

## DOCKETED

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# EXPRESS TERMS

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**California Code of Regulations**

**Title 20. Public Utilities and Energy**

**Division 2. State Energy Resources Conservation and  
Development Commission**

# TABLE OF CONTENTS

Page

<b>Chapter 3. Data Collection</b> .....	1
Article 1. Quarterly Fuel and Energy Reports.....	1
Section 1302 Rules of Construction and Definitions.....	1
Section 1304 Power Plant Reports.....	7
Section 1306 LSE and UDC Reports, and Customer Classification Reports.....	14
Section 1308 Quarterly Gas Utility and Electric Generator Tolling Agreement Reports ....	16
Section 1314 Natural Gas System Analysis.....	19
Article 2. Forecasting and Assessment of Energy Loads and Resources.....	20
Section 1344 Load Metering Reports.....	20
Section 1353 Disaggregated Demand Data.....	23
<b>Chapter 7. Administration</b> .....	26
Article 2. Disclosure of Commission Records.....	26
Section 2505 Designation of Confidential Records.....	26

## CHAPTER 3. DATA COLLECTION

Major changes in Chapter 3 include the expansion of data collection in Sections 1304, 1308, 1314, 1344, and 1353. These changes augment the current data collection requirements, clarifying many of the data needs and introduce two new subdivisions requiring gas hydraulic modeling and customer-level data.

### Article 1. Quarterly Fuel and Energy Reports

#### Section 1302 Rules of Construction and Definitions

(a) Rules of Construction.

(1) Where the context requires, the singular includes the plural and the plural includes the singular.

(2) The use of “and” in a conjunctive position means that all elements in the provision must be complied with, or must exist to make the provision applicable. Where compliance with one or more elements suffices, or where existence of one or more elements make the provision applicable, “or” (rather than “and/or”) is used.

(b) Definitions. In this Article, the following definitions apply unless the context clearly requires otherwise:

(1) “California offshore lands” means all lands under California state jurisdiction pursuant to subdivision (a)(2) of 43 U.S.C. Section 1301.

(2) “Cogenerator” means a power plant that produces (1) electricity; and (2) useful thermal ~~output~~ energy for industrial, commercial, heating, or cooling purposes.

(3) “Company” means any person, firm, association, organization, partnership, business trust, corporation, or public entity, or any subsidiary, parent, affiliate, department, or agency thereof.

(4) “Control area” means an electric system or systems, bounded by interconnection metering and telemetry, capable of controlling generation to maintain its interchange schedule with other Control Areas and contributing to frequency regulation of the Western Electricity Coordinating Council.

(5) “Core customer” means a natural gas customer that consumes less than 20,800 therms of natural gas per month.

(6) “Customer” means an active billed account, of a UDC, an LSE, or a gas utility.

(A) “Bundled customer” means an end-user who receives generation services from the same LSE from which it receives distribution services.

(B) “Unbundled customer” means an end-user who receives generation services from one LSE and distribution services from a UDC that is a separate entity from that LSE.

(7) “Customer Classification Code” means NAICS codes and the following codes:

- (A) RE0000 for residential service;
- (B) 925190 for streetlighting service;
- (B) 221311 for water supply service;
- (D) 221312 for irrigation system service; and
- (E) 999999 for unclassified service.

(8) "Customer sector" means the following:

- (A) residential customer sector: private households, including single and multiple family dwellings, plus NAICS code 81411;
- (B) commercial building customer sector: NAICS codes 115, 2372,-326212, 42, 44-45, 48841, 493, 512, 516, 518, 519, 52-55, 561, 61, 62 (excluding 62191),-71, 72, 81 (excluding 81411), and 92 (excluding 92811);
- (C) other commercial customer sector: NAICS codes 221 (excluding 22131), 48 (excluding 48841), 49 (excluding 493), 515, 517, 562, 62191, and 92811;
- (D) industry customer sector: NAICS codes 11331, 31-33, 511, and 54171;
- (E) other industry customer sector: NAICS codes 21 and 23 (excluding 2372);
- (F) agriculture customer sector: NAICS codes 111, 112, 113 (excluding 11331), and 114;
- (G) water pumping customer sector: NAICS code 22131;
- (H) street lighting customer sector: lighting of streets, highways, other public thoroughfares, other outdoor area lighting, and traffic control lighting.

(9) "Customer group" means the following:

- (A) residential: customers consuming electricity for residential purposes;
- (B) commercial: customers consuming electricity for commercial purposes;
- (C) industrial: customers consuming electricity for industrial purposes; and
- (D) other: customers consuming electricity for other purposes.

(10) "Demand" means the rate at which electricity is delivered by generation, transmission, and distribution systems, measured in units of watts or standard multiples thereof, (e.g., 1,000 Watts = 1 kilowatt, 1000 kilowatt = 1 megawatt) or the rate at which natural gas, measured as million cubic feet per day, is consumed by the customer.

(11) "Distribution service" means those services provided by a UDC when it constructs, maintains, and utilizes power lines and substations to transmit electrical energy within its distribution service area to end-users.

(12) "Distribution service area" or "UDC service area" means the geographic area where a UDC distributes, or has distributed during an applicable reporting period, electricity to consumers.

- (13) "EIA" means the Energy Information Administration of the United States Department of Energy.
- (14) "Electric generator" means a machine that converts mechanical energy into electrical energy; or a device that converts non-mechanical energy to electricity directly, including without limitation photovoltaic solar cells and fuel cells.
- (15) "Electric transmission system owner" means an entity, or where there is more than one owner, the majority of plurality owners or the managing partner, that owns an interconnected group of lines and associated equipment for the movement or transfer of electric energy between points of supply and points at which it is transformed for delivery to customers or is delivered to other electric systems.
- (16) "Electric utility" means any company engaged in, or authorized to engage in, generating, transmitting, or distributing electric power by any facilities, including, but not limited to, any such company subject to regulation of the Public Utilities Commission.
- (17) "End user" means any company that consumes electricity or natural gas for its own use and not for resale.
- (18) "Energy storage system" means commercially available technology that is capable of absorbing energy, storing, and dispatching the energy.
- ~~(198)~~ "Executive Director" means the Executive Director of the Commission, or his or her designee.
- ~~(2019)~~ "Fuel cost" means the delivered cost of fuel consumed by an electric generator, expressed in dollars.
- ~~(210)~~ "Fuel use" means the amount of fuel, expressed in both physical units such as cubic foot, barrel, or ton, and in heat content such as Btus, used for gross generation, or for any other purpose related to the operation of an electric generator including without limitation providing spinning reserve, start-up, or flame stabilization.
- ~~(224)~~ "Gas processor" means any company that extracts, in California, natural gas liquids from natural gas produced from California reservoirs.
- ~~(232)~~ "Gas retailer" means any company that (a) sells natural gas to end users or customers located in California, (b) produces and consumes natural gas on-site in California (except for gas consumed for gathering, processing, or compressing purposes), or (c) produces natural gas at one site and consumes natural gas at another site that is in California and that is owned or controlled by the company.
- ~~(243)~~ "Gas service area" means the geographic area where a gas utility distributes, or has distributed during an applicable reporting period, natural gas to customers.
- ~~(254)~~ "Gas utility" means any company that is (a) engaged in, or authorized to engage in, distributing or transporting natural gas or natural gas liquids, and that is (b) either owned or operated by a governmental public entity or regulated by the California Public Utilities Commission.
- ~~(265)~~ "Generation service" means those services provided by an LSE when it procures electrical energy for consumption by its end-user customers.

