

DOCKETED

Docket Number:	16-OIR-03
Project Title:	Energy Data Collection
TN #:	222370-2
Document Title:	Notice of Commission Adoption and Availability of 15-Day Language and ISOR Addendum
Description:	Notice of Commission adoption of proposed additions and modifications of regulations governing data collection and designation of confidential information and notice of availability of 15-day language and addendum to the ISOR.
Filer:	Malachi Weng-Gutierrez
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	1/26/2018 11:25:10 AM
Docketed Date:	1/26/2018

**NOTICE OF COMMISSION ADOPTION OF
PROPOSED ADDITIONS TO AND MODIFICATIONS OF
REGULATIONS GOVERNING DATA COLLECTION AND
DESIGNATION OF CONFIDENTIAL INFORMATION**

AND

**NOTICE OF AVAILABILITY OF 15-DAY LANGUAGE AND
ADDENDUM TO THE INITIAL STATEMENT OF REASONS**

California Code of Regulations

Title 20, Division 2

Chapter 3, Article 1, Sections 1302, 1304, 1306, 1308, & 1314

Chapter 3, Article 2, Sections 1344 & 1353

Chapter 7, Article 2, Section 2505

California Energy Commission

Docket No. 16-OIR-03

January 26, 2018

INTRODUCTION

Summary: The California Energy Commission (Energy Commission) will hold a public hearing for consideration and possible adoption of proposed additions to and modifications of regulations governing data collection and designation of confidential information on *February 21, 2018*. The regulations proposed to be adopted incorporate changes to originally-proposed text published on August 4, 2107. In addition, the Energy Commission has added to the rulemaking record an addendum to its Initial Statement of Reasons (ISOR) to reflect changes to its estimates of economic and fiscal impacts.

Procedural History: On August 4, 2017, the Energy Commission docketed, posted, and mailed a Notice of Proposed Action (NOPA) identifying proposed additions to and modifications of the Energy Commission's regulations governing data collection and the designation of confidential information. The changes fall into three categories: 1) collection of individual customer data and other information about activities that affect electric loads, including photovoltaic generation, energy storage, utilization of electric vehicles, and natural gas consumption; 2) collection of data needed to perform hydraulic modeling of the natural gas

system; and 3) minor clarifications and corrections, including the automatic designation of customer level data as confidential. The Energy Commission also published the Express Terms and the ISOR. After the receipt of comments on the originally-proposed text, the Energy Commission issued a notice of postponement to consider whether additional changes to the regulations were required.

The Energy Commission has since determined that several minor revisions to the originally-proposed text are necessary to respond to market participant concerns and to clarify language. These revisions are sufficiently related to the originally-proposed text that the public was placed on notice that they could result from the originally proposed regulatory action. The Energy Commission invites the public to review and comment on these revisions. They are summarized below and identified in the 15-day language attached to this notice (Attachment A). Additionally, the Energy Commission prepared an addendum to the ISOR to reflect needed changes in its assessment of economic and fiscal costs as a result of these revisions. The 15-day language and the addendum are available on the Energy Commission website at <http://www.energy.ca.gov/sb350/energydata/>

The public may also request copies of the 15-day language and the addendum by contacting Malachi Weng-Gutierrez at malachi.weng-gutierrez@energy.ca.gov or (916) 654-4588. Additionally, the Energy Commission has available all the information upon which the proposed regulations – including the revisions -- are based at the website listed above. For those without internet access, copies or assistance can be obtained by contacting Malachi Weng-Gutierrez at malachi.weng-gutierrez@energy.ca.gov or (916) 654-4588. The Energy Commission also has the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at 1516 9th Street, Sacramento, CA 95814.

Background: The Energy Commission is charged with preparing assessments and forecasts to achieve a series of public policy goals, including the efficient and reliable operation of the state's electrical grid, and to track progress in meeting the state's ambitious greenhouse gas emissions reduction goals. To prepare these assessments and forecasts, the Legislature has provided the Energy Commission with expansive authority to collect energy-related information from all market participants. The Energy Commission first adopted data collection regulations in the 1970s and has amended them several times to reflect changed market structures and statutory mandates. This rulemaking addresses information needed to evaluate the operation of the natural gas system in the state, information needed to better understand

the effect of changes in the generation and consumption of electricity, as well as minor clarifications in the existing language of the data collection regulations.

PROPOSED 15-DAY LANGUAGE

The changes identified in the 15-day language include:

- *Non-substantial grammatical corrections*

A comma is added to subdivision (b)(18) of Section 1302; in subdivision (a)(2)(A)(5) of Section 1308, the word “pipeline” is capitalized; and in subdivision (b)(1)(K) of Section 1353, the word “is” is changed to “are.”

- *Modifications to subdivision (b) of Section 1304 to re-organize existing and proposed reporting requirements for interconnected power plants and energy storage systems*

The originally-proposed text combined all reporting requirements for power plants and energy storage systems in subdivision (b). The proposed modifications delineate the reporting requirements by type of device (power plant and energy storage systems) and by size of power plant.

- *Clarification of the proposed language in proposed Section 1314*

Conversations with the gas utilities about the proposed terms and definitions allowed the Energy Commission to refine the language identifying the natural gas hydraulic modeling data to be provided. In addition, language is added to ensure that the Energy Commission receives all data used for gas modeling in 2018 as well as that used after the effective date of the new regulation.

- *Modification of the proposed language in subdivision (f) of Section 1344*

Conversations with the utility distribution companies (UDCs) about the proposed terms and definitions allowed the Energy Commission to refine the language identifying the load impact research information to be provided. In addition, language is added to ensure that the Energy Commission receives a summary of all load research data used in 2018 as well as that used after the effective date of the new regulation.

