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CALIFORNIA ENERGY COMMISSION

In the Matter of:)
) Docket No. 15-OIR-05
Building Energy Use)
Disclosure Program) STAFF WORKSHOP
_____)

STAFF WORKSHOP

INITIAL PROPOSAL TO IMPLEMENT THE
BUILDING ENERGY USE DATA ACCESS AND
PUBLIC DISCLOSURE PROVISIONS OF AB 802
(WILLIAMS, CHAPTER 590, STATUTES OF 2015)

CALIFORNIA ENERGY COMMISSION

First Floor, Art Rosenfeld Hearing Room
1516 Ninth Street
Sacramento, California

Friday, March 25, 2016

9:00 a.m.

Reported by

Kent Odell

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March 25, 2016 9:00 a.m.

MR. JENSEN: Thanks for being here on a Friday right before a holiday weekend, we really appreciate it. This wasn't our first choice of our meeting date but it's what we ended up with, so thank you for being here.

So I'm going to take care of a few housekeeping things, then I'm going to explain what we're doing here, and then we'll get started on the content.

So let's see. Emergency exits. If something should go wrong, there are two options for exiting this room. One is the door you probably came in through, one is back in that corner. Those will both put you out in the atrium. If you leave through the building entrance that you came in, no alarm will sound. If you leave through the exit over there, an alarm will sound.

Restrooms are right across the hallway out here, so again, exit through those doors, the restrooms are right there.

Snack bar, just head up the stairs or the elevator and it's on the second floor.

If we do need to do the emergency exit

1 thing, we meet up diagonally across the intersection
2 at Roosevelt Park and I guess we await further
3 instructions.

4 Oh, there we go. Okay.

5 Protocol for when it comes time to make
6 comments or ask questions. Each time that happens in
7 three stages. First is we'll take questions in the
8 room. Second is we'll take people on WebEx who are
9 raising their hands. And third is we'll unmute the
10 phone lines and take questions from people on the
11 phones.

12 [Next Slide]

13 So here's the agenda.

14 We're going to start with a bill overview,
15 share some key themes that we received from the
16 responses to our scoping questions, take you through
17 our initial proposal.

18 I want to be real clear, we don't consider
19 this our draft language yet; these are the concepts
20 that we wanted to share with you and discuss and
21 incorporate your feedback into the draft proposal
22 that we'll put forth later.

23 And then after we go through the initial
24 proposal, Laith will take you through our anticipated
25 data flow diagram and a couple of maps showing

1 building concentrations in California.

2 Let me do a few quick introductions for
3 those of you who don't know us.

4 I'm Erik Jensen, I'm in the Existing
5 Buildings Unit here at the Energy Commission; I'm
6 leading the regulation development.

7 This is Laith Younis here. He's also in the
8 Existing Buildings Unit; he leads the data
9 infrastructure development.

10 And Abhi Wadhwa, sitting next to Laith, is
11 our supervisor.

12 Okay. So let's see here. So let's go ahead.

13 [Next Slide]

14 So just very high level, two main things
15 that the statute does.

16 One is it requires utilities to provide
17 building level energy usage data to a building owner,
18 owner's agent, or operator on request.

19 And I would like to reserve the right
20 throughout the presentation today, if I simply say
21 "owner" rather than "owner, owner's agent, or
22 operator" is everyone okay with that? Great.

23 Okay. So that's one thing that the statute
24 does.

25 The other thing is it requires the Energy

1 Commission to create a program for benchmarking and
2 publicly disclosing energy usage information for
3 certain buildings in the state. And we'll get into
4 the details on how we'd like to see that happen.

5 [Next Slide]

6 So these are some building counts. We just
7 very recently purchased a subscription to CoStar,
8 which is a real estate information service that has a
9 lot of California level building data. The data that
10 we have from CoStar is not -- and the terminology
11 that they use and so the way we do our searches in
12 CoStar is not -- necessarily consistent with exactly
13 what's in the statute, and so we'll talk about that a
14 little bit.

15 So here are some numbers. The terms in
16 CoStar are Commercial and Multi-Family. The terms in
17 the statute are buildings with residential accounts
18 and buildings with no residential accounts, so
19 they're not exactly the same thing but we're using
20 these as proxies for now.

21 So as you can see, commercial we've got
22 about 287,000 total commercial buildings in the
23 state, and a little under 7,000 that have greater
24 than 2 tenants and over 50,000 square feet of
25 rentable area. And we'll talk about later why those

1 numbers are important.

2 For multi-family about 126,000 properties
3 with 2 or more dwelling units, about 106,000 with 5
4 or more units, and about 11,000 with 17 or more units
5 and greater than 50,000 square feet. And again, we'll
6 talk later about why those numbers are important.

7 Lastly, we very recently received a
8 California-level report from Portfolio Manager on
9 buildings that are already entered in Portfolio
10 Manager, and that's 36,000 total buildings and 11,000
11 larger than 50,000 square feet, and that includes
12 both commercial and multi-family, we don't have that
13 broken out yet.

14 [Next Slide]

15 So this is our tentative timeline. The first
16 two items on here are statutory requirements and then
17 there are four more which are projected, so we'll
18 take you through those.

19 So the statute required on January 1st, 2016
20 for utilities to begin maintaining records for all
21 buildings to which they provide service.

22 On January 1, 2017 utilities will be
23 required to provide data to building owners on
24 request. And this is only for covered buildings, and
25 we'll get into exactly what a covered building is

1 later.

2 We're currently projecting April 1, 2017 for
3 having regulations in effect for the things that
4 we're talking about today.

5 April 1, 2018 is our idea for when
6 commercial reporting will begin, and then one year
7 later for multi-family reporting. So this is when the
8 building owner will report certain information to the
9 Energy Commission.

10 The first year of data for each building
11 sector will not be made public. That will be reported
12 to the Energy Commission but will not be made public.

13 July 1, 2019 -- so a couple things I left
14 off here.

15 So the second reporting cycle for commercial
16 will be April 1, 2019. That data would be made public
17 July 1, 2019. And these dates, the years and the
18 specific dates are all tentative, and we'd love to
19 hear how you feel about both of those things.

20 And then July 1, 2020 is when we would start
21 publicly disclosing multi-family data, and from every
22 year after that would be disclosing for both building
23 sectors.

24 [Next Slide]

25 So these are some key themes and goals that

1 we observed in the responses to the scoping
2 questions.

3 First was very important that we have an
4 explicit definition for what a building is. If we're
5 expecting building owners to report data for a
6 building, if we're expecting utilities to provide
7 data at the building level, we need to be explicit
8 about what a building is. And so we've got a proposed
9 definition which we'll show later.

10 Very closely tied to that is providing
11 guidance on meter mapping. Laith is leading our Meter
12 Mapping Working Group with the utilities and there
13 are a lot of interesting issues there that they deal
14 with.

15 Historically, utilities have not tracked
16 usage at the building level, they track it at the
17 meter level or the account level, and so this is a
18 change in procedure for them, us asking them to make
19 building level data available, and so that's the
20 purpose of that working group.

21 A couple of utilities mentioned in their
22 comments they didn't think it was appropriate for
23 them to have to verify who the owner of a building
24 was.

25 We do think it's most efficient for the

1 utilities to do this. You'll see later we propose --
2 we give a few examples of documents that they could
3 require a data requester to show to prove that they
4 are either the building owner or acting on behalf of
5 the building owner, so we'll show you what those are
6 later.

7 We want standardized fields for requesting
8 data. If someone owns one building, if it's served by
9 two utilities, we want the request process to be
10 consistent.

11 If someone owns a portfolio of buildings and
12 a bunch of utility territories, again, we want the
13 process to be consistent. We don't want them to have
14 to learn a bunch of different processes to request
15 data.

16 At the scoping workshop we mentioned the
17 possibility of the Energy Commission completing
18 benchmarking for buildings, and we heard pretty
19 strongly that it would be a pretty big mistake to
20 leave the building owners out of the process. They're
21 the one who's in a position to make improvements to a
22 building as a result of what happens in the
23 benchmarking process, and so we understand that it's
24 important to involve them in the process.

25 Simplify the reporting process. So that's

1 partly the meter mapping is an example of that.
2 Rather than requiring building owners to get all the
3 account numbers or meter numbers serving a building,
4 they just -- we want them to be able to provide an
5 address and get the data for the building and also
6 have the rest of the process be fairly simple as
7 well.

8 We had some suggestions to phase program
9 implementation, so as you saw, we're starting
10 commercial and multi-family at different times, and
11 then also not publicly disclosing the first reporting
12 year of data.

13 Lastly, there was a suggestion to provide
14 post-reporting outreach. So rather than you submit
15 your data to the Energy Commission and then you just
16 get confirmation, yeah, we received your data, we
17 really want to, for low performing buildings we want
18 to provide suggestions on how to improve.

19 For high performing buildings we want to
20 give congratulations, say that's great.

21 Ideally, we could maybe connect the owners
22 of the low-performing buildings with the owners of
23 the high-performing buildings so they can talk about
24 how to -- what worked in the high-performing
25 buildings.

