

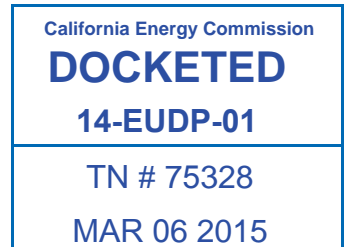


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March 6, 2015 | Submitted Electronically

California Energy Commission
Dockets Office, MS-4
Re: AB 1103 – Docket No. 14-EUDP-01
1516 Ninth Street
Sacramento, California 95814-5512



RE: SCPPA Comments on the February 20, 2015 Staff Workshop on Proposed Changes to Regulations for the Nonresidential Building Energy Use Disclosure Program (“AB 1103 Program”) [Docket No. 14-EUDP-01]

The Southern California Public Power Authority (SCPPA) appreciates the opportunity to submit these comments to help inform revisions to the AB 1103 Program Regulations. We greatly appreciate the Energy Commission staff’s efforts to revise the Program Regulations – with the intent “to improve the efficacy of the program, and address barriers to compliance” – and would greatly appreciate consideration of efforts to further simplify and streamline the data reporting process.

SCPPA is a joint powers authority consisting of eleven municipal utilities and one irrigation district. SCPPA Members deliver electricity to approximately two million customers over a 7,000 square mile area, with the total population of 4.8 million people. SCPPA members include the municipal utilities of the cities of Anaheim, Azusa, Banning, Burbank, Cerritos, Colton, Glendale, Los Angeles, Pasadena, Riverside and Vernon, and the Imperial Irrigation District.

There is overwhelming agreement amongst SCPPA Members that the overall data reporting process should be simplified and streamlined to the greatest extent possible to benefit both Energy Commission and utility staffs. The amount of CEC data reporting alone has nearly doubled in recent years, which has been a growing challenge for Members with limited staff resources. The data reporting process outlined at the February 20th staff workshop on the draft regulatory language presents a challenge for SCPPA Members – particularly for our smaller Member utilities. The presentation notes, on slide number 14 (Section 1684 (5). Data Releases, Report) that:

*the “**owner or operator may** manually enter all energy use data for the entire building from at least the most recent 12 complete calendar months to the owner’s or operator’s Portfolio Manager account (emphasis added)...”*

While slide number 15 (Section 1684 (b)) notes that:

*“**a utility or energy provider shall** upload all energy use data for the entire building from at least the most recent 12 complete calendar months to the building owner’s Portfolio Manager Account (emphasis added)...”*

SCPPA respectfully requests that the CEC consider and recognize that the proposed requirement for a utility or energy provider to upload energy usage data to individual Portfolio Manager Accounts would present an onerous and undue administrative burden on utility staff resources for the majority of California’s publicly-owned utilities. While SCPPA Members are willing and able to provide their customers’ and building owners with the usage data required for the customer to comply with the AB 1103 Program benchmarking rules, requiring that the utility upload the data to customers’ Portfolio Manager Account(s) is not a realistic assumption for every utility given the demands and limitations on existing staff and

technical resources. Uploading data into a Portfolio Manager Account requires a higher level of skill than most utility customer service representatives have. This is particularly true for small- and medium-sized utilities. In addition, many utilities do not have their own information technology personnel to perform this function either. This requirement would present an unnecessary expense upon many utilities and, ultimately, their customers. SCPPA strongly recommends that Section 1684(b) be revised to be optional so as to allow those utilities who are capable of providing the data upload service for customers to do so – but not to create a mandatory requirement for all utilities to do so. In support of this request, SCPPA Members would agree to continue to provide the customers’ consumption data in a spreadsheet or other acceptable format that allows the customer to transfer or manually enter the data to their own Portfolio Manager Account(s). Spreadsheet forms are recommended as these would typically be more manageable since this is normally an automated portion or output of utility billing systems.

Another alternative would be to grant an exemption from the proposed “upload requirement” in Section 1684(b) for utilities of a certain size, as has been used in other regulatory compliance specifications. SCPPA recommends that such an exemption be granted to utilities with less than 100,000 meters. Using this metric would place a requirement to upload energy usage data to Portfolio Manager Accounts on the POU’s that serve at least 75 percent of the State’s total POU electric demand. In addition, though there will be certain POU’s who do not meet this meter threshold, some of these POU’s will continue to be able to upload usage data to Portfolio Manager Accounts on behalf of their customers.

As time progresses and the upload platform becomes more universally accepted and used, SCPPA believes that more Members will be able to expand their services to meet the growing needs of customers and regulatory reporting demands. To require such advances and staffing increases at this time would be unduly burdensome for many of our Members.

SCPPA and its Members are also concerned with proposed modifications regarding the sharing of energy usage data for certain customers (Sections 1683 and 1684). The revised disclosure language in Section 1683(b) insufficiently limits the protection of customer energy usage data confidentiality to a specific Civil Code section, rather than to ***all applicable state and federal laws***. The revised data releases / report language in Section 1684(b) and (d) may also inadvertently undermine the ability of our Member utilities to protect long-standing customer confidentiality and consent requirements (including for building tenants) or may promote dissemination of otherwise confidential information for uses beyond what was originally contemplated under Public Resources Code Section 25402.10(b), Government Code Section 6254.16, Civil Code Section 1798.98, and Public Utilities Code Section 8381. We note that current law clearly recognizes the confidential nature of this type of information by expressly exempting it from disclosure under the California Public Records Act.

SCPPA and its Members also join in support of the comments submitted by the Los Angeles Department of Water and Power, the Northern California Power Agency, and the California Municipal Utilities Association.

Thank you for your time and consideration of SCPPA’s comments.

Respectfully submitted,



Tanya DeRivi
Director of Government Affairs