- *Changes in timing and type of information required under proposed Section 1353*

In response to UDC concerns about the readiness of the Energy Commission to receive certain datasets, the Energy Commission now proposes to modify Section 1353(b) to defer the reporting by the 5 largest UDCs of detailed usage information for electric customers until 2019, at which point the UDCs would provide the information going forwards and for 2018. As a result, subdivision (b)(2) now provides that all information except the usage information of customers with interval meters would be provided beginning in 2018 and that in 2019, the detailed usage information would be provided for 2018 and going forwards. Subdivisions (b)(1), (b)(3), and (c) are also modified to ensure that the Energy Commission received the more detailed information identified in those subdivisions for all of 2018.

- *Changes in the dates on which customer data is to be provided to the Energy Commission pursuant to Sections 1306, 1308.*

The originally-proposed text in Section 1353 identified 2018 as the year in which the 5 largest UDCs and 2 largest gas utilities would begin providing quarterly filings of detailed electric and gas customer data. Sections 1306 and 1308, which identify a lower level detail for electric and gas customers respectively and are applicable to all gas utilities and UDCs, were originally proposed to be modified to eliminate the reporting requirements for the 5 large UDCs and 2 large gas utilities reporting under 1353 after one year of reporting under both sections. This year of overlap allows the Energy Commission to ensure consistency between the datasets created with 1306 information and 1308 information, and the new datasets created with the electric and gas data collected pursuant to Section 1353. However, the Energy Commission has determined that one year of overlap may be insufficient and that two full calendar years of data is required to ensure consistency. As a result, the date that utilities subject to Section 1353 no longer need to report to the Energy Commission pursuant to Sections 1306 and 1308 is changed from after January 1, 2019 to after February 15, 2020.

MODIFICATION TO ECONOMIC IMPACT ASSESSMENT

As a result of revisions to the proposed regulations, reporting under the amendments adopted in this rulemaking in fiscal year 2017/2018 will not occur as originally anticipated. The Economic Impact Assessment has been updated to reflect the fact that reporting will begin in fiscal year 2018/2019, including all start-up costs, and costs in fiscal year 2020/2021 have been

added to ensure that cost estimates are included for the first three years of implementation. The updated document also corrects errors made in transposing cost numbers from a spreadsheet to the Economic Impact Assessment.

The specific elements required to be included in the Economic Impact Assessment pursuant to subdivision (b)(1)(A)-(D) of Gov. Code section 11346.3 are addressed at the end of the discussion of each section and subsection in the Economic Assessment. The Commission's assessment of these elements has not changed as a result of the updates to the Economic Impact Assessment.

All changes are noted using underline and strikeout format. The addendum to the ISOR has been docketed and is part of the record of the rulemaking proceeding. Information about reviewing or obtaining a copy of the addendum can be found in the Introduction section of this Notice.

PUBLIC HEARING

The Energy Commission will consider adopting the proposed regulations during its regularly scheduled business meeting on:

February 21, 2018
10:00 a.m.
California Energy Commission
1516 Ninth Street
Art Rosenfeld Hearing Room
Sacramento, California
(Wheelchair accessible)

Remote Access Available by Computer or Phone via WebEx™

Instructions for accessing Energy Commission hearings using either method can be found at: <http://www.energy.ca.gov/webcast/index.html>. If you have a disability and require assistance to participate in these hearings, please contact Poneh Jones at (916) 654-4425 or by email at poneh.jones@energy.ca.gov at least 5 days in advance.

PUBLIC COMMENT

Any interested person may submit written comments on the proposed changes. The written comment period for the 15-day language and the addendum to the ISOR will be from *January 27, 2018 through February 12, 2018*.

Please submit comments using the Energy Commission's e-commenting feature by going to the Energy Commission website at <http://www.energy.ca.gov/sb350/energydata/index.html> and clicking "Submit comment." Your name, email address, comment title, and either a comment or an attached document (.doc, .docx, or .pdf format) will be required. After a challenge-response test to ensure that responses are generated by a human user and not a computer, click the "Agree & Submit Your Comment" button to submit the comment to the Energy Commission's Docket Unit. Please note that written comments, attachments, and associated contact information included within the written comments and attachments, (e.g., your name and contact information) become part of the viewable public record. If you are unable to submit your comments through the docket system, you may send a paper copy of your comments to:

California Energy Commission

Docket No. 16-OIR-03

Docket Unit

1516 Ninth Street, MS-4

Sacramento, CA 95814-5504

Or email them to: DOCKET@energy.ca.gov

The Energy Commission will also accept oral comments during the hearing on February 21, 2018. Comments may be limited to three minutes per speaker. All comments will become part of the public record of this proceeding.

PUBLIC ADVISER AND OTHER COMMISSION CONTACTS

The Energy Commission's Public Adviser's Office is available to assist any person who wishes to participate in this proceeding. If you want information on how to participate in this proceeding, please contact the Public Adviser, Alana Mathews, at PublicAdviser@energy.ca.gov or (916) 654-4489, or toll-free in California at (800) 822-6228.

News media inquiries should be directed to the Media and Public Communications Office at (916) 654-4989, or by email at mediaoffice@energy.ca.gov.

If you have questions on the subject matter of this proceeding, please contact Malachi Weng-Gutierrez at malachi.weng-gutierrez@energy.ca.gov or (916) 654-4588. If you have legal questions about this proceeding, please contact Caryn Holmes at caryn.holmes@energy.ca.gov or at (916) 654-4178.