1 [Next Slide]

2 So I'm moving on to our staff proposal. And
3 again, we're very much looking for your feedback on
4 this and we're not yet at the draft language stage so
5 we really want to incorporate your feedback in our
6 draft language.

7 So there are four definitions that are given
8 to us in statute, and so we'll go over those. And
9 we're proposing a clarification to one of them. And I
10 won't necessarily read all of these out loud. I do
11 understand that we just got these to you late
12 yesterday, and so on some of these I'll just let us
13 sit quietly for a moment to read.

14 But benchmarking is to go over -- is just to
15 track the energy usage. I mean, energy benchmarking
16 specifically is to track the energy use of a building
17 over time and so you can both compare it to other
18 buildings and compare it to that same building over
19 time.

20 Covered building is either of two things.
21 It's a building receiving energy from a utility with
22 no residential utility accounts, or any building with
23 five or more active utility accounts of any one
24 energy type, residential or nonresidential.

25 So the underlined text is our proposed

1 addition to the statutory definition because we want
2 to clarify.

3 So first of all, a building that doesn't
4 receive energy from a utility, we don't want it to be
5 covered by the program.

6 Secondly, we want this to be per energy
7 type. So for one thing, we're not summing accounts of
8 various fuel types to get to this number. If a
9 building -- so using number 2, for example, a
10 building that has one or more residential accounts.
11 If a building has three electric accounts, two gas
12 accounts, we're not summing those to get to five. You
13 would need to have five of one fuel type for it to be
14 a covered building.

15 Now, the utility receiving the request needs
16 to look at this building from their perspective for
17 the fuel type they provide. So if a building has five
18 electric accounts, three gas accounts, from the
19 perspective of the electric utility that's a covered
20 building and they need to provide the data. From the
21 perspective of the gas utility that's not a covered
22 building if it's fewer than five in the case of one
23 or more residential accounts, and so this building,
24 from the perspective of the gas utility this building
25 would not be within the scope of the program.

1 [Next Slide]

2 Two more from the statute.

3 Energy is electricity, natural gas, steam,
4 or fuel oil, so it's only those four, just to be
5 clear.

6 And then Portfolio Manager, as we probably
7 all know, is a very commonly used tool for
8 benchmarking. The statute does not require us to use
9 Portfolio Manager but certainly what we're proposing
10 building owners use for the benchmarking and
11 reporting.

12 [Next Slide]

13 Okay, now we're getting into definitions
14 that we are -- so those four were statutory
15 definitions. Now we're getting into definitions that
16 we are proposing.

17 Firstly, as I mentioned earlier, it's very
18 important that we have an explicit definition for a
19 building. This is a modified definition from -- the
20 first sentence is a modified definition from what we
21 have in the California Building Standards Code.

22 The second portion -- well, let me just get
23 into it.

24 And that part is any structure used or
25 intended for supporting or sheltering any use or

1 occupancy. So it's the structure.

2 In the case where you have multiple
3 buildings served by one meter, that shall be
4 considered one building. So if you have a campus
5 situation or just like that, you can get the data for
6 data access purposes.

7 Next we have -- this will come up later --
8 we have building identification number, which is a
9 number unique across California utilities assigned to
10 each covered building.

11 So we feel strongly this is important each
12 building in California have a number. This helps with
13 aligning data coming from multiple sources. There is
14 still some refinement that needs to be done on this.
15 We don't know exactly how this is all going to work
16 out, and I'm sure we'll talk about it later. So
17 that's that one.

18 [Next Slide]

19 Disclosable building. So this is the term
20 we've been using, and what this means is a building
21 for which the building owner will need to report
22 energy usage to the Energy Commission. There's a
23 diagram on the next slide that helps explain some of
24 this. So there are two possibilities here.

25 In a building that doesn't have any

1 residential accounts, if a building has three or more
2 utility accounts and is larger than 50,000 square
3 feet, it's disclosable.

4 And if a building has 17 or more utility
5 accounts, if some are residential, and more than
6 50,000 square feet, it's disclosable.

7 [Next Slide]

8 So this brings us to the diagram.

9 So starting on the left, buildings with no
10 residential accounts, all buildings are covered
11 buildings. There's a slight wrinkle that was pointed
12 out recently, which is that a building that doesn't
13 receive utility service is still a building but is
14 not a covered building; it doesn't fit the definition
15 of covered building. So that would be a tiny sliver,
16 but all buildings that receive utility service on the
17 nonresidential side are covered buildings, so that's
18 why there are only two total circles there.

19 A small portion within covered buildings are
20 disclosable buildings. So again, three-plus utility
21 accounts, 50,000 square feet, that's disclosable.

22 On the residential side we have buildings. A
23 subset of that is covered buildings, and those are
24 buildings with five-plus utility accounts, and that
25 comes from statute. And then a subset of that is the

1 disclosable buildings; 17-plus utility accounts and
2 50,000 square feet.

3 So let's see what we've got here.

4 So buildings that are not covered on the
5 residential side, the distance between the outside of
6 the building circle and the outside of the covered
7 building circle is buildings that are not covered. As
8 I mentioned, there would actually be a tiny area for
9 that on the nonres side as well.

10 And then the distance between the outside of
11 the covered circle and the outside of the disclosable
12 circle is buildings that are covered but not
13 disclosable.

14 [Next Slide]

15 Moving right along the definitions.

16 So utility is an entity providing energy to
17 a building. So in most cases you have one entity that
18 is producing or procuring the energy and delivering
19 it to the building. So in that case that's the person
20 who's billing the customer. That's the utility that
21 the owner would submit their data request to.

22 In cases where you have one entity producing
23 or procuring the energy and another entity delivering
24 the data to the building, the entity delivering the
25 data to the building is the one who would be billing

1 the customer and that's who the building owner would
2 be making the request to. That's what we're
3 considering the utility for the purpose of this
4 program.

5 And utility account is an agreement between
6 a utility and its customer to provide energy to a
7 predetermined location, and that's pretty -- we're
8 very interested in hearing your feedback on that.
9 It's pretty important, as we just saw, when we've got
10 specific thresholds for when certain things either
11 can or need to happen, and so it's very important
12 that we have a good definition for utility account.

13 [Next Slide]

14 That brings us to the end of the definition
15 section. We're going to go ahead and go to comments
16 or questions, so anyone in the room, please come on
17 up.

18 MR. BENGTSSON: Morning everybody. Nathan
19 Bengston with PG&E. How you doing?

20 I have to admit that I wasn't on the last
21 AB 802 conference call, sorry Laith, but I was just
22 curious if you could talk through one more time your
23 justification and background for the three utility
24 account, 50,000 square feet threshold, and on the
25 residential side the 17 utility account number, just

1 where that number comes from.

2 MR. JENSEN: So the three -- so on the
3 nonresidential side we decided -- so we'll get into
4 customer permission later. With fewer than three
5 utility accounts utilities are allowed to ask for
6 customer permission before providing data, with three
7 or more they are not.

8 We decided that it would be easier for
9 anyone with fewer than three to exclude them from the
10 public disclosure requirement. There would have
11 needed to be two sets of permissions to be granted
12 and go to different places. So we certainly wanted to
13 exclude fewer than three from public disclosure.

14 Let's see. So the 50,000 square feet, that's
15 in the Leg. Intent section, that's not in the
16 statute, but that's what we're going with and it's
17 consistent with other programs.

18 The three-plus -- okay. I apologize. Abhi is
19 telling me it's from the statute.

20 And then on the res side, same thing; 17-
21 plus is definitely from the statute, and again,
22 50,000 is from the Leg. Intent section.

23 MR. BENGSTON: Thank you for the reminders.

24 MR. JENSEN: Yeah.

25 MR. CHANGUS: Jonathan Changus with the

1 Northern California Power Agency. I think that's a
2 very useful graphic, so thank you for sharing and
3 looking forward to going through the rest of the
4 presentation with you guys.

5 One of the questions with definition,
6 especially with the definition of a building, is that
7 with Portfolio Manager primarily focus on interior
8 building load versus exterior building load, and
9 there is some question, I think, for a lot of
10 utilities about load associated with parking lot
11 lighting, or may not be interior load or building
12 load but on the same address or assigned to a parcel.

13 So I think we're still looking for a little
14 bit more clarification on when we say building are we
15 talking primarily as Portfolio Manager does about
16 interior load or are we looking at property and how
17 we should or should not be including some of the
18 exterior load.

19 And recognizing in some cases the exterior
20 load will be included, it's not separately metered.
21 There's ways to work through that through Portfolio
22 Manager, as we understand it, so that's okay, but
23 just clarification on the separately metered exterior
24 load, how utilities should be accounting for that.

25 MR. JENSEN: Okay, great. Yeah, we'll

1 provide clarification. Our general response is in
2 whatever is shown publicly, we want it to be clear.
3 If there's a performance or energy usage number we
4 want it to be clear exactly what that's including if
5 people are getting it on a website or whatever. So
6 yeah, we will clarify that.