(276) "Gross generation" means the total amount of electricity produced by an electric generator.

(287) "Hourly demand" means demand integrated over a single clock hour, measured in megawatt hours.

(298) "Hourly load" means the chronological sequence of hourly demands for a specified subset of, or for all customers of, an LSE for a specified interval of time.

(3029) "Hourly sector load" means the hourly load of customer sectors measured at customer meters. Hourly sector data does not include losses.

(310) "Hourly system load" means the hourly load of a UDC or a control area, measured at power plants and at interconnections. Hourly system load includes losses.

(324) "Interchange" means electric power or energy that flows from one control area to another control area.

(332) "Interstate pipeline" means any pipeline that crosses a state border and that is under the regulatory authority of the Federal Energy Regulatory Commission or its successors.

(343) "Interstate pipeline company" means a company that owns or operates an interstate pipeline that delivers natural gas to California at the state's border or inside California's borders.

(35) "Interval meter" means any energy meter capable of collecting and transmitting demand data at intervals of an hour or less.

(36) "Interval meter data" means demand data collected and transmitted by interval meter.

(374) "Load-serving entity" or "LSE" means any company that (a) sells or provides electricity to end users located in California, or (b) generates electricity at one site and consumes electricity at another site that is in California and that is owned or controlled by the company. LSE does not include the owner or operator of a cogenerator.

(385) "Local publicly-owned electric utility" or "local publicly owned electric utility" has the same definition as provided in Public Utilities Code section 9604.

(396) "Losses" means electricity that is lost, primarily as waste heat, as a natural part of the process of transmitting electricity from power plants to end-users.

(4037) "Major customer sector" means the following:

- (A) "residential major customer sector," which means residential customer sector;
- (B) "commercial major customer sector," which means commercial building customer sector;
- (C) "industrial major customer sector", which means the sum of industry customer sector, and other industry customer sector; and

(D) “other major customer sector”, which means the sum of agriculture customer sector, other commercial customer sector, street lighting customer sector, and water pumping customer sector.

(41) “Meter identification number” means the unique number assigned by a utility to an individual meter for purposes of tracking demand and providing billing services.

~~(4238)~~ “Monthly system peak demand” means the highest system hourly demand in a calendar month.

~~(439)~~ “Nameplate capacity” means the full-load continuous rating of an electric generator or a power plant under specific conditions as designated by the manufacturer.

~~(440)~~ “Natural gas liquids” means liquid products that are produced at natural gas processing facilities and that are gaseous at reservoir temperatures and pressures but are recoverable by condensation or absorption.

~~(451)~~ “Natural gas sales” means the amount of natural gas sold by a Gas Retailer to a customer.

~~(462)~~ “Net generation” means gross generation less plant use by an electric generator for auxiliary equipment.

~~(473)~~ “Noncore customer” means a natural gas customer that is not a core customer.

~~(484)~~ “North American Industry Classification System” or “NAICS” means the system of classification for business establishments set forth in the most recent version of the North American Industry Classification System United States Manual ~~of 2002~~ (Executive Office of the President, Office of Management and Budget, Washington, D.C.), and as revised thereafter in the Federal Register ~~for 2007 pursuant to 71 Fed. Reg. 28532 (May 16, 2006)~~.

~~(495)~~ “NAICS Code” means the applicable 6-digit (unless otherwise specified) code in the NAICS for the entity being classified.

~~(5046)~~ “Outer continental shelf” means all submerged lands lying seaward and outside of the area of lands beneath navigable waters, as defined in 43 U.S.C. Section 1301, and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

~~(5147)~~ “Peak demand” means the highest ~~hourly~~ integrated net energy for load within a certain period (e.g., in a month, a season, or a year).

(A) For a UDC, peak demand is the sum of all net energy for load, within a specific operating hour, for all LSEs providing generation services within a UDC's service area.

(B) For each LSE, peak demand is the sum of all net energy for load, including assignable losses, within a specific operating hour for the specific customers to which the LSE provides generation services.

(C) “Net energy for load” means generation energy injected into a specific electrical system, plus energy received from other systems less energy delivered to other systems through interchange. It includes losses, but

excludes energy required to operate storage facilities or plant use by a generator.

(5248) "Person" means an individual human being.

(5349) "Plant use" means the electricity used in the operation of an electric generator, or the electricity used for pumping at pumped storage power plants.

(540) "Power plant" means a plant located in California or a California control area that contains one or more prime movers, one or more electric generators, and appropriate auxiliary equipment.

(551) "Power plant owner" means any company that owns a power plant, or, where there is more than one owner, the majority or plurality owner or the managing partner.

(56) "Premise identification number" means the unique identification number assigned by a utility to a collection of buildings and/or meters serving an individual customer at a contiguous location.

(572) "Prime mover" means the engine, gas turbine, steam turbine, water wheel, or other machine that produces the mechanical energy that drives an electric generator; or a device that converts non-mechanical energy to electricity directly, including without limitation photovoltaic solar cells and fuel cells.

(58) "PV" means flat-plate non-concentrating photovoltaic modules.

(59) "Rate schedule" means the alphanumeric designation for the utility service customer agreement including all service rates and charges and all classifications, practices, rules, or regulations which in any manner affect or relate to the utility services, rates, and charges.

(60) "Secure electronic method" means any method of data transmission that uses end-to-end encryption such that information is encrypted at its origin and decrypted at its intended destination without intermediate decryption.

(61) "Service account number" means the unique identification number assigned by a utility to an account to track demand and provide billing services.

(6253) "Stocks" means quantities of oil, natural gas, or natural gas liquids representing actual measured inventories corrected to 60 degrees Fahrenheit less basic sediment and water where an actual physical measurement is possible. Stocks include domestic and foreign quantities held at facility and in transit thereto, except those in transit by a pipeline.

