

DOCKETED

Docket Number:	16-OIR-03
Project Title:	Energy Data Collection
TN #:	214086
Document Title:	Balancing Authority of Northern California (â€œBANCâ€) Comments: On Title 20 Data Collection Regulations
Description:	N/A
Filer:	System
Organization:	Balancing Authority of Northern California (â€œBANCâ€)
Submitter Role:	Public
Submission Date:	10/17/2016 4:34:47 PM
Docketed Date:	10/17/2016

Comment Received From: Balancing Authority of Northern California (â€œBANCâ€)

Submitted On: 10/17/2016

Docket Number: 16-OIR-03

On Title 20 Data Collection Regulations

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

COMMENTS OF THE BALANCING AUTHORITY OF NORTHERN CALIFORNIA ON PROPOSED CHANGES TO THE TITLE 20 DATA COLLECTION REGULATIONS

The Balancing Authority of Northern California (“BANC”) appreciates the opportunity to provide these 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. The Workshop included a presentation from staff, as well as comments and input from stakeholders on the proposed amendments to the current Title 20 Data Collection Regulations. At the workshop, Commission staff indicated that this proceeding is in the early, pre-rulemaking phase, and as such that staff are seeking comments from interested parties regarding the currently proposed changes to the regulatory language of Title 20.

The Commission is currently proposing additional regulations that, *inter alia*, would require balancing authorities to collect specific information for each generating unit and storage facility that is either interconnected to or scheduled into the balancing authority area, including hourly net output. This particular proposal amounts to a shift away from the kind and level of data that previously was provided by balancing authorities under Title 20, to a new level of granularity which will result in a substantial amount of additional data that must be provided by balancing authorities. Though BANC understands that the language which was reviewed at the Workshop is still in draft form, BANC has several concerns regarding the amount and type of data that is being

requested. Therefore, BANC appreciates this opportunity to address this particular proposal as well as other issues that remain unsettled in the proposed draft language.

I. INTRODUCTION

BANC is a Joint Powers Authority (“JPA”) consisting of the Sacramento Municipal Utility District (“SMUD”), the Modesto Irrigation District, Roseville Electric, Redding Electric Utility, the Trinity Public Utilities District and the City of Shasta Lake and is the North American Electric Reliability Corporation (“NERC”)-registered balancing authority for its members.¹ The BANC balancing authority area also hosts the California-Oregon Transmission Project (“COTP”), a 340-mile long, 1600 megawatt, 500-kilovolt (“kV”) Alternating Current (“AC”) transmission line between the California-Oregon border and Central California² owned by the Transmission Agency of Northern California (“TANC”)³ and the Western Area Power Administration-Sierra Nevada Region (“WAPA-SNR”) which operates within the BANC footprint and participates in BANC activities, but neither TANC nor WAPA-SNR are BANC members at this time.

BANC appreciates the efforts of Commission staff to solicit input from interested stakeholders in the crafting of the modifications and amendments to the Title 20 regulatory language, and looks forward to continuing participation in this process.

¹ BANC assumed the balancing authority role from SMUD on May 1, 2011.

² The COTP is one of the three 500 kV AC transmission lines composing the California-Oregon Intertie or “COI,” connecting the Pacific Northwest and California. The three lines are operated as a single transmission path, referred to as Path 66.

³ TANC is a JPA established by a group of California publicly-owned utilities in 1984. TANC's current membership includes 15 publicly-owned utilities in the cities of Alameda, Biggs, Gridley, Healdsburg, Lodi, Lompoc, Palo Alto, Redding, Roseville, Santa Clara, and Ukiah, as well as the Sacramento Municipal Utility District, the Modesto Irrigation District and the Turlock Irrigation District. The Plumas-Sierra Rural Electric Cooperative is an Associate Member.

II. COMMENTS

A. Proposed Amendments to Section 1304. Power Plant Reports and Section 1305.

Control Area Operator Reports

The current proposed regulatory changes would maintain a subsection in Section 1305 concerning quarterly reports on interchanges, and new additions to Section 1304 would require quarterly reports that would replace the information that is currently provided under Section 1305, as well as additional information that was not previously provided. Section 1304 outlines the requirements for Power Plant Reports, and the proposed regulations add requirements for reports from balancing authorities. As mentioned above, these proposed regulations may require balancing authorities to collect hourly data, which would be submitted on a quarterly basis.