7 MR. CHANGUS: Excellent. And I believe that
8 the comment submitted by (inaudible), which NCPA was
9 very supportive of, there was encouragement to follow
10 as closely as we can with the Portfolio Manager
11 practices to ensure some consistency.

12 MR. JENSEN: Yeah, absolutely.

13 MR. CHANGUS: So we'll look forward to that
14 clarification. Thank you.

15 MR. JENSEN: Great.

16 MR. SPAIN: I'm Terry Spain with San Diego
17 Gas and Electric, and I had a question regarding the
18 definition of "utility account."

19 We have learned that other utilities don't
20 necessarily classify contractual agreements with
21 their customers the same way. Some utilities have
22 both agreements and accounts; we simply have
23 accounts. And so we wanted to get clarification on
24 how the regulations and/or statute define that term.

25 For example, we could have a single building

1 with four accounts, all under the same owner, the
2 account holder would be the same. So you've leased
3 the entire building and there's four accounts for
4 whatever reason and they're all in the same account
5 holder's name. Is that considered one agreement or
6 four accounts, or how would you interpret that?

7 MR. JENSEN: Okay. We were just talking
8 about this yesterday about the statute just gives us
9 number of accounts, but we understand there's this
10 issue with where you may need to make another
11 distinction as well.

12 Galen is our legal counsel. I don't know if
13 he wants to go into this at all.

14 MR. LEMEI: (Inaudible.)

15 MR. SPAIN: Our question was the term
16 "accounts," that might differ from one utility to the
17 next. For example, there's a term that's been used by
18 some utilities, agreement with customers and accounts
19 and those being two separate things, we understand.

20 In San Diego Gas and Electric's territory,
21 for example, the only agreements that we have with
22 the customers are called accounts. And therefore, in
23 the situations where you may have, say, like a single
24 building, and that building there may be four
25 separate electrical accounts serving that building,

1 but all accounts may be in the name of the same
2 owner. They don't necessarily consolidate the
3 accounts into one simply because they own all the
4 accounts.

5 That may cause an issue when we get to the
6 idea of aggregation because if you aggregate one
7 tenant's usage with himself you basically have no
8 masking for privacy concerns.

9 MR. LEMEI: Right. So the current -- what's
10 the right word for it? I guess the language that
11 you're currently looking at does not distinguish or
12 check for the ownership of the account. So the way
13 it's currently written, I would not read it for it to
14 be a determining factor whether those accounts are
15 owned by the same entity or owned by different
16 entities.

17 If that is a consideration that -- if it is
18 common that accounts are under joint ownership and
19 for the purpose of this program that it be more
20 appropriate to treat separate accounts as the same
21 account, which is I think what you might be
22 suggesting, that under certain circumstances accounts
23 that are nominally different shouldn't be treated as
24 different for the purposes of this program and for
25 the purposes of, for example, checking for one of the

1 aggregation thresholds.

2 MR. SPAIN: That's correct. Our concern was
3 that if you interpreted accounts as being separate
4 accounts and not accident holders, then there are
5 going to be many situations where an individual
6 entity's energy usage is going to bypass the intent
7 of the aggregation clause within the statute. In
8 other words, the aggregation will not protect their
9 privacy.

10 MR. LEMEI: Right. So that is an important
11 point that you're raising. What I think we would
12 appreciate is that in written comments help us
13 understand the situations under which that might
14 occur, because as of this moment I'm not sure that
15 that is -- I don't think that that was anticipated.

16 MR. SPAIN: I understand.

17 MR. LEMEI: Thanks.

18 MR. COPE: Good morning. Bryan Cope with
19 Southern California Public Power Authority. Just a
20 couple points of clarification, please.

21 I need to confirm that the covered building
22 is what's called benchmarkable. Or in another way, it
23 is a building that an owner can request historic
24 energy usage data for, correct?

25 MR. JENSEN: Correct.

1 MR. COPE: All right. Then with that, are
2 owners required to benchmark all 287,000 buildings?

3 MR. JENSEN: No. So the covered building
4 means they may request and receive data. Only when
5 you get down to disclosable buildings is where we at
6 the Energy Commission will require them to benchmark
7 and -- to do two things, benchmark and report to the
8 Energy Commission.

9 If you're covered but not disclosable,
10 you're welcome to request and receive your data and
11 you can benchmark in Portfolio Manager, participate
12 in some other improvement program, whatever you want
13 to do with the data.

14 MR. COPE: So it's an ability, not a
15 requirement.

16 MR. JENSEN: Yes, yes.

17 MR. COPE: Only the disclosable are
18 required.

19 MR. JENSEN: To take action, right.

20 MR. COPE: Thank you, okay.

21 MR. JENSEN: You want to give a
22 clarification on that?

23 MR. LEMEI: Yeah, the only clarification is
24 the part of the framework that allows building owners
25 the ability to access their data is just that, it's

1 empowering them but it's not requiring them to do so.
2 But it does put an obligation upon the utility to
3 facilitate that disclosure.

4 MR. COPE: If requested.

5 MR. LEMEI: If requested, correct. And the
6 only clarification was to say that it's not a
7 requirement, it's not a requirement for the building
8 owner.

9 MR. COPE: Okay. Thank you, I understand
10 that.

11 Lastly, you brought up the statewide
12 building identification number system, and I'm just
13 curious, is that an intention of the Energy
14 Commission to establish, manage, and maintain that,
15 or are you going to be farming it out?

16 MR. JENSEN: So we're still working that
17 out. Our current thought is that the Energy
18 Commission would provide these numbers working with
19 any utilities that may have systems in place already
20 for assigning numbers. So if there's anything in
21 place already we don't want to have to redo that
22 work, but our thought is that the Energy Commission
23 would be providing those.

24 MR. COPE: Very good. Thank you.

25 MR. CHANGUS: Jonathan Changus from the NCPA

1 again with a quick follow-up on the building
2 identification number.

3 When a building is entered into Portfolio
4 Manager it receives a Portfolio Manager ID specific
5 to that building, if I'm not mistaken. I'm wondering
6 if that might not be something we look to as being
7 the consistent methodology for identifying buildings
8 and using that going forward.

9 MR. JENSEN: So there are a couple things
10 there. One is we want the building to have a number
11 even before it's entered into Portfolio Manager.

12 The other is a building can be entered more
13 than once into Portfolio Manager by multiple people,
14 and we want the numbers to be unique. So the same
15 building could get multiple numbers in Portfolio
16 Manager and we want each building just to have one
17 number.

18 MR. CHANGUS: Okay. We're going to have a
19 lot of different ID's potentially for the same
20 building?

21 MR. JENSEN: Laith is going to figure all
22 that out.

23 MR. CHANGUS: Okay.

24 MS. CRESENCIA: Kim Cresencia with San Diego
25 Gas and Electric. Just want to let everyone know that

1 we did provide some comments and we have copies on
2 the front table there.

3 And is this list of definitions the complete
4 at this point or were you expecting more? Because one
5 that's not on here is a definition of "active."

6 MR. JENSEN: So to answer your question,
7 yeah, if it looks like we need a definition,
8 absolutely we'll add it.

9 MS. CRESENCIA: Okay.

10 MR. JENSEN: I mean, yeah, it was intended
11 to be complete, but if it looks like that's something
12 we need, we'll absolutely add it.

13 MS. CRESENCIA: Okay. And active
14 definition, and the reason is that a utility account
15 is considered active -- and this is (inaudible) on
16 behalf of SoCal Gas as well -- a utility account is
17 considered active on the date of the request, and
18 language should be included in the law to reflect
19 this definition and provide protection to utilities
20 if the account ownership change.

21 MR. JENSEN: Okay. Got it. Great, thank
22 you.

23 Okay, if there's no one else in the room,
24 we're going to see if anyone is raising their hand on
25 WebEx.

1 MR. HOOPER: Hi, this is Barry Hooper with
2 the City and County of San Francisco.

3 MR. JENSEN: Morning, Barry, go ahead.

4 MR. HOOPER: Good morning, hi. I would
5 respectfully strongly encourage reconsidering this
6 interpretation of the statute. I do like to think
7 that the outer circles of each of diagrams are very
8 logical readings of the statute, but my understanding
9 of the legislative intent in setting the three-plus
10 utility account threshold was to resolve the
11 longstanding issue that the Commission and
12 stakeholders wrestled with in AB 1103 that a large
13 fraction of buildings were unable to conveniently
14 obtain their energy usage data due to the challenges
15 of seeking consent from a wide array of tenants. And
16 so that becomes more and more important the greater
17 the number of accounts, and so I think that's the
18 logic for the three-plus number.

19 However, more than half of the best data we
20 have from both benchmarking in San Francisco, from
21 the large scale studies by Pacific Northwest National
22 Laboratory and meter mapping efforts that we've gone
23 to with PG&E focused on San Francisco, have all
24 emphasized that more than half of buildings have one
25 to two meters or customer accounts by fuel type, and

1 that includes large buildings, 50,000 square feet and
2 larger.

