

**DOCKETED**

**14-EUDP-01**

TN 73449

JUL 21 2014

**BEFORE THE CALIFORNIA ENERGY COMMISSION**

In the matter of:

Nonresidential Building Energy Use Disclosure  
Program

Docket No. 14-EUDP-01

**COMMENTS OF THE NATURAL RESOURCES DEFENSE  
COUNCIL IN THE MATTER OF THE NONRESIDENTIAL  
BUILDING ENERGY USE DISCLOSURE PROGRAM**

Maria Stamas and Philip Henderson  
Natural Resources Defense Council  
111 Sutter Street, CA 94104  
Telephone: (415) 875-8240  
mstamas@nrdc.org

Dated: July 21, 2014

**COMMENTS OF THE NATURAL RESOURCES DEFENSE  
COUNCIL IN THE MATTER OF THE NONRESIDENTIAL  
BUILDING ENERGY USE DISCLOSURE PROGRAM**

**I. INTRODUCTION**

The Natural Resources Defense Council (NRDC) respectfully submits these comments on the *Nonresidential Building Energy Use Disclosure Program*. NRDC is a non-profit membership organization, representing nearly 80,000 California members with an interest in receiving affordable energy services and reducing the environmental impact of California's energy consumption. These opening comments are provided in support of NRDC's position that electricity and gas customers and the environment will be well served by the California Energy Commission (CEC or Commission) providing a process for utilities to deliver information about the energy usage in their buildings to building owners, at least sufficient to engage in the monthly benchmarking required under AB 1103.

Public Resources Code Section 25402.10 requires building owners to maintain benchmarking information about their buildings and disclose it in certain transactions. It also requires utilities to deliver whole-building information in support of those processes.<sup>1</sup> The CEC instituted this Order to evaluate program success and to identify barriers to compliance. In summary, our comments and recommendations include:

- **We recommend the Commission adopt a whole-building aggregated energy data standard applicable to utilities and nonresidential building owners to facilitate the timely and effective implementation of AB 1103**
- **We specifically recommend the Commission direct utilities to deliver monthly, whole-building energy usage data by aggregating 2 or more customers**
- **We additionally recommend the Commission establish reasonable guidelines on the process by which utilities disclose information to building owners, with associated terms and conditions**
- **Effective implementation of AB 1103, and specifically Commission adoption of a reasonable data aggregation standard, is critical for municipalities' existing and prospective benchmarking ordinances**
- **We recommend the Commission explore requiring building owners to include water consumption as part of their energy usage reporting because of the embedded energy contained within water usage**

---

<sup>1</sup> See Cal. Pub. Res. Code Section 25402.10(b), "Upon the written authorization or secure electronic authorization of a nonresidential building owner or operator, an electric or gas utility shall upload all of the energy consumption data for the account specified for a building to the United States Environmental Protection Agency's ENERGY STAR Portfolio Manager."

## II. BACKGROUND AND SUMMARY

Our comments are narrowly focused on the need for the CEC to provide clear guidance to utilities, building owners, and all stakeholders on the processes and standards that apply to delivering energy use information to non-residential building owners. Establishing a reliable process will vastly facilitate building owners' ability to comply with AB 1103.

The California Legislature passed AB 1103 (codified as Cal. Pub. Res. Code § 25402.10) with the express purpose of requiring building owners to obtain information on the total electricity and gas usage in their buildings so that metrics and summary information based on that energy usage could be used to encourage greater energy efficiency.<sup>2</sup> The law's requirement for the building owner to obtain whole-building energy usage information from the associated utility is clear.

Persistent questions have been raised over whether utilities are legally permitted to deliver whole-building usage information to building owners, even though the Legislature contemplated such access to facilitate owners' benchmarking duties in compliance with Cal. Pub. Res. Code § 25402.10. The problem scenario occurs in buildings with separately metered spaces, such as a commercial office building with tenants that have their own utility accounts. Some parties have argued that allowing a building owner to have whole building usage information raises a legal question about tenant privacy. The concern expressed by these parties is that in some hypothetical and very unusual instances, a building owner might be able to use high-powered de-coding tools to unravel the monthly whole building usage figure (a simple kwh or therms number) to discern monthly usage information for the constituent tenants.

