

DOCKETED

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San Diego Gas & Electric Comments on the AB 802 Regulations

Attached is one of 3 documents that should be posted together which are cover letter, comments, and an exhibit, which are SDG&E's response to the AB 802 Regulations. The attached document are Comments.

Additional submitted attachment is included below.

SAN DIEGO GAS & ELECTRIC COMPANY (SDG&E)
SOUTHERN CALIFORNIA GAS COMPANY (SCG)
Building Energy Use and Public Disclosure Program Mandated Under Assembly Bill AB802
Docket Number 15-OIR-05, TN #216203
AB802 Benchmarking Express Terms (Proposed Regulations)
Comments and Recommendations
April 7, 2017

ATTACHMENT

	Reference	Comment	Recommendation
1	Definitions, Section 1681(a): Active	<p>The AB802 Benchmarking Proposed Regulations currently defines an “Active Utility Account” as an account that received “energy <i>in each month</i> during the time period which energy data was requested.” The July 22, 2016 Draft Regulations defined a utility account active if the “building received Energy <i>at any time</i> within the time period for which Energy use data is requested.”</p> <p>The change in term from “in each month” to “at any time” significantly impacts the determination of a Covered Building (Section 1681(e)) and the threshold for which a utility needs to obtain customer permission (Section 1682(b)(4)).</p> <p>Under the current “in each month” definition, there would be significantly more instances where the Utility would have to determine whether an account was active each month during the requested time period, and obtain customer permission retroactively for each month that the threshold for customer permission was not met. This is problematic for both the Utility and the Building</p>	<p>SDG&E and SCG recommend that the regulations maintain the term “at any time” from the July 22, 2016 Draft Regulations. SDG&E and SCG believe the “at any time” term results in the most streamlined implementation of the regulations, affords the greatest flexibility and meets the spirit of AB802 to provide whole-building energy usage data to a Building Owner.</p> <p>In addition, SDG&E and SCG suggest the following two definitions to provide further clarification on the determination of the thresholds for Covered Building and customer permission.</p> <ul style="list-style-type: none"> • Utility Account: A utility account includes accounts under which the building received Energy <i>at any time</i> within the time period for which Energy use data is requested <ul style="list-style-type: none"> ○ <i>Note:</i> Utility will provide usage data for all utility accounts with usage during the request period. • Active Utility Account: A utility account that is active at the time of request and is used to

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		<p>Owner as it requires contact with past customers and past tenants who are no longer present, may be unreachable and have no incentive to provide permission.</p> <p>Please refer to Exhibit 1 for further illustration of the changes between the two definitions.</p>	<p>determine if the threshold requirements are met for Covered Building and customer permission.</p> <ul style="list-style-type: none"> • <i>Note:</i> Defines uniform method for threshold determination and alleviates the need to retroactively seek customer consent.
2	<p>Definitions Section 1681(d): Building Owner</p>	<p>The definition of Building Owner has been changed to “The Person listed as the Building Owner on the current deed or the most recent mortgage statement for the property on which the building for which Energy use data is requested is located”.</p> <p>The inclusion of the word “property” could allow the owners of land being leased to a Building Owner to also obtain energy usage data under this regulation.</p> <p>SDG&E and SCG do not believe it is the intent of the AB802 Statute or the CEC to allow landowners to also obtain energy usage data from tenants of buildings on their properties.</p>	<p>Revise the definition of Building Owner. “The Person or party listed as the Building Owner on the current deed <u>or ground lease</u> or the most recent mortgage statement for the building for which Energy use data is requested.”</p>
3	<p>Data Access, Utility Requirements Section 1682(b)(1)(A)</p>	<p>Only the last four digits of each meter number involved in the aggregation needs to be reported back to the requester.</p> <p>SDG&E and SCG have determined that meter number is not considered personally identifiable information (PII) and plans to provide full meter numbers to a Building Owner.</p>	<p>Revise the language. “<u>At a minimum</u>, the last four characters of the meter number for each meter serving the building.”</p>

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4	<p>Definitions Section 1681(c): Building Identification Number</p> <p>Data Access, Data Request and Utility Requirements Sections 1682(a)(1)(B) 1682(b)(1)(B)</p>	<p>Section 1681(c) states that the Building Identification Number (BID) will be listed on the California Energy Commission (CEC) website.</p> <p>Section 1682(a) allows a Building Owner to request energy usage with a Building Identification Number (BID), if available. Section 1682(b) requires the Utility to provide the BID, if available.</p> <p>While both SDG&E and SCG plan to include a field in their systems to be able to capture and collect the BID, no further development of system logic for the BID is possible because no information is provided. For one example, the format or structure of the BID or BID database is unknown. For another, access to the BID by the Building Owner or Utility is unknown as well. In addition, the Utility would need to understand how the BID relates to building addresses.</p> <p>SDG&E and SCG would like to avoid any rework of system development.</p>	<p>SDG&E and SCG recommend that BID be deleted from the regulations if the concept of the BID is not developed by the time the regulations are finalized.</p> <p>In addition, we request that the CEC include the utilities during the development of the BID in order to facilitate understanding on both sides of the intent, and system needs and potential constraints or challenges.</p> <p>For example, the CEC may incorporate aspects of the CA District Schools (CDS) Codes for Proposition 39.</p>
5	<p>Data Access, Utility Requirements Section 1682(b)(4)</p>	<p>Utility account contact information is primarily for the purpose of billing and emergency notifications, and is sometimes associated with offsite Accounts Payable groups. Additional contact information may be available for certain customers and for specific purposes, but not for all, and may have not been kept current by the customer.</p>	<p>Revise the pertinent parts of the regulation to require Building Owners or Owner’s Agents to provide and follow up on the authorization requests to their tenants. This would help to ensure that customer permission is obtained in a timely manner. The utilities can help to facilitate this process.</p>

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	<p>Requiring the utility, rather than the Building Owner or Owner’s Agent, to send authorization requests could lead to delays in receiving customer permission, as the recipient tries to determine who in their company is authorized to sign such documents.</p> <p>In addition, requiring the utility, rather than the Building Owner or Owner’s Agent, to obtain authorization requests inappropriately places the responsibility on the Utility and infringes on the relationship between the Building Owners and their tenants.</p>	
6	<p>Violations and Enforcement, Violations by a Utility Section 1685(b)(1)</p> <p>Current wording makes it a violation of the Utility is unable to comply due to circumstances beyond its control.</p>	<p>Revise to read. “<u>Willfully</u> failing to comply with the requirements of section 1682(b).”</p>
7	<p>Added Section 1686</p> <p>SDG&E recommends that language be included to allow for future technical enhancements that may surpass existing standards, in terms of providing reasonably accurate and reliable data while protecting customer privacy. Differential privacy may be one example of such a technology.</p>	<p>Add in appropriate section: “As new technologies for aggregating data and/or protecting customer privacy become available, the CEC may establish standards regarding the masking or aggregation of customer data using such technologies, if such technologies 1) provided aggregation in a manner no less accurate than current standards, and 2) reasonably protect customer privacy to a degree equal to or better than existing standards. Should the CEC adopt any such standard, the utility may add, enhance or replace existing systems and business processes to support the new technology.”</p>