3 So for example, a lot of the Class A office
4 product built prior to 1980 in San Francisco, even
5 very large buildings served by a single meter, and so
6 excluding them from a disclosure program appears
7 counter to the intent.

8 I would encourage a reading that
9 acknowledged that for the statute only provides a
10 clear means of obtaining the usage data without
11 consent for sites that have three or more utility
12 accounts, but that was meant to complement the
13 existing consent-based process which could be used
14 for sites that have one to two utility accounts for a
15 given fuel type.

16 But I'd really encourage including as many
17 buildings as possible in the program because it will
18 feel in the disclosure review and information it
19 would appear very arbitrary to exclude large well-
20 managed multi-tenant buildings that happen to be
21 served by one to two meters.

22 And the same principle really should apply
23 with multi-family. You know, if we're talking about
24 disclosure of 50,000 square feet and larger
25 buildings, you've kind of simplified the individual

1 tenant privacy issue there since there are going to
2 be very few multi-family buildings with five tenants
3 in a 50,000 square foot building. It's going to
4 typically be 50,000 square feet in and of itself is
5 likely to get you to 20 to 50 apartments minimum, so
6 I think it's also an issue to work out the mechanics
7 of in terms of multi-family.

8 Thank you.

9 MR. JENSEN: Great, thanks, Barry.

10 Hanna Grene.

11 MS. GRENE: Thanks, Erik. I just wanted to
12 echo Barry's comments. Thanks, Barry, for scooping
13 me.

14 I also wanted to bring up some concerns just
15 related to smaller residential units in predominantly
16 commercial buildings.

17 We do know that these are buildings that
18 would traditionally be covered and disclosed under
19 benchmarking programs in dense urban areas. I can
20 certainly start to think of some Class A buildings in
21 our large cities that technically, you know, if we're
22 saying that any residential accounts disqualify you,
23 that might be problematic for some, again, large
24 buildings that have very small residential penthouses
25 on their top floors, etcetera. So I just to say those

1 are in the weeds but it's just going to be important
2 to be very detailed in that regard.

3 MR. JENSEN: Okay, great. Thanks, Hanna.
4 Matt Evans, go ahead.

5 MR. EVANS: Yes, Matt Evans, Southern
6 California Edison. Just a follow-up on one of my
7 colleagues.

8 I believe they were talking about
9 aggregation and the issue with the building owner
10 accounts versus tenant accounts.

11 You know, the intent of having aggregation
12 AB 802 was to preserve confidentiality. So for
13 example, if you had a building with five utility
14 accounts but four of those accounts belonged to the
15 building owner but only one of those belonged to a
16 tenant, there is no confidentiality by aggregating
17 those five accounts together. The building owner
18 could simply subtract out the usage from their four
19 utility accounts and know what the tenant's usage is.

20 So at least my opinion is that the number in
21 the aggregate should not include those of the
22 building owner.

23 And another, you know, there was a
24 discussion on active utility accounts. So when
25 tenants move in and out of the building, if a tenant

1 moves out, that account is closed. However, if that
2 happens in the last 12 months, you need both active
3 and inactive accounts in order to benchmark the
4 building. So I just wanted to clarify that for the
5 group, and that's all I had.

6 MR. JENSEN: Great. Thanks.

7 Galen, do you want to respond to the case
8 where an owner has most of the accounts?

9 MR. LEMEI: Sure. So I hear you speaking to
10 two separate but related issues. One of the issues is
11 what I was just speaking about a second ago, or what
12 one of the commenters was speaking about a second
13 ago, and that's the issue of multiple accounts under
14 same ownership, whether that's the building owner or
15 a tenant with multiple utility accounts.

16 And what I hear you to be saying is that,
17 particularly in the case of the owner, it's
18 appropriate to treat accounts under common ownership
19 as a single account for the purpose of this program.
20 That's one issue that I hear you speaking to.

21 The second issue is I hear you suggesting
22 that, in fact, it's inappropriate altogether to
23 include accounts belonging to the building owner at
24 all, even if there's only one, for the purpose of the
25 aggregation threshold.

1 And that's not currently our interpretation,
2 we don't think that that's what the statute says, but
3 if you think that's a better reading of the statute,
4 we do appreciate your comments and we'd appreciate it
5 if you would flush that out in a little more detail
6 in written comments.

7 MR. EVANS: Okay. Yes, thank you. We will
8 definitely provide written comments in this regard.

9 MR. JENSEN: Matt, go ahead.

10 MR. HARGROVE: Good morning. Matthew
11 Hargrove with the California Business Properties
12 Association. I just want to emphasize the comments
13 that Barry made in terms of the covered buildings, in
14 terms of the owner occupied, and the single utility
15 and two utility buildings.

16 If we're going to hit our marks under the
17 existing building energy program under SB 350, I
18 think your CoStar information will tell you that
19 that's a huge swath of the buildings that are out
20 there are older owner-occupied or one- or two-tenant
21 buildings. And the way that the regs are playing out
22 on that slide is it looks like they're carved out of
23 this program, and I don't think that that is actually
24 the overall intent. I think it ended up being shifted
25 that way because of a lot of the other issues that

1 you're dealing with.

2 But if we could figure out, I think, somehow
3 under this program to make sure that that huge swath
4 of existing buildings is somehow accounted for and
5 encouraged to participate in these types of programs
6 would be helpful for us to hit our marks in the other
7 issues that we're dealing with.

8 MR. JENSEN: Great. Thanks, Matt.

9 Sure, this is Kim again. Go ahead.

10 MS. CRESENCIA: Yes, Kim Cresencia, SDG&E
11 and SoCal Gas. I just want to make a comment.

12 It's not addressed in this deck right here,
13 but I know meter mapping is that elephant in the room
14 that's always in the background, I think, of all
15 this. So this CoStar report, can this be made public
16 and available to the utilities for review?

17 MR. JENSEN: We don't have a report from
18 CoStar, we have a subscription to CoStar information.
19 I am not sure what our license allows us to share.
20 The report from Portfolio Manager is posted, but no,
21 we don't have a report from CoStar.

22 MS. CRESENCIA: Then the utilities might
23 have to engage separately with CoStar, something of
24 that nature.

25 MR. JENSEN: Yeah, yeah.

1 Randy Walsh, go ahead.

2 MR. WALSH: Good morning, Erik. I'm talking
3 to you through my laptop. Can you hear me okay?

4 MR. JENSEN: Yeah, you sound good.

5 MR. WALSH: Thanks. You know that I'm
6 opposed to quite a bit of this that's taking place.
7 I'll deal with that later, but I wanted to make some
8 comments here.

9 The concern about confidentiality, are they
10 exclusive to the public disclosure or do they also
11 include that confidentiality between owner and
12 tenant?

13 MR. JENSEN: When you say concerns about
14 confidentiality what are you referring to?

15 MR. WALSH: Well, you're trying to do two
16 things in this new law. You're trying to provide
17 access to data, and then you're trying to determine
18 what sort of information needs to be publicly
19 disclosed.

20 So I understand that every commercial
21 building in the state of California, every owner of a
22 commercial building in the state of California under
23 this law would be able to request data for any and
24 all active meters in their building regardless of the
25 number of meters, regardless of the number of

1 tenants, or regardless of whether or not they need to
2 publicly disclose?

3 MR. JENSEN: So a couple clarifications.

4 Any owner of a commercial building may
5 request energy usage for the entire building, not for
6 individual accounts or meters. That's one thing.

7 The second clarification is for cases where
8 there are one or two utility accounts, the utility
9 will be allowed to require customer permission before
10 providing the data.

11 MR. WALSH: Okay. So you're trying to
12 protect the confidential business operating data of a
13 tenant from being disclosed to the owner.

14 MR. JENSEN: I'm not sure if I'm following
15 the question. The number for customer information,
16 that comes from statute, so I'm not clear what the
17 question is.

18 MR. WALSH: Yeah, I'm not usually clear
19 either.

20 So if I have a building with two tenants,
21 you're saying that I can get the data but not through
22 this legislation. I can get the data just by getting
23 the authorization form submitted. There's no extra
24 benefit to me through this legislation in getting
25 that.

1 MR. JENSEN: If you are the owner and you
2 have a common area and there are two tenants, that's
3 three utility accounts. So this statute says that a
4 utility would be required, if there are three
5 electric accounts for example, this statute requires
6 that a utility would provide data to you without
7 requiring customer permission aggregated at the
8 building level.

9 MR. WALSH: Okay. So you're protecting the
10 tenant from the owner.

11 MR. JENSEN: I'm not quite sure what that
12 means.

13 MR. WALSH: If I'm the owner of a building
14 it would be helpful for me to know where the big
15 users are in my building regardless of the size of
16 the building. If I see Suite A has got usage twice as
17 much as Suite B, I can zero in on Suite A.

18 If it's all aggregated -- if it's all
19 aggregated -- although sometimes aggregated -- I have
20 a big issue I have to deal with and then I have to
21 try to work through that and (inaudible). Just seems
22 like it would be okay for that data to be released to
23 the owner on a more granular level.

