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In the Matter of: Building Energy Use Disclosure Program
Docket No. 15-OIR-05 STAFF WORKSHOP

STAFF WORKSHOP

INITIAL PROPOSAL TO IMPLEMENT THE BUILDING ENERGY USE DATA ACCESS AND PUBLIC DISCLOSURE PROVISIONS OF AB 802 (WILLIAMS, CHAPTER 590, STATUTES OF 2015)

CALIFORNIA ENERGY COMMISSION

First Floor, Art Rosenfeld Hearing Room
1516 Ninth Street
Sacramento, California

Friday, March 25, 2016
9:00 a.m.

Reported by
Kent Odell
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March 25, 2016

MR. JENSEN: Thanks for being here on a Friday right before a holiday weekend, we really appreciate it. This wasn’t our first choice of our meeting date but it’s what we ended up with, so thank you for being here.

So I’m going to take care of a few housekeeping things, then I’m going to explain what we’re doing here, and then we’ll get started on the content.

So let’s see. Emergency exits. If something should go wrong, there are two options for exiting this room. One is the door you probably came in through, one is back in that corner. Those will both put you out in the atrium. If you leave through the building entrance that you came in, no alarm will sound. If you leave through the exit over there, an alarm will sound.

Restrooms are right across the hallway out here, so again, exit through those doors, the restrooms are right there.

Snack bar, just head up the stairs or the elevator and it’s on the second floor.

If we do need to do the emergency exit
thing, we meet up diagonally across the intersection
at Roosevelt Park and I guess we await further
instructions.

Oh, there we go. Okay.

Protocol for when it comes time to make
comments or ask questions. Each time that happens in
three stages. First is we’ll take questions in the
room. Second is we’ll take people on WebEx who are
raising their hands. And third is we’ll unmute the
phone lines and take questions from people on the
phones.

[Next Slide]

So here’s the agenda.

We’re going to start with a bill overview,
share some key themes that we received from the
responses to our scoping questions, take you through
our initial proposal.

I want to be real clear, we don’t consider
this our draft language yet; these are the concepts
that we wanted to share with you and discuss and
incorporate your feedback into the draft proposal
that we’ll put forth later.

And then after we go through the initial
proposal, Laith will take you through our anticipated
data flow diagram and a couple of maps showing
building concentrations in California.

Let me do a few quick introductions for those of you who don’t know us.

I’m Erik Jensen, I’m in the Existing Buildings Unit here at the Energy Commission; I’m leading the regulation development.

This is Laith Younis here. He’s also in the Existing Buildings Unit; he leads the data infrastructure development.

And Abhi Wadhwa, sitting next to Laith, is our supervisor.

Okay. So let’s see here. So let’s go ahead. [Next Slide]

So just very high level, two main things that the statute does.

One is it requires utilities to provide building level energy usage data to a building owner, owner’s agent, or operator on request.

And I would like to reserve the right throughout the presentation today, if I simply say “owner” rather than “owner, owner’s agent, or operator” is everyone okay with that? Great.

Okay. So that’s one thing that the statute does.

The other thing is it requires the Energy
Commission to create a program for benchmarking and publicly disclosing energy usage information for certain buildings in the state. And we’ll get into the details on how we’d like to see that happen.

[Next Slide]

So these are some building counts. We just very recently purchased a subscription to CoStar, which is a real estate information service that has a lot of California level building data. The data that we have from CoStar is not -- and the terminology that they use and so the way we do our searches in CoStar is not -- necessarily consistent with exactly what’s in the statute, and so we’ll talk about that a little bit.

So here are some numbers. The terms in CoStar are Commercial and Multi-Family. The terms in the statute are buildings with residential accounts and buildings with no residential accounts, so they’re not exactly the same thing but we’re using these as proxies for now.

So as you can see, commercial we’ve got about 287,000 total commercial buildings in the state, and a little under 7,000 that have greater than 2 tenants and over 50,000 square feet of rentable area. And we’ll talk about later why those
numbers are important.

For multi-family about 126,000 properties with 2 or more dwelling units, about 106,000 with 5 or more units, and about 11,000 with 17 or more units and greater than 50,000 square feet. And again, we’ll talk later about why those numbers are important.

Lastly, we very recently received a California-level report from Portfolio Manager on buildings that are already entered in Portfolio Manager, and that’s 36,000 total buildings and 11,000 larger than 50,000 square feet, and that includes both commercial and multi-family, we don’t have that broken out yet.

[Next Slide]

So this is our tentative timeline. The first two items on here are statutory requirements and then there are four more which are projected, so we’ll take you through those.

So the statute required on January 1st, 2016 for utilities to begin maintaining records for all buildings to which they provide service.

On January 1, 2017 utilities will be required to provide data to building owners on request. And this is only for covered buildings, and we’ll get into exactly what a covered building is...
We’re currently projecting April 1, 2017 for having regulations in effect for the things that we’re talking about today. April 1, 2018 is our idea for when commercial reporting will begin, and then one year later for multi-family reporting. So this is when the building owner will report certain information to the Energy Commission.

The first year of data for each building sector will not be made public. That will be reported to the Energy Commission but will not be made public. July 1, 2019 -- so a couple things I left off here.

So the second reporting cycle for commercial will be April 1, 2019. That data would be made public July 1, 2019. And these dates, the years and the specific dates are all tentative, and we’d love to hear how you feel about both of those things.

And then July 1, 2020 is when we would start publicly disclosing multi-family data, and from every year after that would be disclosing for both building sectors.

So these are some key themes and goals that
we observed in the responses to the scoping questions.

First was very important that we have an explicit definition for what a building is. If we’re expecting building owners to report data for a building, if we’re expecting utilities to provide data at the building level, we need to be explicit about what a building is. And so we’ve got a proposed definition which we’ll show later.

Very closely tied to that is providing guidance on meter mapping. Laith is leading our Meter Mapping Working Group with the utilities and there are a lot of interesting issues there that they deal with.

Historically, utilities have not tracked usage at the building level, they track it at the meter level or the account level, and so this is a change in procedure for them, us asking them to make building level data available, and so that’s the purpose of that working group.

A couple of utilities mentioned in their comments they didn’t think it was appropriate for them to have to verify who the owner of a building was.

We do think it’s most efficient for the
utilities to do this. You’ll see later we propose -- we give a few examples of documents that they could require a data requester to show to prove that they are either the building owner or acting on behalf of the building owner, so we’ll show you what those are later.

We want standardized fields for requesting data. If someone owns one building, if it’s served by two utilities, we want the request process to be consistent.

If someone owns a portfolio of buildings and a bunch of utility territories, again, we want the process to be consistent. We don’t want them to have to learn a bunch of different processes to request data.

At the scoping workshop we mentioned the possibility of the Energy Commission completing benchmarking for buildings, and we heard pretty strongly that it would be a pretty big mistake to leave the building owners out of the process. They’re the one who’s in a position to make improvements to a building as a result of what happens in the benchmarking process, and so we understand that it’s important to involve them in the process.

Simplify the reporting process. So that’s
partly the meter mapping is an example of that. Rather than requiring building owners to get all the account numbers or meter numbers serving a building, they just -- we want them to be able to provide an address and get the data for the building and also have the rest of the process be fairly simple as well.

We had some suggestions to phase program implementation, so as you saw, we’re starting commercial and multi-family at different times, and then also not publicly disclosing the first reporting year of data.

Lastly, there was a suggestion to provide post-reporting outreach. So rather than you submit your data to the Energy Commission and then you just get confirmation, yeah, we received your data, we really want to, for low performing buildings we want to provide suggestions on how to improve.

For high performing buildings we want to give congratulations, say that’s great.

Ideally, we could maybe connect the owners of the low-performing buildings with the owners of the high-performing buildings so they can talk about how to -- what worked in the high-performing buildings.
So I’m moving on to our staff proposal. And again, we’re very much looking for your feedback on this and we’re not yet at the draft language stage so we really want to incorporate your feedback in our draft language.

So there are four definitions that are given to us in statute, and so we’ll go over those. And we’re proposing a clarification to one of them. And I won’t necessarily read all of these out loud. I do understand that we just got these to you late yesterday, and so on some of these I’ll just let us sit quietly for a moment to read.

But benchmarking is to go over -- is just to track the energy usage. I mean, energy benchmarking specifically is to track the energy use of a building over time and so you can both compare it to other buildings and compare it to that same building over time.

Covered building is either of two things. It’s a building receiving energy from a utility with no residential utility accounts, or any building with five or more active utility accounts of any one energy type, residential or nonresidential.

So the underlined text is our proposed
addition to the statutory definition because we want to clarify. 

So first of all, a building that doesn’t receive energy from a utility, we don’t want it to be covered by the program. 

Secondly, we want this to be per energy type. So for one thing, we’re not summing accounts of various fuel types to get to this number. If a building -- so using number 2, for example, a building that has one or more residential accounts. If a building has three electric accounts, two gas accounts, we’re not summing those to get to five. You would need to have five of one fuel type for it to be a covered building. 

Now, the utility receiving the request needs to look at this building from their perspective for the fuel type they provide. So if a building has five electric accounts, three gas accounts, from the perspective of the electric utility that’s a covered building and they need to provide the data. From the perspective of the gas utility that’s not a covered building if it’s fewer than five in the case of one or more residential accounts, and so this building, from the perspective of the gas utility this building would not be within the scope of the program.
Two more from the statute.

Energy is electricity, natural gas, steam, or fuel oil, so it’s only those four, just to be clear.

And then Portfolio Manager, as we probably all know, is a very commonly used tool for benchmarking. The statute does not require us to use Portfolio Manager but certainly what we’re proposing building owners use for the benchmarking and reporting.

Okay, now we’re getting into definitions that we are -- so those four were statutory definitions. Now we’re getting into definitions that we are proposing.

Firstly, as I mentioned earlier, it’s very important that we have an explicit definition for a building. This is a modified definition from -- the first sentence is a modified definition from what we have in the California Building Standards Code.

The second portion -- well, let me just get into it.

And that part is any structure used or intended for supporting or sheltering any use or
occupancy. So it’s the structure.

In the case where you have multiple buildings served by one meter, that shall be considered one building. So if you have a campus situation or just like that, you can get the data for data access purposes.

Next we have -- this will come up later -- we have building identification number, which is a number unique across California utilities assigned to each covered building.

So we feel strongly this is important each building in California have a number. This helps with aligning data coming from multiple sources. There is still some refinement that needs to be done on this. We don’t know exactly how this is all going to work out, and I’m sure we’ll talk about it later. So that’s that one.

Disclosable building. So this is the term we’ve been using, and what this means is a building for which the building owner will need to report energy usage to the Energy Commission. There’s a diagram on the next slide that helps explain some of this. So there are two possibilities here.

In a building that doesn’t have any
residential accounts, if a building has three or more utility accounts and is larger than 50,000 square feet, it’s disclosable.

And if a building has 17 or more utility accounts, if some are residential, and more than 50,000 square feet, it’s disclosable.

So this brings us to the diagram.

So starting on the left, buildings with no residential accounts, all buildings are covered buildings. There’s a slight wrinkle that was pointed out recently, which is that a building that doesn’t receive utility service is still a building but is not a covered building; it doesn’t fit the definition of covered building. So that would be a tiny sliver, but all buildings that receive utility service on the nonresidential side are covered buildings, so that’s why there are only two total circles there.

A small portion within covered buildings are disclosable buildings. So again, three-plus utility accounts, 50,000 square feet, that’s disclosable.

On the residential side we have buildings. A subset of that is covered buildings, and those are buildings with five-plus utility accounts, and that comes from statute. And then a subset of that is the
disclosable buildings; 17-plus utility accounts and 50,000 square feet.

So let’s see what we’ve got here.

So buildings that are not covered on the residential side, the distance between the outside of the building circle and the outside of the covered building circle is buildings that are not covered. As I mentioned, there would actually be a tiny area for that on the nonres side as well.

And then the distance between the outside of the covered circle and the outside of the disclosable circle is buildings that are covered but not disclosable.

[Next Slide]

Moving right along the definitions.

So utility is an entity providing energy to a building. So in most cases you have one entity that is producing or procuring the energy and delivering it to the building. So in that case that’s the person who’s billing the customer. That’s the utility that the owner would submit their data request to.

In cases where you have one entity producing or procuring the energy and another entity delivering the data to the building, the entity delivering the data to the building is the one who would be billing
the customer and that’s who the building owner would be making the request to. That’s what we’re considering the utility for the purpose of this program.

And utility account is an agreement between a utility and its customer to provide energy to a predetermined location, and that’s pretty -- we’re very interested in hearing your feedback on that. It’s pretty important, as we just saw, when we’ve got specific thresholds for when certain things either can or need to happen, and so it’s very important that we have a good definition for utility account.

[Next Slide]

That brings us to the end of the definition section. We’re going to go ahead and go to comments or questions, so anyone in the room, please come on up.

MR. BENGTSSON: Morning everybody. Nathan Bengston with PG&E. How you doing?

I have to admit that I wasn’t on the last AB 802 conference call, sorry Laith, but I was just curious if you could talk through one more time your justification and background for the three utility account, 50,000 square feet threshold, and on the residential side the 17 utility account number, just
where that number comes from.

MR. JENSEN: So the three -- so on the nonresidential side we decided -- so we’ll get into customer permission later. With fewer than three utility accounts utilities are allowed to ask for customer permission before providing data, with three or more they are not.

We decided that it would be easier for anyone with fewer than three to exclude them from the public disclosure requirement. There would have needed to be two sets of permissions to be granted and go to different places. So we certainly wanted to exclude fewer than three from public disclosure.

Let’s see. So the 50,000 square feet, that’s in the Leg. Intent section, that’s not in the statute, but that’s what we’re going with and it’s consistent with other programs.

The three-plus -- okay. I apologize. Abhi is telling me it’s from the statute.

And then on the res side, same thing; 17- plus is definitely from the statute, and again, 50,000 is from the Leg. Intent section.

MR. BENGSTON: Thank you for the reminders.

MR. JENSEN: Yeah.

MR. CHANGUS: Jonathan Changus with the
1 Northern California Power Agency. I think that’s a very useful graphic, so thank you for sharing and looking forward to going through the rest of the presentation with you guys.

One of the questions with definition, especially with the definition of a building, is that with Portfolio Manager primarily focus on interior building load versus exterior building load, and there is some question, I think, for a lot of utilities about load associated with parking lot lighting, or may not be interior load or building load but on the same address or assigned to a parcel.

So I think we’re still looking for a little bit more clarification on when we say building are we talking primarily as Portfolio Manager does about interior load or are we looking at property and how we should or should not be including some of the exterior load.

And recognizing in some cases the exterior load will be included, it’s not separately metered. There’s ways to work through that through Portfolio Manager, as we understand it, so that’s okay, but just clarification on the separately metered exterior load, how utilities should be accounting for that.

MR. JENSEN: Okay, great. Yeah, we’ll
provide clarification. Our general response is in
whatever is shown publicly, we want it to be clear.
If there’s a performance or energy usage number we
want it to be clear exactly what that’s including if
people are getting it on a website or whatever. So
yeah, we will clarify that.

MR. CHANGUS: Excellent. And I believe that
the comment submitted by (inaudible), which NCPA was
very supportive of, there was encouragement to follow
as closely as we can with the Portfolio Manager
practices to ensure some consistency.

MR. JENSEN: Yeah, absolutely.

MR. CHANGUS: So we’ll look forward to that
clarification. Thank you.

MR. JENSEN: Great.

MR. SPAIN: I’m Terry Spain with San Diego
Gas and Electric, and I had a question regarding the
definition of “utility account.”

We have learned that other utilities don’t
necessarily classify contractual agreements with
their customers the same way. Some utilities have
both agreements and accounts; we simply have
accounts. And so we wanted to get clarification on
how the regulations and/or statute define that term.

For example, we could have a single building
with four accounts, all under the same owner, the
account holder would be the same. So you’ve leased
the entire building and there’s four accounts for
whatever reason and they’re all in the same account
holder’s name. Is that considered one agreement or
four accounts, or how would you interpret that?

MR. JENSEN: Okay. We were just talking
about this yesterday about the statute just gives us
number of accounts, but we understand there’s this
issue with where you may need to make another
distinction as well.

Galen is our legal counsel. I don't know if
he wants to go into this at all.

MR. LEMEI: (Inaudible.)

MR. SPAIN: Our question was the term
"accounts," that might differ from one utility to the
next. For example, there’s a term that’s been used by
some utilities, agreement with customers and accounts
and those being two separate things, we understand.

In San Diego Gas and Electric’s territory,
for example, the only agreements that we have with
the customers are called accounts. And therefore, in
the situations where you may have, say, like a single
building, and that building there may be four
separate electrical accounts serving that building,
but all accounts may be in the name of the same owner. They don’t necessarily consolidate the accounts into one simply because they own all the accounts.

