

**DOCKETED**

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# MISSION:DATA

February 3, 2022

Via Website Submittal

California Energy Commission  
1516 Ninth Street, MS-29  
Sacramento, CA 95814-5512

Docket No. 21-OIR-03, "2022 Load Management Rulemaking"

RE: Comments of Mission:data Coalition on Proposed Regulatory Language

Mission:data Coalition ("Mission:data") is a national non-profit coalition of technology companies delivering data-enabled, energy management services and solutions. Mission:data advances "energy data portability" policies across the country so that consumers can access innovative new services to help them manage their energy usage and costs.

Overall, Mission:data strongly supports the proposed regulatory language dated December 22, 2021. Mission:data has long supported the requirement that utilities should publish their rates in a digitally-accessible, machine-readable format according to national standards and best practices. The proposed regulations take an important step in this direction. Nonetheless, we believe minor modifications to the regulatory language are appropriate, as explained below. The proposed clarifications are motivated by a desire to remove ambiguities so that the Commission's intentions will be more likely to be faithfully enacted during implementation. Additions are indicated in **bold** and deletions in ~~striketrough~~.

## 1. Proposed clarifications to § 1623 (c)

...

(c) Support Customer Ability to Link Devices to Electricity Rates.

(1) Third-party Access. The utilities shall develop a single, statewide, **internet-based** standard tool for authorized rate data access by third parties that is compatible with each utility's system. The tool shall:

(A) **Electronically and automatically** provide the **current and future** RIN(s) applicable to the customer's premise(s) to third parties authorized and selected by the customer

(B) **Electronically and automatically** provide any RINs, to which the customer is eligible to be switched, to third parties authorized and selected by the customer;

(C) **Electronically and automatically** provide estimated average or annual bill amount(s) based on the customer's current rate and any other eligible rate(s) if the utility has an existing rate calculation tool and the customer is eligible for multiple rate structures;

(D) **Electronically and automatically** enable the authorized third party to, upon the direction and consent of the customer, modify the customer's applicable rate to be reflected in the next billing cycle according to the utility's standard procedures;

...

(2) The utilities shall submit the single, statewide, **internet-based** standard tool developed pursuant to Section 1623(c)(1) to the Commission for approval at a Business Meeting.

(A) The tool must be submitted within a year of the effective date of these regulations.

(B) The Executive Director may extend this deadline upon a showing of good cause.

**(C) The utilities shall describe any terms and conditions they intend to require of third parties using the tool and whether or not such terms and conditions have been approved by their governing body.**

## **2. Discussion**

First, the modifications to § 1623(c)(1) that would add “internet-based” and “electronically and automatically” are necessary clarifications because utilities could conceivably implement a cumbersome, non-electronic method that is difficult for consumers to use but that arguably complies with the Load Management Standard. In the past, utilities in California have not always understood data-sharing regulations of various kinds to necessarily require an automated, electronic, easy-to-use system. For example, in 2015-2016, customer enrollments in third party demand response programs were frequently handled via cumbersome paper forms. We believe that the Commission intended to mandate an electronic, automated, state-wide tool, but there is a risk that the utilities may have a different interpretation. Mission:data’s changes are intended to reduce this potential ambiguity.

Second, the added disclosure of terms and conditions is motivated by a desire to avoid utilities imposing unfair or coercive terms and conditions onto third parties

as a condition of receiving RINs and other services provided by the tool. Terms and conditions have been imposed by utilities in the past with regard to Green Button Connect systems, often without regulatory oversight. It would contravene the Commission's load flexibility objectives if such terms were so one-sided or unfair that third parties were disinclined to use the state-wide tool. Mission:data recognizes that utilities' governing boards – and not the Commission – have jurisdiction over such terms and conditions. Nevertheless, we believe that visibility into such terms is a modest and appropriate requirement for the Commission to impose, analogous to the disclosure – but not the setting – of dynamic rates.

### **3. Conclusion**

Mission:data recommends that the above modifications be made to the Load Management Standards. Thank you for the opportunity to provide comments.

Respectfully submitted,

February 3rd, 2022

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