24 You mentioned earlier on this threshold
25 count, the three and the seventeen, that if one

1 utility is providing electricity and one is providing
2 gas, you are going to look at those meter
3 (inaudible). So if gas is under your threshold they
4 don't need -- they're not required to provide the
5 data.

6 Which means my interpretation of that is I
7 can have the number of meters required to get
8 aggregated data from a utility for electric, but I
9 don't have the number of meters required to get
10 utility data from the gas supplier.

11 MR. JENSEN: On the commercial side there is
12 no threshold for data access, so every building
13 receiving service is a covered building, meaning that
14 the utility is required to provide data. So that's a
15 separate issue from the threshold for a utility being
16 allowed to require customer permission.

17 Okay. So Randy, we're going to get to
18 customer permission specifically and aggregation in a
19 little more detail later, so if it's okay, if we
20 don't have --

21 MR. WALSH: Yeah, but let me get one other
22 thing here, Terry was referring to it.

23 If the building account covers electricity
24 power and the exterior lighting, there is a field in
25 Portfolio Manager that allows you to segregate that

1 out regardless of whether or not the data is
2 combined. So that seemed to be a little bit of a
3 concern.

4 So if you're getting utility data and it's
5 aggregated and you include the parking lot area, you
6 can define the parking lot area square footage
7 (inaudible) with Portfolio Manager.

8 And if you have a separate meter for the
9 exterior areas, you want to be sure then that you're
10 not including that in the aggregation that you're
11 seeing from the utilities.

12 Thanks.

13 MR. JENSEN: Great, thank you.

14 I have a few chat questions.

15 The first one is from Paul Matthew. Do you
16 have a definition for floor area? If so, is it based
17 on number recorded in the tax records?

18 So we'll be probably looking to Portfolio
19 Manager for how floor area is measured.

20 As for the official decider of what the
21 floor area of a building is, I don't want to commit
22 to any one source right now.

23 And I have Leslie Cook from EPA. For
24 benchmarking in Portfolio Manager, EPA recommends
25 that the energy related to the operation of parking

1 structures that are separately metered or submetered
2 to be excluded from a Portfolio Manager building
3 profile.

4 If the energy use associated with the
5 parking structure is not sub or separately metered,
6 the user can include simple information about the
7 parking structure in Portfolio Manager and make
8 adjustments to the energy matrix.

9 Okay, we've got one comment in the room and
10 then we're going to go to the phone.

11 MR. YIP: Hi, this is Jerry Yip from PG&E.
12 Had a clarifying question in regard to the second
13 condition of disclosure around the square footage
14 size.

15 In terms of verifying that, is the
16 expectation that the onus is on the utilities? I had
17 the impression that it's really self-defined from the
18 building owner/agents where they enter that. We're
19 not going and doing some additional verification.

20 MR. JENSEN: So we're going to work on that.
21 It may happen that we require -- as we'll see later,
22 it may happen that we require utilities to do
23 something for disclosable buildings that we're not
24 requiring for other buildings which would require
25 them to know the square footage, and in that case

1 we'd have to work it out but we would, yeah,
2 certainly make sure that they know the square
3 footage. So we would work that out somehow but it
4 still needs to be clarified.

5 Okay, we're going to -- oh, we've got one
6 more in chat.

7 MR. YOUNIS: This is from Robin Atcock. In
8 the case where you have a large office building,
9 owner pays common area, say 20 spaces with 15
10 occupied and 5 vacant, how are vacant aggregated? Is
11 the most recent past usage provided in that
12 aggregation?

13 MR. JENSEN: I heard a few different
14 questions there.

15 So Portfolio Manager allows entry of what
16 portion of the building is vacant, so I think that's
17 part of the question. And then what's the question
18 about historical?

19 MR. YOUNIS: Yeah, is the most recent past
20 usage provided in the aggregation?

21 MR. JENSEN: So the statute for the data
22 access portion of the statute, yes, it's the most
23 recent 12 months that the utility needs to provide.

24 Okay, go ahead.

25 MR. HOOPER: Hi, this is Barry Hooper with

1 the City and County of San Francisco again.

2 MR. JENSEN: Yeah.

3 MR. HOOPER: I just wanted to respond to the
4 theme of the comments.

5 In my opinion, it is quite clear that the
6 Legislature took another crack at this issue of
7 building performance disclosure in recognition that
8 there is a fundamental tension between the definitely
9 important consideration of privacy of utility usage
10 data and the value of transparency for promoting
11 energy efficiency, and they really attempted to
12 invert that problem by clarifying that the utility
13 and the building owner would hold no liability for
14 the ways that this law would in some cases and for
15 some buildings prioritize disclosure over the privacy
16 of individual tenants to utility usage data. And I
17 think that's really counter to some of the discussion
18 points that have been brought up by the other
19 speakers.

20 So definitely there's a recognition that
21 where it's possible to preserve a reasonable amount
22 of privacy by aggregating data, that's what the
23 legislation directs us to do as a state.

24 But where it is not, and there is certainly
25 a large volume of buildings where the type of privacy

1 rules that are in place over at the California Public
2 Utilities Commission, are not viable to operate
3 within a mandatory disclosure program. This law
4 directs us to prioritize the transparency.

5 Thank you.

6 MR. JENSEN: Okay, we're going to unmute the
7 phone lines, and so it's very important if you are
8 not going to speak -- so we're going to unmute the
9 phone lines on our end. If you're not going to speak
10 it's important that you have your phone muted on your
11 end so that we don't get background noise.

12 So I'm going to say that again.

13 We're going to unmute all the phone lines on
14 our end of the line. On your end of the line, please
15 keep yourself muted unless you have something to say.
16 So we're going to do that now.

17 [Overlapping voices]

18 Are there any questions on the phone?

19 Okay, so it looks like that's not going to
20 work. We'll try again at the next comment period, I
21 guess, so we're just going to have to move on.

22 [Next Slide]

23 Okay, this is our data access section and
24 this is the data request portion. Let's just read
25 this and then I'll talk about it briefly.

1 So we'll need to add some detail to this for
2 the regulation saying exactly what information a
3 building owner will need to provide to make their
4 request, and probably we'll need to somehow limit the
5 methods they can use to make their requests.

6 It is important to us that there be some
7 flexibility here for utilities. If one utility is
8 going to be receiving 2,000 requests a year they
9 might want to dedicate a whole website or area on
10 their website to this. If another utility is only
11 going to be receiving 30 requests a year they might
12 want to have someone handle this in writing or by fax
13 or something.

14 So we want flexibility. We look forward to
15 hearing what methods you propose for this.

16 [Next Slide]

17 Let's read this one over.

18 So this electricity threshold, I just now
19 realized that the people on the phone who are only on
20 the phone can't see what I'm doing here, and so when
21 we just sit here quietly they have no idea what's
22 going on.

23 Okay, great. So this is Slide 18 talks about
24 requiring some utilities to implement automated data
25 exchange with Portfolio Manager. This electricity

1 sales number of 700 gigawatt hours annually is
2 consistent with SB 350, so we want to be consistent
3 across programs. It looks like this is about 16
4 utilities. And the natural gas number, those are very
5 large utilities. And so this is a requirement that
6 those utilities have implemented automated data
7 exchange by August 1, 2017.

8 [Next Slide]

9 Slide 19 -- I'm going to jump ahead two
10 slides and then we're going to come back, provided I
11 remember to come back.

12 [Next Slide]

13 So there are five pieces of information that
14 we're proposing that a utility provide. They are all
15 of the meter numbers serving a building, the name of
16 each utility customer associated with the building,
17 the total number of utility accounts serving the
18 building, the building identification number, and
19 energy usage.

20 So the first two, the meter numbers -- so
21 the number of each meter, not just the number of
22 meters -- and the name of each customer is to help
23 the owner verify that the data the utility is going
24 to give them in fact seems correct for that building.

25 If they get a customer number who is not

1 someone they associate with that building, or if they
2 want to go check which meters are on the building and
3 if that's not consistent with what the utility sends
4 them, they can talk to the utility to work that out.
5 So those first two have to do with verification.

6 The third one, number of utility accounts,
7 has to do with determining whether this is in fact a
8 covered or disclosable building.

9 The building identification number, as we
10 talked about earlier and probably will talk about a
11 little more later, that's a unique number that the
12 Energy Commission will provide but the utility will
13 give to the building owner and the building owner
14 will use that when benchmarking and reporting.

15 And then lastly, energy usage data, and this
16 is for the 12 calendar months prior to data request
17 aggregated for each calendar month.

18 If the billing cycles for the accounts in a
19 building are not aligned and if they're not
20 consistent with the beginning and end of each month,
21 the utility will need to reconcile that, so they'll
22 need to provide from beginning to the end of each
23 month for 12 months and that needs to be for the most
24 recent 12 months.