That may cause an issue when we get to the idea of aggregation because if you aggregate one tenant’s usage with himself you basically have no masking for privacy concerns.

MR. LEMEI: Right. So the current -- what’s the right word for it? I guess the language that you’re currently looking at does not distinguish or check for the ownership of the account. So the way it’s currently written, I would not read it for it to be a determining factor whether those accounts are owned by the same entity or owned by different entities.

If that is a consideration that -- if it is common that accounts are under joint ownership and for the purpose of this program that it be more appropriate to treat separate accounts as the same account, which is I think what you might be suggesting, that under certain circumstances accounts that are nominally different shouldn’t be treated as different for the purposes of this program and for the purposes of, for example, checking for one of the
MR. SPAIN: That’s correct. Our concern was
that if you interpreted accounts as being separate
accounts and not accident holders, then there are
going to be many situations where an individual
entity’s energy usage is going to bypass the intent
of the aggregation clause within the statute. In
other words, the aggregation will not protect their
privacy.

MR. LEMEI: Right. So that is an important
point that you’re raising. What I think we would
appreciate is that in written comments help us
understand the situations under which that might
occur, because as of this moment I’m not sure that
that is -- I don’t think that that was anticipated.

MR. SPAIN: I understand.

MR. LEMEI: Thanks.

MR. COPE: Good morning. Bryan Cope with
Southern California Public Power Authority. Just a
couple points of clarification, please.

I need to confirm that the covered building
is what’s called benchmarkable. Or in another way, it
is a building that an owner can request historic
ergy usage data for, correct?

MR. JENSEN: Correct.
MR. COPE: All right. Then with that, are owners required to benchmark all 287,000 buildings?

MR. JENSEN: No. So the covered building means they may request and receive data. Only when you get down to disclosable buildings is where we at the Energy Commission will require them to benchmark and -- to do two things, benchmark and report to the Energy Commission.

If you’re covered but not disclosable, you’re welcome to request and receive your data and you can benchmark in Portfolio Manager, participate in some other improvement program, whatever you want to do with the data.

MR. COPE: So it’s an ability, not a requirement.

MR. JENSEN: Yes, yes.

MR. COPE: Only the disclosable are required.

MR. JENSEN: To take action, right.

MR. COPE: Thank you, okay.

MR. JENSEN: You want to give a clarification on that?

MR. LEMEI: Yeah, the only clarification is the part of the framework that allows building owners the ability to access their data is just that, it’s
empowering them but it’s not requiring them to do so. But it does put an obligation upon the utility to facilitate that disclosure.

MR. COPE: If requested.

MR. LEMEI: If requested, correct. And the only clarification was to say that it’s not a requirement, it’s not a requirement for the building owner.

MR. COPE: Okay. Thank you, I understand that.

Lastly, you brought up the statewide building identification number system, and I’m just curious, is that an intention of the Energy Commission to establish, manage, and maintain that, or are you going to be farming it out?

MR. JENSEN: So we’re still working that out. Our current thought is that the Energy Commission would provide these numbers working with any utilities that may have systems in place already for assigning numbers. So if there’s anything in place already we don’t want to have to redo that work, but our thought is that the Energy Commission would be providing those.

MR. COPE: Very good. Thank you.

MR. CHANGUS: Jonathan Changus from the NCPA
again with a quick follow-up on the building identification number. When a building is entered into Portfolio Manager it receives a Portfolio Manager ID specific to that building, if I’m not mistaken. I’m wondering if that might not be something we look to as being the consistent methodology for identifying buildings and using that going forward.

MR. JENSEN: So there are a couple things there. One is we want the building to have a number even before it’s entered into Portfolio Manager. The other is a building can be entered more than once into Portfolio Manager by multiple people, and we want the numbers to be unique. So the same building could get multiple numbers in Portfolio Manager and we want each building just to have one number.

MR. CHANGUS: Okay. We’re going to have a lot of different ID’s potentially for the same building?

MR. JENSEN: Laith is going to figure all that out.

MR. CHANGUS: Okay.

MS. CRESENCIA: Kim Cresencia with San Diego Gas and Electric. Just want to let everyone know that
we did provide some comments and we have copies on
the front table there.

And is this list of definitions the complete
at this point or were you expecting more? Because one
that’s not on here is a definition of “active.”

MR. JENSEN: So to answer your question,
yeah, if it looks like we need a definition,
absolutely we’ll add it.

MS. CRESENCIA: Okay.

MR. JENSEN: I mean, yeah, it was intended
to be complete, but if it looks like that’s something
we need, we’ll absolutely add it.

MS. CRESENCIA: Okay. And active
definition, and the reason is that a utility account
is considered active -- and this is (inaudible) on
behalf of SoCal Gas as well -- a utility account is
considered active on the date of the request, and
language should be included in the law to reflect
this definition and provide protection to utilities
if the account ownership change.

MR. JENSEN: Okay. Got it. Great, thank
you.

Okay, if there’s no one else in the room,
we’re going to see if anyone is raising their hand on
WebEx.
MR. HOOPER: Hi, this is Barry Hooper with the City and County of San Francisco.

MR. JENSEN: Morning, Barry, go ahead.

MR. HOOPER: Good morning, hi. I would respectfully strongly encourage reconsidering this interpretation of the statute. I do like to think that the outer circles of each of diagrams are very logical readings of the statute, but my understanding of the legislative intent in setting the three-plus utility account threshold was to resolve the longstanding issue that the Commission and stakeholders wrestled with in AB 1103 that a large fraction of buildings were unable to conveniently obtain their energy usage data due to the challenges of seeking consent from a wide array of tenants. And so that becomes more and more important the greater the number of accounts, and so I think that’s the logic for the three-plus number.

However, more than half of the best data we have from both benchmarking in San Francisco, from the large scale studies by Pacific Northwest National Laboratory and meter mapping efforts that we’ve gone to with PG&E focused on San Francisco, have all emphasized that more than half of buildings have one to two meters or customer accounts by fuel type, and
that includes large buildings, 50,000 square feet and larger.

So for example, a lot of the Class A office product built prior to 1980 in San Francisco, even very large buildings served by a single meter, and so excluding them from a disclosure program appears counter to the intent.

I would encourage a reading that acknowledged that for the statute only provides a clear means of obtaining the usage data without consent for sites that have three or more utility accounts, but that was meant to complement the existing consent-based process which could be used for sites that have one to two utility accounts for a given fuel type.

But I’d really encourage including as many buildings as possible in the program because it will feel in the disclosure review and information it would appear very arbitrary to exclude large well-managed multi-tenant buildings that happen to be served by one to two meters.

And the same principle really should apply with multi-family. You know, if we’re talking about disclosure of 50,000 square feet and larger buildings, you’ve kind of simplified the individual
tenant privacy issue there since there are going to be very few multi-family buildings with five tenants in a 50,000 square foot building. It’s going to typically be 50,000 square feet in and of itself is likely to get you to 20 to 50 apartments minimum, so I think it’s also an issue to work out the mechanics of in terms of multi-family.

Thank you.

MR. JENSEN: Great, thanks, Barry.

Hanna Grene.

MS. GRENE: Thanks, Erik. I just wanted to echo Barry’s comments. Thanks, Barry, for scooping me.

I also wanted to bring up some concerns just related to smaller residential units in predominantly commercial buildings.

We do know that these are buildings that would traditionally be covered and disclosed under benchmarking programs in dense urban areas. I can certainly start to think of some Class A buildings in our large cities that technically, you know, if we’re saying that any residential accounts disqualify you, that might be problematic for some, again, large buildings that have very small residential penthouses on their top floors, etcetera. So I just to say those
are in the weeds but it’s just going to be important
to be very detailed in that regard.

MR. JENSEN: Okay, great. Thanks, Hanna.
Matt Evans, go ahead.

MR. EVANS: Yes, Matt Evans, Southern California Edison. Just a follow-up on one of my colleagues.

I believe they were talking about aggregation and the issue with the building owner accounts versus tenant accounts.

You know, the intent of having aggregation AB 802 was to preserve confidentiality. So for example, if you had a building with five utility accounts but four of those accounts belonged to the building owner but only one of those belonged to a tenant, there is no confidentiality by aggregating those five accounts together. The building owner could simply subtract out the usage from their four utility accounts and know what the tenant’s usage is.

So at least my opinion is that the number in the aggregate should not include those of the building owner.

And another, you know, there was a discussion on active utility accounts. So when tenants move in and out of the building, if a tenant
moves out, that account is closed. However, if that happens in the last 12 months, you need both active and inactive accounts in order to benchmark the building. So I just wanted to clarify that for the group, and that’s all I had.

MR. JENSEN: Great. Thanks.

Galen, do you want to respond to the case where an owner has most of the accounts?

MR. LEMEI: Sure. So I hear you speaking to two separate but related issues. One of the issues is what I was just speaking about a second ago, or what one of the commenters was speaking about a second ago, and that’s the issue of multiple accounts under same ownership, whether that’s the building owner or a tenant with multiple utility accounts.

And what I hear you to be saying is that, particularly in the case of the owner, it’s appropriate to treat accounts under common ownership as a single account for the purpose of this program. That’s one issue that I hear you speaking to.

The second issue is I hear you suggesting that, in fact, it’s inappropriate altogether to include accounts belonging to the building owner at all, even if there’s only one, for the purpose of the aggregation threshold.
And that’s not currently our interpretation, we don’t think that that’s what the statute says, but if you think that’s a better reading of the statute, we do appreciate your comments and we’d appreciate it if you would flush that out in a little more detail in written comments.

MR. EVANS: Okay. Yes, thank you. We will definitely provide written comments in this regard.

MR. JENSEN: Matt, go ahead.

MR. HARGROVE: Good morning. Matthew Hargrove with the California Business Properties Association. I just want to emphasize the comments that Barry made in terms of the covered buildings, in terms of the owner occupied, and the single utility and two utility buildings.

If we’re going to hit our marks under the existing building energy program under SB 350, I think your CoStar information will tell you that that’s a huge swath of the buildings that are out there are older owner-occupied or one- or two-tenant buildings. And the way that the regs are playing out on that slide is it looks like they’re carved out of this program, and I don’t think that that is actually the overall intent. I think it ended up being shifted that way because of a lot of the other issues that
you’re dealing with.

But if we could figure out, I think, somehow under this program to make sure that that huge swath of existing buildings is somehow accounted for and encouraged to participate in these types of programs would be helpful for us to hit our marks in the other issues that we’re dealing with.

MR. JENSEN: Great. Thanks, Matt.

Sure, this is Kim again. Go ahead.

MS. CRESENCIA: Yes, Kim Cresencia, SDG&E and SoCal Gas. I just want to make a comment.

It’s not addressed in this deck right here, but I know meter mapping is that elephant in the room that’s always in the background, I think, of all this. So this CoStar report, can this be made public and available to the utilities for review?

MR. JENSEN: We don’t have a report from CoStar, we have a subscription to CoStar information. I am not sure what our license allows us to share. The report from Portfolio Manager is posted, but no, we don’t have a report from CoStar.

MS. CRESENCIA: Then the utilities might have to engage separately with CoStar, something of that nature.

MR. JENSEN: Yeah, yeah.
Randy Walsh, go ahead.

MR. WALSH: Good morning, Erik. I’m talking to you through my laptop. Can you hear me okay?

MR. JENSEN: Yeah, you sound good.

MR. WALSH: Thanks. You know that I’m opposed to quite a bit of this that’s taking place. I’ll deal with that later, but I wanted to make some comments here.

The concern about confidentiality, are they exclusive to the public disclosure or do they also include that confidentiality between owner and tenant?

MR. JENSEN: When you say concerns about confidentiality what are you referring to?

MR. WALSH: Well, you’re trying to do two things in this new law. You’re trying to provide access to data, and then you’re trying to determine what sort of information needs to be publicly disclosed.

So I understand that every commercial building in the state of California, every owner of a commercial building in the state of California under this law would be able to request data for any and all active meters in their building regardless of the number of meters, regardless of the number of
tenants, or regardless of whether or not they need to publicly disclose?

MR. JENSEN: So a couple clarifications.

Any owner of a commercial building may request energy usage for the entire building, not for individual accounts or meters. That’s one thing.

The second clarification is for cases where there are one or two utility accounts, the utility will be allowed to require customer permission before providing the data.

MR. WALSH: Okay. So you’re trying to protect the confidential business operating data of a tenant from being disclosed to the owner.

MR. JENSEN: I’m not sure if I’m following the question. The number for customer information, that comes from statute, so I’m not clear what the question is.

MR. WALSH: Yeah, I’m not usually clear either.

So if I have a building with two tenants, you’re saying that I can get the data but not through this legislation. I can get the data just by getting the authorization form submitted. There’s no extra benefit to me through this legislation in getting that.
MR. JENSEN: If you are the owner and you have a common area and there are two tenants, that’s three utility accounts. So this statute says that a utility would be required, if there are three electric accounts for example, this statute requires that a utility would provide data to you without requiring customer permission aggregated at the building level.

MR. WALSH: Okay. So you’re protecting the tenant from the owner.

MR. JENSEN: I’m not quite sure what that means.

MR. WALSH: If I’m the owner of a building it would be helpful for me to know where the big users are in my building regardless of the size of the building. If I see Suite A has got usage twice as much as Suite B, I can zero in on Suite A. If it’s all aggregated -- if it’s all aggregated -- although sometimes aggregated -- I have a big issue I have to deal with and then I have to try to work through that and (inaudible). Just seems like it would be okay for that data to be released to the owner on a more granular level.

You mentioned earlier on this threshold count, the three and the seventeen, that if one
utility is providing electricity and one is providing gas, you are going to look at those meter (inaudible). So if gas is under your threshold they don’t need -- they’re not required to provide the data.

Which means my interpretation of that is I can have the number of meters required to get aggregated data from a utility for electric, but I don’t have the number of meters required to get utility data from the gas supplier.

MR. JENSEN: On the commercial side there is no threshold for data access, so every building receiving service is a covered building, meaning that the utility is required to provide data. So that’s a separate issue from the threshold for a utility being allowed to require customer permission.

Okay. So Randy, we’re going to get to customer permission specifically and aggregation in a little more detail later, so if it’s okay, if we don’t have --

MR. WALSH: Yeah, but let me get one other thing here, Terry was referring to it.

If the building account covers electricity power and the exterior lighting, there is a field in Portfolio Manager that allows you to segregate that
out regardless of whether or not the data is combined. So that seemed to be a little bit of a concern.

So if you’re getting utility data and it’s aggregated and you include the parking lot area, you can define the parking lot area square footage (inaudible) with Portfolio Manager.

And if you have a separate meter for the exterior areas, you want to be sure then that you’re not including that in the aggregation that you’re seeing from the utilities.

Thanks.

MR. JENSEN: Great, thank you.

I have a few chat questions.

The first one is from Paul Matthew. Do you have a definition for floor area? If so, is it based on number recorded in the tax records?

So we’ll be probably looking to Portfolio Manager for how floor area is measured.

As for the official decider of what the floor area of a building is, I don’t want to commit to any one source right now.

And I have Leslie Cook from EPA. For benchmarking in Portfolio Manager, EPA recommends that the energy related to the operation of parking
structures that are separately metered or submetered to be excluded from a Portfolio Manager building profile.

If the energy use associated with the parking structure is not sub or separately metered, the user can include simple information about the parking structure in Portfolio Manager and make adjustments to the energy matrix.

Okay, we’ve got one comment in the room and then we’re going to go to the phone.

MR. YIP: Hi, this is Jerry Yip from PG&E. Had a clarifying question in regard to the second condition of disclosure around the square footage size.

In terms of verifying that, is the expectation that the onus is on the utilities? I had the impression that it’s really self-defined from the building owner/agents where they enter that. We’re not going and doing some additional verification.

MR. JENSEN: So we’re going to work on that. It may happen that we require -- as we’ll see later, it may happen that we require utilities to do something for disclosable buildings that we’re not requiring for other buildings which would require them to know the square footage, and in that case
we’d have to work it out but we would, yeah,
certainly make sure that they know the square
footage. So we would work that out somehow but it
still needs to be clarified.

Okay, we’re going to -- oh, we’ve got one
more in chat.

MR. YOUNIS: This is from Robin Atcock. In
the case where you have a large office building,
owner pays common area, say 20 spaces with 15
occupied and 5 vacant, how are vacant aggregated? Is
the most recent past usage provided in that
aggregation?

MR. JENSEN: I heard a few different
questions there.

So Portfolio Manager allows entry of what
portion of the building is vacant, so I think that’s
part of the question. And then what’s the question
about historical?