(6354) "Submitted" means, with regard to data, a report, or an application that must be submitted by a specified date, that the data is received at the Commission by that date and that the data, report, or application is complete, accurate, and in compliance with the applicable requirements of this Article and with the forms and instructions specified under Section 1303 and 1342.

(64) "Therm" means a unit of heat equal to 100,000 British thermal units (1.054 x 10<sup>8</sup> joules).

(655) "Tolling Agreement" means a contractual arrangement whereby the buyer of electricity agrees to provide specified amounts of natural gas to a power plant for conversion to specified amounts of electric energy over a specified period of time.

(66) "Useful thermal output" means the thermal energy made available in a cogeneration system for use in any industrial or commercial process, heating or cooling application, or delivered to other end users, i.e., total thermal energy made available for processes and applications other than electrical generation.

(6756) "Utility distribution company" or "UDC" means an electric utility, or a business unit of an electric utility, that distributes electricity to customers.

(68) "Waste heat" means the thermal energy produced during electrical generation but not utilized for a useful purpose as defined in "useful thermal output," i.e., the total heat content of the fuel used to generate electricity minus the energy content of the useful thermal output and electricity production.

Note: Authority cited: Sections 25213, 25218(e) and 25320, Public Resources Code.  
Reference: Sections 25005.5, 25100-25141, 25216, 25216.5, 25300, 25301, 25302, 25302.5, 25303, 25305, 25305.1, 25310, 25324, 25330 et seq., 25401, 25401.2, 25403, 25403.5, 25602 and 25604, Public Resources Code; and Sections 9615 and 9620, Public Utilities Code.

### **Section 1304 Power Plant Reports**

(a) Reports by Power Plant Owners. Each power plant owner shall submit all of the data and reports required by this subsection for each power plant that has a nameplate capacity of one megawatt or more, and that it owns or owned during the reporting period. For the purposes of this subsection, all of the wind turbines in a power plant shall be collectively considered as one single electric generator.

(1) Each Report: Power Plant Identification. The following data shall be submitted for each power plant with every quarterly, or annual report:

(A) name of the power plant;

(B) identification number of the power plant assigned by the Commission;

(C) facility code of the power plant assigned by the EIA;

(D) address where the power plant is physically located: street address, city, county, state and zip code;

(E) if the power plant operator is not the power plant owner, the power plant operator's full legal name and address of principal place of business including the street address, city, state, and zip code;

(F) nameplate capacity of the power plant;

~~(G) if the power plant is a cogenerator, the Customer Classification code of the entity to which the power plant supplies waste heat;~~

(G#) if the power plant supplies electricity directly to an entity on site, the Customer Classification code of the entity;

(H) if the power plant was sold during the reporting period;

1. the settlement date of the power plant sale;
2. the buyer's and the seller's full legal names and addresses including street address, city, state, and zip code; and
3. the name, address including street address, city state, and zip code, and telephone number of the contact persons for the buyer and seller; and

(I) for each electric generator in the power plant:

1. the identification number assigned by the power plant owner;
2. nameplate capacity of the electric generator and, if the prime mover is a wind turbine, the total number of the turbines reflected in the nameplate capacity;
3. the date electricity was first generated by the electric generator;
4. the operating status of the electric generator during the reporting period, such as operating, standby, cold standby, on test, maintenance, out of service, indefinite shutdown, or retired;
5. if the electric generator was retired during the reporting period, the retirement date;
6. an identification of the prime mover that drives the electric generator; and
7. an indication whether the prime mover is part of a combined-cycle unit.

(2) Generation and Fuel Use Data.

(A) For power plants with nameplate capacity of one megawatt or more and less than ten megawatts, the following data shall be submitted annually:

1. gross generation of each electric generator, in megawatt hours;
2. net generation of each electric generator, in megawatt hours;
3. fuel use, by fuel type, of each electric generator;

4. fuel use, by fuel type, for useful thermal output energy production and electricity generation of each cogenerator;
5. electricity in megawatt hours, consumed on site by the power plant owner, other than for plant use, classified by Customer Classification Code;
6. sales for resale, in megawatt hours; ~~and~~
7. for cogenerators providing useful thermal output energy to commercial ~~end-users~~ or industrial end-users, sales of electricity to those end-users, classified by Customer Classification Code, in megawatt hours, excluding sales to the wholesale market or LSEs;:
8. for cogenerators, useful thermal output provided by each cogenerator to each recipient, in million British thermal units, classified by Customer Classification Code; and
9. for cogenerators, waste heat of each electric generator, in million British thermal units.

(B) For power plants with nameplate capacity of ten megawatts or more and less than fifty megawatts, the following data shall be submitted quarterly:

1. monthly gross generation of each electric generator, in megawatt hours;
2. monthly net generation of each electric generator, in megawatt hours;
3. monthly fuel use, by fuel type, of each electric generator;
4. monthly fuel use, by fuel type, for useful thermal output energy production and electricity generation of each cogenerator;
5. monthly electricity in megawatt hours, consumed on site by the power plant owner, other than for plant use, classified by Customer Classification Code;
6. monthly sales for resale, in megawatt hours; ~~and~~
7. for cogenerators providing useful thermal output energy to commercial ~~end-users~~ or industrial end-users, monthly sales of electricity to those end-users, classified by Customer Classification Code, in megawatt hours, excluding sales to the wholesale market or LSEs;:

8. for cogenerators, monthly useful thermal output provided by each cogenerator to each recipient, in million British thermal units, classified by Customer Classification Code; and

9. for cogenerators, monthly waste heat of each electric generator, in million British thermal units.

(C) For power plants with nameplate capacity of fifty megawatts or more, the following data shall be submitted quarterly:

1. monthly gross generation of each electric generator, in megawatt hours;

2. monthly net generation of each electric generator, in megawatt hours;

3. monthly fuel use, by fuel type, of each electric generator;

4. monthly fuel use, by fuel type, for useful thermal ~~output energy production~~ and electricity generation of each cogenerator;

5. monthly electricity in megawatt hours, consumed on site by the power plant owner, other than for plant use, classified by Customer Classification Code;

6. monthly sales for resale, in megawatt hours;

7. for cogenerators providing useful thermal output energy to commercial ~~end-users~~ or industrial end-users, monthly sales of electricity to those end-users, classified by Customer Classification Code, in megawatt hours, excluding sales to the wholesale market or LSEs;

8. for cogenerators, monthly useful thermal output provided by each cogenerator to each recipient, in million British thermal units, classified by Customer Classification Code;

9. for cogenerators, monthly waste heat of each electric generator, in million British thermal units; and

108. monthly fuel cost by fuel type of each electric generator, except for the cost of fuel provided to the generator through a tolling agreement. If fuel is provided to the generator through a tolling agreement, indicate the portion of the fuel use identified in subdivision (a)(2)(C)(4) that is provided to the generator through the tolling agreement.