Given the level of granularity the Commission is now seeking, BANC's compliance with these new regulations will require creation of new, special processes in order to generate and provide the requested data. This includes data related to scheduling between neighboring balancing authorities that would require development of a daily manual process to meet the reporting requirements. This is additive to the ever-increasing administrative reporting requirements being provided to multiple agencies and reliability organizations, such as NERC, Western Electricity Coordinating Council, and the Peak Reliability Corporation. BANC therefore requests that any iteration of the proposal consider the administrative burdens being imposed and the necessity of those burdens.

Moreover, as data requests become more granular, the risk to confidentiality increases as well. Thus, the Commission should be mindful of the data ownership and privacy issues that arise in connection with the draft regulations. As proposed, some of the data to be collected may be owned by private companies and the extent of generator specific information (such as hourly net output) will provide detailed, proprietary and potentially market sensitive information regarding

how each entity operates its own system. Therefore, BANC requests that the Commission staff work with the impacted entities to ensure the requested data is narrowly tailored to meet the specific needs of the Commission, to the extent those needs are supported by statute, and that existing confidentiality protections for sensitive data are sufficient for any new data requirements adopted. As discussed further in II.B, below, the basis for the need to collect significantly more granular data has not been clearly articulated by the Commission or Commission staff. BANC hopes that this process will provide more clarity on this point.

i. Lack of Explicit Lower Limit of Data Requested from Balancing Authorities

As raised by SMUD during the public comment period at the Workshop, BANC would like to highlight that the draft regulations in their current form do not appear to contain a lower limit on the balancing authority data that is being requested. Thus, the draft regulations leave open the possibility of requiring the balancing authority to go down as far as the residential PV level. Although Commission staff clarified at the Workshop that all resources identified are on the utility side, not the distributed generation side, BANC seeks to ensure the regulations are revised to be clear on this point.

B. BANC Questions the Commission Need for this Level of Granular Data

Given the additional burden that compliance with these new regulations imposes upon balancing authorities, BANC questions whether the Commission is requesting data that may be in excess of that which is needed by the Commission to perform its obligations. It does not appear that the Commission has clearly articulated a reason for, or whether there is presently a need for this level of granular data at this point in time. Furthermore, there has not been any discussion of whether perhaps the same data collection objectives might be accomplished in a less onerous

manner. BANC requests that the Commission clearly articulate the proposed boundaries and use for these new data requests, such as the hourly transmission system loading.

Public Resources Code 25320(a)(1) clearly defines the intent of the legislature with respect to collection of information needed to support the Commission's energy policy analysis; the legislature directed that such information should be obtained from stakeholders in the most cost-effective and efficient manner. BANC suggests that the Commission consider revisions to the proposed regulations that further this cost-effective and efficient method objective. Furthermore, the Public Resources Code encourages the Commission to align the collection of data to be consistent with the schedule of the integrated energy policy report. On that note, BANC encourages the Commission to explore how data collection is being conducted in other proceedings, and to align these data collection processes to greatest extent possible in order to streamline all of these processes.

C. Section 1353. Failure to Provide Information

BANC fully anticipates that it will be able to comply with the new regulations and is supportive of the state's ambitious goals as outline by Senate Bill 350 ("SB 350"), including integrating more renewable resources onto the grid in order to achieve the renewable electricity procurement goal of 50 percent by 2030. To realize the ambitious goals of SB 350, the Commission and the entities it regulates will need to collaborate. However, the draft proposed regulations include a new section, Section 1353, which authorizes the Commission to take certain action in the event of a failure to provide information pursuant to Sections 1301-1352. Specifically, proposed Section 1353 authorizes the Commission to assess significant statutory penalties under Public Resources Code Section 25321.

Since the level of data requested represents a change and an increase in the level of data which was requested previously, BANC believes that authorizing the Commission to assess such significant statutory penalties, as proposed, is not indicative of a collaborative process. BANC believes that allowing for at least a greater opportunity to correct a violation would emphasize a focus on collaboration. Therefore, with the intent of fostering a more cooperative environment at the Commission, BANC suggests amending Section 1353 to include, at a minimum, a 60-day opportunity to cure period to allow reporting entities to correct any violations that may be identified by the Commission prior to taking actions in order to enforce penalties. BANC would also suggest that an initial grace period should be considered for the first year of any data collection to allow entities to work with the Commission to resolve any issues or concerns.

III. CONCLUSION

BANC appreciates the opportunity to provide these comments to the Commission, and since this proceeding is still early in its development, looks forward to continue working with staff on developing Title 20 Data Collection regulations.

Respectfully submitted,

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