MR. YOUNIS: Yeah, is the most recent past
usage provided in the aggregation?

MR. JENSEN: So the statute for the data
access portion of the statute, yes, it’s the most
recent 12 months that the utility needs to provide.

Okay, go ahead.

MR. HOOPER: Hi, this is Barry Hooper with
MR. JENSEN: Yeah.

MR. HOOPER: I just wanted to respond to the theme of the comments.

In my opinion, it is quite clear that the Legislature took another crack at this issue of building performance disclosure in recognition that there is a fundamental tension between the definitely important consideration of privacy of utility usage data and the value of transparency for promoting energy efficiency, and they really attempted to invert that problem by clarifying that the utility and the building owner would hold no liability for the ways that this law would in some cases and for some buildings prioritize disclosure over the privacy of individual tenants to utility usage data. And I think that’s really counter to some of the discussion points that have been brought up by the other speakers.

So definitely there’s a recognition that where it’s possible to preserve a reasonable amount of privacy by aggregating data, that’s what the legislation directs us to do as a state.

But where it is not, and there is certainly a large volume of buildings where the type of privacy
rules that are in place over at the California Public Utilities Commission, are not viable to operate within a mandatory disclosure program. This law directs us to prioritize the transparency.

Thank you.

MR. JENSEN: Okay, we’re going to unmute the phone lines, and so it’s very important if you are not going to speak -- so we’re going to unmute the phone lines on our end. If you’re not going to speak it’s important that you have your phone muted on your end so that we don’t get background noise.

So I’m going to say that again.

We’re going to unmute all the phone lines on our end of the line. On your end of the line, please keep yourself muted unless you have something to say.

So we’re going to do that now.

[Overlapping voices]

Are there any questions on the phone?

Okay, so it looks like that’s not going to work. We’ll try again at the next comment period, I guess, so we’re just going to have to move on.

[Next Slide]

Okay, this is our data access section and this is the data request portion. Let’s just read this and then I’ll talk about it briefly.
So we’ll need to add some detail to this for the regulation saying exactly what information a building owner will need to provide to make their request, and probably we’ll need to somehow limit the methods they can use to make their requests.

It is important to us that there be some flexibility here for utilities. If one utility is going to be receiving 2,000 requests a year they might want to dedicate a whole website or area on their website to this. If another utility is only going to be receiving 30 requests a year they might want to have someone handle this in writing or by fax or something.

So we want flexibility. We look forward to hearing what methods you propose for this.

[Next Slide]

Let’s read this one over.

So this electricity threshold, I just now realized that the people on the phone who are only on the phone can’t see what I’m doing here, and so when we just sit here quietly they have no idea what’s going on.

Okay, great. So this is Slide 18 talks about requiring some utilities to implement automated data exchange with Portfolio Manager. This electricity
sales number of 700 gigawatt hours annually is consistent with SB 350, so we want to be consistent across programs. It looks like this is about 16 utilities. And the natural gas number, those are very large utilities. And so this is a requirement that those utilities have implemented automated data exchange by August 1, 2017.

Slide 19 -- I’m going to jump ahead two slides and then we’re going to come back, provided I remember to come back.

So there are five pieces of information that we’re proposing that a utility provide. They are all of the meter numbers serving a building, the name of each utility customer associated with the building, the total number of utility accounts serving the building, the building identification number, and energy usage.

So the first two, the meter numbers -- so the number of each meter, not just the number of meters -- and the name of each customer is to help the owner verify that the data the utility is going to give them in fact seems correct for that building.

If they get a customer number who is not
someone they associate with that building, or if they want to go check which meters are on the building and if that’s not consistent with what the utility sends them, they can talk to the utility to work that out. So those first two have to do with verification.

The third one, number of utility accounts, has to do with determining whether this is in fact a covered or disclosable building.

The building identification number, as we talked about earlier and probably will talk about a little more later, that’s a unique number that the Energy Commission will provide but the utility will give to the building owner and the building owner will use that when benchmarking and reporting.

And then lastly, energy usage data, and this is for the 12 calendar months prior to data request aggregated for each calendar month.

If the billing cycles for the accounts in a building are not aligned and if they’re not consistent with the beginning and end of each month, the utility will need to reconcile that, so they’ll need to provide from beginning to the end of each month for 12 months and that needs to be for the most recent 12 months.

Okay, I’m now going to go back two slides.
The first four of those pieces of information -- meter numbers, customer names, number of utility accounts, and building ID -- there are not explicit fields for those in Portfolio Manager, so the utility needs to get those to the building owner by the method of the building owner’s choice. We’ll probably need to limit this somehow, we probably only want a few options there, but those are coming potentially outside of Portfolio Manager.

The last item, the energy usage, for utilities that have automated data exchange, that needs to go to the building owner’s Portfolio Manager account unless the owner wants it to come through some other method.

And then utilities that don’t have automated data exchange, they need to transmit the data using the spreadsheet template provided by Portfolio Manager, again, unless the owner wants it coming in some other method.
utility mentioned in comments that they didn’t think it was the utility role to verify building ownership. They’ve got relationships with their utility customers but they didn’t think they should have a role to verify building ownership.

It does seem that this would be the most efficient way for the utility to do this at the time of the request. We’ve got a few examples here.

A copy of a deed, executed lease, or recent mortgage statement with the name of the owner on it in the case where the owner is making the request. Or if someone is acting on behalf of the owner, they would have one of the above-mentioned documents and a document saying this person is authorized to act on behalf of the building owner.

So those are some things that we think would be a pretty simple way for a utility to verify building ownership. Utilities, if you would like to have other ways to verify building ownership or if you feel strongly that it’s not appropriate, we’d like to hear that.

And then if you have other examples of things that could serve this purpose, we would look forward to hearing that as well.

And let me clarify, this is a “may.” You are
not required to verify building ownership; you are allowed to. If you do want to, the idea is that the regulations will limit somewhat the things you can require, so we’ll say exactly what things are allowed for that purpose.

[Next Slide]

Okay. So this is from statute. We are adding -- the four-week time limit is from statute, but what we’re proposing here is a utility shall provide the information required by these regulations within four weeks of receiving a valid request.

We think the “valid” is important. The requests will need to be made in a certain manner and will need to include certain information. If it’s not made in that manner or doesn’t include that information, your clock shouldn’t start ticking at the utility. It needs to be a valid request before your four-week clock starts ticking.

[Next Slide]

This is where we get to customer permission. Let’s read this and then we’ll talk about it. Slide 24.

So this is the only place where a utility is allowed to require customer permission before providing data. So it’s only buildings with no
residential accounts, and it’s only with one or two accounts per fuel type.

Again, as with the case I mentioned earlier for reaching the covered building thresholds, we’re not adding different fuel types to get to this number, it’s per fuel type.

Let’s see. So it’s a specific case, as Barry was saying earlier, it could be quite a large number of buildings, commercial buildings with one or two utility accounts, so this is described in the case where it happens. Now we’re going to get to the two possibilities where there are two different ways a building owner can show customer permission.

[Next Slide]

One is an executed lease or supplemental agreement in which a customer consents to sharing his or her energy use data with the building owner, owner’s agent, or operator. So a proactive building owner, when they make their request might have this ready to go for a utility that choose to require customer permission.

[Next Slide]

Another option, let’s read this. This is Slide 26.

So if the utility wants to require customer
permission and if the building owner doesn’t have an executed lease or supplemental agreement in which the customer consents to sharing data, the utility may contact the customer directly. They can’t require the building owner to do it. The utility can contact the customer and say your data is going to be shared unless you refuse to have this happen. And if they don’t get a response from the customer saying we don’t want this to happen, the data will be shared with the building owner.

[Next Slide]

Okay, that’s the data access section. Now we’ll go to comments and questions. Let’s see what we have in the room.

MS. CRESENCIA: Kim Cresencia with SDG&E and SoCal Gas. And in looking at all of these slides, we’re going to need to review these, of course, and provide comments by the 8th.

Looking at them, of course, with respect to privacy issues, especially when you start talking about, like on Slide 21, the meter number and in the same file or spreadsheet meter number, name of the utility, total number of utility accounts, I mean, we’ll have to look at that a little more closely with respect to privacy. So that’s Slide 21.
You mentioned that the building identification number is provided by the CEC, but previously I thought you said that a building can have multiple BINs because multiple owners can enter into Portfolio Manager. Can you clarify that?

MR. JENSEN: Yep. So in Portfolio Manager you and I, if we want to, could benchmark the same building. So this building, you could benchmark it, have it in your Portfolio Manager account. I could do the same. It would be assigned two different Portfolio Manager IDs. So they’re not assigning a unique ID to each building.

What we want to do is have a statewide database that assigns one number per building that’s used for this program, and certainly we would welcome having them used for other programs as well. So the number that we’re assigning, what we’re picturing is this is different from the Portfolio Manager ID.

MS. CRESENCIA: Okay. Well, I think that again might need a definition or some kind of different name, because I’m hearing BIN in Portfolio Manager and statewide for 802, so I’m not quite clear on that.

MR. JENSEN: Okay.

MS. CRESENCIA: And the last thing here,
1 Slide 19 when you say that the building owner can
2 request the data of his choice. This could be
3 somewhat problematic just because, okay, is it manual
4 spreadsheet or is it automated data exchange, but we
5 could have an owner come in and say I want it in this
6 specific format that’s not provided by the utility.
7    MR. JENSEN:  Right. So yeah, as I mentioned,
8 we will limit what they’re allowed to -- the methods
9 by which they’re allowed to request the data.
10    MS. CRESENCIA:  Okay.
11    MR. CHANGUS:  Hi, Jonathan Changus with the
12 Northern California Power Agency, and we’ll provide a
13 lot more detail in our written comments as we process
14 a bit more and hear you guys do some of the
15 explanation.
16    But I think my first point, following up on
17 that, the previous speaker’s comments about the
18 method. The legislation was pretty clear that in C.1,
19 and you can correct me if I’m wrong about the utility
20 is required to either provide the spreadsheet or
21 directly upload to the Portfolio Manager account of
22 the building owner.
23    I think that limiting and ensuring that it’s
24 consistent format, as we’ve been trying to prepare as
25 utilities for how we might submit and provide the
utility owner with this data, a simplified consistent spreadsheet template, I think is something that we’re interested in helping develop so that there is consistency across the board, but would be very nervous about opening it up beyond that.

With regard to Slide 18 and the 700 gigawatt hour threshold. Once again, the legislation said it was optional for the utility. And I understand that the CEC absolutely has authority and discretion to go beyond what the statute says and establish requirements, but I think our comment would be that, considering the legislation clearly stated there was an ability for the utility to provide it in either format, that we wouldn’t want to (inaudible) even by the 700 gigawatt hour.

It may very well turn out as we get into later sections about if building owners are going to be required to seek this on an annual basis, and then we know we’re getting an annual submission, that could change the math about whether or not it really is necessary to make the investment in a secondary database system and web services, because that does come with a significant amount of cost. But also if we’re having to do that on an annual basis every time a request comes in, that’s a lot of staff workload.
So trying to figure out what the requirements are going to be and how many buildings we’re going to have to do this for and how frequently we’re going to have to do that will directly impact, especially for the small and midsize POUs that NCPA represents, what process makes the most efficient use of their resources in order to satisfy the requests coming in and comply with the requirements.

With regard to what information is being provided to the building owner, for the purposes of Portfolio Manager it doesn’t need individual account information.

While I understand that there are folks that feel quite strongly that we’ve provided some transparency emphasis versus privacy emphasis, I think that we as the utilities are ultimately responsible to the customers and will be looked at either positively or negatively for how it transpires.

We’re still very, very sensitive, perhaps more so than others, about what information is being provided. And even if it’s two customers and being able to aggregate and being able to provide the aggregated information, which is what is necessary for benchmarking the building, we’d prefer to try and
limit the exposure we have and as limited customer identifying information to folks that aren’t the customer.

And I’m not quite sure what governs a building owner from sharing this information with other entities. I think that would be a great area to try and explore further to make sure that there’s some very clear ramifications for the building owner for the sharing of information outside of the purposes, which I understand in the statute, but when we talk about enforcement actions it feels much more utility centric for not getting our act together on time versus very sensitive information being shared more broadly.

And so the extent you’re comfortable with aggregated information, I understand the rationale about the building owner wanting to be able to compare and contrast, but that lends itself really more then to them working more closely with their tenants in seeking that consent in order to have that conversation.

If we’re going to try and circumvent that process, then it make me very nervous on behalf of our membership about how and what is being provided. So we’ll get into more detail on that in written
comments, reiterating a lot of positions I think you’ve previously heard from us, but those are some initial feedback.

MR. JENSEN: Great, thank you.

MR. SPAIN: This is Terry Spain again with SDG&E. I actually had a couple of comments and questions here.

First regarding the definition of a valid request that was talked about earlier. I know it was mentioned that it hadn’t been fully fleshed out as yet.

One consideration that we asked to be made is that the verification of building ownership or the authorization of someone acting on the building owner’s behalf. We believe that may be a critical part in determining a valid request.

The reason being is that, if I remember the way the statute is worded, the utilities and the building owners are basically granted immunity, so to speak, from liability for disclosing the tenant’s information within the forms allowed by the statute.

However, that liability immunity may not apply if we provide the data to somebody other than the building owner or their authorized agent. Therefore, it may be imperative to protect our
liability concerns to verify that the building owner or the person requesting it is either the owner or the authorized representative prior to releasing the data.

We would like to have that considered in the four-week timeframe because we’ve had situations with applications for energy projects where somebody will submit an application that will be missing information and we’ll ask, hey, all you got to do is provide this information and send it back, and then it might be weeks or months before we actually get the thing resubmitted.

We don’t want the clock to start while we’re still waiting for information that we believe we absolutely have to have, so that should be a consideration for the definition of validity.

Also, when you mentioned the most recent 12 months for the energy data, we suggest that that might be changed to the most recent 12 months for which complete energy data is available for each meter.

Some utilities are not necessarily billing with interval demand meters, which means they may not do a read until some point in the following month.

For instance, if you have a request on
March 15th and the read date for a meter is March 20th, we may not have complete energy usage information for the month of February as yet, which means the most recent month would be January for which complete data can be provided. Interval meters tend to alleviate that but I’m not sure all utilities have interval meters for all customers.

The other concern that we had was there might be consideration for providing an allowance in the language for periods when the utilities are not able to upload the requested data to Portfolio Manager due to issues with changes in the web service’s data exchange methodology.

We’ve had some issues in the past where the ENERGY STAR will modify the methodology and then we have to make changes in our system, and that might results in periodic outages of the system while we’re waiting to update things to match, so just wanted to be that consideration.

Thank you.

MR. JENSEN: Great, thank you. So yeah, I think we’re on the same page regarding verification. I mentioned the method by which a request is made and the information that’s required, I certainly would
include that the request needs to be made by someone who is authorized to make the request before the clock starts, so certainly.

I think we’d probably want to follow up with you on you mentioned about the meter timing, so if you could either include more information in your written comments or we might just want to follow up with you outside if that’s okay.

Go ahead.


On Slide 17 I just need to confirm that in fact the utility does not have to collect or aggregate the data until the owner submits a request; is that correct?

MR. JENSEN: Yes.

MR. COPE: Thank you. A few people have touched on Slides 19 and 20 where it was talking about utilities shall deliver the data either through the method of the owner’s choice or unless otherwise specified by the owner.

All of those things, if you’re going to leave something like that in, I would imagine you have to include some sort of clause that says with
mutual agreement of the utility, because if you just allow the owners to tell us how they want the data, we’re all going to be in trouble, so I’m concerned about that.

MR. JENSEN: Let me just ask a question. So if we were to -- what we would probably do would be to list specific methods that would be allowed. Would that be better?

MR. COPE: Indeed. I’ll echo the opinions of NCPA’s representative when he said we’ve got Portfolio Manager and we have Portfolio Manager spreadsheet.

MR. JENSEN: Right, right.

MR. COPE: The only other thing that we were looking for are meter numbers, net total number of accounts that are not Portfolio Manager data. That’s a pretty simple spreadsheet. I would hope -- I would think that you guys would be able to provide a simple template that everyone could use as standardized.

MR. JENSEN: Okay.

MR. COPE: And I think those three things, if we can limit it to that, I think we’d be okay.

MR. JENSEN: Okay, great.

MR. COPE: Slide 21. This is critical to what the young lady from San Diego Gas & Electric was
talking about. I just need to confirm three different things.

Do the names of the customers need to be matched or correlated with the meters?

MR. JENSEN: No.

MR. COPE: Great. Do total number of accounts need to be matched or correlated with the customers?