25 Okay, I'm now going to go back two slides.

1 [Next Slide]

2 The first four of those pieces of
3 information -- meter numbers, customer names, number
4 of utility accounts, and building ID -- there are not
5 explicit fields for those in Portfolio Manager, so
6 the utility needs to get those to the building owner
7 by the method of the building owner's choice. We'll
8 probably need to limit this somehow, we probably only
9 want a few options there, but those are coming
10 potentially outside of Portfolio Manager.

11 The last item, the energy usage, for
12 utilities that have automated data exchange, that
13 needs to go to the building owner's Portfolio Manager
14 account unless the owner wants it to come through
15 some other method.

16 And then utilities that don't have automated
17 data exchange, they need to transmit the data using
18 the spreadsheet template provided by Portfolio
19 Manager, again, unless the owner wants it coming in
20 some other method.

21 [Next Slide]

22 Okay, so Slide 22. This is about
23 verification of building ownership. Let's read this
24 over.

25 So as mentioned earlier, at least one

1 utility mentioned in comments that they didn't think
2 it was the utility role to verify building ownership.
3 They've got relationships with their utility
4 customers but they didn't think they should have a
5 role to verify building ownership.

6 It does seem that this would be the most
7 efficient way for the utility to do this at the time
8 of the request. We've got a few examples here.

9 A copy of a deed, executed lease, or recent
10 mortgage statement with the name of the owner on it
11 in the case where the owner is making the request. Or
12 if someone is acting on behalf of the owner, they
13 would have one of the above-mentioned documents and a
14 document saying this person is authorized to act on
15 behalf of the building owner.

16 So those are some things that we think would
17 be a pretty simple way for a utility to verify
18 building ownership. Utilities, if you would like to
19 have other ways to verify building ownership or if
20 you feel strongly that it's not appropriate, we'd
21 like to hear that.

22 And then if you have other examples of
23 things that could serve this purpose, we would look
24 forward to hearing that as well.

25 And let me clarify, this is a "may." You are

1 not required to verify building ownership; you are
2 allowed to. If you do want to, the idea is that the
3 regulations will limit somewhat the things you can
4 require, so we'll say exactly what things are allowed
5 for that purpose.

6 [Next Slide]

7 Okay. So this is from statute. We are adding
8 -- the four-week time limit is from statute, but what
9 we're proposing here is a utility shall provide the
10 information required by these regulations within four
11 weeks of receiving a valid request.

12 We think the "valid" is important. The
13 requests will need to be made in a certain manner and
14 will need to include certain information. If it's not
15 made in that manner or doesn't include that
16 information, your clock shouldn't start ticking at
17 the utility. It needs to be a valid request before
18 your four-week clock starts ticking.

19 [Next Slide]

20 This is where we get to customer permission.
21 Let's read this and then we'll talk about it. Slide
22 24.

23 So this is the only place where a utility is
24 allowed to require customer permission before
25 providing data. So it's only buildings with no

1 residential accounts, and it's only with one or two
2 accounts per fuel type.

3 Again, as with the case I mentioned earlier
4 for reaching the covered building thresholds, we're
5 not adding different fuel types to get to this
6 number, it's per fuel type.

7 Let's see. So it's a specific case, as Barry
8 was saying earlier, it could be quite a large number
9 of buildings, commercial buildings with one or two
10 utility accounts, so this is described in the case
11 where it happens. Now we're going to get to the two
12 possibilities where there are two different ways a
13 building owner can show customer permission.

14 [Next Slide]

15 One is an executed lease or supplemental
16 agreement in which a customer consents to sharing his
17 or her energy use data with the building owner,
18 owner's agent, or operator. So a proactive building
19 owner, when they make their request might have this
20 ready to go for a utility that choose to require
21 customer permission.

22 [Next Slide]

23 Another option, let's read this. This is
24 Slide 26.

25 So if the utility wants to require customer

1 permission and if the building owner doesn't have an
2 executed lease or supplemental agreement in which the
3 customer consents to sharing data, the utility may
4 contact the customer directly. They can't require the
5 building owner to do it. The utility can contact the
6 customer and say your data is going to be shared
7 unless you refuse to have this happen. And if they
8 don't get a response from the customer saying we
9 don't want this to happen, the data will be shared
10 with the building owner.

11 [Next Slide]

12 Okay, that's the data access section. Now
13 we'll go to comments and questions. Let's see what we
14 have in the room.

15 MS. CRESENCIA: Kim Cresencia with SDG&E and
16 SoCal Gas. And in looking at all of these slides,
17 we're going to need to review these, of course, and
18 provide comments by the 8th.

19 Looking at them, of course, with respect to
20 privacy issues, especially when you start talking
21 about, like on Slide 21, the meter number and in the
22 same file or spreadsheet meter number, name of the
23 utility, total number of utility accounts, I mean,
24 we'll have to look at that a little more closely with
25 respect to privacy. So that's Slide 21.

1 You mentioned that the building
2 identification number is provided by the CEC, but
3 previously I thought you said that a building can
4 have multiple BINs because multiple owners can enter
5 into Portfolio Manager. Can you clarify that?

6 MR. JENSEN: Yep. So in Portfolio Manager
7 you and I, if we want to, could benchmark the same
8 building. So this building, you could benchmark it,
9 have it in your Portfolio Manager account. I could do
10 the same. It would be assigned two different
11 Portfolio Manager IDs. So they're not assigning a
12 unique ID to each building.

13 What we want to do is have a statewide
14 database that assigns one number per building that's
15 used for this program, and certainly we would welcome
16 having them used for other programs as well. So the
17 number that we're assigning, what we're picturing is
18 this is different from the Portfolio Manager ID.

19 MS. CRESENCIA: Okay. Well, I think that
20 again might need a definition or some kind of
21 different name, because I'm hearing BIN in Portfolio
22 Manager and statewide for 802, so I'm not quite clear
23 on that.

24 MR. JENSEN: Okay.

25 MS. CRESENCIA: And the last thing here,

1 Slide 19 when you say that the building owner can
2 request the data of his choice. This could be
3 somewhat problematic just because, okay, is it manual
4 spreadsheet or is it automated data exchange, but we
5 could have an owner come in and say I want it in this
6 specific format that's not provided by the utility.

7 MR. JENSEN: Right. So yeah, as I mentioned,
8 we will limit what they're allowed to -- the methods
9 by which they're allowed to request the data.

10 MS. CRESENCIA: Okay.

11 MR. CHANGUS: Hi, Jonathan Changus with the
12 Northern California Power Agency, and we'll provide a
13 lot more detail in our written comments as we process
14 a bit more and hear you guys do some of the
15 explanation.

16 But I think my first point, following up on
17 that, the previous speaker's comments about the
18 method. The legislation was pretty clear that in C.1,
19 and you can correct me if I'm wrong about the utility
20 is required to either provide the spreadsheet or
21 directly upload to the Portfolio Manager account of
22 the building owner.

23 I think that limiting and ensuring that it's
24 consistent format, as we've been trying to prepare as
25 utilities for how we might submit and provide the

1 utility owner with this data, a simplified consistent
2 spreadsheet template, I think is something that we're
3 interested in helping develop so that there is
4 consistency across the board, but would be very
5 nervous about opening it up beyond that.

6 With regard to Slide 18 and the 700 gigawatt
7 hour threshold. Once again, the legislation said it
8 was optional for the utility. And I understand that
9 the CEC absolutely has authority and discretion to go
10 beyond what the statute says and establish
11 requirements, but I think our comment would be that,
12 considering the legislation clearly stated there was
13 an ability for the utility to provide it in either
14 format, that we wouldn't want to (inaudible) even by
15 the 700 gigawatt hour.

16 It may very well turn out as we get into
17 later sections about if building owners are going to
18 be required to seek this on an annual basis, and then
19 we know we're getting an annual submission, that
20 could change the math about whether or not it really
21 is necessary to make the investment in a secondary
22 database system and web services, because that does
23 come with a significant amount of cost. But also if
24 we're having to do that on an annual basis every time
25 a request comes in, that's a lot of staff workload.

1 So trying to figure out what the
2 requirements are going to be and how many buildings
3 we're going to have to do this for and how frequently
4 we're going to have to do that will directly impact,
5 especially for the small and midsize POUs that NCPA
6 represents, what process makes the most efficient use
7 of their resources in order to satisfy the requests
8 coming in and comply with the requirements.

9 With regard to what information is being
10 provided to the building owner, for the purposes of
11 Portfolio Manager it doesn't need individual account
12 information.

13 While I understand that there are folks that
14 feel quite strongly that we've provided some
15 transparency emphasis versus privacy emphasis, I
16 think that we as the utilities are ultimately
17 responsible to the customers and will be looked at
18 either positively or negatively for how it
19 transpires.

20 We're still very, very sensitive, perhaps
21 more so than others, about what information is being
22 provided. And even if it's two customers and being
23 able to aggregate and being able to provide the
24 aggregated information, which is what is necessary
25 for benchmarking the building, we'd prefer to try and

1 limit the exposure we have and as limited customer
2 identifying information to folks that aren't the
3 customer.

