

## DOCKETED

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**SMUD Comments - Responses on Scoping Questions for the Building Energy Use, Benchmarking, and Public Disclosure Program**

*Additional submitted attachment is included below.*

**STATE OF CALIFORNIA  
BEFORE THE CALIFORNIA ENERGY COMMISSION**

<b>In the matter of:</b>	)	Docket No. 15-OIR-05
	)	
<b>Building Energy Use Benchmarking and Public Disclosure Program</b>	)	SMUD Responses to Questions from November 10, 2015, Scoping Workshop
	)	
	)	
	)	December 31, 2015

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**Responses of the Sacramento Municipal Utility District  
on Scoping Questions for the Building Energy Use,  
Benchmarking, and Public Disclosure Program**

Thank you for the opportunity to provide comments on the scope of the new rulemaking to consider development of protocols for the building energy use, benchmarking and public disclosure process to be implemented by the California Energy Commission (the “Energy Commission”) pursuant to Assembly Bill No. 802 (Williams, Chapter 590, Statutes of 2015)(“AB 802”).

The Sacramento Municipal Utility District (“SMUD”) supports increased energy efficiency in existing buildings, and believes that the comprehensive benchmarking structure envisioned by AB 802 will enhance that goal. Developing the structure will take time and resources, and will likely be more successful in some areas than in others. SMUD has worked well with our customers in fulfilling the more limited, “time-of-sale” benchmarking structure established by Assembly Bill No. 1103 (Saldana, Chapter 533, Statutes of 2007) (“AB 1103”), and commits to working with the Energy Commission and stakeholders to successfully implement the AB 802 structure.

**SMUD’s Answers to Rulemaking Scoping Questions:**

**Utility Data Access**

***Question 1: By when should all utilities be required to match buildings to meters?***

It is difficult to answer this question as the process to understand and define the obligation is just beginning. Depending on the eventual requirements, more or less time may be needed to achieve the goal.

SMUD does not currently match buildings per se to one or more meters at the site. SMUD's process is to track meter numbers to a particular, physical address, such as "123 Main Street." However, any particular address may have multiple buildings, and a building may have several addresses (e.g., a building on a corner may have two addresses). This information is then used for SMUD's business purposes.

We note that meters are at times changed out (due to product end of life or service requirements), so matching meters to buildings is not a static condition. Meter change outs are an ongoing tracking issue, and this maintenance of the basic data must be considered. Developing a system to explicitly track specific meters (or accounts) to specific individual buildings and maintain that data as meters change out would require a significant new information technology project at SMUD and would also require a process to gather the specific building data rather than address data where applicable. SMUD would like to better understand the need for tracking meters to buildings and consider other approaches that meet the same need.

***Question 2: By when should utilities implement data exchange services with Portfolio Manager?***

SMUD is already using data exchange services with Portfolio Manager. SMUD recognizes that other utilities may have different timelines and abilities to implement these services, and SMUD has no opinion on any general implementation schedule.

***Question 3: How should utilities confirm whether a data request is from a building owner?***

SMUD will not disseminate sensitive and confidential customer information to a third party for non-SMUD business purposes unless the customer first consents to the release of the information. Provided the building owner is the SMUD customer of record, then, upon request, SMUD will release the information to the building owner. Subject to Government Code section 6254.16, SMUD may release utility usage data to an officer or employee of another government agency when necessary for the performance of its official duties (for example, if such information is provided to the Energy Commission subject to an interagency agreement). Utilities should not be placed in the position of authenticating whether a data request is from a building owner as this is not a function they have performed in the past and could take considerable resources and slow the flow of information. AB 802 reliance on aggregate energy usage data provided by a utility should address the majority of data requests. Where a data request is not for benchmarking "covered buildings" or the data is to be publicly disclosed and the specific accountholder must then provide consent, the process should be weighed carefully to ensure that the privacy rights of customers are maintained.

***Question 4: How should "utility account" be defined when multiple fuel types are under the same account?***

SMUD provides retail electricity to its customers, so internally this is not an issue with respect to our interaction under AB 802 as there are no other fuel types under customers' accounts. If the intent is to include data from other fuel types in a

comprehensive building benchmark system, we are open to discussing the issue with the Energy Commission, electrical and gas corporations, and other stakeholders as necessary. We do not think that this will or should require internal changes to SMUD's account definition processes.

### **Tenant Involvement**

#### ***Question 5: How can tenant participation in the rulemaking process be encouraged?***

SMUD does not think that increasing tenant participation in the rulemaking process is a utility role. However, SMUD understands that as the AB 802 process is developed, utility energy efficiency program and outreach efforts may be useful as a vehicle to encourage tenant participation in the benchmarking structure itself. SMUD expects our customers to have questions about the AB 802 requirements as they are established, similar to questions we have received for the AB 1103 benchmarking effort. SMUD will provide Energy Commission created materials and similar information to our commercial and larger multi-family customers to help develop a full understanding of AB 802 and its intent.