MR. JENSEN: Let’s get you on the --

MS. WADHWA: Hi Bryan. This is Abhi Wadhwa from Energy Commission. So first let me see if I get your question clearly.

Do the total number of accounts need to be matched to customer names?

MR. COPE: Yes, that is my question. No, no, I’m sorry. The specific accounts.

MS. WADHWA: I don’t think so, but let’s think this through together.

Our intent here is to allow building owner his own verification method to make sure what he has received from the utility is indeed his entire building site. That’s the reason we included meter numbers because technically he has access to the meters and can go, if so warranted, his energy consultant could go and verify if all the meters had
been captured for that building.

MR. JENSEN: Let me interrupt. Confirm, meter numbers or number of meters?

MS. WADHWA: Meter numbers, because if you just give him number of meters you may still have given an erroneous meter from an adjoining building, and he has no way of knowing if you gave readings for the right meters. And since he already has access to the exact meter number, in thinking it through we thought that’s probably not a privacy concern because he already can go and read his meter numbers. So that was the first thought process.

When we came up with the name of each utility customer associated with the building, our idea was in his lease agreement he can easily see how many tenants he has. He has some kind of a company name or associated name with his tenants. So if you just gave the name of the utility customer, that’s likely information he already has and he’s just verifying you didn’t forget to give one tenant.

The total number of utility accounts serving the buildings would corroborate that, because it’s possible under one utility customer there are multiple utility accounts, but this way at least he knows that he got 17 accounts for 5 customers.
Now again, your question was do you need to match utility account numbers to customer names.

MR. COPE: Yes, Customer A has 5 meters, Customer B has 12 meters, Customer C has 13 meters.

MS. WADHWA: Why don’t you leave that in the comments which one do you think would be helpful for him for verification and we can think it through.

I’m not, off the top of my head I’m not seeing any additional value in him knowing the number of accounts under a customer, but maybe you have a different idea. There’s absolutely no need to add complexity to either the utility or the building owner if it’s not needed, but let’s think it through and we look forward to your comments.

MR. COPE: Okay. On 21 also you mentioned the idea of if there’s a mid-month meter read or the meter cycle is mid-month, you expect it’s going to be the utility’s responsibility to reconcile that.

I wholeheartedly disagree. I would suggest that we loosen that up perhaps to be something if there are 16 days in May and there’s 14 days in April, then you just call that the May read, rather than have us go in and calculate and say 16/30 of it is May and have to recalculate things. That’s going to be a data management nightmare for everybody.
There’s got to be some sanity to that ability to be able to say, okay, well, this is basically a May read and that’s an April read.

MR. JENSEN: Okay, great, thank you.

MS. WADHWA: Bryan, just a note on that. This is how Portfolio Manager has to standardize it, so this is a technical issue where since the data is now going aggregated into Portfolio Manager, it’s not going to be able to do it for you.

In the current paradigm Portfolio Manager is aggregating your billing cycles on a priority basis because they have to weather normalize on the daily weather data that they have.

Now in the new paradigm, because the data going into Portfolio Manager is already going to be aggregated, we have to do that at the source, otherwise you’re just not going to get an accurate benchmark.

MR. COPE: I’ll have to think about that and I’ll address it in written comments, because I think you’re looking for precision without accuracy perhaps, is my concern.

The numbers balance out, the law of big numbers, but it will all work out in the long run, in my opinion, but we can address that in our written
MR. JENSEN: Thanks, Bryan.

MR. COPE: Slide 22. If the utility requires proof of ownership, the slide says that the following should be sufficient proof, and then you’ve got a couple examples.

And I think some of those examples are kind of dubious and might be misrepresentive. It’s relatively easy for me to retain a copy of my deed for my house or my building after ownership. So if I had a deed then I could walk into the utility and say here’s my deed. That’s really an easy thing to be misrepresent true ownership.

The final question is who has the final say on what is sufficient proof of ownership?

MR. JENSEN: So are you referring to the use of the word “should”, is that specifically what you’re referring to?

MR. COPE: Yeah, the following should be sufficient.

MR. JENSEN: Right.

MR. COPE: Who’s going to make that determination, the utility?

MR. JENSEN: The word “should” won’t be in the regulation. So a couple things.
So the regulations will say exactly which documents will be acceptable for this purpose.

MR. COPE: Okay.

MR. JENSEN: That’s a great example that you gave about you can have an old deed that shows someone is the owner who is in fact not the owner, so it might need to be clear that it’s a current document, so we’ll refine that.

MR. COPE: Thank you.

MR. JENSEN: Yeah.

MR. COPE: And the gentleman from San Diego was right on task, the determination of what is a valid request determined.

If perhaps a utility asks for proof of ownership and for consent from one or two tenants, then I would imagine that that validity isn’t achieved until both of those pieces of information are made available, and that’s when the four-week clock would start, correct?

MR. JENSEN: Agreed, yeah.

MR. COPE: Okay.

UNKNOWN: That would be in the regs, right?

MR. JENSEN: Yes.

MR. COPE: Okay. If a building with less than three accounts, the utility may require the data
release, but if the request consent, and on Slide 24 it says two things shall confirm consent, so I guess that gets back to the language that’s probably what you’re expecting is it’s either a lease or the other option on 26 that says the utility has to contact the customer.

That whole thing on 26 is very problematic from my perspective in that this data is actually being asked for by the customer, and in my opinion it’s of the customer’s benefit. And the customer has probably a little bit closer relationship with their tenant than perhaps the utility does.

I would like to see that revised and we can reflect that in our comments, but I would like to put this on the owner to require to get this data rather than you’ve got no customer response, or the utility should not require the building owner. That’s a little bit difficult for me to swallow and I want to go on notice with that, okay?

And with that, thank you.

MR. JENSEN: Thank you.

MR. YIP: Jerry Yip from PG&E. I’ll try and make this quick.

Not to beat a dead horse, but we’ll submit some written comments. We would like to echo some of
the same concerns or reservations around some of the PII that’s shared or suggested for sharing in Slides 19 and 21 around customer name and meter ID.

I get the fact (inaudible) as far as the building owner can walk through the building and see the meters, what have you, but the sharing of data to agents and others, it’s not just the building owners, but I think people have spoken to that enough.

Slide 25 as far as the lease agreement or what have you. I think we want to just propose the possibility that maybe utilities have some discretion in terms of how this authorization is provided.

To add a little color to that, what we were looking at was sort of tweaking or leveraging what we’ve already stood up for AB 1103, which is an automated online form. We would just check that form only when the threshold is not met, like there’s less than three accounts, what have you, but what you’re stating here is actually adding requirements.

Now we have to have a manual process where some person on our side is going to have to take a form, verify it, and then do an authorization on the behalf of the tenants now and the building owners, whereas we already stood up something that’s automated, so if there was some discretion there.
Those are the main points.

The earlier mention about building ID, we definitely would want some more clarity how that’s going to be implemented. I guess that’s more around disclosure, which is further down the line, but it sort of speaks to a database.

Who is maintaining that database? Are we interfacing with you? Are you going to build an API, or what have you? It seems a little bit overly complex. Maybe you could work it out a little bit more. If it’s maybe something the utilities can find themselves and you just define a method for how the ID is assigned, like the utilities in southern California might start with a 7 or something, like how credit cards are broken out between different banks.

And the same concerns as far as that normalization of data. Not all utilities have interval meters, and even those that do not necessarily all customers are covered by interval meters. So it presents that challenge in terms of how do we address albeit the small percentage in our case. You know, we have to build these load profiling or load shapes for the small corner case, and that becomes rather costly.
1  MR. JENSEN: Thank you.
2  
3  MR. HARGROVE: Matthew Hargrove with the California Business Properties Association. I just wanted to respond to some of the comments from the utility on putting the onus on the building owner for some of the -- getting the information from some of the accounts in the building.
4  
5  The original legislation and the recently passed legislation both recognized that the onus, or actually both put the onus on the utilities on this because it recognized that in many situations in a multi-tenant building the building owner doesn’t have a relationship between the tenant and the utility.
6  
7  Especially in the triple net lease situations is the easiest example there, that the tenant themselves will sign up with the utility and all the legal obligation is between those two entities. Even though I own the building, I don’t have any -- I’m not a party to that transaction.
8  
9  And that’s what we found in the original AB 1103 regulations was that there was a lot of issues with the building owner not being able to work with the tenants had a corporate office that was dealing with the paying the energy bills and the local office
wasn’t able to say, oh yeah, we authorize that. They were in many cases saying, oh, well, you’re going to have to talk with our corporate office in Chicago about that because they’re the ones who are actually doing this, and that caused a lot of issues.

So that’s why we just want to make sure that the regs as they’re written continue to put the onus where the legislation through both iterations of the legislation put that, and that was ultimately on the responsible party of the tenant and the utility.

MR. JENSEN: Doesn’t look like we have anything else in the room. Let’s go to the WebEx.

We do have something in the room. Go ahead, Terry.

MR. SPAIN: I wanted to state one of our positions is that benchmarking a building as far as determining exactly what information to be included, and that includes energy usage data, meter numbers, etcetera, is always best determined by the entity doing the benchmarking itself, whether that be the building owner, their authorized representative, an energy company that specializes in benchmarking, for example.

And one of our concerns -- this is more of a concern for the building owners themselves -- is that
on building there is oftentimes meters that are
associated with a building that should not be
included in the benchmarking exercise.

There are meters that are used, say, for
parking lot lighting. Take a typical office campus.
The meters for the parking lot lighting or the
parking structure may be on a dedicated meter, but
that meter is attached to the side of a particular
building simply because they needed a place to hang
it.

Or there could be a meter mounted to the
building that pertains to EV charging stations or any
number of other auxiliary uses that should not
necessarily be included within the benchmarking
exercise for the building itself.

Now, when the utilities are required to do
meter mapping, we may not know what those meters
serve unless there’s something noted in the account
name or it’s a particular tariff that only pertains
to a specific type of usage. So when we aggregate it
together we won’t be able to tell the building owner
necessarily what meters -- given the meter numbers
are included, but we can’t tell them what they go to
or whether or not they should include that total
amount.
So there may be cases where we could have an aggregated amount that may include meters that should not be there. And that’s really up to the discretion of the person doing the benchmarking.

One example that was brought up earlier was with parking lots. You can choose to include or not include the parking lot in the benchmarking exercise. If we’re providing aggregated data, that choice is taken away from the benchmarker. He won’t know whether that’s in there or not unless he knows the specific meter number and sees that in the list that we have.

So that’s a concern that we have there is that the results could be skewed based on certain types of non-benchmarking associated meters being involved.

MR. JENSEN: Thank you.

Go ahead, Jonathan.

MR. CHANGUS: Jonathan Changus again with the Northern California Power Agency. One quick question having to do with the valid request.

If a utility receives one valid request from an authorized agent or owner and then receives subsequent requests for the same building from other folks that are technically authorized, they just
happen to be someone else within the organization, is it anticipated the utility is going to have to respond to each of those requests that comes in, or once we have a valid request for a specific building, that satisfies it for a period of time?

The concern being that, as you noted, Portfolio Manager could have different folks entering data in. And we’re not just talking about covered buildings, we’re talking about the number of authorized entities for a covered building that could be a much larger number of requests that come in.

So I don't know if we’ve thought through that. We’ll have some comments, I think, on that that we’ll be happy to submit and look forward to discussing it further, unless you have initial reactions to the question.

MR. JENSEN: We haven’t talked much about that. My initial reaction would be we would like the owner or anyone authorized to act on their behalf to be able to make the request. My initial reaction is we would like to see multiple requests be able to receive data in a given year or whatever for the same building.

I hear your concern. If it looks that’s going to greatly multiply the number from either a
workload standpoint or some other standpoint, if it looks like that’s going to create a problem, we could certainly clarify that.

MR. CHANGUS: Okay.

MS. WADHWA: (Inaudible.)

MR. JENSEN: Yes. Jonathan, if you have any sense of how often that might happen for a given building. I don't know if you would have a sense of that, and if you want to include that in your comments, you could do that. Thank you.

Okay, that’s it for the room. Let’s go to WebEx.


Matt Evans, go ahead.

MR. EVANS: Oh, yes, hi. Matt Evans, Southern California Edison. I’d just like to echo some of the comments that have been made, particularly about having the entire usage from the beginning to the end of the month.

Obviously that’s going to require access to interval meter data. And I think the difference if you just use monthly billing data if a billing period occurs mid-month is not going to be that great.

You’re just talking about a few weeks out of the year
where there might be an impact, so a small percentage.

And systems that were already built or already in place probably already use, as we do, the monthly billing data, and so it would be more costly to now tie it into using interval meter data.

Also, on Slide 21, I believe, mentioned the building ID being included as displayed to the building owner. And of course, as you mentioned, that would be coming from the CEC.

So maybe we’ll talk about this a little later. So there already has to be a mapping maybe that the CEC is doing of buildings to create that building ID, and then that information could be used by utilities to help them with the mapping exercise.

So just an observation there.

Slide 20, I believe it was, where giving an owner an option to access the data. I guess my opinion would be if utilities had developed a system to interface with Portfolio Manager there’s considerable cost in doing so, and that should be really the default method by which building owners would obtain the data.

If they need it for other reasons they could always download the data into a spreadsheet on
Portfolio Manager. I believe that functionality still exists. So they can then use it for whatever other purpose.

The Slide 25. I echo the comments earlier that instead of requiring hard copies or scanned copies of leases there should be an electronic process put in place, maybe through Portfolio Manager just to make the whole process streamlined, so maybe leave some options there.

On Slide 26 where there’s basically an opt out provision that the customer, as far as the release of customer data to the building owner if the utilities have not heard from them in 14 calendar days.

To me that seems problematic. We do have contact information for the customers, however, there could be a change in cell phone number or email address and they may not ever receive that notice. So I think we should look for other alternatives besides having this kind of opt out process.

And I think those are all the comments I have at this time.

MR. JENSEN: Okay. So let me respond to a couple of the points you made.

Our general thought on the last point you
made is that the utility would contact the customer by the same method they use to send them their usage or billing information, and so hopefully this is a communication vehicle that is working currently between the utility and the customer.

One other point. If someone -- we don’t want to require a customer to set up a Portfolio Manager account just to receive energy usage data. So someone who wants to access data doesn’t need to report to the Energy Commission. We want them to be able to just get a spreadsheet if that’s what they want to do, so that’s why we don’t make Portfolio Manager the absolute requirement for everyone.

MR. EVANS: Okay. So maybe that could tie in with Green Button. That could be their other alternative method outside of benchmarking per se.

MR. JENSEN: Okay.

MR. EVANS: Yes. And of course we could mail a notice to the customer, but I’m looking for more efficient lower cost ways of doing that.

MR. JENSEN: Okay, got it. And it would be great -- yeah, so I hear you and it would be great to get your suggestions on how to do that efficiently in your comments.

MR. EVANS: Okay, will do. Thank you.
MR. JENSEN: What’s that?

Hanna, go ahead.

MS. GRENE: Sorry, my hand is not raised, that’s old.

MR. HOOPER: Hi, this is Barry Hooper with the City and County of San Francisco. Three quick comments.

I did dig up the actual data on the percentage of buildings excluded based on the three-plus account interpretation, and for commercial buildings in San Francisco subject to San Francisco ordinance that would be 84 percent of buildings have one to two natural gas accounts, and 48 percent of commercial buildings have one to two electricity accounts. So the volume of properties, particularly large ones, excluded could be quite large.

I’d like to support the comments from PG&E about the importance of ensuring that there is enough flexibility for an easy to comply option utilizing preferably the existing electronic consent mechanism in Portfolio Manager, it’s very helpful.

And then one way that utilities have handled that in other states is by in registering for aggregated data the user is required to provide some evidence of information about at least one of the
meters serving the building. So a meter number, a
customer account number, or similar information.

Third, on the technical point about how to
provide 12 months of data. A simplifying approach
would be for the utility to maintain 13 months of
data, because Portfolio Manager does make adjustments
to the data stream that it has and it’s much easier
if the data supplied to Portfolio Manager slightly
overlaps the period that the report is intended to be
focused on. So providing 13 months of aggregated data
would be potentially a very simplifying solution for
utilities.

Thank you.

MR. JENSEN: Barry, I’ve got two clarifying
questions.

So first, the numbers that you provided,
that was specific to buildings within the scope of
the San Francisco ordinance; is that correct?

MR. HOOPER: That is correct.

MR. JENSEN: Okay. And then the second one,
just to be clear, your suggestion. So the cycles
would not need to be from the beginning to end of
each month, it could be regardless of what the
billing cycle is as long as they are providing 13
months; is that correct?
MR. HOOPER: Yeah, yeah.

MR. JENSEN: Okay, great. Thank you.

