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On Staff Workshop 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 CALIFORNIA MUNICIPAL UTILITIES ASSOCIATION
ON STAFF WORKSHOP ON TITLE 20 DATA COLLECTION REGULATIONS**

The California Municipal Utilities Association (“CMUA”) 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 November 16, 2016. At the Workshop, Commission staff provided updated draft language (“Draft Language”) for the Title 20 data collection regulations “related to the Energy Commission’s implementation of electricity and natural gas demand forecasting under SB 350, AB 802, and existing law.”¹ CMUA acknowledges the efforts of Commission staff in developing the Draft Language for public review at the Workshop. However, CMUA believes that modifications are necessary on certain areas of this Draft Language, and respectfully provides the below comments.

I. COMMENTS

A. The Commission Should Further Evaluate the Granularity and Amount of Data Necessary for Forecasting Purposes

CMUA is concerned that the sheer amount of customer-level data requested in the Draft Language mitigates the value that such data would provide for the Commission’s demand forecasting and analysis efforts, while unduly impacting the Utility Distribution Companies

¹ Notice of November 16, 2016 Workshop at 2; *see also* Proposed Language for November 16, 2016 Workshop at 1.

(“UDCs”) tasked with providing this information as well as impacting customer privacy. For example, Section 1306(b) requests customer usage data and other sensitive information (such as address) for every bundled and unbundled customer. Under long standing direction in Cal. Gov’t Code section 6254.16, local agencies are only required to provide governmental agencies with utility usage data and identifying information (including customer address) when necessary. The Commission should examine whether this level of information is necessary to improve forecasting measures, when collection of customer demand data at a more aggregated level can provide many of the same forecasting benefits, while reducing the reporting impact on UDCs and limiting the transfer of sensitive customer data.

Similarly, the Draft Language requests highly granular information in the revisions to load metering reports in Section 1344. **CMUA supports efforts from Commission staff to examine alternative means to provide load metering information.** An alternative option is important given the privacy impact of the transfer of hourly customer-specific load data, particularly for large commercial or industrial customers, as hourly data can provide information on sensitive business operations (such as in manufacturing). An alternative option is also important given the costs of additional metering infrastructure that would be needed to meet the proposed data granularity in the existing Draft Language, which for some UDCs would require an investment of tens of millions of dollars and may result in a substantial rate increase for customers.

With regard to Section 1344(a)’s language concerning alternative estimation techniques, the development of any estimation technique may benefit from more communication between Commission staff and the load-serving entity (“LSE”) on any issues with the technique. Akin to Section 1343’s treatment of survey plans, **the Commission should specify reasons for rejecting a technique, and provide an LSE the opportunity to improve the technique in the subsequent revision.** Even with the possibility of an alternative estimation technique in load metering

reporting, rising reporting costs and administrative burdens persist with UDCs, and are compounded by additional reporting required in the context of the Commission's AB 802 proceeding (15-OIR-05). As provided in Cal. Pub. Res. Code section 25320(a)(2)(C), the Commission should fully consider the potential burdens that data requests impose on stakeholders' administrative resources. To reduce the administrative impact on smaller UDCs, the Commission should not lower 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(b)-(c)) and not lower the existing 1000 MW peak demand cap on UDC hourly load estimates (such as at Section 1344(d)).

B. Penalties or Other Enforcement Actions Should Not be Imposed on UDCs for Data That Cannot Be Provided

Section 1353 of the draft regulation states that "failure to provide information" may result in the Commission taking actions to secure the information, pursuant to the Commission's authority. CMUA appreciates the added procedural clarifications in this section specifying that there will be a process for notifying reporting entities of any deficiencies in its data reporting, and a 30-day window for the UDC to provide the required information. CMUA believes that **further clarification is needed to address instances in which a reporting entity, such as a UDC, cannot reasonably comply with the requirement.** The regulatory text could be modified as follows:

~~The Commission may, a~~After notifying any person of the failure to provide information pursuant to Section 1301-1352 and allowing 30 days to provide either the required information or an explanation of why certain information is not available, the Commission may take such action to secure the information as is authorized by any provision of law, including, but not limited to, Public Resources Code Section 25321.

A number of stakeholders, including publicly owned utilities and their representatives, have

identified concerns with their ability to provide specific data points that are currently requested in the draft regulations. CMUA and its members have outlined a few examples of such concerns, and look forward to continuing to participate in informal discussions with Commission staff to better identify potentially problematic requirements.

C. The Definition of Electric Vehicle Service Equipment and Application of EVSE Reporting Requirements Needs Revision

Presently, Section 1302’s definition of Electric Vehicle Service Equipment (“EVSE”) refers to service equipment *as well as* conductors, plugs, fittings, and “other hardware purposed to deliver energy from the electric grid to the vehicle.” Though the Draft Language revises the scope of some EVSE reporting related to Networked Providers, EVSE identifiers and installation date are still items requested from certain UDCs in Section 1306(b)(1)(L)-(M). Individual utility customers purchase or are provided with a wide range of cordsets, plugs, and other hardware from third parties (such as electric vehicle companies) that the UDC will have no way of identifying. CMUA respectfully requests that the EVSE items be removed from Section 1306, and that the definition of EVSE be revised to contain a narrower scope of hardware.

D. The Commission Should Adopt the Capacity of Power Plants Reported in Section 1304(b) for Section 1304(a)

The Draft Language should align the capacity of power plants reported within Section 1304(a)-(b). Presently, Section 1304(b) includes energy storage systems of unspecified size within the power plant UDC reports, although such systems do not fit cleanly within the rest of Section 1304 nor conform with the definition of power plant provided in the Draft Language. CMUA recommends that energy storage systems not be included in Section 1304(b), and that a power plant capacity reporting cap of 1 MW be provided for power plants to make reporting more manageable and align with Section 1304(a). Moreover, for POUs, the Commission could glean some of this

information through the already-required AB 2514 energy storage reporting process.

E. Opportunities Exist for Agency Data Collaboration

At the Workshop, staff acknowledged that there are areas of the existing regulation that can be removed and are no longer necessary.² CMUA encourages the exploration of areas for reporting refinement and consolidation given other proceedings at the Commission that are implementing SB 350 and AB 802. For example, the AB 802 and IEPR-related proceedings at the Commission are currently collecting and examining energy use information. Steps to consolidate and streamline data collection will assist the Commission in its data analysis efforts, and furthers the Legislature's expressed intent in Public Resources Code section 25320 to "[e]liminate unneeded duplicative data submittals from stakeholders." CMUA also notes that additional collaboration between state organizations on data related to the Title 20 regulations will be beneficial. For instance, information collected on electric vehicle ownership may be better obtained from the California Department of Motor Vehicles, and the California Independent System Operator's annual flexible capacity assessment data and the California Solar Statistics site collects useful information related to solar PV data.

II. CONCLUSION

CMUA appreciates the opportunity to provide these comments to the Commission, and looks forward to continue working with staff on the Title 20 regulations.

Respectfully,

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² See, e.g., CEC Staff Presentation, *Overview of Proposed Regulatory Changes* at Slide 9 (November 16, 2016) ("Since the cap for the program was reached we are going to look to CPUC to get confirmation that we no longer need to collect this data.")