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On Data Collection Workshop

Additional submitted attachment is included below.

BEFORE THE CALIFORNIA ENERGY COMMISSION

In the Matter of:

Developing Regulations, Guidelines, and Policies for Implementing SB 350 and AB 802

Docket No. 16-OIR-03

RE: Title 20 Data Collection Regulations to Support New Analytical Needs

JOINT COMMENTS OF THE CALIFORNIA MUNICIPAL UTILITIES ASSOCIATION AND SOUTHERN CALIFORNIA PUBLIC POWER AUTHORITY ON STAFF WORKSHOP ON TITLE 20 DATA COLLECTION REGULATIONS

The California Municipal Utilities Association and Southern California Public Power Authority (“Joint POUs”) appreciate the opportunity to provide these joint comments to the California Energy Commission (“Commission”) on the *Staff Workshop on Title 20 Data Collection Regulations to Support New Analytical Needs* (“Workshop”) held on September 26, 2016. At the Workshop, Commission staff reviewed and discussed proposed modifications for the Title 20 data collection regulations. The proposed regulations (provided as a working draft circulated in advance of the Workshop) are intended to “help the Commission in implementing Senate Bill (“SB”) 350 and Assembly Bill (“AB”) 802” and could impact load-serving entity (“LSE”) data collection and disclosure.¹

I. JOINT COMMENTS

A. The Commission Should Encourage a Framing of Data Collection Goals

As part of the Workshop and working draft, Commission staff provided a brief background on the goals and intent of the proposed regulations. Specifically, the working draft states that the Title 20 regulations are designed to help implement SB 350 and AB 802, and clarify existing information.² In light of these stated goals, future iterations of proposed regulations would benefit

¹ Title 20 Data Collection Working Draft Document at 1.

² *Id.*

from a description or framing of how the proposed changes can best assist SB 350 and AB 802 implementation.

For example, can some of the Commission's goals be achieved through additional analysis of existing data (such as existing Section 1304 power plant reports)? Would data gathered or planned to be gathered in the context of other Commission proceedings (such as the AB 802 rulemaking or IEPR proceedings) assist the furtherance of these goals? Is there a way that some proposed data requirements (such as hourly data sets) can be simplified to make the information collection and analysis process more streamlined? These are all questions that may benefit this Title 20 process. Since these proposed regulations relate to the very first pre-rulemaking meeting, the Joint POUs understand that Commission staff may continue to frame these goals, and appreciate the Commission's efforts on this front.

B. Coordination with and Reference to Existing Proceedings Related to SB 350 and AB 802 Implementation Will Benefit this Title 20 Effort

Presently, the Commission is conducting several other proceedings related to AB 802 and SB 350 implementation, and this Title 20 effort could benefit from coordination with other proceedings. For example, the Commission is examining transportation electrification efforts related to SB 350's implementation,³ which may impact the necessity of certain PEV information under proposed Section 1306(b). Similarly, the information proposed for disclosure in Section 1306(b) appears to overlap somewhat with required energy usage information requested for proposed AB 802 data collection in 15-OIR-05 and existing SB 1 materials provided annually to the Commission. Commission staff should review and draw from these existing efforts to better enable a streamlined and cohesive data collection process.

³ See, e.g., developments in 16-TRANS-01.

C. The Commission Should Align Information Collection Policies Across Proceedings and Encourage Data Collection Collaboration

Data collection, especially related to emerging technologies, is a collaborative effort that requires coordination between Commission staff and stakeholders. In light of this effort, there does not appear to be a rationale for the working draft's departure from the collaborative approach in the existing Title 20 regulations to the proposed use of Public Resources Code 25321 to obtain missing information, which could result in statutory penalties for missing information despite an entity's good faith efforts to comply with new data collection requirements. This new approach in the working draft contrasts with the approach in existing Commission proceedings related to energy use information that is requested by statute, such as the Commission's AB 802 energy use data collection rulemaking (15-OIR-05), which have developed notice and cure periods to ensure fair and effective data collection. Here, much of the data requested is new and not requested in statute, and thus the Joint POU's encourage the Commission to maintain the existing collaborative approach for Title 20 data collection.

As data reporting may be an iterative process between LSEs and Commission staff, requiring clarifications on assumptions or information submitted, the Joint POU's encourage the Commission to establish single points of contact for each reporting entity to correspond with. This contact could assist with coordination across Commission offices to help limit duplicative data submission to the greatest extent possible; such coordination would benefit the Commission, the reporting entities, and the general public reviewing data made available by the Commission.

Publicly owned utility representatives have previously suggested that the Commission create a single website for public utility compliance reporting. Reporting templates and submitted data/information for all Commission-required reports from publicly owned utilities could be posted on this page. This solution would be much easier to navigate for utility staff and the general public

than under the existing process.

D. A Holistic Review of the Data Sources is Needed

Presently, the proposed regulations request data from LSEs and UDCs that may not be available or are difficult to obtain access to. Though the proposed Section 1344 requests various meter and behind-the-meter data, metering infrastructure throughout California is not homogenous, and detailed information may not be available at the granular detail proposed by the Commission. Proposed Section 1304(b) requests data for each power plant and adds energy storage devices, but removes the 100 kW baseline, which will substantially complicate data collection. Similarly, challenges in providing disaggregated EVSE information and determining the owner of networked stations further complicates the proposed data collection. Other types of data may be better retrieved from other sources. For example, proposed Section 1344(g) EVSE manufacturing information could be better obtained from suppliers, and PEV-related registration information in Section 1306 may be more in the purview of the California Department of Motor Vehicles.

Particularly for smaller LSEs and UDCs, the amount of detailed interval data proposed for collection by the Commission will result in an undue impact on the limited administrative resources of those entities. To reduce the administrative impact on smaller entities, the Commission should maintain the existing Title 20 regulation's limitation on hourly load data requests to those with 200 MW or more of peak demand, such as at Section 1344(a)-(b), as well as maintain the existing 1000 MW peak demand cap on UDC hourly load estimates in Section 1344(c).

Similarly, the Joint POUs would support inclusion of an optional cost limitation mechanism. An LSE could opt to use the provision to cap costs incurred as part of Commission reporting compliance and prevent disproportionate rate impacts to customers.

E. The Privacy of Customer Data Should be a Priority

The Commissions should consider that data ownership and privacy issues in connection with the proposed regulations. As proposed, some of the data to be collected may be owned by private companies and the extent of customer specific information (such location and hourly usage) will provide detailed information about customer activities. The California Legislature has long emphasized the importance of customer privacy concerning customer location and usage data, which can be provided to governmental agencies when “necessary” and in an aggregated form.⁴ The Commission should conduct further review on how to collect and maintain this sensitive data in a manner that protects customer privacy interests.

II. CONCLUSION

The Joint POU's appreciate the opportunity to provide these initial joint comments to the Commission, and looks forward to continue working with staff on Title 20 Data Collection and achieving the goals of SB 350 and AB 802.

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⁴ See, e.g., Cal. Gov't Code § 6254.16(b).