

DRAFT - COUNCIL DATA REQUEST PROCESS

Context

Council Role: Pursuant to G.L. c. 25, §22(b), the Energy Efficiency Advisory Council (Council) is charged with supporting and guiding the development, implementation, and evaluation of the Program Administrator’s Three-Year Plans. Specifically, the Council is directed to “work with program administrators in preparing energy resource assessments, determine the economic, system reliability, climate and air quality benefits of efficiency and load management resources, conduct and recommend relevant research, and recommend long term efficiency and load management goals to maximize economic savings and achieve environmental goals.” Id. Furthermore, pursuant to G.L. c. 25, §22(d), the PAs must provide quarterly reports, including “such other information as the council shall determine.” In order to fulfill this role, the EEAC may require information from the PAs to ensure that the plans are being implemented as expected and progress to goals is appropriate. Availability of data and transparency to the EEAC and the public is critical to the success of the programs and necessary for the EEAC to fulfill its role.

Guidelines: Also, consistent with recommendations in the PP&A Study, the Program Administrators shall work with the Council to develop a formal process for how data requests from the Council, and/or its individual members, will be made and satisfied. The process should seek to ensure an appropriate balance of the value of the data requested with the cost to provide the data. See PP&A Study at 18. Program Administrators should include a description of the agreed upon process in their three-year plans.” (D.P.U. 20-150-A at 12 n.9)

Additional Filing Requirements: Consistent with the requirements set forth in D.P.U. 20-150-A at 12 n.9, describe the process agreed upon by the Program Administrators and the Council for data requests from the Council during the 2022-2024 Plan term, and how such process will minimize administrative costs.

Process

Data requests from the Council, and/or its individual members, to the PAs shall be submitted to the Council Chair (DOER), or its designee.¹² Requests may be made by Councilors during a monthly Council meeting, or via email to ma-eeac@mass.gov and shall include an explanation of the purpose of the request along with any supporting information that would help the PAs better understand that purpose. The Council Chair, will coordinate with the Council’s Consultants, the individual councilor, and/or the Executive Committee to assess the value and usefulness of the request. The data privacy protection standards of the Commonwealth of Massachusetts and Department of Public Utilities shall apply to the provision of any requested information. The assessment of the value and usefulness of the data requested will include, but not be limited to, its impact on the Council’s ability to do the following:

¹ The process directed herein does not preclude the AGO from issuing data requests to the distribution companies pursuant to its statutory authority under G.L. c. 12, § 11E(c).

² The process outlined does not apply to addressing clarifications, corrections or data quality issues identified as part of the Council’s review of monthly data dashboards, quarterly reports and Key Performance Indicators, annual reports, or term reports.

1. Monitor progress toward three-year plan goals and priorities;
2. Assess whether ratepayer funds are being used effectively and most cost-efficiently;
3. Assess alignment between Plan implementation and the approved Three-Year Plans and relevant Term Sheet commitments;
4. Assess progress towards the Council's established annual priorities;
5. Provide transparency to the public and program participants;
6. Respond to and assess public comment and stakeholder questions or concerns;
7. Assess program participation and equitable distribution of investments and benefits;
8. Address questions or issues identified by working groups or sub-committees of the EEAC that are relevant to the energy efficiency plans.

During monthly EEAC coordination meetings, PAs and the Council Chair will work together to review the request to determine whether the value and usefulness of the data is appropriately balanced with the cost to respond. Consideration of the cost will include the time it will take to obtain and prepare the data, whether the costs to provide the data are reasonable and prudent, and whether any alternative ways to address the request exist that are less costly and/or provide greater value. To ensure transparency, the PAs and Council Chair will make this determination by the next monthly Executive Committee meeting following the request in order to discuss prior to the next EEAC meeting. The process for determining whether or not the PAs will fulfill the request is as follows:

- If the PAs and Council Chair determine that the value and usefulness of the data is appropriately balanced with the cost to provide it, the PAs will provide the data within 30 days from the date of the decision. If, based on the nature of the request and the manner of collecting and preparing the data, the PAs and the Council Chair agree that the data request may take more than 30 days, the Councilor will be notified in writing by the PAs with a proposed date for completion.
- If the PAs and Council Chair determine that the value and usefulness of the data is not appropriately balanced with the cost to provide it, the Council Chair may request a meeting with the PAs and the requesting party to discuss the request and the reasons the data was not produced, including a specific cost explanation.
- If the PAs and the Council Chair disagree on whether the value and usefulness of the data is appropriately balanced with the cost to provide it, the Council Chair has the ability to bring the decision to a vote at the Council. In the event of continued disagreement following a vote at the Council, PAs reserve the right to immediately petition the Department of Public Utilities to appeal the determination.
- The PAs and the Council Chair will maintain a tracking list of all active and completed data requests which will be reviewed during monthly Executive Committee meetings. Data request results will be disseminated to the full Council as requested.

This process will minimize administrative costs by providing a single point of contact to minimize multiple communications, will cause each request to be accompanied by supporting information, thus requiring that the requester clearly articulate the purpose and consider alternative pathways, and will ensure that each request is reviewed for value, usefulness, and cost prudence.

This process will only apply to material data requests by Councilors, which shall be defined as requiring technical upgrades to software systems or more than thirty (30) minutes of PA staff time. For straightforward data requests that require less than thirty (30) minutes of PA staff time, Councilors will make these requests to the Council Chair, and the PAs will respond within ten (10) business days after the request is made by the Council Chair. This process does not apply to the day-to-day work of the EEAC Consultant Team and the PAs through Management Committees and other standing meetings.