(3) The following environmental information related to power plant operations shall be reported annually:

(A) Environmental information related to water supply and water / wastewater discharge

1. Water Supplies: Owners of power plants with a generating capacity of 20 megawatts and greater shall submit copies of reports or filings required by regulations, permit, or contract conditions that identify any of the following information for the previous calendar year:

a. a description of the type of cooling technology being used for each unit within a power plant;

b. the name of the water supplier(s) under contract to provide water to the power plant, if applicable, or the name of the water source as assigned by the U.S. Geological Survey on its 7.5-minute map series. Or, if well water is used, provide the well identification number and location as specified in the California Department of Water Resources, Water Facts, Issue No. 7, "Numbering Water Wells in California", June 2000.

c. the daily average and daily maximum water use volumes in gallons for all power plant purposes;

d. the monthly and annual amounts of water used for all power plant purposes in acre-feet; and

e. the metering technology used to measure and track water use at the power plant and the frequency at which meter readings are recorded (hourly, daily, weekly, monthly or annually).

2. Wastewater Discharges: Owners of power plants with a generating capacity of 20 megawatts and greater shall submit copies of reports or filings required by regulations, permit, or contract conditions that identify any of the following information for the previous calendar year:

a. a description of the physical and chemical characteristics of the source water or the wastewater discharge, including any information prepared with the approved test methodology and detection limits specified by the U.S.

Environmental Protection Agency in 40 CFR §136.3 for analyzing the constituents in wastewater.

b. the wastewater disposal system(s) used at the power plant for discharges related to power plant cooling and operations, the manufacturer(s), and the year of installation;

c. the measures taken, and the devices installed on the wastewater disposal system's outfall, to control pollution discharges to municipal systems, receiving waters or land;

c. the name of the utility or organization receiving the wastewater discharge, if applicable, or the name of the receiving water as assigned by the U.S. Geological Survey on its 7.5-minute map series;

e. the monthly and annual totals of wastewater that are created from power plant operations in acre-feet; and

f. the daily average and daily maximum waste water discharge volumes in gallons.

(B) Environmental information related to biological resources: Owners of power plants with a generating capacity of one megawatt or greater shall submit copies of reports or filings required by regulations, permit, or contract conditions that identify any of the following information for the previous calendar year:

1. documentation of the "take" of terrestrial, avian and aquatic wildlife subject to legal protection under California Fish & G. Code § 2050 et seq., 16 U.S.C.A. § 1371 et seq., 16 U.S.C.A. § 1531 et seq., and 16 U.S.C. A. § 668 et seq. that occurred as a result of operation of the power plant.

2. documentation and identification of the biomass (by weight) and species composition of fishes and marine mammals killed by impingement on the intake screens of each once-through cooling system;

(C) Copies of any written notification provided by any state or federal regulatory agency to the owner of a power plant with a generating capacity of one megawatt or more that operation of the power plant has created a violation of an applicable statute, regulation, or permit condition related to environmental quality or public health during the previous calendar year, or that there is an ongoing investigation regarding a potential violation at the

time that the data identified in this subdivision is required to be filed with the commission.

(b) Reports by UDCs. Each UDC shall report the following data for each power plant and energy storage system that has a generating capacity of 100 kilowatts or more, located in the UDC's service area and for which data is collected. The report shall be submitted on January 31 and July 31 each year, but if information for an existing plant has already been provided pursuant to this section, and is unchanged, the filing need only identify the date on which the information was previously provided.

(1) ~~name~~, power plants with a generating capacity of 100 kilowatts or more:

(A) facility name; and

(B) ~~(2)~~ facility code assigned by the EIA;

(2) all power plants:

(A) ~~(3)~~ nameplate capacity in megakilowatts;

(B) ~~(4)~~ voltage at which the power plant or energy storage system is interconnected with the UDC system or transmission grid;

(C) operating mode (e.g., independent power producer, cogeneration, dispatched as part of a demand side management program, parallel operation with utility deliveries in order to achieve premium power reliability, customer-dispatched to reduce delivered energy charges, peak shaving, emergency/backup/interruptible);

(D) technology type (e.g., combined cycle, combustion turbine, microturbine, internal combustion engine, photovoltaic, wind turbine, fuel cell); and

(E) fuel type (e.g., natural gas, biogas, diesel, solar, wind.).

(3) all power plants and energy storage systems:

(A) ~~(5)~~ address where the power plant or energy storage system is physically located, including the street address, city, state, and zip code;

(B) ~~(6)~~ power plant or energy storage system owner's full legal name and, if a non-residential customer, address of principal place of business, including the street address, city, state, and zip code;

(C) ~~(7)~~ longitude and latitude, expressed to the nearest degree, if available;

~~(8) operating mode (e.g., independent power producer, cogeneration, dispatched as part of a demand side management program, parallel operation with utility~~

~~deliveries in order to achieve premium power reliability, customer dispatched to reduce delivered energy charges, peak shaving, emergency/backup/interruptible);~~

~~(9) technology type (e.g., combined cycle, combustion turbine, microturbine, internal combustion engine, photovoltaic, wind turbine, fuel cell);~~

~~(D10) interconnection agreement type (e.g., interconnection agreements required by interconnection standards adopted in California Public Utilities Commission D.00-12-037 and in modifications to that decision, net energy metering agreement); and~~

~~(11) fuel type (e.g., natural gas, biogas, diesel, solar, wind);~~

~~(E12) date of interconnection approval;~~

~~(F13) if the power plant or energy storage system is no longer interconnected, the date the power plant or energy storage system is no longer interconnected to the utility distribution system; and~~

~~(G14) if the power plant or energy storage system is connected to that part of the customer's electrical system not owned by UDC, provide the following:~~

~~1. (A) service account number;~~

~~2. (B) premise identification number;~~

~~3. (C) meter identification number; and~~

~~4. (D) rate schedule.~~

Note: Authority cited: Sections 25213, 25218(e) and 25320, Public Resources Code.  
Reference: Sections 25005.5, 25216, 25216.5, 25300-25303, 25305, 25305.1, 25310, 25401, 25401.2, 25403, 25403.5, 25602 and 25604, Public Resources Code.

## **Section 1306 LSE and UDC Reports, and Customer Classification Reports**

### **(a) Quarterly UDC Reports.**

(1) Each UDC shall report the number of customers, revenue expressed in dollars, volume expressed in kWh for all electricity sold or delivered by the UDC during each of the previous three months as follows:

(A) sales to bundled customers classified by county, retail rate class, and customer classification code; and

(B) deliveries to unbundled customers classified by county, retail rate class, and customer classification code.