In our comments we encourage the Commission to consider the following: (1) AB 1103 reflects the Legislature's clear and express intent for building owners to have access to monthly whole-building usage information; (2) even if an owner could theoretically 'unravel' a monthly whole building usage figure, or series of monthly figures, to identify an individual tenant's monthly totals, this presents no change to tenants' current privacy interests because building owners already have direct access to building equipment and meters where manual readings can

---

<sup>2</sup> See Legislature's Findings and Declarations in AB 1103 (2007), "(a) Facilitating a benchmarking system that provides energy consumption information for all nonresidential buildings in the state would allow building owners and operators to compare their building's performance to that of similar buildings and to manage their building's energy cost. (b) Benchmarking scores could motivate building operators to take actions to improve the building's energy cost."

be taken; and, (3) California Public Utility Code § 8380 does not prohibit a utility from delivering whole-building usage information to a building owner.

Utilities and their customers have a legitimate and pressing need for more detailed and clear regulatory guidance on this question. After broad stakeholder engagement on this issue, the California Public Utilities Commission (CPUC) recently ruled that privacy issues related to providing building owners with monthly energy use data is the responsibility of the CEC.<sup>3</sup> Specifically, the CPUC held, “The Commission (CPUC) is aware that privacy issues raised in this proceeding are similar to issues the CEC has addressed, and is addressing, in implementing the Non-residential Building Energy Use Disclosure Program (Public Resources Code, § 25402.10; Cal. Code of Regs., tit. 20, § 1680 et seq.). The Commission recognizes that implementation of that or any other program pertaining to the Public Resource Code – *including handling privacy concerns as appropriate to carry out legislative intent* – is the responsibility of the CEC, not this Commission.”<sup>4</sup>

Thus, to facilitate the timely and effective implementation of AB 1103, we urge the Commission to: (1) direct utilities to establish a process to deliver whole-building monthly usage information to building owners for the purpose of benchmarking; (2) expressly state the information may be aggregated if a building contains 2 or more customers; and, (3) establish terms and conditions for delivery of whole building energy usage information to building owners as appropriate. To do so, we recommend the Commission obtain input from utilities and other stakeholders on reasonable guidelines for how utilities would deliver whole-building usage information to owners so that compliance with AB 1103 is feasible and tenants’ interests are protected.

---

<sup>3</sup> CPUC, D. 14-05-016, May 5, 2014, at p. 64.

<sup>4</sup> *Ibid.*

### III. RECOMMENDATIONS

#### A. We Recommend the Commission Adopt A Whole-Building Aggregated Energy Data Standard Applicable to Utilities and Nonresidential Building Owners to Facilitate the Timely and Effective Implementation of AB 1103

##### 1. Providing Utilities With Legal and Regulatory Certainty Will Facilitate Compliance with AB 1103

Without access to monthly building-level energy use data, it is very burdensome and costly for building owners to comply with AB 1103. This compromises their ability to provide Portfolio Manager benchmarking and ratings for the most recent 12-month period to a prospective buyer, lessee, or lender, as required by section (c) of California Public Resources Code § 25402.10. Clear, detailed direction from the CEC on appropriate data aggregation guidelines is critical for implementing AB 1103. Doing so fulfills the Legislature’s intent and provides utilities with assurance that they are in compliance with all relevant regulations and laws. It also avoids wasting the resources of numerous stakeholders who recently engaged on this issue at the CPUC.

Utilities require clear guidance for delivering whole building usage information to owners. Our comments demonstrate that the law permits utilities to deliver this information and AB 1103 certainty contemplates it. However, we acknowledge utilities require greater regulatory certainty on the subject. The CEC has authority to provide this needed certainty, and the CPUC has expressly deferred the matter to the CEC when it ruled that the issue of building owner access to aggregated energy usage data fell under CEC jurisdiction.<sup>5</sup> Specifically, the CPUC held, “The Commission (CPUC) is aware that privacy issues raised in this proceeding are similar to issues the CEC has addressed, and is addressing, in implementing the Non-residential Building Energy Use Disclosure Program (Public Resources Code, § 25402.10; Cal. Code of Regs., tit. 20, § 1680 et seq.). The Commission recognizes that implementation of that or any other program pertaining to the Public Resource Code – *including handling privacy concerns as appropriate to carry out legislative intent* – is the responsibility of the CEC, not this Commission.”<sup>6</sup> If the CEC does not provide clear direction, no other agency is poised to act, and the implementation of AB 1103 will be in jeopardy.

---

<sup>5</sup> CPUC, D. 14-05-016, May 5, 2014, at p. 64.

<sup>6</sup> *Ibid.*

## **2. The Legislature Intended, in AB 1103, for Owners to have Access to Whole Building Usage Information**

The text of AB 1103 evidences that the California Legislature considered privacy concerns and that owners were expected to have access to whole building usage information.