MR. YOUNIS: We have one through chat. If building owner authentication is input for request validity, how can authentication be optional? If not optional, then we have concerns around potential manual processes and workload associated with that.

MR. JENSEN: Let me see how I do with this. So it is up to the utility whether they want to require that a building’s owner be authenticated as the owner of the building before providing the request. If they want to do so then they would include that in their request process. If they don’t want to have the requirement they wouldn’t need to do so. Does it seem like I got it? Okay.

Randy, go ahead.

MR. WALSH: Yeah, thanks. A couple things. A lot of this goes away if a lease agreement written between owner and agreed to release the information.

I have a question for you on the time. How many times a year can an owner request information from the utility; is it one time or can I do this every month?

MR. JENSEN: So my thought is that they
should be allowed to request more than once per year if they want to and maybe there might need to be a case for them having a good reason for doing so. We certainly would want to probably put some limit on that and we certainly would want to hear utilities’ thoughts on that as well.

MR. WALSH: Okay. Just a general statement, maybe a statewide issue, maybe (inaudible) every building has to be registered, the owner has to be registered with some sort of a local control.

(Inaudible) off of that. So there may be processes already underway that -- or systems or data already underway that could prove who the building owner is.

That being said, why can’t a building owner register his or her ownership of that building at one time and allow that to stay in place until that building ownership changes? So that would avoid having to do this repeatedly.

And alternatively, why can’t any account setup that takes place at that particular building, why can’t that also be just a one-time recognition and authorization of the disclosure of the information?

I mean, it seems like that could be pretty
straightforward and then, boom, this is all taken
care of all at one time, there’s no additional
paperwork that has to be done.

Responding to something that Abhi said --

MR. JENSEN: Randy, hang on just a second.

I understood the first suggestion to be once
a person shows that they are the owner of a building,
and until that ownership changes, as long as that
understanding continues, they wouldn’t need to keep
producing that whatever documentation they’re using
to show ownership. So I understood that as the first
suggestion.

I don’t understand the second suggestion,
the most recent thing you said.

MR. WALSH: Okay. So once this meter mapping
is completed, utilities will know what meters go to
what address. You’re talking about registering a
building with a particular building number. So both
of those are some pretty static pieces of information
that can be (inaudible) the ownership can change and
then the tenancy can change.

Every time the tenant changes then they have
to change the account. At that point there’s the
opportunity there in the utility’s process of setting
up a new account part of that is getting a signature
from the tenant or having them check the box or whatever it is that says I agree. Going forward as long as I’m a tenant in this building I understand that my energy use will be aggregated and contributed to this particular building number. And that remains in effect until they leave or close the account or whatever the case. To me that all seems relatively easy to do.

The best case scenario in this data, responding to something that Abhi was offering, is that on a calendar month basis I know what space is occupied, what the operating characteristics were and now much energy was used. Ideally that’s the level of detail I need in Portfolio Manager (inaudible) to really get accurate information out of that.

So just for purposes of discussion let’s assume we’re just releasing data to you (inaudible) Portfolio Manager. What would benefit me on the energy efficiency side is to see this information on a regular basis, on a monthly basis. That would be ideal. So can’t these links be set up in such a way that we’re getting a download every month?

It also eliminates any issues with the non-aligned billing period starts and stops because Portfolio Manager has the information and they have
the calendar and they can do all the prorating they need based on the energy use.

If I’ve got a stream of data that two or three years long, that is more useful to me.

MR. JENSEN: Yeah. So continuous upload is an option with Portfolio Manager, and so this is something actually that would not require a monthly request. Once the required permissions are granted, the utility automatically uploads usage with each usage cycle whether it’s monthly or something else to the customer’s Portfolio Manager account automatically. So that is certainly an option, and then, yeah, then you could build up -- it wouldn’t just be a one-time request once a year, you could build up a record of usage that way.

MR. WALSH: Okay. Well, I don’t see anything in here that even encourages that ongoing connection. If you’re assuming that by the automated data exchange that you’re defining a monthly process going forward, I think you may want to look at that again.

There was a question about giving data to different people or different entities. So if I’m the owner and I register my building, I would say that I’m the only one that should be able to have a Portfolio Manager account having that building
If a contractor wants information, I can pull that information out and I could give him the information. I’m not giving IDR data, I’m giving the (inaudible) and the (inaudible), I’m not giving it on 15 minute intervals or anything like that, which sometimes is more useful to a contractor.

But I would suggest that we want a one-to-one relationship in Portfolio Manager accounts with building identification numbers, and that we would want that somewhat locked down. And ideally that is locked to the building primarily and to the owner secondarily.

So when I’m selling my building one of the terms of that agreement is I’m going to turn over the Portfolio Manager account. And since all of the permissions are already in place, it’s okay for me to do that. I don’t have to worry about releasing data that was authorized just to me as the owner; I’m releasing data that was authorized to be released to that building.

So now we’ve got this stream of data that will become much, much more valuable over a period of time. Just 12 months is not really all that helpful.

MR. JENSEN: Great. Okay, yeah, we certainly
like that idea of when a building changes ownership having it transferred from the old owner to the new owner’s Portfolio Manager account, so that sounds good.

It looks like we might have a response in the room. Go ahead, Jonathan.

MR. CHANGUS: Jonathan Changus with the Northern California Power Agency. And I think this conversation that we just had is one of the most significant pieces.

The difference between providing simplified spreadsheet data on a one-time annual basis to a single building owner entity versus the ongoing automated monthly update as it transitions across building owners are night and day different processes from the utility perspective, and the concerns associated with the spectrum in between are going to vary significantly.

So I think this is something where we will observed provide some perspective in written comments, but as we’ve been trying to respond and provide feedback about what is it going to take for a utility to satisfy the requirements of AB 802, the difference between what we understand those requirements to be covers a gamut.
So for benchmarking purposes I don’t disagree with the idea that having that monthly update helps the building owner for certain, but the processes that utility needs to have to make sure that that person that we’re providing the update to is still actually the building owner and that’s a valid request looks very, very different than the annual submission that comes up and so we have a chance to review and say, okay, they’re still documenting in some way, shape or form that they’re the right person for which we should be providing this data.

To the extent we want to go more than that, I think it’s a lot more complicated and I don’t have a solution yet for how that monthly benchmarking process, which I think some utilities, as we’ve seen across the country, have done as a service to folks within their communities. But it’s a very different question than this kind of more simplified annual request that we’ll be handling.

MR. JENSEN: Okay. Thanks.

MR. LEMEI: And if I can just respond or add something. It’s important to keep in mind that certainly benchmarking is at the heart of both aspects of the statute, but when it comes to the data
access portion of the statute, it is not fundamentally about benchmarking. So while it’s important that we bear in mind that one of the important applications for the building owner obtaining data is going to be benchmarking and should design it to make that work, we should also be mindful that the owner’s ability to access data is not limited to benchmarking, it’s one of the potential applications for the information.

MR. JENSEN: Thanks, Galen.

Terry, go ahead.

MR. SPAIN: Thank you. Terry Spain with SDG&E. Talking to something I said earlier and something that was just said recently here. We have found that in certain cases because of the offset of meter read dates, if we’re going by based on billing information the way Portfolio Manager was set up, it may take up to 14 billing months to actually produce 12 complete calendar months of energy use data, depending how things line up.

What we would ask is that the Commission consider leaving some flexibility in the language so we’re not asking for the most recent 12 calendar months. We had some problems with our attorneys
initially because with 1103 it just said provide the most recent 12 months of energy data.

   Well, to us that meant 12 billing months. We kept trying to explain to them, well, that’s not going to work for some buildings. If they don’t have any historical data in there already, 12 months may not do it for them. They won’t be able to benchmark even if we give it to them. So we just need to be careful on the language how that’s phrased so it kind of leaves it open.

Also, I believe from reading the presentation that we’re talking about, and this might be something for the next session. Correct me if I’m wrong, but I heard it mentioned up here, as far as periodic versus ongoing updates to the Portfolio Manager information.

   For example, right now we provide monthly updates to our customers who enrolled in our automated benchmarking system, so that every month they get an update for the past so many months to bring their account up to date and give their current benchmarking score.

   Unless the regulations are set up to allow that we may not be able to allow that for building owners who want that type of service, because
typically attorneys, as you know, will look at the
law and say, okay, here’s the constraints we have to
operate in. We can’t step over this line and we can’t
step over that line. So just be aware that if we
state something they’re going to hold us strictly to
that.

And so if there’s a desire for the utilities
to provide ongoing monthly updates, that needs to be
specifically allowed in the regulations. If it’s
intended just for a once-a-year type of thing, then
that’s fine. I think that’s the way you’re headed
now.

MR. JENSEN: Thank you.

MR. TANIOS: Peter, SoCal Gas. I just wanted
to clarify or see if there is going to be a
requirement for building information as well. I
support Prop 39 and that was a small hiccup for the
utilities as well.

And since we’ve brought up Prop 39, there
seems to be a lot of different programs that vary by
segment where the utilities have to provide data.
Prop 39, AB 802, EDRP. If there’s any way to
streamline all these different programs so that the
utilities can support them most effectively, because
they all have different requirements, aggregation
thresholds, and so on. So I just wanted to say just
that.

MR. YOUNIS: I have one thing from Leslie at
EPA. This is going back a little bit. It’s very
common to have billing cycles that don’t match the
first/last day of the month and there are best
practices for service providers and utilities to
import that data into Portfolio Manager correctly.

A follow-up question to the slide you’re on, Slide 26, from Buck. Will second paragraph of Slide
26 require utilities to have customers formally or
legally acknowledge this, the implied consent to
release their data, and sign terms and conditions?

MR. JENSEN: Our current thought is no. The
utility will use a known good communication path to
notify the customer of this. And unless they get a
refusal from the customer, that they go ahead and
provide the data. But we look forward to receiving
comments on that.

Oh, Vic, go ahead.

MR. BATESON: Yes, Vic Bateson with Boone
Energy. Just a quick comment and then a question or
maybe a request.

As someone that’s done several hundred
benchmarks in the last two, three, four years in the
city of San Francisco based upon their program, and has dealt with hundreds of tenants in the process, we’ve run across one tenant that would not give up automated access to their monthly data, and even they were willing to provide the data, they just didn’t want to give the data access.

Now, that’s anecdotal data and policy shouldn’t be made on anecdotal data, but it concerns me that we are possibly making the process even more difficult than it should be when it doesn’t have to be. As I said, every one of the tenants that we’ve dealt with has been willing to provide that data. So that’s just a brief comment.

My real concern here or my question is that over the last two, three years we’ve altogether as kind of an industry have developed a process, at least in the city of San Francisco, that seems to be working fairly well. And I’ll give PG&E kudos for what they have done and their benchmarking support team and how well they seem to work in getting a process where we can get the data we need to do the job and get it on an individual meter basis, not aggregated data.

And we’ve worked with some of the other utilities around the state and southern California,
and I know they’re working hard on this too. And the process may not always be simple, but it works. And my concern is as we move forward with this focus on aggregated data that we may break the systems that are in place or we may regress so that all we end up getting is aggregated data even if we have tenant or utility customer permission to have access to their individual data.

And I just want to make sure that we don’t end up bringing everything down to the lowest common denominator such that the processes that are in place stop working. Thank you.

MR. JENSEN: Great, thanks, Vic.

So some of the things you mentioned are prescribed to us by the statute and we don’t have flexibility on them, but please do include what you just said in your comments and we’ll certainly take them into account.

MS. WADHWA: This is Abhi Wadhwa from Energy Commission. I’m going to look to Galen, just alert him to what I’m about to say.

We want to be clear that in implementing this statute we are not prohibiting anyone from following practices that they were already doing outside of the rights and provisions provided to the
building owner outside of this statute. So if working with your local utility you already had a process down in place that allowed you access to more granular data, and that works better for your clients’ purposes, then the statute is not prohibiting you from continuing that. It’s not stopping any kind of previous permission processes that you were going through to get more granular data.

The statute simply provides some bounds to the data access when building owners don’t want to go through those processes and need access to aggregated data or when they don’t have aggregated data they have certain methods to request that information.

MR. BATESON: Thank you, and I understand what you’re saying about from the statute’s perspective of not changing what’s in place.

My concern is that the utility companies may say, well, if I’ve got to do -- that they may back off on providing some of the data. If they could just get away with providing nothing but aggregate data, that they develop their systems around that and maybe shut down some of the stuff that has been in place because it’s not required.

And I would hate to see that happen because
the aggregate data, as has been mentioned by some previous commenters, removes some of the ability for the people doing the benchmark to be making decisions about what should be included and what shouldn’t be included, and it also removes information from the building owner to being able to make decisions about how they want to move forward.

One of the other things that we’re starting to see is a lot of individual tenants, even if the building owner is not interested, the individual tenants are very interested in seeing their data and seeing what their impact is and trying to make decisions about how they individually, even if the building owner doesn’t, how they individually might be able to take steps to improve their carbon footprint. And that’s something that’s only started to kind of bubble up in the last year or so, but I think providing individual accident owners or tenants with this kind of information is something that they would be very interested in also.

Thank you.

MR. JENSEN: Great, thank you.

Do we have anyone else on WebEx?

Okay, we’re going to try the phone thing again, so again here’s the deal.
We’re going to unmute this end. Whether you’re muted on your end depends on your discretion, and what we would like is for you to be muted unless you’re wanting to speak. So we’re going to unmute our end. Mute your end unless you want to speak, and we’re going to try this again.

Shut it down, Laith, this is no good, we can’t do this. All right, that’s that, I guess. Okay. I would suggest, let’s get Randy. Hang on a second, Randy.

MR. WALSH: Yeah, before you went to the next topic I wanted to comment on something that Abhi said.

Ideally, I would get data to the most granular level I can get, and then I should be able to match my occupancy characteristics or operating characteristics to that data.

So if we’re aggregating data and I’ve got vacancy in my building, how do I know what amount of data is being reported for that vacant space, or if any data is being reported for the vacant space? And I’m just speaking about the data coming in. There’s parameters and best practices in Portfolio Manager regarding how we account for vacancies.
So aggregated data is probably, (inaudible) least helpful without having any sort of identification in it to help me match up to Portfolio Manager.

Also, all we’re talking about just moving into Portfolio Manager is kWh. There’s nothing that comes in here about demand. There’s no load price profiling that can be done. So there are other areas where we could potentially get better information from the utilities if they do track it. I’m not sure that this is actually giving us access to that.

I think what Galen was saying is, and maybe the theme here is we might be trying to do too many things with this law, and because of that it’s way more complicated.

And I think that it’s for now. I just wanted to jump back in on those few things. Okay.

MR. JENSEN: Okay. We’ve got someone in chat.

MR. YOUNIS: From Buck. With respect to aggregated versus granular data, it needs to be understood that providing both potentially makes solution more expensive but we are exploring it.

Also needs to be weighed against other platforms already in place that provide individual
account data such as CDI, Share my Data, Green Button products.

And long term solution strategy roadmaps that make sense. For example, which platforms should support specific data request types.

MR. JENSEN: Great, thank you.

So next up is the public disclosure section, and I’m going to suggest that we do lunch a little early and then be back here at 12:45. So let’s do that and we’ll see you at 12:45.

(Lunch recess)
MR. JENSEN: All right. So there are three things I want to mention before I get back to the text.

First is we’ve got some paper copies of the statute printed up here now if you want to take one of those home with you.

There’s an electronic version that Abhi put together that has bookmarks, and I’ll add that to our docket. That’s pretty handy. I’m not sure if all that bookmarking will work after it goes through the docketing process, but I’ll have it docketed and you’ll be able to download it and see if it works. If it doesn’t work, you can email me and I can send you that version.

Lastly, we’re going to extend the comment due date from April 8th to April 15th, so if your taxes aren’t done yet you’ll need to decide, I guess, where your priorities lie, but that’s what we’re doing with that.

And again, we want to apologize for getting the presentation to you so late. We would only be giving you two weeks to respond to something you saw yesterday, so April 15th for the comments.

All right, let’s get started here.
So Section 3 is public disclosure. Now, for a building owner who has a building located somewhere where -- a building that would be covered by both a local ordinance and the statewide ordinance, the building owner will not be required to report to the state, they'll only need to report to the local jurisdiction.

So there's a lot of things that will need to happen here behind the scenes and we'll need to add some refinement to this, but the general idea is that we'll have the data infrastructure connected from our statewide infrastructure will be connected to the local infrastructure. We'll get the data to us behind the scenes.

We'll need to figure out exactly what the process will be for ensuring that a local ordinance is at least as stringent as our program.

So for example, if a program, if they're going down to smaller buildings, if they have a more aggressive schedule or if they require something beyond just the reporting that we require, those are examples of things that would qualify.