4 And I'm not quite sure what governs a
5 building owner from sharing this information with
6 other entities. I think that would be a great area to
7 try and explore further to make sure that there's
8 some very clear ramifications for the building owner
9 for the sharing of information outside of the
10 purposes, which I understand in the statute, but when
11 we talk about enforcement actions it feels much more
12 utility centric for not getting our act together on
13 time versus very sensitive information being shared
14 more broadly.

15 And so the extent you're comfortable with
16 aggregated information, I understand the rationale
17 about the building owner wanting to be able to
18 compare and contrast, but that lends itself really
19 more then to them working more closely with their
20 tenants in seeking that consent in order to have that
21 conversation.

22 If we're going to try and circumvent that
23 process, then it make me very nervous on behalf of
24 our membership about how and what is being provided.
25 So we'll get into more detail on that in written

1 comments, reiterating a lot of positions I think
2 you've previously heard from us, but those are some
3 initial feedback.

4 MR. JENSEN: Great, thank you.

5 MR. SPAIN: This is Terry Spain again with
6 SDG&E. I actually had a couple of comments and
7 questions here.

8 First regarding the definition of a valid
9 request that was talked about earlier. I know it was
10 mentioned that it hadn't been fully fleshed out as
11 yet.

12 One consideration that we asked to be made
13 is that the verification of building ownership or the
14 authorization of someone acting on the building
15 owner's behalf. We believe that may be a critical
16 part in determining a valid request.

17 The reason being is that, if I remember the
18 way the statute is worded, the utilities and the
19 building owners are basically granted immunity, so to
20 speak, from liability for disclosing the tenant's
21 information within the forms allowed by the statute.

22 However, that liability immunity may not
23 apply if we provide the data to somebody other than
24 the building owner or their authorized agent.
25 Therefore, it may be imperative to protect our

1 liability concerns to verify that the building owner
2 or the person requesting it is either the owner or
3 the authorized representative prior to releasing the
4 data.

5 We would like to have that considered in the
6 four-week timeframe because we've had situations with
7 applications for energy projects where somebody will
8 submit an application that will be missing
9 information and we'll ask, hey, all you got to do is
10 provide this information and send it back, and then
11 it might be weeks or months before we actually get
12 the thing resubmitted.

13 We don't want the clock to start while we're
14 still waiting for information that we believe we
15 absolutely have to have, so that should be a
16 consideration for the definition of validity.

17 Also, when you mentioned the most recent 12
18 months for the energy data, we suggest that that
19 might be changed to the most recent 12 months for
20 which complete energy data is available for each
21 meter.

22 Some utilities are not necessarily billing
23 with interval demand meters, which means they may not
24 do a read until some point in the following month.

25 For instance, if you have a request on

1 March 15th and the read date for a meter is March
2 20th, we may not have complete energy usage
3 information for the month of February as yet, which
4 means the most recent month would be January for
5 which complete data can be provided.

6 Interval meters tend to alleviate that but
7 I'm not sure all utilities have interval meters for
8 all customers.

9 The other concern that we had was there
10 might be consideration for providing an allowance in
11 the language for periods when the utilities are not
12 able to upload the requested data to Portfolio
13 Manager due to issues with changes in the web
14 service's data exchange methodology.

15 We've had some issues in the past where the
16 ENERGY STAR will modify the methodology and then we
17 have to make changes in our system, and that might
18 results in periodic outages of the system while we're
19 waiting to update things to match, so just wanted to
20 be that consideration.

21 Thank you.

22 MR. JENSEN: Great, thank you. So yeah, I
23 think we're on the same page regarding verification.
24 I mentioned the method by which a request is made and
25 the information that's required, I certainly would

1 include that the request needs to be made by someone
2 who is authorized to make the request before the
3 clock starts, so certainly.

4 I think we'd probably want to follow up with
5 you on you mentioned about the meter timing, so if
6 you could either include more information in your
7 written comments or we might just want to follow up
8 with you outside if that's okay.

9 Go ahead.

10 MR. COPE: Bryan Cope, Southern California
11 Public Power Authority. I've got a few things. I've
12 got a couple pages, actually.

13 On Slide 17 I just need to confirm that in
14 fact the utility does not have to collect or
15 aggregate the data until the owner submits a request;
16 is that correct?

17 MR. JENSEN: Yes.

18 MR. COPE: Thank you. A few people have
19 touched on Slides 19 and 20 where it was talking
20 about utilities shall deliver the data either through
21 the method of the owner's choice or unless otherwise
22 specified by the owner.

23 All of those things, if you're going to
24 leave something like that in, I would imagine you
25 have to include some sort of clause that says with

1 mutual agreement of the utility, because if you just
2 allow the owners to tell us how they want the data,
3 we're all going to be in trouble, so I'm concerned
4 about that.

5 MR. JENSEN: Let me just ask a question.

6 So if we were to -- what we would probably
7 do would be to list specific methods that would be
8 allowed. Would that be better?

9 MR. COPE: Indeed. I'll echo the opinions of
10 NCPA's representative when he said we've got
11 Portfolio Manager and we have Portfolio Manager
12 spreadsheet.

13 MR. JENSEN: Right, right.

14 MR. COPE: The only other thing that we were
15 looking for are meter numbers, net total number of
16 accounts that are not Portfolio Manager data. That's
17 a pretty simple spreadsheet. I would hope -- I would
18 think that you guys would be able to provide a simple
19 template that everyone could use as standardized.

20 MR. JENSEN: Okay.

21 MR. COPE: And I think those three things,
22 if we can limit it to that, I think we'd be okay.

23 MR. JENSEN: Okay, great.

24 MR. COPE: Slide 21. This is critical to
25 what the young lady from San Diego Gas & Electric was

1 talking about. I just need to confirm three different
2 things.

3 Do the names of the customers need to be
4 matched or correlated with the meters?

5 MR. JENSEN: No.

6 MR. COPE: Great. Do total number of
7 accounts need to be matched or correlated with the
8 customers?

9 MR. JENSEN: Let's get you on the --

10 MS. WADHWA: Hi Bryan. This is Abhi Wadhwa
11 from Energy Commission. So first let me see if I get
12 your question clearly.

13 Do the total number of accounts need to be
14 matched to customer names?

15 MR. COPE: Yes, that is my question. No, no,
16 I'm sorry. The specific accounts.

17 MS. WADHWA: I don't think so, but let's
18 think this through together.

19 Our intent here is to allow building owner
20 his own verification method to make sure what he has
21 received from the utility is indeed his entire
22 building site. That's the reason we included meter
23 numbers because technically he has access to the
24 meters and can go, if so warranted, his energy
25 consultant could go and verify if all the meters had

1 been captured for that building.

2 MR. JENSEN: Let me interrupt. Confirm,
3 meter numbers or number of meters?

4 MS. WADHWA: Meter numbers, because if you
5 just give him number of meters you may still have
6 given an erroneous meter from an adjoining building,
7 and he has no way of knowing if you gave readings for
8 the right meters. And since he already has access to
9 the exact meter number, in thinking it through we
10 thought that's probably not a privacy concern because
11 he already can go and read his meter numbers. So that
12 was the first thought process.

13 When we came up with the name of each
14 utility customer associated with the building, our
15 idea was in his lease agreement he can easily see how
16 many tenants he has. He has some kind of a company
17 name or associated name with his tenants. So if you
18 just gave the name of the utility customer, that's
19 likely information he already has and he's just
20 verifying you didn't forget to give one tenant.

21 The total number of utility accounts serving
22 the buildings would corroborate that, because it's
23 possible under one utility customer there are
24 multiple utility accounts, but this way at least he
25 knows that he got 17 accounts for 5 customers.

1 Now again, your question was do you need to
2 match utility account numbers to customer names.

3 MR. COPE: Yes, Customer A has 5 meters,
4 Customer B has 12 meters, Customer C has 13 meters.

5 MS. WADHWA: Why don't you leave that in the
6 comments which one do you think would be helpful for
7 him for verification and we can think it through.

8 I'm not, off the top of my head I'm not
9 seeing any additional value in him knowing the number
10 of accounts under a customer, but maybe you have a
11 different idea. There's absolutely no need to add
12 complexity to either the utility or the building
13 owner if it's not needed, but let's think it through
14 and we look forward to your comments.

15 MR. COPE: Okay. On 21 also you mentioned
16 the idea of if there's a mid-month meter read or the
17 meter cycle is mid-month, you expect it's going to be
18 the utility's responsibility to reconcile that.

19 I wholeheartedly disagree. I would suggest
20 that we loosen that up perhaps to be something if
21 there are 16 days in May and there's 14 days in
22 April, then you just call that the May read, rather
23 than have us go in and calculate and say 16/30 of it
24 is May and have to recalculate things. That's going
25 to be a data management nightmare for everybody.

1 There's got to be some sanity to that
2 ability to be able to say, okay, well, this is
3 basically a May read and that's an April read.