On and after January 1, 2009, upon the written authorization or secure electronic authorization of a nonresidential building owner or operator, an electric or gas utility shall upload all of the energy consumption data for the account specified for a building to the United States Environmental Protection Agency's ENERGY STAR Portfolio Manager in a manner that preserves the confidentiality of the customer.<sup>7</sup>

We note that AB 1103 was amended to require that energy consumption data for a building be uploaded to ESPM “in a manner that preserves the confidentiality of the customer.”<sup>8</sup> This provision means that when a building owner, in meeting its statutory obligation under AB 1103, uses Portfolio Manager to determine a score, and discloses the score (or other usage related information) to a prospective buyer, lessee, or lender, the owner should take steps to ensure *the recipient* of the information (i.e., the prospective buyer, lessee, or lender) does not receive any specific customer usage data. However, the owner must have that information in the first place to determine the score, and the owner must have access to information if he or she is to take steps to not disclose it. In stark contrast, the legislature expressed reservations about residential landlords receiving energy usage data aggregated from residential tenants, and AB 1103 in final passage does not include requirements for owners of residential buildings.<sup>9</sup>

## **3. Public Utilities Code Section 8380 Does Not Prohibit Utilities from Delivering Whole Building Information to Building Owners**

California statutes also do not prohibit the Commission from establishing prudential guidelines for utilities to deliver whole building usage information to building owners, and likewise do not prohibit the Commission from establishing guidelines for that delivery. In 2010, as utilities were implementing “smart meters” that gather granular usage information, such as

---

<sup>7</sup> Cal. Pub. Resources Code § 25402.10

<sup>8</sup> Compare CALIFORNIA BILL TEXT, 2007 California Assembly Bill No. 1103 as Amended on August 27, 2007, California 2007-08 Regular Session with CALIFORNIA BILL TEXT, 2007 California Assembly Bill No. 1103 as Amended on September 4, 2007, California 2007-08 Regular Session.

<sup>9</sup> See *California Bill Analysis, S.B. 1476 Sen., 6/14/2010* (analysis arguing that consumption data could potentially signal to landlords how many people live in a home, perhaps in violation of a leasing arrangement).

readings every 5, 10, or 15 minutes, the California legislature adopted AB 1476, codified as Section 8380 of the Public Utilities Code (Section 8380). This statute provides terms and conditions for utilities to share smart meter usage information in specific instances.

There are multiple reasons why the Commission should conclude that Section 8380 does not prohibit utilities from delivering whole building usage figures to building owners and likewise does not prevent the Commission from establishing rules to govern how utilities deliver whole building information to owners.

First, provided the building has at least two meters that are aggregated or combined, whole-building usage information is not a disclosure of customer data that is subject to the terms of Section 8380. The statute defines customer usage as “data about a customer's electrical or natural gas usage...”<sup>10</sup> It does not define the level of aggregation or compilation that sufficiently obscures the information so that it may be shared in certain circumstances.<sup>11</sup> The statute suggests a primary concern with disclosure related to commercial and marketing activity.<sup>12</sup> Monthly whole building information, assuming at least 2 meters, does not convey any information about a customer’s usage, a customer’s time of use, or other details that allow any conclusions about the customer usage. To the extent any customer’s meter usage information is embodied within the whole-building total, the total usage information would obscure the usage information of the specific customer.

Under the CPUC’s Rulemaking on data access (R. 08-12-009), and in other similar matters in other states, there has been little to no real evidence that whole-building usage data of 2 customers could be unraveled and disentangled to reveal even the MONTHLY usage total of a single tenant, and no evidence or even allegations that the monthly whole building aggregation could be disentangled to reveal daily, hourly, or sub-hourly usage.<sup>13</sup> But even if it could be disentangled, there is no evidence or allegation that it would be clear which tenant the revealed portion belonged to.

Thus, it would be reasonable to conclude that delivery of whole building total energy usage information, so long as it includes at least 2 tenants, and so long as it is monthly, is not a

---

<sup>10</sup> Cal. Pub. Util. Code § 8380.

<sup>11</sup> *Ibid.*

<sup>12</sup> *Ibid.*

<sup>13</sup> CPUC, R. 08-12-009, *Order Instituting Rulemaking to Consider Smart Grid Technologies Pursuant to Federal Legislation and on the Commission’s Own Motion to Actively Guide Policy in California’s Development of a Smart Grid System.*

disclosure about a customer's usage that is subject to Section 8380. Just because some commenters assert that some entities using high-powered computers could disentangle the aggregated combination into estimates of the monthly usage total for each of the 2 or more aggregated customers, without anything more granular or identifying, does not convert the disclosure of aggregated data into a disclosure of customer data for purposes of 8380.

