

**STATE OF SOUTH DAKOTA
BEFORE THE
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION**

IN THE MATTER OF THE PETITION OF
NORTHERN STATES POWER COMPANY
FOR APPROVAL OF A CUSTOMER DATA
PRIVACY TARIFF

DOCKET NO. EL15-_____

PETITION

OVERVIEW

Northern States Power Company, doing business as Xcel Energy, submits to the South Dakota Public Utilities Commission this Petition for approval of a Customer Data Privacy Tariff as an amendment to our Electric Rate Book. Protecting our customers' privacy is an important issue in conducting business.

The Company requests the Commission approve this proposed Privacy Tariff for the following reasons:

- Customers have reasonable expectations of privacy related to the information we collect and increasingly are interested in the privacy of any associated data;
- Our proposed Privacy Tariff is consistent with industry and best practice privacy principles; and
- The Privacy Tariff strikes the appropriate balance between privacy, access, and use of customer information.

The Company complies with all federal and state laws and regulatory requirements regarding the collection, use, retention, and sharing of customer information we collect, use, and maintain in order to provide regulated utility service. We also maintain policies, standards and procedures for proper handling of customer information that are grounded in best industry and general privacy practices – and note that all employees of affiliates, and our contractors and agents are subject to this policy in the same manner as are our employees. The Privacy Tariff we propose draws from these sources to provide increased transparency for our regulators and customers into the customer data practices we employ in delivering utility service.

In this filing, we discuss collection, use, access, and disclosure of data, as well as customer notice of our privacy policies. We additionally include the following attachments with this Petition:

- *Attachment A*: Proposed Privacy Tariff in legislative format
- *Attachment B*: Proposed Privacy Tariff in non-legislative format

REQUIRED INFORMATION

The following information is provided in accordance with South Dakota Administrative Rule 20:10:13:26, the tariff schedule change notification requirements.

(1) Name and Address of the Public Utility

Northern States Power Company
500 West Russell Street
Sioux Falls, South Dakota 57104
(605) 339-8350

(2) Section and Sheet Number of Tariff Schedule

Xcel Energy proposes to revise the following sheets in Section 6 of the Northern States Power Company South Dakota Electric Rate Book.

Sheet No. 6-1, revision 2 – Revised Table of Contents
Sheet No. 6-7.1, original – Proposed Customer Data Privacy Provisions – Sheet 1.
Sheet No. 6-7.2, original – Proposed Customer Data Privacy Provisions – Sheet 2.
Sheet No. 6-7.3, original – Proposed Customer Data Privacy Provisions – Sheet 3.
Sheet No. 6-7.4, original – Proposed Customer Data Privacy Provisions – Sheet 4.

Attachments A and B contain the proposed tariffs in Legislative and Non-Legislative format.

(3) Description of the Tariff Change

The proposed tariff sheets provide transparency for customers of the Company's policy for customer data gathered and managed by the Company to provide regulated utility service.

(4) Reason for the Requested Change

Protecting our customers' privacy is an important issue in conducting business. We have taken proactive steps to manage privacy concerns and to develop internal information access policies. Our proposed Privacy Tariff is an extension of our commitment to protect our customers' privacy.

(5) Present Rate

Not applicable.

(6) Proposed Rate

Not applicable.

(7) Proposed effective date of modified rate:

Xcel Energy proposes that the tariff be effective on the date of the Order approving this Petition.

(8) Approximation of annual amount of increase or decrease in revenue

Not applicable.

(9) Points affected:

Approximately 90,000 South Dakota customers.

(10) Estimation of the number of customers whose cost of service will be affected and annual amounts of either increases or decreases, or both, in cost of service to those customers.

Not applicable.

(11) Statement of facts, expert opinions, documents, and exhibits to support the proposed changes.

Our proposed tariff builds upon industry guidance provided by the U.S. Department of Energy, the Federal Trade Commission, the National Institute of Standards and Technology, the National Association of Regulatory Utility Commissioners, North American Energy Standards Board, and customer data privacy regulatory proceedings in our Colorado and Minnesota jurisdictions.

Though framed in different ways, there is a general consensus that customer privacy management should be built upon the following principles:

- *Management and Accountability.* Designate personnel to ensure that information security and privacy policies and practices exist and are followed.¹
- *Notice and Purpose.* Provide customers meaningful, clear, and accurate notice regarding the collection, use, retention, or sharing of energy usage data and personal information that make our data practices transparent.
- *Choice and Consent.* Make clear choices available to individuals, and inform customers about the means for exercising their choices.
- *Collection and Scope.* Limit collection of personal information to the data necessary to fulfill the purposes described in the notice.
- *Use and Retention.* Use energy usage data and personal information only for the purposes for which it was collected, and retain it only so long as it is needed to fulfill the purposes for which it was collected or our legal obligations.
- *Individual Access.* Provide customers access to their information.
- *Disclosure and Limiting Use.* Except with respect to disclosures to contractors or agents that act on behalf of Xcel Energy, or disclosures mandated by law or legal process or other requirements, do not disclose individual energy usage data and personal information to third parties unless the customer(s) first provides informed consent.
- *Security and Safeguards.* Take reasonable steps to protect energy usage data and personal information from loss, theft, unauthorized access, and unauthorized disclosure, copying, use, or modification.

APPEARANCE OF COUNSEL

The Company will be represented in this proceeding by the following counsel upon whom all pleadings, documents and other filings should be served:

Brett Koenecke
May, Adam, Gerdes & Thompson LLP
P.O. Box 160
Pierre, SD 57501
(605) 224-8803
brett@mayadam.net

¹ Xcel Energy's Information Governance Program Director is responsible for development, implementation, maintenance of, and adherence to Xcel Energy's policies and procedures and federal and state laws covering the privacy of, and access to, private customer and employee data.

Utility Employee Responsible for Filing

Eric M. Pauli
Manager of Regulatory and Community Affairs
Xcel Energy Services Inc.
500 W Russell Street
P.O. Box 988
Sioux Falls, SD 57101
(605) 339-8303

We request that all communications regarding this proceeding, including data requests, also be directed to:

SaGonna Thompson
Regulatory Administrator
Xcel Energy Services Inc.
414 Nicollet Mall
Minneapolis, MN 55401
Regulatory.Records@xcelenergy.com

CONCLUSION

The Company respectfully requests the Commission approve our proposed Customer Data Privacy Tariff.

Dated: November 20, 2015

Northern States Power Company