If you have a local ordinance that might only cover commercial buildings and doesn’t cover
multi-family, so in a case like that if you have a commercial building you would just need to report to your local jurisdiction. If you have a multi-family building you would need to report to the state.

So as I mentioned, we’ll be adding more detail to this, and it will be very clear because we’ll list on our website the programs that qualify, and so you’ll know if you’re a building owner that you don’t need to report to the state in those cases.

Okay. So this is another situation where I think we’ll just go in the order that I have the slides, so let’s just read through this and then I’ll talk about it.

So I guess actually I don't know -- let’s see here.

So just as I mentioned earlier on the timeline, these first reporting years the information will not be publicly disclosed for the first year for each building sector. They will be publicly disclosed in the years after these.

So these are just the steps that a building owner needs to take if he or she hasn’t taken them already.
Open a Portfolio Manager account. Enter the building into Portfolio Manager. Complete or update the required fields for the building within Portfolio Manager. In the regulation text we’ll be clear on what the required fields are.

I don’t want to go all the way back to the slide, but as you may have seen on the slide with the building counts earlier, it’s possible that a significant portion of the buildings that are disclosable buildings within the scope of this program are already in Portfolio Manager, so likely with the first two and maybe the third step won’t need to be taken for a lot of the buildings that are within the program.

February 1 is a suggestion for when building owners might want to request data. It won’t be a requirement but we want to make sure that the utility has the four weeks that they’re allotted to respond to the request and then that the building owner has enough time to complete the benchmarking and reporting process.

So after they do that, they’ll get the data from the utility, confirm that it’s been received.

[Next Slide]
And then this is the reporting to the Energy Commission. So by April 1 of the first reporting year, and again, that varies whether it’s a commercial or multi-family building, and annually thereafter.

On the Energy Commission website there will be a link the person will click that will send you, the building owner, to Portfolio Manager. When you log in there you’ll go right to a screen where you’ll choose to submit the data and it will pull the required information from your Portfolio Manager account.

Okay. Now, for -- hang on just a second. Okay, so as we mostly talked about, the information that utilities are providing is going to building owners. We’re also proposing that information go from utilities to the Energy Commission, and there are two reasons for this. So let’s read this slide and then we’ll get to the reasons on the next slide.

So one reason that we would like to receive the data here at the Energy Commission is to verify what’s submitted by the building owners. The second reason is to generate metrics
that we think are very useful and important but that
can’t come through the custom report template that
we’ll be using with Portfolio Manager to get data
from the building owners.

So that’s why we want to create this
separate path coming from the utility, and we can go
into a little more detail on that when we’re
describing the data infrastructure later.

Okay, so I covered this already. First
reporting year data is just coming to the Energy
Commission, not going public. Next reporting year,
data is made public.

So we’re listing here -- hang on a second.
So this is a list of things that we may make public.
We’re not saying we will make all of them public but
it’s a list of possibilities. I don’t want to go
through the whole list. I’ll draw attention to a
couple of them.

Item L is, there are a lot of and/or’s in
here, but it’s monthly and/or annual site and/or
source energy use intensity normalized for weather
and operating hours.

So if you want to be able to compare
performance over time, you need to account for
variances in weather.

If you want to compare buildings that have
similar uses but if one is open for 10 hours, one is
open for 12 hours, you want to be able to control for
the operating hours as well.

[Next Slide]

On this slide the list continues.

The comment field we feel is pretty
important, so if someone reports, doesn’t like their
score, say it take them six months to put out a bid,
get a contractor signed up to perform an upgrade to
their building, say it takes three more months to
have the work done on their building. Well, they’ve
only got three months of the new improved building
usage on record, so they don’t have a whole year of
better performance going into their score.

So we’ve got this comment field so if an
owner wants to say something like that, we just
improved the building, we only have three months of
usage since the improvement in here.

Or if an owner wants to say we’ve got work
planned for the future and wants to go into detail on
that, that’s fine. So if they’ve got a low score
someone doesn’t just see the low score, they might be
interested in more information about the building.

And then S and T, S is national average score or other metric for property type, and T is the same thing at the state level, so that’s pretty -- if you want to see how each building compares that’s what those are referring to.

[Next Slide]

Okay, last slide in the public disclosure section is exemptions. There are three of them, I’ll just read them.

The building has not yet had a complete calendar year of utility service.

The building is scheduled to be demolished one year or less from the reporting date.

The building is covered by a local building energy use benchmarking program listed on the Energy Commission website.

As it has been explained to me, it’s redundant and sort of conflicting to have this one up at the front of this section and included here in the exemptions. That’ll be cleaned up by the regulations, but anyway, these are what we’ve got listed currently for the exemptions.

So let’s go to comments on this section.

Bryan, go ahead.
MR. COPE: Bryan Cope, Southern California Public Power Authority. Three quick questions. Where is the list or does it exist on your website yet of --

MR. JENSEN: Sorry, just press the button. There we go.

MR. COPE: Thank you. Bryan Cope, Southern California Public Power Authority. I was not able to see on the CEC website where the list of the local benchmarking programs that are qualified to predispose the entry to AB 802 is that available yet or will it be soon?

MR. JENSEN: No. So it’s not yet, and it wouldn’t be too soon. Part of the regulation development will be determining how a program will qualify, so that decision isn’t made yet. And then so after that happens we can decide on the list and it will go on our benchmarking page.

MR. COPE: Thank you.

MR. JENSEN: Yeah.

MR. COPE: For disclosable buildings the utility shall deliver to the CEC the same information delivered to the owner. That’s on Slide 33. At the same time that we give it to the owner we’re supposed to give it to the Energy Commission.
My question is, which is kind of awkward, is
if we’re giving it to the owner via Portfolio
Manager, what format do you want it in?

MR. JENSEN: I think -- Laith, let me know
if I’m right on this -- we’re going to work out the
details on how the utility does that, and hopefully
they won’t have to complete two separate actions.

MR. COPE: All right. Again, I would just
urge that duplication of effort, as much minimization
of that as we can achieve would be appreciated.

And lastly, it has to do with the release of
data. I’m just curious.

There is no data released to the public in
the first year. In the second year and beyond, will
the second year be data from 2016 and then the third
year be 2017, so there’s a one-year lag, or basically
a two-year lag? Or how do you envision that
happening?

MR. JENSEN: Let’s see if I can get this
right.

So the first cycle of commercial reporting
is 2018, and that data will never be publicly
disclosed.

2019 is the second cycle for commercial. The
data that the building owner will be reporting to the
Energy Commission would be from the 2018 calendar year, so it’s the previous calendar year that they’re reporting in 2019.

Later in 2019 that 2018 data will be made public.

MR. COPE: Okay. So it’s only going to be a one-year lag instead of a two-year lag.

MR. JENSEN: Yes.

MR. COPE: Okay. Thank you.

MR. SPAIN: Terry Spain, SDG&E. A couple of questions.

If a building owner is already benchmarking under a local ordinance, what obligations, if any, do the utilities still have under AB 802, or are they only subject to the requirements of that local ordinance?

MR. JENSEN: So for data access if a building owner requests data and if that building is within the scope of this program, the utility would need to provide it.

So say someone’s in San Francisco, even if they’ve already complied with the San Francisco requirements, they can certainly still go and get data from the utility.

MR. SPAIN: Right, but would the utility
still have to provide that data to the CEC in that situation?

MR. JENSEN: I would think no. We would work with -- our plan is to work with the local jurisdictions on their compliance and enforcement, so I think the answer is no. I don’t have a definitive answer yet.

MS. WADHWA: Hi, this is Abhi Wadhwa. I think the answer is TBD because we don’t know if that particular local jurisdiction is getting the data from the utilities or not.

If they are, then we can work with them. But if as part of their requirement they never had that built in, then we’ll have to work it out with the utilities.

We would prefer that if a local ordinance is in place, then the data first goes to them. So this becomes a matter of actually working with local ordinances to make sure they are understanding the compliance and verification policy angles that we would like to see in the state.

MR. JENSEN: Yeah, so thanks, Abhi.

So when we’re approving these programs to be listed on our website in addition to setting different levels, we would want to also look at how
they’re doing their enforcement and what the program design is, and that would help answer the question you’re asking, I think.

MR. SPAIN: All right. The second question I have is we would like to see some clarification on the term “operator.” I believe that the statute says building owner, owner’s authorized representative, or building operator.

In many cases the building operator is either the tenant or somebody hired by the tenant, not a representative of the building owner.

I think right now it’s kind of unclear. It makes it look as though a building operator that is not employed or authorized by the building owner can qualify for requesting aggregated data under AB 802.

MR. JENSEN: Okay. Great.

MR. CHANGUS: Jonathan Changus with the Northern California Power Agency. Seeking point of clarification on Slide 29 about the language that says that the owners of a disclosable building shall disclose benchmarking data.

Is that envisioning that all owners of a disclosable building will be required to make the request of the utility, or is it that those building owners that make a request of a utility for this data...
of a disclosable building, only if they’ve made the request will be required to do so?

I wasn’t sure if I was reading 29, and then 31, the recommended date of when the request should come in, if we’re envisioning that all building owners would be making that or if they were going to be required to. Is that clear?

MR. JENSEN: I’m not clear on the question, so could you...

MR. CHANGUS: Sure. So in the statute it says we provide the information on request from the building owner.

MR. JENSEN: Yes, right.

MR. CHANGUS: The way I read these slides was that all owners of disclosable buildings will be required to disclose this information to the CEC, which would mean requesting it.

So I was just trying to figure out if it’s a voluntary process, and then those that have made the request of the utility then shall, or if regardless if they wanted to or not, all owners of disclosable buildings shall participate in this program.

MR. JENSEN: No, it’s required that they report to us. An owner of a disclosable building has to report to us. So if they’ve already got the usage
data and they don’t need to request from the utility, that should be fine for fulfilling the requirements of the program. So you could not opt out of reporting to the Energy Commission just by not making the request of the utility.

MR. CHANGUS: Okay. Because that’s different in the CEC regulation than what we had interpreted and read from statute, which is more on a voluntary basis, so that’s an important clarification.

With regard to February 1st, for at least NCPA members February 1st is when we’re in the midst of conducting the annual reporting process and compiling a whole bunch of data having to do with energy efficiency programs. Same staff are probably going to be involved in some manner with this, so February 1st might be somewhat problematic.

I like the idea if this is going to be an annual submission having one date for all of them is definitely a good idea, but perhaps maybe something like April 1st, get us past the March 15th deadline so that it’s not a dual reporting burden at the same time.

MR. JENSEN: Okay, got it. So let me talk to you a little more later on about that.

MR. CHANGUS: Okay.
MR. JENSEN: Okay.

MR. CHANGUS: Thank you.

MR. LEMEI: Jonathan, I’m sorry. I just wanted to clarify in response to your question. What we’re talking about right now is the program that is being designed by the Energy Commission pursuant to subdivision (d).

MR. CHANGUS: Um-hmm.

MR. LEMEI: So subdivision (c) is the voluntary program. Subdivision (d) is the program that the statute calls upon the Energy Commission to develop for public disclosure and benchmarking.

We are proposing that the mechanics of it essentially use the same infrastructure of the voluntary program, but the owners of disclosable buildings that are subject to the mandate are required to make that request, and then the utilities are required to facilitate that in the same manner that they would facilitate voluntary requests.

That’s the structure. That’s the idea, but I just wanted to clarify that we switched statutory provisions on you.

MR. CHANGUS: Yeah, I appreciate that clarification, thank you.

MR. TANIOS: Peter Tanios, SoCal Gas. On
Slide 34 we’re referencing that the Energy Commission will use the data that they receive from the utilities to verify the customer inputs, so I get that on the usage side.

The score is also based on the building attributes and how the customer sets that up. Who’s going to be verifying that information?

MR. JENSEN: Great question. I don't know that we have a good answer for it.

Go ahead, Abhi.

MS. WADHWA: So the building owner shares from within Portfolio Manager all the operational characteristics data as part of the sharing, so we get the operational data from building owner.

And also the energy use data, but we also are envisioning to get the energy use data separately from the utility to verify that there was no tampering with it to get a better score or metric.

MR. JENSEN: So Peter, the question as I understood it was, we have energy use data coming from two sources, which allows us to verify.

We’re only getting the operating from one source. That’s your question, right? We don’t have a second source to verify that. Okay.

MS. WADHWA: Let me take a second stab at
We have not narrowed down or focused so far on our compliance and enforcement plan, but one could conjecture that some kind of a sampling in the field could be done to check whether building owner has indeed been submitting accurate information, or some kind of verification procedures could be in place for a certain sample of the submitted information. But we have not gone down that far yet. Just academically, I would say it’s possible.

MS. CRESENCIA: Kim Cresencia, SDG&E and SoCal Gas. So Slides 36 and 37 where you’ve got the laundry list of items that will be publicly disclosed.

Which of these, if any and/or all, will be the utility would be required to maintain in their databases?

And then specifically F and G, latitude/longitude. I’m assuming that’s building, but could it be meter or parcel?

And the reason I’m getting to that is, again, this whole talk about meter mapping. The utilities have roughly at the 50 percent level maybe have lat/long for smart meters. In talking with some vendors, especially those in the real estate segment,
they get it at the parcel.

So now you’re talking about, you know, this is a pretty big effort to meter map to the building. You’ve got meter, you’ve got parcel, you’ve got building, so just want to bring some awareness to that.

I know as part of one of our comments we have with 1103 there were benchmark triggers and with 802, which repealed 1103, there are no longer benchmark triggers. Is that intentional, inadvertent, or are we actually now this is mandatory benchmarking?

MR. JENSEN: So this program doesn’t mandate time of transaction disclosure as 1103 did. I’m not clear what the question is, I guess.

MS. CRESENCIA: So yeah, 1103 had the financial transactions. 802 no longer has that, and so it was a way to assess maybe the number of requests that we could be getting for 802.

MR. JENSEN: Okay.

MS. CRESENCIA: But absent those triggers, this just appears to us this is annually any covered building would have to do benchmarking.

MR. JENSEN: Right. Okay, so yes.

MS. CRESENCIA: So in essence it is
mandatory benchmarking.

MS. WADHWA: (Inaudible.)

MR. JENSEN: Right. So as far as assessing number of requests, so we certainly hope that 100 percent of disclosable buildings will be making requests, and we can try to help with -- I mean, you probably have data already. We’ve gotten closer now so we can certainly try to work together on that. And then we certainly would like to see a high number of the covered but not disclosable buildings making a request as well. We don’t know what those numbers would be like, and those likely would not all be coming in on February 1st like the disclosable ones might.

MS. CRESENCIA: About this list, how much of this would you expect the utilities to maintain or have?

MR. JENSEN: So I don’t know if we -- So lat and long in particular, I think our plan -- do you? Sure.

MR. YOUNIS: A lot of these items are coming out of the Portfolio Manager custom report template, so we wouldn’t be anticipating the utilities keeping track of all of these fields, but what we can do is make a table of where we expect to see that type of
data coming from, specifying that this is an output from EPA.

Lat and long would be something, as an example, where it is have to be post-processed from the address, so even EPA’s output doesn’t give lat/long.

But primarily, as long as you’ve fulfilled the task of populating Portfolio Manager with the energy that the building owner requested, then these fields would all come out of Portfolio Manager with your data along with the building owner’s operational characteristics.

MS. CRESENCIA: Okay. Just to come back to what somebody said. We don’t want any duplication of any information and efforts.

MR. JENSEN: It looks like we might have...

MR. YIP: I was just echoing what Kim said. This is Jerry from PG&E. Some of this is kind of new or first time I’m reviewing it, so I just wanted to tie up what you were saying earlier about what data is delivered by whom.

In reading Slide 33 where it says the utility will deliver the same data that we provide to the building owner or agent. I’m referring back to Slide 19 then where you had list A through E of the
meter number, customer name, number of meters, what have you. That’s really what the utility has to provide. Everything else in Slide 37 I’m interpreting as Portfolio Manager should be able to provide most of that information; is what you were saying.

MR. JENSEN: I see. We’ll make that clear.

MR. YIP: Yeah. And I imagine it’s still in the works as far as how that data will be transmitted to the CEC, because that’s a big question for us.

MR. JENSEN: Yeah, that’s still being discussed, and we’re working with EPA along with the meter mapping (inaudible).

MR. YIP: And in terms of that timeline, going back to Slide 7 -- that’s not me.

MR. JENSEN: Hang on a second, Jerry. Let’s make that go away. All right.

MR. YIP: So the public disclosure of information as far as what we provide to the CEC, does that start on April 1st, 2018, or April 1st, 2017?

MR. JENSEN: January 1st, 2017 is when you will need to provide data.

MR. YIP: Owners and agents.

MR. JENSEN: Right.