Second, even if the Commission were to conclude whole-building aggregated usage information is "customer information" under the statute, the generic prohibition on disclosure to "third parties" is not in conflict with the Legislature's clearly expressed intent in AB 1103 to allow disclosure to building owners. Under California cases on principles of statutory construction, the two statutes should be read to be consistent. Such a reading would compel the conclusion that Section 8380 generally establishes a framework of non-disclosure, but that the Legislature is empowered to direct disclosure of certain types of information to certain unique classes, which it did in AB 1103.

Even if the Commission concludes that delivery of whole-building usage information to the building owner is a disclosure within Section 8380, the statute contains provisions that allow utilities to deliver customer usage information to parties in two scenarios.

Under the first scenario, we highlight that Section 8380(e)(3) permits disclosure of information needed for compliance with state law, such as benchmarking obligations under Cal. Pub. Res. Code § 25402.10.<sup>14</sup> Compliance with § 25402.10 requires energy usage information for a whole building, and the statute places the responsibility on the building owner to track energy usage information in order to disclose it through EPA's ENERGY STAR Portfolio Manager.<sup>15</sup>

Under the second scenario, we emphasize that Cal. Pub. Util. Code § 8380(e)(2) allows utilities to disclose a customer's usage information with another party so long as the disclosure is for the implementation of energy management or energy efficiency programs and the recipient meets certain terms and conditions. Building owner compliance with the benchmarking regime established and required under AB 1103 is reasonably deemed an efficiency program for

---

<sup>14</sup> Cal. Pub. Util. Code § 8380(e)(3), "This section shall not preclude an electrical corporation or gas corporation from disclosing electrical or gas consumption data as required or permitted under state or federal law or by an order of the Commission."

<sup>15</sup> See Cal. Pub. Res. Code § 25402.10 ("[A]n owner or operator of a nonresidential building shall disclose . . . benchmarking data and ratings.").



purposes of Section 8380. AB 1103 expressly serves an important public policy objective to promote conservation, design standards, and increase energy efficiency.<sup>16</sup> Thus it would be reasonable for the Commission to conclude that delivery of whole building usage information is permitted to building owners so long as the owner agrees to the terms set forth in paragraph (e)(2) (e.g., agreeing to maintain reasonable security procedures and practices). Compliance with the terms of paragraph (e)(2) would permit the utility to deliver detailed customer data to the recipient (customer identify, and detailed usage data), not just monthly whole building information, suggesting the Commission should account for the dramatically reduced risks if it relies on the terms of paragraph (e)(2) to enable disclosure of whole-building data to owners.

#### **4. Tenants' Privacy Interests Will Not Be Compromised By Adopting A Building-level Aggregation Standard**

This matter presents a question about delivering whole-building usage information to building owners, not generic “third-parties.” This is important because the CEC and utilities are in a position to implement processes for owners that are tailored to the facts and risks present. In this section we provide additional information to aid the Commission in calibrating the actual risks and concerns present.

Building owners typically have direct access to information about electricity, gas and water use in their buildings. Monthly tenant utility usage information is rarely, if ever, actually confidential from the owner. This is because the buildings are either master-metered (which means the owner is the utility account holder) or the owner has visual access to the electricity and gas meters of tenants and can take manual monthly readings. Monthly kilowatt-hour usage with most meters requires only visual access.

In the many years of commercial real estate operating in California with owner access to tenant meters, we are not aware of any reports or complaints of owners taking monthly readings in a manner that resulted in impairment of tenants' privacy interests. In fact, if such complaints or lawsuits occurred, it would only strengthen the point that owners have had and will continue to have direct access to electricity meters (and all related equipment) in commercial office buildings. As a result, obtaining the information through a written, on the record request to a utility does not reduce customer privacy protections. It is also not uncommon for owners to

---

<sup>16</sup> See California Bill Analysis, A.B. 1103 Assem., 3/29/2007.

install separate sub-meters for purposes of tracking usage of specific tenants or spaces, which can be used for energy management or allocating expenses. In fact, it's cited as a best practice in many model commercial green lease guides.

These facts help to clarify that the question presented in monthly benchmarking is NOT whether building owners have "access" to electricity or gas usage information – owners today have that access. Instead the question should be about process -- how utilities should handle delivery of the whole building usage information to enable building owners to comply with the requirements of AB 1103 and to protect customer interests.

