the present docket to come to a determination with regard to a warrant process, then we urge the Commission to affirmatively rule on the question in Docket No. 14-0507. The parties need

Commission clarity on this issue, and if a decision is deferred, then Mission:data wishes to remind the Commission of the importance of coming to a decision on this matter in the next docket.

**III. The Proposed Order should clarify that a “Green Button Connect” authorization process includes the user initiating consent from the non-RES third party’s website.**

The Proposed Order accepts an authorization process that uses electronic signatures and Green Button Connect. Without explicit direction from the Commission, however, utilities might implement only the bare minimum Green Button Connect authorization process. The “minimum practice,” as opposed to the best practice, is a process in which the customer begins at the utility’s website, logs in, and selects a third party with which to share his or her data. The current best practice, described in Mission:data’s Ver. Surreply Com. at 6-8 and appendix at 9 (and pasted again below), is equivalent in terms of customer direction and security, but it is simpler and more fluid for customers. Mission:data notes that no party objected to this “enhanced” method of Green Button Connect web-based authorization. Mission:data urges the Commission to explicitly require that utilities support this enhanced Green Button Connect authorization process in addition to the regular Green Button Connect process, so that customers may reap the greatest value from their investments in AMI.

## Example #2: Website (enhanced)



- Customer begins at third party's website and creates an account for energy management services.
- Customer clicks "Connect to utility" (PG&E in this example).
- Pop-up window spawned, asks for utility login/password.
- Customer agrees to authorization language, sets authorization term.
- Upon submit, user continues on third party website.

#### IV. Suggested Language, Proposed Order at 16-17.

Mission:data proposes that authorization language be amended to read:

FOR NON-RESIDENTIAL CUSTOMERS:

I, [CUSTOMER NAME], understand that [NAME OF THIRD PARTY] seeks access to my electricity usage information. This information includes my electricity usage levels for distinct time periods no longer than 60 minutes to the extent this information has been recorded and retained by [UTILITY].

I authorize [UTILITY] to provide my electricity usage information to [NAME OF THIRD PARTY] solely for the purpose of:

\_\_\_\_\_ [PURPOSE] \_\_\_\_\_.

I do not authorize my data to be used for purposes other than those I have explicitly authorized in this document.

I do not authorize [NAME OF THIRD PARTY] to sell or license my electricity usage information to any other party for any other purpose, except that [NAME OF THIRD PARTY] may share my electricity usage



data with an affiliate or contracted vendor if that is necessary for the purpose described here.

I authorize [UTILITY] to provide [NAME OF THIRD PARTY] my usage information for the previous 24 months as well as for future months.

This authorization to access and use my electricity usage information will expire on \_\_\_/\_\_\_/\_\_\_\_\_

or upon notification by me to [UTILITY] that I have revoked [NAME OF THIRD PARTY]'s authorization to access my usage information.

I understand that I can report any concerns about my rights under this authorization and [NAME OF THIRD PARTY]'s or [UTILITY]'s compliance with its duties under this disclosure to:

**ILLINOIS ATTORNEY GENERAL'S  
CONSUMER FRAUD DIVISION**

<http://www.illinoisattorneygeneral.gov/consumers/index.html>

Chicago: 800-386-5438; 800-864-3013 (TTY)  
Springfield: 800-243-0618; 877-844-5461 (TTY)  
Carbondale: 800-243-0607; 877-675-9339 (TTY)

OR

**ILLINOIS COMMERCE COMMISSION  
CONSUMER SERVICES DIVISION  
800-524-0795**

**V. Conclusion**

For the reasons discussed herein, the Proposed Order should be modified at page 16 as suggested above. Thank you for your consideration.

Dated: January 15, 2016

Respectfully submitted

For the Mission:data Coalition

  
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## ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Sacramento )

On January 15, 2016 before me, Nellie Tumbaga Hurtienne  
(insert name and title of the officer)

personally appeared Jim Hawley,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Nellie Tumbaga Hurtienne (Seal)