#### ***Question 6: How do building owners obtain operational characteristics from tenants? How can this process be improved?***

SMUD and other utilities generally do not have operational characteristic data available for most customers (some may be available for customers that have participated in load research and end use research studies). Utilities may be able to provide encouragement to customers to participate with the building owners and the Energy Commission in providing the data necessary for the AB 802 benchmarking process, but cannot be the primary source of such data. It is also not clear to SMUD how any individual tenant's operational characteristics data gets associated with aggregated building energy data. There have been issues with aggregating energy data from a confidentiality perspective, and SMUD would expect that these issues would remain of concern for tenant characteristics data. There may also be technical issues about exactly how to "aggregate" operational characteristics data from relatively diverse tenants into a set of aggregate building characteristics. If a tenant has agreed to provide their individual energy data to an owner for Portfolio Manager, the tenant could also add their operational characteristics and 'share' their data within the Portfolio Manager application to the owner. A better understanding of how Portfolio Manager acquires, manages, and uses operation characteristic data in these circumstances seems useful.

#### ***Question 7: What should be the Energy Commission's role in helping building owners obtain tenant information for benchmarking?***

SMUD has no opinion on this question at this time.

## **Tenant Involvement (Nonresidential, 1-2 Utility Accounts)**

***Question 8: When a tenant chooses to provide data, what should public disclosure obligation be for the building owner?***

Specific customer utility usage data is not generally public information. A building owner should clearly disclose to a tenant the type of information collected and the uses to which the information will be put; any use of the information by third parties or in excess of the consent should trigger re-notice and the consent process. Other than this comment, SMUD has no opinion on this question at this time.

***Question 9: When a tenant chooses not to provide data, what should the public disclosure obligation be for the building owner?***

SMUD has no opinion on this question at this time.

## **Disclose to the Energy Commission and Public**

***Question 10: What is the easiest way for a building owner to get the benefits of benchmarking?***

SMUD has no opinion on this question at this time.

***Question 11: Is annual disclosure to the Energy Commission appropriate?***

SMUD has no opinion on this question at this time.

***Question 12: When should a building's benchmark first be publicly disclosed?***

SMUD has no opinion on this question at this time.

***Question 13: Is monthly weather-adjusted energy use intensity appropriate for public disclosure?***

This data may or may not be appropriate for public disclosure, depending on the details. Certainly, weather-adjusted data makes sense, but it is not clear that monthly data is useful to the public as opposed to annual data or even some multi-year aggregate. The more detailed the data and more specific to a particular customer, the greater the chance that the data should be considered proprietary as, for some industries, a competitive disadvantage may occur from disclosure.

**Question 14: What unique program elements would lead to higher rates of energy efficiency improvements and program compliance?**

SMUD has no opinion on this question at this time.

**Question 15: How should public disclosure of building benchmarks be used to drive real estate demand for energy efficient buildings?**

SMUD has no opinion on this question at this time.

**Utilities**

**1. How many covered buildings are in your service territory? (Please provide multi-family, mixed-use, and nonresidential numbers separately.)**

SMUD can only provide an approximate answer to this request at this time. SMUD has data on the number of accounts or account groups that we have in these categories, but this does not translate one-to-one to number of buildings. In some cases, an account may have more than one building; in other cases, an account may relate to only a portion of a building. The approximate account numbers available are:

- Multi-family groups with more than 4 accounts --- 4600
- Mixed use buildings with more than 4 accounts --- 800
- Nonresidential buildings (no residential accounts at all) --- 22400

These numbers include both active and inactive accounts (as of December, 2015). The numbers exclude agriculture, streetlight, nightlights, traffic signals, mobile home parks, and any accounts that do not have complete service address information.

**2. What is your anticipated cost for fulfilling data requests (1) with Portfolio Manager Data Exchange Services, and (2) with manual upload to Portfolio Manager (this only if not currently subscribed to Data Exchange Services)? Please provide details on how these costs were derived.**

As long as the data request requirements under AB 802 do not change significantly from those under AB 1103 for individual requests, SMUD does not anticipate significant costs for fulfilling data requests through our already automated process. However, if the AB 802 process leads to significant data request and data upload protocol changes (e.g., different types and formats of data), there will be significant costs to develop or revise the IT structure to make individual requests simple and low cost. SMUD spent approximately \$250,000 to develop the currently automated process for AB 1103, and has had ongoing costs to fulfill those requests of about \$70,000 annually, including the costs for basic management of the uploads, EPA bi-annual upgrade support, training, and consulting with customers on the requests. SMUD does not anticipate manual uploads being feasible and already uses Data Exchange services, so SMUD has no opinion on the manual upload part of the question.

**3. What aggregation protocols do you plan to use? Please provide technical specifications if developed.**

SMUD can aggregate energy use across tenants within an individual building without explicit or complicated protocols because all tenants within a building are required to be on the same billing cycle.

**4. What is your implementation plan for matching buildings to meters by January 1, 2017?**

SMUD already has a process to accomplish the underlying goal as previously defined under AB 1103. As data, formats and/or protocols change under AB 802, SMUD will need to determine the effort and timeframe to meet the new requirements. SMUD cannot develop an implementation plan without knowing the requirements that must be met. If implementation of new requirements is desired by January 1, 2017, there must be substantial, if not complete, definition of the requirements by April or May 2016 to allow time to resource, design, and execute any new structures or procedures necessary to achieve the goal.

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cc: Corporate Files [LEG 2015-1075]