

DOCKETED

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PG&E Comments on the Initial Staff Proposal to Implement AB 802

Additional submitted attachment is included below.

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**POSTED ELECTRONICALLY TO
DOCKET 15-OIR-05**California Energy Commission
Dockets Office, MS-4
Docket No. 15-OIR-05
1516 Ninth Street
Sacramento, CA 95814-5512Re: Docket 15-OIR-05: Pacific Gas and Electric Company Comments on Initial Staff Proposal to Implement Building Energy Use Data Access and Public Disclosure Provisions of AB 802**I. Introduction**

Pacific Gas and Electric Company (PG&E) appreciates the opportunity to provide comments on the Initial Staff Proposal to Implement Building Energy Use Data Access and Public Disclosure Provisions of AB 802 (Initial Proposal or Proposal) discussed at the workshop held on March 25, 2016.¹

PG&E is a strong proponent of energy efficiency, the first resource in the state's loading order, and has long supported the requirement to pursue all cost-effective energy efficiency. From 2010 to 2014, PG&E's energy efficiency programs helped customers avoid the release of more than 2,000,000 metric tons of carbon dioxide (CO₂), which is equal to the annual GHG emissions from nearly 460,000 passenger cars or more than 1,400,000 homes in PG&E's service territory.² AB 802 is intended to further help building owners partner with energy efficiency service providers and utilities to make progress towards Governor Brown's goal of doubling energy efficiency in existing buildings by 2030. AB 802 also requires safeguarding customer data and privacy as a priority for its implementation.

PG&E appreciates the effort of staff to incorporate stakeholder feedback from the AB 802 working group meetings. The comments below focus on questions of data privacy, customer authorization, ownership verification, and other aspects of program implementation which require further consideration by stakeholders and staff. Comments are arranged by the same section designations as used by the Initial Proposal.

¹ California Energy Commission. *Presentation – Initial Staff Proposal to Implement Building Energy Use Data Access and Public Disclosure Provisions of AB 802*. 15-OIR-05. March 24, 2016.
http://docketpublic.energy.ca.gov/PublicDocuments/15-OIR-05/TN210858_20160324T162411_Presentation_March_25_2016_AB_802_Benchmarking_Staff_Workshop.pdf

² PG&E Internal Data from Customer Data Warehouse, 2010-2014 inclusive.

II. Definitions

Building ID Number: The Initial Proposal calls for the creation and management of a system to assign unique building identification numbers to each building that would be consistent across utility service territories. PG&E sees some advantages in this approach, but urges the CEC to flag this issue as a key item for immediate discussion at the next working group/workshop. Implementation details need to be solidified quickly to allow the utilities time to avoid impacting the delivery of other program elements.

Utility Account: The Initial Proposal defines “utility account” as “an agreement between a utility and its customer to provide energy to a predetermined location.” This definition seems to imply that an account is determined by a service agreement at a metered location. Another way to define utility account would be to link the definition to an individual customer.

The distinction is important, because AB 802 relies on the number of utility accounts to determine authorization thresholds for disclosure, and the current definition could make the information of a single customer with multiple accounts disclosable, making their energy usage data public in a readily interpretable form.

PG&E asks that the CEC clarify the definition of “utility account” with respect to authorization thresholds.

III. Data Access

Automated Data Exchange Implementation Dates: The required utility implementation date of automated data exchange with Energy STAR Portfolio Manager is August 1, 2017 according to Slide 18 of the Initial Proposal; however, statute requires utilities to provide data upon request beginning January 1, 2017. PG&E seeks clarification as to the expectation for delivering aggregated usage data to a Building Owner’s Energy STAR Portfolio Manager Account during the interim between the two dates.

Combination of Some Data Constitutes Personally Identifiable Information (PII): Some of the data elements listed on Slides 19 and 21 of the Initial Proposal constitute PII and thus not deliverable to building owners and operators. Public Resources Code Section 25402.10(c)(2) only requires utilities to deliver “aggregated energy usage data.” PG&E follows data minimization principles and would like to better understand how releasing customer name and meter number(s) will aid in the benchmarking process.

“Valid Request” Must Be Defined Specifically: Slide 23 of the Initial Proposal requires that a “utility shall provide the information required by these regulations within four weeks of receiving a valid request.” The term “valid request” requires authentication and verification standards for authentication of building ownership or agency authorization.

AB 802 Requires Individual Customer Account Authorization: Slide 24 of the Initial Proposal states that a utility “may require” individual customer authorization for turning over building energy use data in buildings with three or fewer, non-residential utility accounts. Public Resources Code 25402.10(c)(2)(B) requires affirmative, express customer

authorization. The language in the Initial Proposal should be changed to reflect the fact that express customer authorization is required.

Existing Law Prohibits “Opt-Out” Authorization: Slide 26 of the Initial Proposal states that “no customer response to this notification within fourteen calendar days shall constitute permission to share the data.”

Public Resources Code 25402.10(c)(2)(B) does not permit “opt-out” processes for customer consent. This element of the Initial Proposal must be updated to require express, affirmative customer authorization.

IV. Public Disclosure

Account Type Is Best Determined by the Customer System of Record: The distinction between residential and non-residential account types is an important element of the Initial Proposal which may be approached differently by different utilities. PG&E’s preference is to designate account types based on the customer classifications in the Customer System of Record. This issue merits further stakeholder discussion regarding how the determinations can be made consistently across Utilities and verified.

Utility Responsibility for Some but Not All Data Elements: The Initial Proposal identifies a number of data elements on Slides 36 and 37 as disclosable. PG&E understands that data elements on Slides 36 and 37 are the reporting responsibility of owners of disclosable buildings, and not the utilities. PG&E interprets disclosable data elements for which Utilities are responsible to report to CEC as those identified in Slides 19 and 21.

V. Additional Clarifications

Approximate Buildings and Property Counts: The estimated number of buildings provided by Costar and shared by the CEC on slide 6 of the Initial Proposal is useful. PG&E’s initial analysis indicates approximately 425,000 buildings in PG&E’s service territory with a unique premise address. However, these premise addresses are not necessarily indicative of a single building structure, as some buildings have multiple premise addresses while others have multiple individually owned parcels. Understanding the estimation assumptions used by Costar would be helpful in refining PG&E’s estimate of the number of individual building structures in the company’s service territory.

VI. Conclusion

PG&E appreciates the opportunity to comment on the Initial Proposal, and looks forward to continuing to collaborate with staff as the implementation of AB 802 advances.

Sincerely,

/s/

Nathan Bengtsson