MR. YIP: Right, but to the CEC...
MR. JENSEN: Got it. Okay.

MR. YIP: The disclosure aspect of that.

MR. JENSEN: Okay, I get the question.

MR. YIP: Because like 33, I don't know when that becomes -- Slide 33 says at the same time as the owners and agents, but I'm guessing maybe that's after a certain point in time. Is that starting April 1st, 2017, or January 1st, 2017, which is...

MR. JENSEN: We'll clarify that.

MR. YIP: Okay. I would just note if you're saying January 1st, 2017, that would be a challenge because we haven't even defined the mechanism for transmitting the data to you, and that's important.

MR. JENSEN: Right. Sure.

MR. YIP: Okay.

MS. WADHWA: So again, thinking through together. I think the way we had it so far was that the building owner is requesting it on a rolling basis, not necessarily on February 1st. There will be hopefully many building owners that are not waiting until the last minute.

And again, hopefully, we will figure out a system within Portfolio Manager where the passthrough, when you click the pass-through for the information to go into building owner’s account it’s
also just as easy to push it to Energy Commission’s Portfolio Manager account. So that happens on a rolling basis, not on a fixed date.

MR. YIP: Right, right, I get that.

Obviously there’s that ongoing sort of feed.

I’m speaking from the perspective of when do we need such functionality to be ready to support transmitting data to the CEC, whether that’s ongoing or the very first time. I’m trying to establish that clarification.

Are you saying it’s January 1st or is it one of these other milestones?

MR. JENSEN: So it definitely wouldn’t be before the regulations are in effect, so --

MR. YIP: April 1st.

MR. JENSEN: -- tentatively yeah. So it couldn’t be before that because the regulations will explain what the requirement is.

MR. YIP: Yeah. Okay. Thanks.

MS. CRESENCIA: Kim Cresencia, SDG&E, SoCal Gas. So I want to ask it maybe a little bit more directly.

So does this in essence move that January 1 date to April 1 when we have to be in compliance?

MR. JENSEN: No, it does not. So the statute
requires utilities to require usage data to building
owners on request after January 1, 2017.

The stuff that we’re talking about today
which will become regulations, that will go into
effect at whatever date the regulations go into
effect.

MS. CRESENCIA: So pretty much it’s the
content of what we’re discussing within the slide
presentation today. Kind of fine tuning it.

MR. JENSEN: Right, for what will happen
when the regulations go into effect, right. So yes,
correct.

MS. CRESENCIA: Okay.

MR. CHANGUS: Sorry not to belabor, but just
to make sure I understand, especially after Galen’s
clarification about the two different parts of the
code that we’re dealing with.

So for disclosable buildings, that’s
obviously we’re reporting to the CEC that which we’re
reporting to the building owner.

For just the covered buildings with which
requests are going to start to come in on
January 1st, 2017, with which we’ll be providing data
either in a spreadsheet form or through Portfolio
Manager, is there an expectation for those covered
buildings which are not also disclosable buildings, the CEC will be receiving at the same time we provide to the building owner that energy usage data, or is what we as a utility are sharing with the CEC only limited to the disclosable buildings?

MR. JENSEN: That’s only for disclosable buildings, that’s what we’ve got currently.

MR. CHANGUS: Okay, thank you.

MR. JENSEN: Anyone else in the room?

All right, let’s see what we have on WebEx.

Okay, so it looks like we don’t have anything on WebEx.

Anyone on the phone who wants to comment or ask a question, please go ahead.

MR. EVANS: Hello, this is Matt Evans, Southern California Edison.

MR. JENSEN: Go ahead, Matt.

MR. EVANS: Okay, great, thank you.

Referring back to Slide 33 about requiring the utilities to deliver their energy usage data to the CEC, I just wanted to echo some of the concerns that I’ve heard already.

You know, we definitely want to be efficient and minimize the number of systems that are being developed across all utilities, so might I suggest
that maybe the CEC has a link to the Portfolio Manager and can work out a system where when utilities provide data to buildings in California that meet or exceed a disclosable building, then the CEC could get that data directly. So that’s one. And also, we as utilities, we may not know whether a request from a building owner is for a disclosable building.

For example, the building owner could submit a request through Portfolio Manager to us to receive the energy usage data, but they don’t necessarily need to have the square footage input, and I actually have seen that in the past. So we really won’t know whether it meets the threshold or not, for example.

MR. JENSEN: Yeah. So for providing data to the building owner, the utility should not be making a distinction between disclosable buildings and covered buildings in general. For sending data to the Energy Commission that distinction will need to be made, and we need to work on how we’ll make clear to utilities which buildings are in fact disclosable buildings.

MR. EVANS: Yeah, and we may not know. It will depend on what information the building owner has input into Portfolio Manager.
MR. JENSEN: Understood. So that’s one option. The other option is the Energy Commission might be able to get the information to you.

MR. EVANS: Okay. And I have some concerns about all the reporting for all disclosable buildings being a set date. I think now it’s February 1st. There may be a large volume of requests that are submitted and that need to be fulfilled in a fairly short period of time, so I’m just wondering if there’s a way to stagger that in time, those request and disclosure periods. So just a question.

MR. JENSEN: Okay. We would be very interested to hearing the comments about utility preferences. Some utilities might prefer to get a huge number all at once and be able to ramp up and just plan for that. Some might prefer to have them spread throughout the year, so we’d love to hear from utilities on what they’d prefer.

MR. EVANS: Okay. Great, that’s all I had. Thank you very much.

MR. JENSEN: Thank you.

Anyone else on the phone? Last call for the phone. All right.

Okay, the next section just has two slides
and then we get to look at some pictures, so let’s go to Section 4, Violations and Enforcement. So let’s take a minute to read this and then I’ll explain it.

Okay. So from the statute we have enforcement authority through Public Resources Code Section 25321, which has to do with issuing fines. There are three -- and we have three examples of violations by a building owner. Failure to complete a submission. Failure to share all information required. And intentionally sharing incorrect data.

[Next Slide]

We have two examples of violations by a utility. Failure to provide requested information within four weeks of a valid request, and intentionally sharing incorrect data.

That is that section in its entirety. Do we have comments or questions on that section in the room?

MR. CHANGUS: This is Jonathan Changus with NCPA again. Under the violation section we don’t envision any concern or problem with the building owner sharing this usage information with other entities that are not the CEC, for which you will decide what’s going to be disclosed if they choose to share this with other third parties or other
interested entities. I think that would be a problem for the utility.

So in your enforcement action if you’re limited perhaps by existing statute as far as what you’re allowed to penalize, but I think we’re going to have to figure out a way to ensure that the data is being used appropriately and is provided to the appropriate entities but not going beyond that given the extreme sensitivity that at least we have about the sharing of this data more broadly.

MR. JENSEN: Galen, do you want to comment on that at this time? If not that’s fine.

MR. LEMEI: So I understand you to be suggesting the possibility that an additional enforceable violation be the sharing of the utility data under certain circumstances by the building owner.

25321, that enforcement authority is actually the IEPR statute, and it is generally focused on, as the IEPR is generally, on the failure to share data, so it’s a non-obvious fit, but your comment is well taken.

I would say that before you could talk about penalties for improperly sharing data you would first need to prescribe the parameters under which data
could be shared in the first instance.

And an additional complication is that the building owner is going to be receiving data both under the public disclosure program but also under the private program.

So that’s a long way of saying that I understand what you are suggesting. There are some complexities. To the extent that you wish to provide a more fleshed out suggestion, that would be appreciated.

MR. CHANGUS:  Looking forward to doing so.

MR. JENSEN:  All right, do we have anyone else in the room?

Then let’s see, do we have anyone on WebEx?

Looks like we do not.

Do we have anyone on the phone?

It’s picture time, okay.

Laith is going to take us through the anticipated data flow diagram and a couple pictures of building concentrations for the state.

MR. YOUNIS:  Okay, everyone. My name is Laith Younis. I’ll be focusing on the infrastructure slides here. This is our attempt to show the simple process of sharing data. The more that we talk about
it collectively and the more comments we receive from you, the more I’m able to fill this picture in.

This is going out to EPA, all the utilities, everybody that can offer guidance. We offer a bi-monthly meter mapping call to talk about these kind of items, primarily focused on meter mapping now but that is kind of an open forum for anything that can be shared.

One way to read this, and you can go left to right as time progresses as well as the color represents the tasks and who owns them.

So if you start in the top left. Again, this is anticipated. We’re still really in the draft discussion phase but we’d love to get more comments.

For the utility, they receive the request from the building owner, as we’ve talked about. They compare the utility accounts to the thresholds that are listed in the statute that we’ve talked about. And if over the statute, you can see this bubble is to send the data to the building owner if it’s over 50,000 square feet. Someone brought up that point. If under the threshold, then customer permission is required. If not approved, then some notification would need to go to that building owner that made the request. And that brings us down into
the building owner line.

When we’re asking for comments we can just call out which specific color we’re talking to.

Next on the building owner section. The building owner would make the request that the utility received that we talked about, using the building ID that we talked about obtained from either a CEC or utility website.

Again, the idea is that that’s a standardized ID across platforms that would be made available for the building owner. And then when we’re reporting the data on the back end on the CEC website, that building ID would also be used for everyone to know which building is which.

That goes through the utility process. They receive the utility data or the notice that they couldn’t get the data from the tenants, and they would populate Portfolio Manager with that data or it would be web service delivered.

And a very important piece is collect the operational characteristics from their tenants, also populate Portfolio Manager, and through a data request method share that data within Portfolio Manager with the CEC. Or whatever is required for their local ordinance.
So that’s an important piece. We left the local ordinance out of this for now to keep it a little more simple, but obviously that data would be important to come from the local ordinance as a cluster to the Energy Commission.

And lastly, the Energy Commission line would be to receive the data from the utility. The mechanism that Erik pointed out we’re still fleshing out trying to identify the best means.

We would receive the building benchmark from the building owner, all the disclosable buildings, and then determine any buildings that are noncompliant, either changes to the data, buildings that should have reported but didn’t through Portfolio Manager, and make that available -- make benchmarking metrics available on the CEC website.

And that’s it for this. I think we can open up to comments now while I leave that up. Or I’ll go ahead to the next map here and then come back to this.

Apologize if the printout doesn’t show it very well. We can change the color schemes if need be, but this is commercial buildings greater than 50,000 square feet, so there’s no multi-family in
here, with multiple tenants by zip code.

Erik touched on the fact we’re really appreciating the CoStar Realty information that we’re presenting, but in some aspects it doesn’t align perfectly to statute, so multiple tenants is one limitation there.

And the purpose, you can see this is zip code level data and number of buildings per zip code. At 15 you start to get a good spread of the color scheme, so that’s an arbitrary number just for graphical representation. And then we have two areas zoomed in, the San Francisco Bay Area on the top and L.A. area on the bottom.

So this is to help understand just number of buildings and where they’re at. It’s kind of nice to see that the national parks, the farmland, you’re going to see a very low amount of buildings that would need to report. You’re really looking at the urban dense population areas that’s going to be a higher amount.

[Next Slide]

And then lastly, this was made with Tableau, same data but presented graphically by number of buildings by county. So again, you can take with that what you need and understand better where to put your
resources.

So with that, is there any comments on the flowchart?

MR. CHANGUS: I think we probably want to add something for the Energy Commission early on there about building identification numbers being developed and provided to the utilities prior to receiving requests from the building owners; that’s part of what we’re supposed to be providing.

I also think that for at least NCPA members there will be an owner verification process of some sort which is not included on the green bit which could be a bit in which we notify the building owner that there was a mistake in documenting that.

And then through CoStar are you guys going to be able to develop a list of the disclosable buildings that support your determination of noncompliant buildings early on? And if so, at some point do you think that might be something that you could share with utilities?

I understand some of the licensing concerns with CoStar. It may not be a yes. We’re not sure now, but I think that would be really helpful for the utilities in processing requests and being able to check very easily without having additional building
information if this is coming from replies to a
disclosable versus a covered building, and then what
our obligations are.

MR. YOUNIS: Yeah, yeah. That’s all good
info, thank you. I’ll make sure to make a point of
that on the data flow.

And as far as the CoStar data, at this point
now I think we can’t release detail to the data but
we can build derivatives like this where I’m not
presenting CoStar data as a whole. I highly recommend
looking into the purchase of it, and we hope that in
future years we develop the relationship where we can
release more data.

MS. WADHWA: This is Abhi Wadhwa from Energy
Commission. A couple of points to what Laith said.

We decided to go with CoStar for our
purposes because in our analyses of what else was
available this seems to most closely fit with what we
needed. But by no means are we saying this is the
only source out there or the only way that utilities
can get a better sense of how to do their
infrastructure planning. We encourage you to explore
what other data sources are out there that you may
want access to. By no means is CoStar the
recommendation from Energy Commission as the only
data source.

Secondly, Jonathan, to tease out more your question about whether Energy Commission will be able to provide a list of disclosable buildings.

In just thinking through it, in our mind that list comes as a compilation of two key elements, one of which, and only one of which is the square footage of the building, which probably through CoStar we will have access to.

The second part of the equation which then completes that list of disclosable buildings is the number of utility accounts. We don’t have that information. That’s where we look to the utilities to complete that equation so that that comprehensive list of disclosable buildings can be congealed.

So in our mind, it’s probably going to be a back-and-forth with utilities to come up with that list, and probably important to do, but we will have to work really together as a team to really nail it down.

MR. CHANGUS: Thank you. And I think that’s really great feedback.

We may want to consider, then, the use of the words “at the same time” to make sure that we have an opportunity to figure out which of these
requests are for disclosable buildings versus covered buildings so that we don’t hold up the process to providing building owners of a covered building with data while we’re trying to figure out that list. And just happy to work forward on that.

MR. SPAIN: I had one question on the flowchart. Down on the bottom on the Energy Commission flow, the second-to-the-last step says determine noncompliant buildings. What are these buildings supposedly noncompliant with?

MR. YOUNIS: Noncompliant is they either didn’t build a benchmark but the utility would have sent them the data. So we’re doing an “if” statement against the two of them. If data is in one but not the other, comparing against a building ID for example, then we’d be able to know if they’re noncompliant. Also, we can use other resources like CoStar or whatever other products that are out there.

MR. SPAIN: Okay, this is more of a verification of benchmarking process.

MR. YOUNIS: Yes.

MR. SPAIN: Thank you.

MR. YOUNIS: Any questions on the phone or WebEx? All right, great. Thank you so much.
comment?

All right, so this is open comment time. Feel free to ask any questions that have come up. Again, we reiterate that this is still the draft early process. None of this is final by any means, so we hope to get as much feedback from you as possible.

UNKNOWN SPEAKER: (Inaudible.)

MR. JENSEN: I don't know. In what way? Are you talking about the work authorization?

MR. WILLIAMS: Hello, Erik.

MR. JENSEN: Hi, Rick.

MR. WILLIAMS: Good presentation, I like the program. When I look at the start times, if everybody at the utilities are ready in January and regulations go in April, why do we wait a whole year before we start collecting commercial? Or am I missing something? Hello?

MR. JENSEN: Hang on a second, Rick.

So April 2017 is when we anticipate the regulation is going into effect. We wouldn’t want to immediately require people to start reporting at that time. We need to allow time for outreach, as we’ve alluded to some to make sure utilities have their processes in place and the Energy Commission is also
getting some of our things in place.

I mean, the short answer is just that there needs to be some warning from when the regulations go into effect to when reporting is first required.

MR. WILLIAMS: But we clearly have nine months before we start January 1, so it seems like we have a lot of time, but okay.

MR. JENSEN: Okay. So just to be clear, we’re taking general comments and questions now on anything. If anyone in the room wants to go ahead. It looks like Galen does.

Go ahead, Galen.

MR. LEMEI: I didn’t mean to cut anyone off. I wanted to augment my response to Jonathan earlier, but that doesn’t need to happen at this moment, we can proceed with public comment. I wasn’t sure if things were winding down.

MR. JENSEN: All right.

MR. TANIOS: Peter Tanios, SoCal Gas. I just want to clarify one thing. The countdown clock for the utilities to fulfill this within four weeks, that starts within what we consider a valid request?

MR. JENSEN: Right. So that would need to be made by a verified owner if the utility wants to verify. It needs to be made by a certain method, and
would need to include certain information. You’d need to have all three of those things before the clock starts.

MR. TANIOS: Thank you.

MR. YOUNIS: One thing that has been talked about a lot is the building ID piece. From our research we haven’t found a good use of products that are out there that have a consistent theme throughout the state.

For example, you’ll get parcel ID, which is not building specific and it may differ from region or county to county.

You’ll have Portfolio Manager ID which comes very late in the process.