**B. We Specifically Recommend the Commission Direct Utilities to Deliver Monthly, Whole-Building Energy Usage Data By Aggregating 2 or More Customers**

We strongly urge the Commission to adopt a monthly, whole-building aggregation standard of two or more customers. As we described above, provided a building has at least two meters that are aggregated or combined, whole-building usage information is not a disclosure of customer data that is subject to the terms of Cal. Pub. Util. § 8380. Further, under the CPUC's Rulemaking on data access (R. 08-12-009), and in other similar matters in other states, there has been little to no real evidence that whole-building usage data of two customers could be unraveled and disentangled to reveal even the MONTHLY usage total of a single tenant, and no evidence or even allegations that the monthly whole building aggregation could be disentangled to reveal daily, hourly, or sub-hourly usage.<sup>17</sup>

In Figure 1, below, we highlight account aggregation thresholds from seven public utilities, noting that under AB 1103, there is the additional time aggregation threshold of *monthly* usage.

---

<sup>17</sup> CPUC, R. 08-12-009, *Order Instituting Rulemaking to Consider Smart Grid Technologies Pursuant to Federal Legislation and on the Commission's Own Motion to Actively Guide Policy in California's Development of a Smart Grid System.*

**Figure 1: Aggregation Thresholds of Public Utilities Across the United States<sup>18</sup>**

Utility Company/Public Utility Commission	Account Aggregation Threshold (Number of accounts / maximum % of total energy usage one account can contribute)
Austin Energy (TX)	4/80%
Avista (Washington)	No threshold
Colorado PUC	15/15%
Commonwealth Edison (Illinois)	4
Consolidated Edison (New York)	No threshold
Pepco (District of Columbia)	5
Puget Sound Energy (Washington)	5
Seattle City Light (Washington)	2

**C. We Additionally Recommend the Commission Establish Reasonable Guidelines on the Process By Which Utilities Disclose Information to Building Owners, with Associated Terms and Conditions**

Although the Commission has discretion to establish standards that permit building owners to access whole-building information to fulfill benchmarking compliance obligations, we concur with many stakeholders that the Commission may establish additional terms and conditions to re-assure customers that the utility is handling their information in accordance with expectations. We concur with utilities and other stakeholders that many customers have serious concerns about data privacy in general. We therefore recommend the Commission establish prudential guidelines for how utilities should deliver the information to owners.

Commercial building owners should be amenable to processes that will safeguard customer privacy interests. Benchmarking is a routine monthly process that, once established, can be ongoing and automated. For example:

- Utilities and commercial owners could establish an initial “registration” process that could require initial steps.
- Utilities could seek automatic verification of the owner’s status from city tax or buildings departments.
- The owner could be required to accept terms of use committing the owner to not use the data for any marketing or commercial purposes.

<sup>18</sup> CPUC, D. 14-05-016, May 5, 2014, at p. 63.

- The utility could notify all affected tenants of the owner’s request to use of the whole building data for benchmarking.

It is very instructive to note that the CPUC approved a process for researchers to obtain access to detailed customer energy use data in the CPUC’s May 2014 Data Ruling, D. 14-05-016. This process was established without a specific legislatively mandated reason for compliance and after expressly considering the requirements of Public Utilities Code Section 8380. In allowing access for researchers, the CPUC reasoned that “the analysis of patterns of energy use serves an integral role in formulating effective energy policy.”<sup>19</sup> California’s energy policies and programs favored allowing researchers to access usage data.<sup>20</sup> CPUC concluded that “making data more widely available to researchers . . . under strict eligibility and confidentiality rules will permit better analyses of California energy policies.”<sup>21</sup> The CPUC determined that certain process requirements (an NDA, association with an institution, compliance with an IRB) would protect customer interests.

Some stakeholders have argued that utilities should not deliver whole building usage information to building owners, except where tenants have evidenced consent for their usage information to be aggregated into the whole usage figure. It is not clear what process a utility would use to document and record tenant consent in order to deliver whole building information in a timely manner. Many building owners can be expected to obtain tenant consent to use whole-building usage information in the form of the lease or a lease addendum.

In the event the Commission concludes that utilities should only deliver whole-building usage information to building owners if there are a certain number of tenants in the building, the Commission should assure that utilities have an established processes to: i) receive evidence of tenant consent from building owners, which may be in the form of leases or lease addenda, and which may change as tenants move; and, ii) deliver the whole-building information to owners in a timely manner to facilitate compliance.