(2) for purposes of complying with subdivision (a)(1) of Section 1306, the following requirements shall apply:

(A) revenue for bundled customers is the aggregation of generation and non-generation costs, and excludes city or local taxes;

(B) revenue for unbundled customers is the aggregation of all non-generation costs, and excludes city or local taxes; and

(C) retail rate class is the general level of rate class used by UDC. Any rate schedule excluded from retail rate classes shall be reported as an aggregated amount classified by county and customer classification code.

(3) each UDC shall provide an electronic file with a list of the retail rate classes provided in subdivision (a)(1) of this section, including a description of each retail rate class.

(4) Quarterly UDC Reports. Each UDC that provides distribution services for other LSEs shall report quarterly to the Commission the following information:

(A) name of each LSE;

(B) business address of each LSE; and

(C) sales of electricity, expressed in kilowatt hours, by each LSE in the UDC's service area for each month of the preceding quarter.

(5) After ~~January 1~~ February 15, 2019~~20~~, the requirements of subdivisions 1 through 4 of subdivision (a) of this Section shall not apply to UDCs reporting under Section 1353 (b).

(b) Quarterly LSE Reports. LSEs not reporting under 1306(a), shall report the following:

(1) number of customers during each of the previous three months, classified by UDC, county, and major customer sector or customer group;

(2) revenue, defined as the aggregation of all costs plus profits, received by an LSE from its end-use customers in providing generation services, and expressed in dollars during each of the previous three months, classified by UDC, county, and major customer sector or customer group; and

(3) volume expressed in kWh, for all electricity sold by the LSE during each of the previous three months, classified by UDC, county, and major customer sector or customer group.

Note: Authority cited: Sections 25213, 25218(e) and 25320, Public Resources Code.  
Reference: Sections 25005.5, 25216, 25216.5, 25300-25303, 25401, 25401.2, 25403, 25403.5, 25602 and 25604, Public Resources Code.

## Section 1308 Quarterly Gas Utility and Electric Generator Tolling Agreement Reports

(a) Monthly natural gas receipts. Each gas utility shall report quarterly all natural gas received by the gas utility for each of the previous three months, expressed in thousand cubic feet or therms; and the average heat content of the natural gas received, expressed in Btu per cubic feet; each classified by all of the following:

- (1) How received: purchased, transported for others, or withdrawn from storage;
- (2) Where and from whom the natural gas was received, according to the following entities and locations:

### (A) Pipeline locations at the California Border

1. El Paso Natural Gas at Topock
2. El Paso Natural Gas at Blythe
3. Transwestern Pipeline at Needles
4. ~~PG&E~~ Gas Transmission – Northwest at Malin
5. Ruby Pipeline at Malin
6. Other California Border Receipt Points (Designate)

### (B) Instate locations

1. ~~Questar Pipeline at Essex-Kern River Gas Transmission/Mojave Pipeline at Kern River Station~~
2. Kern River Gas Transmission /Mojave Pipeline at Wheeler Ridge
3. Kern River Gas Transmission/Mojave Pipeline at Hector Road
4. PG&E at Kern River Station ~~Wheeler Ridge~~
5. California Production at Wheeler Ridge
6. Kern River Gas Transmission at Daggett
7. Rainbow compression station
8. Dana Point compression station

9. Other interconnect points

(C) California Production

1. California onshore production received into the gas utility system
2. California offshore lands production received into the gas utility system
3. California outer continental shelf production received into the gas utility system.

(b) Monthly Natural Gas Sendout. Each gas utility shall report all natural gas delivered by the gas utility for each of the previous three months, expressed in thousand cubic feet or therms; and the average heat content of the natural gas delivered, expressed in Btu per cubic feet; each classified by all of the following:

(1) Core Customer Deliveries.

(A) Each Major Customer Sector (designate)

(B) Natural gas used to generate electricity when waste heat is used for industrial or commercial processes.

(C) Natural gas used to generate electricity when waste heat is used for industrial or commercial processes other than enhanced oil recovery.

(D) Natural gas used to generate electricity when waste heat is not used for industrial or commercial processes.

(E) Other (designate by Customer Classification code)

(2) Noncore Customer Deliveries

(A) Each Major Customer Sector (designate)

(B) Natural gas used to generate electricity when waste heat is used for industrial or commercial processes.

(C) Natural gas used to generate electricity when waste heat is used for industrial or commercial processes other than enhanced oil recovery.

(D) Natural gas used to generate electricity when waste heat is not used for industrial or commercial processes.

(E) Other (designate by Customer Classification code)

(3) Delivery to other utilities through the following delivery points:

- (A) Kern River Station
- (B) Wheeler Ridge
- (C) Rainbow compression station
- (D) Dana Point compression station
- (E) Other points (designate)

(4) Delivery to Interstate Pipelines through the following delivery points:

- (A) Freemont Peak ~~Kern River Station~~
- (B) Wheeler Ridge
- (C) Hector Road
- (D) Daggett
- (E) Other points (Designate)

(5) Delivery to International Pipelines

- (A) Otay Mesa into Mexico
- (B) Calexico into Mexico
- (C) Other points (designate)

(6) For Storage Injection

- (A) Gas utility-owned storage
- (B) Non-gas utility-owned storage

(7) Losses and Unaccounted for

(c) Monthly Natural Gas Delivery.

(1) Each gas utility shall report the number of customers, delivery revenue expressed in dollars, volume expressed in therms, and natural gas average heat content expressed in Btu per cubic feet, for all natural gas sold or transported by the gas utility during each of the previous three months as follows:

- (A) sales to core customers, excluding cogeneration customers, by county and NAICS code;
- (B) sales to core cogeneration customers by county and NAICS code;

- (C) sales to noncore customers, excluding cogeneration customers, by county and NAICS code;
- (D) sales to noncore cogeneration customers by county and NAICS code;
- (E) transport to core customers, excluding cogeneration, by county and NAICS code;
- (F) transport to core customers for cogeneration, by county and NAICS code;
- (G) transport to noncore customers, excluding cogeneration, by county and NAICS code, and
- (H) transport to noncore customers for cogeneration by county and NAICS code.

(2) For purposes of subdivision (c)(1) of Section 1308, revenue for both sales and transport shall be expressed in dollars, in aggregate, and shall include commodity costs and all non-commodity components of the utility's rates, including without limitation, costs of receiving, transporting, distributing, injecting to storage, recovering from storage, administration, regulatory, public purpose programs, energy market restructuring transition costs, and balancing accounts.

(3) After ~~January 1~~ February 15, 2019~~20~~, the requirements of subdivisions 1 and 2 of subdivision (c) of this Section shall not apply to gas utilities reporting under Section 1353 (c).

