

DOCKETED

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Comments on on Notice of Proposed Action, Proposed Regulations, Whole-Building Energy Use Data Access, Benchmarking, and Public Disclosure

Additional submitted attachment is included below.

April 10, 2017

**SUBMITTED ELECTRONICALLY TO
DOCKET 15-OIR-05**California Energy Commission
Dockets Office, MS-4
Re: Docket No. 15-OIR-05
1516 Ninth Street
Sacramento, CA 95814-5512**Re: AB 802 Building Benchmarking – Comments of Pacific Gas and Electric Company on
Notice of Proposed Action, Proposed Regulations, Whole-Building Energy Use Data Access,
Benchmarking, and Public Disclosure**

Pacific Gas and Electric Company appreciates the opportunity to provide additional comments to the California Energy Commission (CEC) on its Notice of Proposed Action and Proposed Regulations to implement the building energy use data access and public disclosure provisions of AB 802.

Customer Outreach

Sections 1681(b)(4)(A)(i)(2) and 1681(b)(4)(B) of the proposed regulations direct utilities to notify customers and building owners or owner's agents under different data request scenarios. The responsibility for obtaining permission to share energy usage data should remain with the building owner who has the business relationship with the customer. Requiring PG&E to reach out to customers on behalf of the building owner would insert PG&E inappropriately into the relationship between the building owner and tenant. Furthermore, configuring PG&E systems to contact customers by postal or electronic mail to handle these requests would require significant effort and costs while potentially delaying the process. PG&E is prepared to offer a template letter to building owners or owner's agent that they can customize and then send to customers via postal or electronic mail.

Active Account Definitions

Section 1681(a) of the proposed regulations defines an Active utility account as one that has received energy in each month during the time period energy data usage is requested. This definition creates unnecessary logistical challenges when the utility determines whether or not authorization threshold levels have met. Buildings requiring authorizations will likely have tenants who have moved out of the building during the requested time period. The utility would no longer have updated contact information for previous tenants, which would delay authorization outreach attempts or make them quite ineffective. This would also require significant effort and costs to configure PG&E systems to evaluate and process authorization threshold calculations on a monthly basis. PG&E has already invested in system improvements to meet the definition of the draft regulations from July 2016 and feels that an Active Utility Account should be defined as follows: A Utility Account under which a building received Energy

at any time within the time period for which Energy use data is requested, and is currently active at the time of request.

Mandated Customer Consent to Public Disclosure of Confidential Customer Information, Including Buildings with 16 or Fewer Residential Accounts

Section 1682(b)(4)(A)(ii) of the proposed regulations requires that the consent provided by customers to disclosure of their confidential energy use data must also include consent to public disclosure of that information by the Energy Commission pursuant to section 1683(c). However, nothing in AB 802 permits the Energy Commission to disclose individual customer energy use data to the public; only the aggregated building energy use is disclosable to the public and buildings with 16 or fewer residential accounts are expressly exempt from collection or delivery of energy usage information to the Commission. (Public Resources Code 25402.10(d)(1).) Section 1682(b)(4)(A)(ii) should be revised to remove the requirement that a customer consent to sharing their confidential energy use data with a building owner also authorizes the disclosure of the information to the Energy Commission and the public.

Thank you for the opportunity to provide these additional comments.

Very truly yours,

/s/

Valerie Winn