The goal of what we see the building ID marker representing is that from the beginning to end there is a number or a shape file or something for the building owner to point to and say this is my building. Then it gets handed off.

Utilities point to it and say those are the meters going to that building.

CEC receives it and posts it on the map publicly and says the energy for the shape file of this building is the same.

So it’s very clear and not a question of
building or parcel or property or those kind of things that we all recognize when we’re walking down the street but we want to make sure that we have a consistent thing to point to for the process. That’s why we think a building ID is important primarily in a GIS method.

So any comments or additional feedback on that would be appreciated.

On potentials of what’s out there, we recognize other cities have challenged this question, but this is the first time that statewide we’re looking at it, so...

MR. CHANGUS: In follow-up to that, what’s the process going to be for updating new buildings as they come on and the generation of new building ID numbers and making sure that we have -- I mean, it’s not a one time in history, and even if it was, if you’re looking for all buildings prior to, and on a going forward basis it’s probably something you guys are going to manage. If it’s a new number then too versus a parcel or something else, that’s tricky and I wish you all the best, but just clarifying that’s something we’ll want to work on too as far as going forward, the process in which we get the new numbers for the new buildings, especially for the disclosable
buildings that are going to be subject to a mandate going forward.

Do you want to, while I’m here?

MR. LEMEI: Sure, since you stepped up.

In addition to the complexity -- I’m back on the topic of not just an enforceable requirement for building owners to keep information confidential, but the philosophy of the confidentiality or the protections appropriate for the information that the building owner receives.

We read the statute as reflecting a legislatively endorsed compromise as to the sort of protections that are appropriate for protection of privacy in a setting.

I mean, the legislature adopted this in part to address difficulties with AB 1103. I think Randy Walsh actually alluded to this as well. And in that context I think it’s important to think about --

So for example, in a situation where the building owner is getting the information based on tenant consent, that may be a situation where protecting the privacy of that information is pretty important.

In contrast, a situation where you have a disclosable building where some of this information
is going to be made publicly available in some form, then preservation of confidentiality may be less important or not really an issue at all, potentially. So I guess to the extent that you or any other stakeholders are commenting on that question, I just wanted to encourage being mindful or speaking to the broader legislative intent on that question.

MR. CHANGUS: Yes, and I think that this is something where there’s a lot of concern early on about actually building, even aggregated energy usage data being publicly disclosed, which based on the laundry list of metrics that you’re proposing, it’s not actual energy usage, there’s some usage intensity.

No one’s actually talking about that building usage data going beyond the building owner and potentially U.S. EPA Portfolio Manager and the CEC. And I don’t believe it’s consistent with the CEC’s legislative intent to take or allow a building owner to accumulate energy usage data to share for other purposes outside the scope of what they approved in AB 802, and that’s our concern.

And absent some sort of limitation, which is neither present in the statute nor in what we’ve seen so far as the staff proposal, that makes us a little
bit nervous.

So it’s an area that, agreed, with the Portfolio Manager score, with the information that’s going to be provided to the CEC, and then subsequently disclosed in some other fashion, that’s a separate topic than this initial piece that I’ve been raising about the actual aggregated energy usage data, the five data points that you identified earlier on that were provided for covered buildings and disclosable buildings.

And then particularly for covered buildings in which there isn’t a latter disclosure envisioned, I think we need to be very sensitive.

I realize that some of us on the utility side have a different perspective on how sensitive we should be to this issue of privacy. That’s also because we’re the ones that currently have an obligation to maintain it and are the ones that are going to be on the first line of fire if somebody does something wrong with it that was deemed inappropriate at a later time.

So we are absolutely hypersensitive to making sure customer information, aggregated or otherwise, is protected to the maximum extent possible, and we’re concerned initially having not
seen the actual draft yet. Based on what was 
presented today, we would have serious concerns. So 
we’ll explain that in greater detail in written 
comments.

MR. LEMEI: Thank you.

MR. JENSEN: All right, it doesn’t look like 
we have anything else in the room. Let’s see if we’ve 
got anything on WebEx or on the phone.

It looks like we’ve got Randy.

Go ahead, Randy. Is he unmuted? Hang on a 
second, Randy.

Randy, stand by for a minute.

Folks, we’ve got technical difficulties, as 
they say, and Laith is working on it as we speak, so 
just bear with us for a few minutes, please.

Jerry, why don’t you go ahead.

MR. YIP: Jerry from PG&E again. Yeah, it’s 
been mentioned a few times the concept of building 
ID. I do have some hesitation with that because it’s 
still sort of nebulous. Probably that definitely 
deserves some more fleshing out.

What I’m hearing is something along the 
lines of this giant master list of all the buildings 
in California, and somewhere that’s going to live, 
and I have reservations. Maybe that’s something that
could be explored as far as just the utilities assigning building IDs as they get requests, and then each utility has their own unique way of identifying their buildings so they don’t overlap with another utility.

Because that sort of suggests a whole other mapping exercise, because how do we know we’re talking about the same building if you’re going to give us a master list. Oh, this is Ninth Street, but it encompasses the entire block, that building, so you have different entrances. You say it’s Building ID 123 and it’s at address 123 Ninth Street, but we have a different address on file. We’re going to have to match that, too, so it’s a whole other exercise as opposed to as we get requests we can say we’re going to assign the building ID to this. We have a primary and a secondary address and we’ll send that to the CEC depending on if it meets the disclosure requirements. But to actually have to front load that with getting all these building IDs and exchanging that with CEC is a little concerning, that’s additional work.

MR. JENSEN: Go ahead, Abhi.

MS. WADHWA: Jerry, this is Abhi Wadhwa. I am a huge believer of laying all our cards out and
showing you where the current thinking is so you can help us refine it.

I think we should re-emphasize that we were thinking of such kind of a database in conjunction of working with you. We understand PG&E has already started some efforts in the building ID arena and we were looking to talk to you on what can be leveraged. Whether you would like a nomenclature only and continue with what you’re doing, is that more streamlined for you, and then we take it back from you.

For each utility, the resources you have available, the speed with which you can move is different, but as a state agency, when we implement a statewide program we have to make sure it will be able to cater to the smallest utility also.

The building ID that we were thinking of, and this is just some very initial thoughts, we wanted it to be spatially representative of a building so that you would click on -- the building owner potentially comes either on the utility website or on the CEC website and clicks on a specific rectangle or specific vector file and gets a barcode number associated with that shape which is spatially located so that there is no ambiguity between all of
the three parties involved -- the utility, building
owner, and Energy Commission -- exactly what building
is being talked about.

And in our mind this was a first step toward
solving that building address problem which we
thought was fairly extensive, and in talking to other
jurisdictions and other utilities who have tried to
solve it, the address matching was way too fuzzy to
be reliable.

And again, this is very conceptual diagrams
going on and our thinking. We know we have just
started these conversations on the utility working
group, but the idea is not to make it more
complicated but in fact have a common denominator
that all three entities are working from.

MR. YIP: Yeah. I mean, we’re sort of in
those initial stages as well. As you mentioned, with
the (inaudible) of AB 1103 (inaudible).

In terms of the latter proposal where it’s
some sort of geospatial tracking, that would propose
then like walking through that narrative and the
building owners go to the CEC site to get the
building ID and they subsequently provide it to the
utility, and there’s no exchange because you would
provide that geospatial visual for the building owner
so that it’s clear what they’re talking about when they say this is the building.

Unless that building owner first goes to you and then provides it to us, that doesn’t help us, the utility match it with what you’re saying, right.

We’re not going to also provide a visual.

It’s not like lat/longs can always different slightly, yeah.

MS. WADHWA: Can I make a maybe rather dumb comment? Why do we assume that Energy Commission and utilities don’t talk to each other before the building owner has come to either one of us?

MR. YIP: No, I have no problem with that. I’m saying it’s more work and I’m imagining more interfaces that need to be built, that’s all. As opposed to if it’s as simple as a business process where the building owner first goes to you, gets the ID, and then we don’t have to worry about matching what are we talking about, what the ID means, we just take it at face value once it’s been assigned by the CEC.

As opposed to they come to us and give us an address and then we have to say what does this address correspond to? Let’s check against the master list that the CEC has, and that’s another interface.
MS. WADHWA: I think we are on the same page. The only thing I want to punctuate is we don’t want you to assume that we are building this in isolation of what you might already be working with. This is still all taxpayer, ratepayer dollars. If there are efforts going on within larger utilities that are already trying to build these kind of special geo databases, then let’s work together. There’s no reason for Energy Commission to repeat this exercise for a large utility territory.

MS. CRESENCIA: Kim Cresencia, SDG&E, SoCal Gas. So meter mapping, it seems to be the big topic and we’ve been going around it back and forth at the utilities, it’s a big discussion here. I think we’ve got a little bit more direction on what you guys are thinking. Now we know the disclosable buildings, that seems to be where the threshold for why you might need to do the meter mapping. And a lot of that is in the SoCal Gas, Southern California Edison territory. I think what’s still missing from at least my thinking, and I’m very new to benchmarking. What’s the genesis; what’s the thinking in having to do this tremendous exercise?

And you mentioned that it’s because you know
that other utilities are starting it. Well, there are other utilities that aren’t starting it, so what’s the genesis of it; what was your thinking about it? Because you knew ComEd was doing it, Nextel Energy has done it? It’s still a little bit elusive to us as to what are some of the real drivers behind this huge -- it’s going to probably be in the hundreds of thousands, if not millions, maybe to do this from a utility perspective.

MS. WADHWA: By what exercise?

MS. CRESENCIA: The meter mapping. Meter mapping, building mapping, lat/long, you know. We’ve had discussions among the IOUs and we’ve had discussions among some of the vendors that we’ve been talking to do this, and they, well, it’s best practice.

Yeah, it’s best practice to know what your meter is, but really we’re not just going to do it because we think it’s best practice. It’s got to make sense, it’s got to be cost effective and it’s got a rate of return and all that.

But it’s a foregone conclusion, I think, that we have to do meter mapping, so what was the drivers behind the Energy Commission’s desire that we do this huge full blown exercise instead of doing it
like at the time of request?
Something a little bit smaller scale, not
this huge undertaking prior to and rolling out any of
this functionality.
MR. JENSEN: Right, so a couple things.
So my response, first of all, from a program
perspective as to why we need to have usage
associated with a building is so that a building
owner can request a building’s worth of data at the
building level. Just say this is the building for
which I want energy use data and get that. So that’s
why we need usage to be associated with a building.
Second thing, regarding your assumption that
all meter mapping needs to be done ahead of time,
that’s not necessarily the case. It’s certainly an
option. It’s absolutely an option for a utility to do
these as they receive a request for a building. They
could go and see which meters are serving that
building and do it that way. So yeah, that’s
certainly not a foregone conclusion that it all needs
to happen ahead of time.
Do we have any more in the room?
MS. SMITH: Kellie Smith with the Efficiency
Council. I just want to build a little bit up on the
comment that Jonathan Changus brought up about access
to data, and it may not be necessarily within the scope of this regulation. However, I wouldn’t want this regulation to also go so far as to forever preclude a building owner from working with their tenants to disclose that data to third parties such as engineers that are going to come in to work on efficiency improvements for the complex.

And increasingly data analytics are critical to that work, especially as we see baseline and normalized meter consumption rollout and the other provisions of AB 802. So if you could keep that in mind as you may address the issue that Jonathan raised.

And I had a little sidebar, I think Jonathan would agree with that.

MR. JENSEN: Great, thank you.

Any other comments in the room?

Okay, it looks like we’re up. We had technical difficulties and I apologize if it looks like we were unable to unmute people who may have wanted to be unmated. So let’s go first to see what we have on the WebEx.

Beth, go ahead, please. Do we have a last name? Beth Gucciardi, do you have a question?

Randy, go ahead, please.
MR. WALSH: Yeah, can you go to the slide of approximate building and property counts? It’s early on. I think maybe -- yeah, okay. I want to make sure I’m understanding this.

So according to CoStar, your or their definition of commercial is 287,000 buildings that fall under that category.

But according to AB 802, all of those buildings would be able to request the data regardless of the meter counts, and a building that needs to be disclosed, a small subset of that, is 6,952 buildings with 2 or more tenants and 50,000 square feet of rental area.

So your best case scenario is you would see 6,952 reports. Am I understanding that correctly?

MR. JENSEN: You are understanding it correctly, yes.

MR. WALSH: Okay. So of those 6,952 how many of those buildings are in municipalities that will be exempt because they have a local process in place?

MR. JENSEN: We are working on that. We should know shortly but we don’t know now.

MR. WALSH: Okay. And then you subtract for whatever reason buildings that don’t have 12 months or they’ve been vacant or they’re going to be
demolished. You’re ending up with a pretty low number there. And of that low number that’s left, if you’ve got triple net leases in place, there’s really not much the owner and the tenants are going to want to do to improve the energy efficiency performance of the building.

If you run the same scenario over on the multi-family side, you probably have less control over the energy use in occupied space.

So I think you need to look at these numbers and what the total dataset may be and really question whether or not this is even cost effective.

I’m assuming we’re talking about millions of dollars in programming and technology and systems that need to be put in place, and at the end of the day, according to this, you’re not going to get much data. So I’m just throwing that out. I think that needs to be looked at pretty closely.

MR. JENSEN: Yeah, thanks Randy. And so that’s consistent with what Barry was saying this morning, we’re losing by going to only three-plus for disclosable on the commercial side where it looks like we’re losing quite a bit of the building population, so we’re certainly planning to revisit that. This is not set in stone, the different levels
that we’re using.

MR. WALSH: You might go down to 50,000 or you might go down to 20,000.

MR. JENSEN: We’ll look at both the building size and the number of accounts.

MR. WALSH: A question on the Portfolio Manager, the buildings that are in there, and I know you have some caveats. But those numbers are individual building counts as of December 31st of each of those years in the chart, right? There’s nothing that says we have X number of buildings that have been benchmarking energy use for three years, or four years, or five years. Do I understand that correctly?

MR. JENSEN: Would you mind repeating the question?

MR. WALSH: Yeah. You’ve given this chart showing the total number of buildings benchmarking energy as of December 31st, I think you did 2013, 2014, and 2015. Those are three distinctly different numbers. There’s no tracking of buildings that have been benchmarking for all three years or benchmarking for two years or only benchmarking for one year, right?

MR. JENSEN: The numbers that we’re showing
are numbers of buildings that are in Portfolio Manager.

Stand by, it looks like there’s an error in our data and we’re going to make a statement on it. Hang on a second.

MR. WALSH: The number of 11,110?
MR. YOUNIS: Yeah, that is actually incorrect. In Portfolio Manager buildings over 50,000 square feet is 19,312. It does not perfectly match with the multi-family 17-plus. 19,312.

All buildings also needs a correction to 49,394. Apologize about that.

MR. WALSH: Okay, can you put that back up, then?
MR. JENSEN: Yeah.
MR. WALSH: Okay. So right now the subject time period for that in Portfolio Manager is 19,000 buildings is including in buildings that you counted December 31st of 2013, 2014, and 2015, or (inaudible) as of March 2nd?

MR. JENSEN: So Laith, let me know if -- this is the buildings that were in Portfolio Manager in December 2015.

MR. WALSH: Okay. There’s no control on the EPA side and it sounds like Leslie Cook is
participating in this, and I don’t think your caveats or conditions here, I don’t see anything done to match addresses. So there’s a great possibility that you could have two, three, four different Portfolio Manager accounts around the same building. Have you guys sort of cleaned that up?

MR. JENSEN: No. That’s correct, and I mentioned that earlier, the same building can be entered multiple times by multiple people in Portfolio Manager.

MR. WALSH: Right, so this 19,000 number is not an accurate number.

MR. JENSEN: Right, so that’s not necessarily unique buildings, good point.

MR. WALSH: Okay. I was just trying to see sort of what the voluntary. And even in those how many are in there because they’re required to by the local ordinances? Just trying to get an idea of how much voluntary benchmarking there is.

If voluntary benchmarking is being done, is it being done completely; do they have all the data? And if that’s the case, do you then have an idea of the number that you see how many additional buildings of those covered buildings might end up benchmarking energy usage to make the data more easily available
to them. And then I think you need to also look at that in terms of the cost effectiveness of a statewide effort.

MR. JENSEN: Okay. Point taken, thank you. So we’ve got no one else on WebEx. We’re going to try the phone lines. Does anyone want to try? Okay, let’s -- oh.

Rich Chien, are you wanting to ask a question? Stand by, Rich. Okay.

So let’s -- okay, it looks like there are no more questions or comments. Okay, so we’re concluded. We’ve got contact information up here for both me and Laith. We both also have business cards. So thanks very much for coming, and we look forward to working with you further.

(Adjourned at 2:20 p.m.)

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I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were reported by me, a certified electronic court reporter and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

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