(d) Natural Gas Tolling Agreements. Each LSE that has entered into a tolling agreement to provide natural gas to the owner or operator of an electric generator with a capacity of 50 MW or more for the operation of that generator shall report the following for each of the previous three months and for each electric generator:

- (1) amount of natural gas delivered expressed in therms;
- (2) the price of the natural gas delivered pursuant to subdivision (d)(1) of this section; and
- (3) the location of the delivery identified in subdivision (d)(1) of this section.

Note: Authority cited: Sections 25213, 25218(e) and 25320, Public Resources Code.  
Reference: Sections 25005.5, 25216, 25216.5, 25300-25303, 25401, 25401.2, 25403, 25403.5, 25602 and 25604, Public Resources Code.

### **Section 1314 Natural Gas System Analysis**

(a) Each gas utility with annual natural gas deliveries of 200 million therms or more in both of the two calendar years preceding the required data filing shall, ~~beginning March 15, on~~

August 1, 2018 and on March 15 every year thereafter, via secure electronic method, provide files that are used by report all data the gas utility used to conduct gas hydraulic modeling for model its natural gas system using DNV-GL Synergi Gas software during the previous calendar year, including the scenarios (1) – (4) below:

(1) average summer day (June through September);

(2) average winter day (November through March);

(3) 1-in-10 peak summer and winter day; and

(4) any additional summer and winter day representing demand higher than that identified in subdivisions (1)-(3) above.

(b) The files provided need not identify natural gas infrastructure dedicated to retail customers other than power plants.

(c) Definitions

~~(1) “deliveries” means gas volumes delivered to customers expressed in therms.~~

~~(2) “natural gas supply system” means the natural gas infrastructure, including transmission and distribution and storage facilities, operated by a gas utility for the purpose of delivering natural gas to customers.~~

Note: Authority cited: Sections 25213, 25218(e) and 25320, Public Resources Code.  
Reference: Sections 25005.5, 25216, 25216.5, 25300-25303, 25303.5, 25305, 25400, 25401, 25401.2, 25403, and 25602, Public Resources Code.

## **Article 2. Forecasting and Assessment of Energy Loads and Resources**

### **Section 1344 Load Metering Reports**

(a) Annual LSE Customer Load Data by Hour. Beginning March 15, 2008, and every year thereafter, each LSE that has experienced a peak electricity demand of 200 megawatts or more in both of the two calendar years preceding the filing date shall submit annual load data, including losses, for every hour of the previous calendar year for its customers to which it provides generation services, separated by UDC service area in accordance with the following:

(1) Hourly load data and analyses shall be developed and compiled from actual load metering, or using valid statistical estimating techniques when actual measurements are infeasible;

(2) Load metering shall be conducted in an accurate and reliable manner;

(3) Hourly load data shall be delivered to the Commission in electronic form;

(b) Annual Distribution System Load Data by Hour. Beginning March 15, 2008, and every year thereafter, each UDC that has experienced a peak electricity demand of 200-megawatts or more in both of the two calendar years preceding the filing date shall submit its annual distribution system load data for every hour of the previous calendar year in accordance with the following:

(1) Hourly system load data and analyses shall be developed and compiled from actual load metering or from valid statistical estimating techniques when actual measurements are infeasible;

(2) Load metering shall be conducted in an accurate and reliable manner;

(3) Hourly system load data shall be delivered to the Commission in electronic form;

(4) Hourly loads shall be submitted in two formats: (1) the composite of the hourly loads (the composite of customer loads plus distribution losses) for all LSEs supplying electricity in the UDC's distribution service area, and (2) format (1) expanded to include hourly transmission losses for each hour.

(c) Hourly Load Estimates by Customer Sector. Beginning September 1, 2007, and every year thereafter, each UDC that has experienced a peak electricity demand of 1000 megawatts or more in both of the two calendar years preceding the filing date shall submit its hourly sector load estimates by customer sector for the previous calendar year in accordance with the following:

(1) The hourly sector load estimates shall, at a minimum, include identification of each of the following components:

(A) residential customer sector;

(B) commercial customer sector (including commercial building customer sector and other commercial customer sector);

(C) industry customer sector and other industry customer sector};

(D) agriculture customer sector;

(E) water pumping customer sector;

(F) street lighting customer sector;

(G) unclassified customer sector; and

(H) losses.

(2) The samples used to develop hourly load estimates for each sector shall be designed to insure that estimates are accurate to within +10 percent of the monthly sector load coincident with system peak, and with 90 percent confidence.

(3) The hourly sector load estimates shall be delivered to the Commission in electronic form.

(d) Monthly Distribution System Load Data by Hour. Beginning March 15, 2008, and every month thereafter, each UDC that has experienced a peak electricity demand of 2000 megawatts or more in both of the two calendar years preceding the filing date shall submit its distribution system load data for every hour of the previous month in accordance with the following:

(1) Hourly system load data and analyses shall be developed and compiled from actual load metering or from valid statistical estimating techniques when actual measurements are infeasible;

(2) Load metering shall be conducted in an accurate and reliable manner;

(3) Hourly system load data shall be delivered to the Commission in electronic form;

(4) Hourly loads shall include all distribution and transmission system losses.

(e) Annual Electric Transmission System Peak Load Data by hour and subarea. Beginning June 1, 2008, and every year thereafter, each Electric Transmission System Owner that has experienced a peak electricity demand of 2000 megawatts or more in both of the two calendar years immediately preceding the filing date shall submit its hourly load data by subarea for every hour of the previous calendar year in accordance with the following:

(1) Hourly load data and analyses shall be developed and compiled from actual load metering or from valid statistical estimating techniques when actual measurements are infeasible;

(2) Load metering shall be conducted in an accurate and reliable manner;

(3) Hourly load data shall be delivered to the Commission in electronic form;

(4) An electronic file containing geographic identifiers of the subarea shall be included;

(5) Subareas are climate zones or geographic subdivisions of the transmission system area used by the transmission system owner for transmission system expansion plan studies, including studies of local deliverability of load, prepared for the control area operator or governing body.

(f) ~~Behind-the-meter~~ Emerging Load Impacts. Beginning February 15, On August 1, 2018 and March 15 every year thereafter, each UDC that has experienced a peak electricity

demand of 1000 megawatts or more in both of the two calendar years preceding the filing shall provide ~~any analyses, as well as supporting data,~~ a summary of load research data used by the UDC during the previous calendar year for characterizing, assessing, and forecasting load impacts associated with any of the following ~~activities that occur on that part of the customer's electrical system that is not owned by the UDC:~~

- (1) Photovoltaic generation;
- (2) Plug-in electric vehicle charging; and
- (3) ~~Operation of e~~Energy storage systems operation.

