

DOCKETED

Docket Number:	21-OIR-03
Project Title:	2022 Load Management Rulemaking
TN #:	241289
Document Title:	Steve Uhler Comments - Load Management Standards issues
Description:	N/A
Filer:	System
Organization:	Steve Uhler
Submitter Role:	Other Interested Person
Submission Date:	1/27/2022 2:27:11 AM
Docketed Date:	1/27/2022

*Comment Received From: Steve Uhler
Submitted On: 1/27/2022
Docket Number: 21-OIR-03*

OIR-21-03 Load Management Standards issues

Additional submitted attachment is included below.

OIR-21-03 Load Management Standards issues.

Dear Energy Commission Commissioners,

Perhaps the Energy Commission has not considered certain statutes when writing rules for Load Management Standards that make resulting rules not equitable, not cost effective, and unfeasible?

MIDAS is intended to be a electronic price lookup system. Energy Commission has not solved MIDAS database issues and corrected documentation errors and omissions.

MIDAS is a "walled garden" that restricts convenient access. A walled garden is a closed system in which all the operations are controlled by the system operator.

Obstacles to real time rate changes.

Pursuant to Public Utilities Code - PUC 14401, Before any rates and charges for commodities or service furnished by a publicly owned utility district are fixed or changed the general manager shall file with the board a report and recommendation thereon in writing. Within 40 days thereafter the board shall hold a public hearing on the report and recommendation. Prior to the hearing, notice of the time and place of hearing shall be published within the district pursuant to Section 6066 of the Government Code.

Pursuant to Public Utilities Code - PUC 14403, Before the board adopts any change in rates and charges for commodities or services furnished by an electricity district intended to increase or decrease revenues, the general manager shall file with the board a report and recommendation on the proposed changes in writing. Within 90 days, but not less than 30 days after the report is filed, except when unanticipated events cause a sudden and significant change in the electricity district's financial condition requiring an immediate response, the board shall hold a hearing on the report and recommendation. Notice of the time and place of the hearing shall be published within the district pursuant to Section 6063 of the Government Code, except that, in the case of an unanticipated event requiring an immediate response, notice may be given pursuant to Section 6063a of the Government Code.

Pursuant to Government Code - GOV 6063a, Publication of notice pursuant to this section shall be for at least 10 days. Three publications in a newspaper published once a week or oftener, with at least five days intervening between the first and last publication dates not counting such publication dates, are sufficient. The period of notice commences upon the first day of publication and terminates either at the end of the day of the third publication or at the end

of the tenth day, including therein the first day, whichever period is longer.

Pursuant to Civil Code - CIV 3513, Any one may waive the advantage of a law intended solely for his benefit. But a law established for a public reason cannot be contravened by a private agreement.

Pursuant to Business and Professions Code - BPC 13300. (a), The operator of a business establishment that uses a point-of-sale system to sell goods or services to consumers shall ensure that the price of each good or service to be paid by the consumer is conspicuously displayed to the consumer at the time that the price is interpreted by the system. In any instance in which the business advertises a price reduction or discount regarding an item offered for sale, the checkout system customer indicator shall display either the discounted price for that item, or alternatively, the regular price and a credit or reduction of the advertised savings. Any surcharges and the total value to be charged for the overall transaction also shall be displayed for the consumer at least once before the consumer is required to pay for the goods or services. The checkout system customer indicator shall be so positioned, and the prices and amounts displayed shall be of a size and form, as to be easily viewable from a typical and reasonable customer position at each checkout location.

Pursuant to Business and Professions Code - BPC 13300. (b), For the purposes of this section, "point-of-sale system" means any computer or electronic system used by a retail establishment such as, but not limited to, Universal Product Code scanners, price lookup codes, or an electronic price lookup system as a means for determining the price of the item being purchased by a consumer.

Pursuant to Business and Professions Code - BPC 13300. (c), All point-of-sale systems used by a business establishment on and after January 1, 2007, shall comply with the requirement of subdivision (a).

The statutes examples I have given can be considered consumer protection laws established for a public reason. The Energy Commission should ask the Attorney General to render a opinion on the statutes I have listed here and the Energy Commission's proposed regulations.

Pursuant to the following, the Energy Commission is required to identify conflict with other state or federal laws, yet appear to have not do so for the statutes I state above.

Government Code - GOV 11346.3. (a) A state agency proposing to adopt, amend, or repeal any administrative regulation shall assess the potential for adverse economic impact on California business

enterprises and individuals, avoiding the imposition of unnecessary or unreasonable regulations or reporting, recordkeeping, or compliance requirements. For purposes of this subdivision, assessing the potential for adverse economic impact shall require agencies, when proposing to adopt, amend, or repeal a regulation, to adhere to the following requirements, to the extent that these requirements do not conflict with other state or federal laws:

Government Code - GOV 11346.3. (a) (1) The proposed adoption, amendment, or repeal of a regulation shall be based on adequate information concerning the need for, and consequences of, proposed governmental action.

Government Code - GOV 11346.3. (a) (2) The state agency, prior to submitting a proposal to adopt, amend, or repeal a regulation to the office, shall consider the proposal's impact on business, with consideration of industries affected including the ability of California businesses to compete with businesses in other states. For purposes of evaluating the impact on the ability of California businesses to compete with businesses in other states, an agency shall consider, but not be limited to, information supplied by interested parties.

Government Code - GOV 11346.3. (a) (3) An economic impact assessment prepared pursuant to this subdivision for a proposed regulation that is not a major regulation or that is a major regulation proposed prior to November 1, 2013, shall be prepared in accordance with subdivision (b), and shall be included in the initial statement of reasons as required by Section 11346.2. An economic assessment prepared pursuant to this subdivision for a major regulation proposed on or after November 1, 2013, shall be prepared in accordance with subdivision (c), and shall be included in the initial statement of reasons as required by Section 11346.2.

MIDAS database issues.

MIDAS documentation is not complete, much discovery has to be done to ensure proper methods are used to access data. I have discovered a number of undocumented conditions that could prove to be a harmful to the public. I have alerted commission staff to the features they claim exist, that when absent may cause harm to the public.

Technical database issues I have made commission staff are aware of and have not been solved are:

Blank data fields for "ValueName" that MIDAS documentation requires valid data. This is a key data field in understanding where the price displayed comes from to determine if it is correct to contract requirements.

Some Application Programming Interface (API) calls return incorrect results with inappropriate records.

Rules not in the express terms.

MIDAS documentation references data requirements for a field named "RateName" pursuant to Title 20, section 1344. The express terms do not support this requirement. To place this requirement in MIDAS documentation without adopted regulation supporting the requirement is know as underground regulation and is prohibited by law.

The express terms do not explain requirements for non load supporting entities access to upload their data to MIDAS. These non load supporting entities data currently are for Flex Alerts and greenhouse gas emissions. Greenhouse gas emissions data must not conflict with Power Source Disclosure law greenhouse gas emission calculation methods. The Energy Commission must ensure the public is not misinformed about greenhouse gas emissions content of the electricity they are purchasing.

The actual cost of these Load Management Standards.

The costs predicted by commission staff will prove far below the actual cost.

When commission staff are unable to solve the MIDAS database issues while trying to avoid a the major database structure changes, the on going costs to ensure public access as the express terms require will prove not cost effective.

Is the Energy Commission prepared to teach the public how to write code to access the data in MIDAS?

If you don't believe my take on the Load Management Standards and the MIDAS database, please try accessing MIDAS data using only regulations and written documentation currently found in the 21-OIR-03 docket as of January 27, 2022.

Steve Uhler
sau@wwmpd.com