---

<sup>19</sup> CPUC, D. 14-05-016, at p. 38.

<sup>20</sup> *Ibid.*

<sup>21</sup> *Ibid.*

**D. Effective Implementation of AB 1103, and Specifically Commission Adoption of A Reasonable Data Aggregation Standard, Is Critical for Municipalities' Existing and Prospective Benchmarking Ordinances**

Municipalities in the State of California are very interested in moving forward with energy efficiency policies of their own. Given that AB 758, the state's Comprehensive Energy Efficiency Program for Existing Buildings, has not yet been designed or implemented, there is a real opportunity for cities to take the lead and move forward with key initiatives. In particular, cities are looking to enact local energy benchmarking and disclosure ordinances that would go beyond AB 1103, requiring building owners to measure their energy use *annually* and make that information *public*.

As reflected in our comments above, we are aware that building owners, in good faith, are trying to comply with AB 1103, but are finding it burdensome and time consuming due to issues surrounding data access. In order for cities to be comfortable moving forward with a more aggressive benchmarking policy, they need to feel comfortable that they are setting their building owners up for success. Therefore it is extremely important, whether through the AB 1103 rulemaking process or another method, that the Commission address the issue of data access and aggregation levels. Cities, such as Los Angeles have many multi-tenant buildings, and aggregated whole building data is critical for these buildings to benchmark their energy usage. For example, it would be extremely difficult for an owner to get tenant approval from 50 individual tenants to benchmark the whole building's usage, it is simply not practical. If we want benchmarking to actually inspire people to take action, the issue around whole building data must be resolved.

Other cities across the country that have implemented local benchmarking policies, such as New York and Seattle, have had high compliance rates. However, we are aware anecdotally that has not been the case statewide for AB 1103. It will be very important for municipalities passing local benchmarking ordinances to establish robust compliance mechanisms. However, to help facilitate that, it is important that high compliance and enforcement is in place for AB 1103 at the state level.

#### **E. We Recommend the Commission Explore Requiring Building Owners to Include Water Consumption As Part of Their Energy Usage Reporting Because of the Embedded Energy Contained Within Water Usage**

The Legislature has recognized that saving water leads to saving energy; energy usage is embedded in water usage. Pursuant to Cal. Pub. Res. Code § 25402, the CEC is required to address the reduction of wasteful, uneconomic, inefficient or unnecessary consumption of energy, including the energy associated with the use of water.<sup>22</sup> We therefore urge the CEC to require nonresidential building owners to report their water usage and its embedded energy, as part of AB 1103 compliance. We note that Portfolio Manager allows owners to input water use, and we urge the Energy Commission to consult the CPUC to establish appropriate water to energy conversions.

#### **IV. CONCLUSION**

According to a report accompanying AB 1103, “benchmarking will allow building owners and managers to compare their buildings' energy efficiency performance in two ways: against the performance of similar buildings, and as a baseline to demonstrate changes in building performance over time. This tool will not reduce energy use; its purpose is to inform building managers about energy performance and to motivate them to make their buildings more energy efficient. It can also help establish investment priorities to take advantage of energy efficiency opportunities.”<sup>23</sup>

The public policy goals in favor of benchmarking are compelling and clearly expressed by the California Legislature in AB 1103 and elsewhere. While privacy concerns are a substantial interest, there is little to no evidence that any specific customers face any increased risks by allowing commercial building owners to obtain whole-building monthly usage information. As we described above, monthly electricity and gas usage information for each tenant is already available to building owners from visual access to the meter or the installation of sub-metering equipment.

It is reasonable for the Commission to provide clear guidelines for how utilities should deliver the information to owners and appropriate processes to do so. If necessary, these

---

<sup>22</sup> Pub. Res. Code § 25402 gives the CEC authority to set water efficiency standards for appliances.

<sup>23</sup> California Bill Analysis, A.B. 1103 Assem., 3/29/2007.

guidelines can also be formally adopted by the CPUC. Doing so will provide important and needed regulatory certainty for utilities to deliver information to owners.

NRDC respectfully requests that the Commission consider and adopt our recommendations, as outlined in these comments.

Dated: July 21, 2014

Respectfully submitted,

A handwritten signature in cursive script that reads "Maria Stamas". The signature is written in black ink and is positioned to the right of the date.

MARIA STAMAS, Attorney  
Natural Resources Defense Council  
111 Sutter Street, CA 94104  
Telephone: (415) 875-8240  
mstamas@nrdc.org