Note: Authority cited: Sections 25213, 25218(e) and 25320, Public Resources Code.  
Reference: Sections 25005.5, 25216, 25216.5, 25300, 25301, 25302, ~~and 25303,~~ 25305, 25305.1, and 25310, Public Resources Code.

### **Section 1353 Disaggregated Demand Data**

(a) Disaggregated Demand Data Reporting. Each entity subject to requirements identified in this Section shall submit the required data via secure electronic method and shall adhere to the reporting requirements identified in Section 1342.

- (1) Quarterly Reports and Data. Unless provided otherwise, data or reports referred to as "quarterly" shall be submitted for the previous calendar quarter on the 15th day of February, May, August, and November.
- (2) No entity subject to reporting requirements pursuant to this Section shall be required to provide data or reports that it does not collect in the regular course of business; however, if the entity begins to collect some or all of the data not previously collected, it must submit the data in accordance with the requirements of this section.
- (3) All interval meter data provided pursuant to this Section may be submitted at the interval collected.
- (4) A detailed explanation of any methods used by utility to estimate missing, misread, or non-metered data provided with each quarterly filing.

(b) Electricity Demand and Billing Data. Each UDC that has experienced a peak electricity demand of 1000 MW or more in both of the two calendar years preceding the required data filing date, shall on a quarterly basis provide:

- (1) For each non-interval meter:
  - (A) the street address, city, and zip+4 code where service is provided;
  - (B) service account number;

- (C) premise identification number(s);
- (D) monthly charge in dollars (positive or negative);
- (E) start of billing cycle;
- (F) number of days in billing cycle;
- (G) customer participation in UDC energy efficiency program;
- (H) rate schedule;
- (I) NAICS code;
- (J) whether there is interconnected PV associated with the premise identification number;
- (K) whether there ~~is~~ are energy storage systems associated with the premise identification number;
- (L) meter identification number; ~~and~~
- (M) monthly volume of electricity sold or delivered in kWh; and
- (N) any information identified in (b)(1)(A) - (M) that has not already been provided for 2018.

(2) For each ~~an~~ interval meter:

- (A) all information from subdivision (b)(1) (A) through (L);
- (B) in 2018, monthly volume of electricity sold or delivered in kWh, including volumes for months in 2018 that have not already been provided;
- (C) beginning in 2019, the following information:
  - (i) start of interval;
  - ~~(C)~~ (ii) duration of interval;
  - ~~(D)~~ (iii) volume of electricity sold or delivered over the interval in kWh; and
  - ~~(E)~~ (iv) interval peak demand (kW);

(3) For all remaining consumption which is not associated with a meter:

- (A) All information from subdivision (b)(1)(A) through (K);

(B) An estimate of the monthly volume of electricity sold or delivered in kWhs; ~~and~~

(C) An estimate of the monthly peak demand (kW, day, and hour); and

(D) Any information identified in (b)(3)(A)-(C) for 2018 that has not already been provided.

(c) Natural Gas Demand and Billing Data. Each gas utility with annual natural gas deliveries of 200 million therms or more in both of the two calendar years preceding the required data filing date, shall on a quarterly basis provide for each meter:

(1) Service address of account number, including the street address, city, and zip+4 code;

(2) Service account number;

(2) Premise identification number;

(3) Meter identification number;

(4) Monthly volume of natural gas sold or delivered in therms;

(5) Monthly charge in dollars (positive or negative), aggregate revenues shall include commodity costs and all non-commodity components of the utility's rates, including without limitation, costs of receiving, transporting, distributing, injecting to storage, recovering from storage, administration, regulatory, public purpose programs, energy market restructuring transition costs, and balancing accounts;

(6) NAICS code;

(7) Energy efficiency program participation identification; ~~and~~

(8) Rate schedule; and

(9) Any information identified in (c)(1)-(8) for 2018 that has not already been provided.

Note: Authority cited: Sections 25213, 25218(e) and 25320, Public Resources Code.  
Reference: Sections 25005.5, 25216, 25216.5, 25300, 25301, 25302, 25302.5, 25303, 25305, 25305.1, and 25310, Public Resources Code.

## CHAPTER 7. ADMINISTRATION

The Administration chapter deals extensively with confidentiality, methods of aggregation, and procedures for the release of data. Changes reflected in these sections include changes to deal with new and expanded data collection as well as updated data handling procedures.

### Article 2. Disclosure of Commission Records

#### Section 2505 Designation of Confidential Records

(a) Third Parties.

(1) Any private third party giving custody or ownership of a record to the Commission shall specify if it should be designated a confidential record and not publicly disclosed. An application for confidential designation shall:

(A) be on a sheet or sheets separate from, but attached to, the record;

(B) specifically indicate those parts of the record that should be kept confidential;

(C) state the length of time the record should be kept confidential, and justification for the length of time;

(D) cite and discuss the provisions of the Public Records Act or other law that allow the Commission to keep the record confidential. If the applicant believes that the record should not be disclosed because it contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage, the application shall also state the specific nature of that advantage and how it would be lost, including the value of the information to the applicant, and the ease or difficulty with which the information could be legitimately acquired or duplicated by others;

(E) state whether the information may be disclosed if it is aggregated with other information or masked to conceal certain portions, and if so the degree of aggregation or masking required. If the information cannot be disclosed even if aggregated or masked, the application shall justify why it cannot;

(F) state how the information is kept confidential by the applicant and whether it has ever been disclosed to a person other than an employee of the applicant, and if so under what circumstances;

(G) contain the following certification executed by the person primarily responsible for preparing the application:

1. "I certify under penalty of perjury that the information contained in this application for confidential designation is true, correct, and complete to the best of my knowledge," and
2. State whether the applicant is a company, firm, partnership, trust, corporation, or other business entity, or an organization or association, and
3. State that the person preparing the request is authorized to make the application and certification on behalf of the entity, organization, or association.

(H) If the record contains information that the applicant has received from another party who has demanded or requested that the applicant maintain the confidentiality of the information, the applicant shall address the items in (B) through (F) of this subsection to the greatest extent possible and shall explain the demand or request made by the original party and the reasons expressed by the original party. If the basis of an application for confidential designation is an order or decision of another public agency pursuant to the Public Records Act or the Freedom of Information Act, the application shall include only a copy of the decision or order and an explanation of its applicability. The Executive Director shall consult with that agency before issuing a determination.

(2) A deficient or incomplete application shall be returned to the applicant with a statement of its defects. The record or records for which confidentiality was requested shall not be disclosed for fourteen days after return of the application to allow a new application to be submitted except as provided in Section 2507 of this Article.

(3) Executive Director's Determination.

