

DOCKETED

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Small Publicly Owned Utility Coalition Comments on Scoping Discussion for the Building Energy Use Disclosure and Public Benchmarking Program

Additional submitted attachment is included below.

BEFORE THE CALIFORNIA ENERGY COMMISSION

In the Matter of:

Building Energy Use Disclosure Program

Docket No. 15-OIR-05

**RE: Benchmarking Provisions of AB 802
(Williams, Chapter 590, Statutes of 2015)**

**SMALL PUBLICLY OWNED UTILITY COALITION COMMENTS
ON SCOPING DISCUSSION FOR THE BUILDING ENERGY USE DISCLOSURE
AND PUBLIC BENCHMARKING PROGRAM**

The Small Publicly Owned Utility Coalition (“Small POU Coalition”) respectfully submits these comments in response to the California Energy Commission’s (“Commission”) Scoping Workshop on the Building Energy Use Disclosure and Public Benchmarking Program (“Workshop”), held on November 10, 2015. At the Workshop, Commission staff discussed provisions of Assembly Bill (“AB”) 802 as related to benchmarking and building energy use, as well as steps for the transition to an AB 802 framework due to the intended conclusion of the AB 1103 program. Commission staff also requested comments on the issues raised during the Workshop. Thus, the Small POU Coalition hereby provides the following comments.

I. INTRODUCTION

The Small POU Coalition is an ad hoc coalition of small publicly owned utilities (“POUs”) in California. The Small POU Coalition includes the Cities of Rancho Cucamonga, Moreno Valley, Corona, Colton, Needles, Cerritos, and Victorville, Eastside Power Authority, Pittsburg Power Company, and the Power & Water Resources Pooling Authority. Most of these POUs formed in the last two decades, following deregulation and the California Energy Crisis. POUs in the Coalition have a substantially smaller load and administrative capacity in comparison to many of the other utilities within California – some members in the Small POU Coalition have a peak load

less than 10 Megawatts (“MW”). Though smaller in size, the Small POU Coalition members serve a diverse array of agricultural, commercial, industrial, and residential customers throughout California.

II. COMMENTS

A. The Small POU Coalition Urges Flexibility In Building Energy Use Disclosure And Benchmarking Development

The Small POU Coalition requests that the Commission recognize the broad range of size and administrative capacity of utilities in California when developing requirements for building energy use disclosure and public benchmarking. The Small POU Coalition is concerned that the regulatory framework and means of reporting being considered may be unduly burdensome and expensive for smaller utilities.¹ The Small POU Coalition urges reporting and compliance flexibility for smaller utilities, as some building use reporting requirements may be more appropriate for larger organizations with dedicated staff. Similarly, the Small POU Coalition asks for the streamlining of any spreadsheet templates and online tools intended for reporting, and strongly supports a straightforward and simple compliance pathway.

The Small POU Coalition also requests that AB 802 implementation be structured to address the distinctions in AB 802’s coverage. For example, several sections in AB 802 related to below-code energy savings do not apply to POU’s.² The Small POU Coalition asks that the Commission establish separate proceedings to better account for these distinctions, and prevent a conflating of issues during regulation development.

B. The Small POU Coalition Asks For Greater Clarity On The Definition Of A Covered Building

Since AB 802 does not define what a “building” is, the Small POU Coalition believes that

¹ See, e.g., Workshop Slides at 12 (containing a broad data disclosure framework).

² See AB 802 (2015) at Sections 2, 3, 6, and 8.

the Commission should make clarifying and defining the term a priority. Presently, members of the Small POU Coalition are unsure what buildings are potentially subject to data collection and reporting requirements. This makes estimation and forecasting of covered buildings in utility service territory very difficult. Since members of the Small POU Coalition have agricultural customers, the Small POU Coalition is concerned that an unclear definition of “building” could be construed to include agricultural pumping load or other exterior load that is not likely within the scope and intent of AB 802. Also, under the current definition there is uncertainty on how buildings in commercial and residential complexes are covered since such buildings may have tenants with multiple meters or a shared meter. Lastly, buildings may have no street address (or multiple street addresses), which adds to the difficulty in discerning and tracking covered buildings. Clarity on these issues will better help utilities understand what a covered building is, and how AB 802 data collection and reporting would function.

C. The Small POU Coalition Requests A Review Of The Impacts Of Data Disclosure On Customer Privacy

Many members of the Small POU Coalition have commercial and industrial customers, and the Small POU Coalition is concerned that aggregated usage data provided on covered buildings would lead to an improper discovery of energy data at the individual customer level. Energy use is an important and significant aspect of a business’ operational data, and disclosure of this data may reveal information about a business’ operation – impacting its competitive advantage. The Small POU Coalition asks that the Commission: (i) review the impacts of any proposed data disclosure to protect the privacy of customer data; (ii) consider requiring tenant consent prior to data disclosure to allow for customer privacy; and (iii) permit the reporting of efficiency metrics (such as an Energy Star score) rather than specific customer information.

III. CONCLUSION

The Small POU Coalition appreciates the opportunity to provide comments on the November 10, 2015 Workshop, and thanks the Commission for its review and consideration of these comments.

Respectfully submitted,

/s/ Dan Griffiths

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