(A) The Executive Director shall, after consulting with the Chief Counsel, determine if an application for confidential designation should be granted. An application shall be granted if the applicant makes a reasonable claim that the Public Records Act or other provision of law authorizes the Commission to keep the record confidential. The Executive Director's determination shall be in writing and shall be issued no later than thirty days after receipt of a complete application. The Executive Director or the Chief Counsel may, within fourteen days after receipt of an application for confidential designation, require the applicant to submit any information that is missing from the application. If the missing information is not submitted within fourteen days of receipt of the request by the Executive Director or Chief Counsel, the Executive Director may deny the application.

(B) If an application is denied by the Executive Director, the applicant shall have fourteen days to request that the Commission determine the confidentiality of the record. If the applicant makes such a request, the Commission shall conduct a proceeding pursuant to the provisions of Section 2508.

(C) After an application has been denied, the information sought to be designated confidential shall not be available for inspection or copying for a period of fourteen days, except as provided in Section 2507 of this Article.

(4) Repeated Applications for Confidential Designation. If an applicant is seeking a confidential designation for information that is substantially similar to information that was previously deemed confidential by the Commission pursuant to Section 2508, or for which an application for confidential designation was granted by the Executive Director pursuant to subdivision (a)(3)(A) of this section, the new application need contain only a certification, executed under penalty of perjury, stating that the information submitted is substantially similar to the previously submitted information and that all the facts and circumstances relevant to confidentiality remain unchanged. An application meeting these criteria will be approved.

(5) Automatic Designation. Information submitted by a private third party shall be designated confidential without an application for confidentiality if the requirements of subsections (a)(5)(A) and (B) of this Section are met. If the requirements of subsection (a)(5)(A) and (B) are not met, the Executive Director shall inform the private third party that the record will not be deemed confidential. Except as provided in Section 2507 of this Article, the record for which confidentiality was requested shall not be disclosed for fourteen days to allow the requirements of subsection (a)(5)(A) and (B) to be met or to allow the filing of an application pursuant to subsection (a)(1) of this section.

(A) The entity submitting the information shall label each individual item of the submittal that is entitled to be designated confidential.

(B) The entity submitting the information shall attest under penalty of perjury that the information submitted has not been previously released and that it falls within one of the following categories:

1. Information that is derived from energy consumption metering, energy load metering research projects, or energy surveys provided pursuant to Section 1343 or 1344 of Article 2 of Chapter 3, and that is one or more of the following:

- a. for the residential customer sector and the commercial customer sector - customer identifiers, energy consumption,

and any other information that could allow a third party to uniquely identify a specific respondent;

b. industrial major customer sector - all information;

c. survey design information - all information used to design a survey, stratify billing records, devise a sample scheme, select a sample, sample specific end-users for participation in a survey or a pre-test of a questionnaire or interview form.

2. Energy sales data provided pursuant to Section 1306, 1307, or 1308(c) of Article 1 of Chapter 3, if the data is at the greatest level of disaggregation required therein.

3. Information submitted by each LSE that is not a UDC that consists of:

a. Load forecasts and supporting customer projections by UDC distribution service area submitted pursuant to subdivision (b) of Section 1345 of Article 2 of Chapter 3.

b. Retail electricity price forecasts submitted pursuant to subdivision (a) of Section 1348 of Article 2 of Chapter 3.

4. Fuel cost data provided for individual electric generators under Section 1304 and fuel price data provided pursuant to subdivision (d) of Section 1308 of Article 1 of Chapter 3.

5. Records of Native American graves, cemeteries, and sacred places maintained by the Native American Heritage Commission.

6. Electric power plant-specific hourly generation data.

7. Electric power plant name, nameplate capacity, voltage at which the power plant is interconnected with a UDC system or transmission grid, address where the power plant is physically located, power plant owner's full legal name and address or longitude and latitude, if power plant is privately owned and its identity as a power plant is not public knowledge, (e.g., backup generator or solar installation at residence or business) under Section 1304 of Article 1 of Chapter 3.

8. Information the release of which is prohibited pursuant to the Information Practices Act (Civil Code Section 1798 et seq.)

9. All information provided pursuant to Section 1314 of Article 1 of Chapter 3 and Section 1353 of Article 2 of Chapter 3.

(6) Failure to request confidentiality at the time a record is submitted to the Commission does not waive the right to request confidentiality later; however, once a record has been released to the public, the record can no longer be deemed confidential. Although a record designated as confidential shall remain confidential during the application and appeal process, subject to the provisions of Section 2507(b) of this Article, the application itself is a public document and can be released.

(b) Governmental Entities. When another federal, state, regional, or local agency or state-created private entity, such as the California Independent System Operator, possesses information pertinent to the responsibilities of the Commission that has been designated by that agency as confidential under the Public Records Act, or the Freedom of Information Act, the Commission, the Executive Director, or the Chief Counsel may request, and the agency shall submit the information to the Commission without an application for confidential designation. The Commission shall designate this information confidential.

(c) Commission Generated Information

(1) The Executive Director in consultation with the Chief Counsel, may designate information generated by Commission staff as confidential under the Public Records Act. A confidential designation made in this manner shall be summarized in the agenda for the next Commission Business Meeting. Any private third party or public entity may request to inspect or copy these confidential records by filing a petition pursuant to Section 2506 of this Article.

(2) Contracts and Proposals

(A) Information received by the Commission in response to a solicitation shall be kept confidential by the Commission and its evaluators before posting of the notice of the proposed award. The solicitation document shall specify what confidential information the proposal may contain and how that confidential information will be handled after the posting of the notice of the proposed award.

(B) The Executive Director, in consultation with the Chief Counsel, may designate certain information submitted under a contract as confidential in accordance with the Public Records Act or other provisions of law. The designation and its basis shall be in writing and contained in the contract governing the submittal of the information or in a separate statement. The contract or written statement shall also state exactly what information shall be designated confidential, how long it shall remain confidential, the

procedures for handling the information, and all other matters pertinent to the confidential designation of the information.

(3) All data generated by the Commission that is the same type as the data described in Section 2505(a)(5)(B) of this Article shall be kept confidential by the Commission.

(d) All documents designated confidential pursuant to this Section shall be treated as confidential by the Commission except as provided in Section 2507.

(e) Every three months, the Executive Director shall prepare a list of data designated confidential pursuant to this Section during the previous three months. The Executive Director shall give the list to each Commissioner. The list shall also be made available to the public upon request.

Note: Authority cited: Sections 25213 and 25218(e), Public Resources Code; and Section 6253(a), Government Code. Reference: Sections 25223, 25322, 25364 and 25366, Public Resources Code; and Bakersfield City School District v. Superior Court (2004) 118 Cal.App.4th 1041.