4 MR. JENSEN: Okay, great, thank you.

5 MS. WADHWA: Bryan, just a note on that.

6 This is how Portfolio Manager has to
7 standardize it, so this is a technical issue where
8 since the data is now going aggregated into Portfolio
9 Manager, it's not going to be able to do it for you.

10 In the current paradigm Portfolio Manager is
11 aggregating your billing cycles on a priority basis
12 because they have to weather normalize on the daily
13 weather data that they have.

14 Now in the new paradigm, because the data
15 going into Portfolio Manager is already going to be
16 aggregated, we have to do that at the source,
17 otherwise you're just not going to get an accurate
18 benchmark.

19 MR. COPE: I'll have to think about that and
20 I'll address it in written comments, because I think
21 you're looking for precision without accuracy
22 perhaps, is my concern.

23 The numbers balance out, the law of big
24 numbers, but it will all work out in the long run, in
25 my opinion, but we can address that in our written

1 comments.

2 MR. JENSEN: Thanks, Bryan.

3 MR. COPE: Slide 22. If the utility requires
4 proof of ownership, the slide says that the following
5 should be sufficient proof, and then you've got a
6 couple examples.

7 And I think some of those examples are kind
8 of dubious and might be misrepresentive. It's
9 relatively easy for me to retain a copy of my deed
10 for my house or my building after ownership. So if I
11 had a deed then I could walk into the utility and say
12 here's my deed. That's really an easy thing to be
13 misrepresent true ownership.

14 The final question is who has the final say
15 on what is sufficient proof of ownership?

16 MR. JENSEN: So are you referring to the use
17 of the word "should", is that specifically what
18 you're referring to?

19 MR. COPE: Yeah, the following should be
20 sufficient.

21 MR. JENSEN: Right.

22 MR. COPE: Who's going to make that
23 determination, the utility?

24 MR. JENSEN: The word "should" won't be in
25 the regulation. So a couple things.

1 So the regulations will say exactly which
2 documents will be acceptable for this purpose.

3 MR. COPE: Okay.

4 MR. JENSEN: That's a great example that you
5 gave about you can have an old deed that shows
6 someone is the owner who is in fact not the owner, so
7 it might need to be clear that it's a current
8 document, so we'll refine that.

9 MR. COPE: Thank you.

10 MR. JENSEN: Yeah.

11 MR. COPE: And the gentleman from San Diego
12 was right on task, the determination of what is a
13 valid request determined.

14 If perhaps a utility asks for proof of
15 ownership and for consent from one or two tenants,
16 then I would imagine that that validity isn't
17 achieved until both of those pieces of information
18 are made available, and that's when the four-week
19 clock would start, correct?

20 MR. JENSEN: Agreed, yeah.

21 MR. COPE: Okay.

22 UNKNOWN: That would be in the regs, right?

23 MR. JENSEN: Yes.

24 MR. COPE: Okay. If a building with less
25 than three accounts, the utility may require the data

1 release, but if the request consent, and on Slide 24
2 it says two things shall confirm consent, so I guess
3 that gets back to the language that's probably what
4 you're expecting is it's either a lease or the other
5 option on 26 that says the utility has to contact the
6 customer.

7 That whole thing on 26 is very problematic
8 from my perspective in that this data is actually
9 being asked for by the customer, and in my opinion
10 it's of the customer's benefit. And the customer has
11 probably a little bit closer relationship with their
12 tenant than perhaps the utility does.

13 I would like to see that revised and we can
14 reflect that in our comments, but I would like to put
15 this on the owner to require to get this data rather
16 than you've got no customer response, or the utility
17 should not require the building owner. That's a
18 little bit difficult for me to swallow and I want to
19 go on notice with that, okay?

20 And with that, thank you.

21 MR. JENSEN: Thank you.

22 MR. YIP: Jerry Yip from PG&E. I'll try and
23 make this quick.

24 Not to beat a dead horse, but we'll submit
25 some written comments. We would like to echo some of

1 the same concerns or reservations around some of the
2 PII that's shared or suggested for sharing in Slides
3 19 and 21 around customer name and meter ID.

4 I get the fact (inaudible) as far as the
5 building owner can walk through the building and see
6 the meters, what have you, but the sharing of data to
7 agents and others, it's not just the building owners,
8 but I think people have spoken to that enough.

9 Slide 25 as far as the lease agreement or
10 what have you. I think we want to just propose the
11 possibility that maybe utilities have some discretion
12 in terms of how this authorization is provided.

13 To add a little color to that, what we were
14 looking at was sort of tweaking or leveraging what
15 we've already stood up for AB 1103, which is an
16 automated online form. We would just check that form
17 only when the threshold is not met, like there's less
18 than three accounts, what have you, but what you're
19 stating here is actually adding requirements.

20 Now we have to have a manual process where
21 some person on our side is going to have to take a
22 form, verify it, and then do an authorization on the
23 behalf of the tenants now and the building owners,
24 whereas we already stood up something that's
25 automated, so if there was some discretion there.

1 Those are the main points.

2 The earlier mention about building ID, we
3 definitely would want some more clarity how that's
4 going to be implemented. I guess that's more around
5 disclosure, which is further down the line, but it
6 sort of speaks to a database.

7 Who is maintaining that database? Are we
8 interfacing with you? Are you going to build an API,
9 or what have you? It seems a little bit overly
10 complex. Maybe you could work it out a little bit
11 more. If it's maybe something the utilities can find
12 themselves and you just define a method for how the
13 ID is assigned, like the utilities in southern
14 California might start with a 7 or something, like
15 how credit cards are broken out between different
16 banks.

17 And the same concerns as far as that
18 normalization of data. Not all utilities have
19 interval meters, and even those that do not
20 necessarily all customers are covered by interval
21 meters. So it presents that challenge in terms of how
22 do we address albeit the small percentage in our
23 case. You know, we have to build these load profiling
24 or load shapes for the small corner case, and that
25 becomes rather costly.

1 MR. JENSEN: Thank you.

2 MR. HARGROVE: Matthew Hargrove with the
3 California Business Properties Association. I just
4 wanted to respond to some of the comments from the
5 utility on putting the onus on the building owner for
6 some of the -- getting the information from some of
7 the accounts in the building.

8 The original legislation and the recently
9 passed legislation both recognized that the onus, or
10 actually both put the onus on the utilities on this
11 because it recognized that in many situations in a
12 multi-tenanted building the building owner doesn't
13 have a relationship between the tenant and the
14 utility.

15 Especially in the triple net lease
16 situations is the easiest example there, that the
17 tenant themselves will sign up with the utility and
18 all the legal obligation is between those two
19 entities. Even though I own the building, I don't
20 have any -- I'm not a party to that transaction.

21 And that's what we found in the original AB
22 1103 regulations was that there was a lot of issues
23 with the building owner not being able to work with
24 the tenants had a corporate office that was dealing
25 with the paying the energy bills and the local office

1 wasn't able to say, oh yeah, we authorize that. They
2 were in many cases saying, oh, well, you're going to
3 have to talk with our corporate office in Chicago
4 about that because they're the ones who are actually
5 doing this, and that caused a lot of issues.

6 So that's why we just want to make sure that
7 the regs as they're written continue to put the onus
8 where the legislation through both iterations of the
9 legislation put that, and that was ultimately on the
10 responsible party of the tenant and the utility.

11 MR. JENSEN: Doesn't look like we have
12 anything else in the room. Let's go to the WebEx.

13 We do have something in the room. Go ahead,
14 Terry.

15 MR. SPAIN: I wanted to state one of our
16 positions is that benchmarking a building as far as
17 determining exactly what information to be included,
18 and that includes energy usage data, meter numbers,
19 etcetera, is always best determined by the entity
20 doing the benchmarking itself, whether that be the
21 building owner, their authorized representative, an
22 energy company that specializes in benchmarking, for
23 example.

24 And one of our concerns -- this is more of a
25 concern for the building owners themselves -- is that

1 on building there is oftentimes meters that are
2 associated with a building that should not be
3 included in the benchmarking exercise.

4 There are meters that are used, say, for
5 parking lot lighting. Take a typical office campus.
6 The meters for the parking lot lighting or the
7 parking structure may be on a dedicated meter, but
8 that meter is attached to the side of a particular
9 building simply because they needed a place to hang
10 it.

11 Or there could be a meter mounted to the
12 building that pertains to EV charging stations or any
13 number of other auxiliary uses that should not
14 necessarily be included within the benchmarking
15 exercise for the building itself.

16 Now, when the utilities are required to do
17 meter mapping, we may not know what those meters
18 serve unless there's something noted in the account
19 name or it's a particular tariff that only pertains
20 to a specific type of usage. So when we aggregate it
21 together we won't be able to tell the building owner
22 necessarily what meters -- given the meter numbers
23 are included, but we can't tell them what they go to
24 or whether or not they should include that total
25 amount.

1 So there may be cases where we could have an
2 aggregated amount that may include meters that should
3 not be there. And that's really up to the discretion
4 of the person doing the benchmarking.

5 One example that was brought up earlier was
6 with parking lots. You can choose to include or not
7 include the parking lot in the benchmarking exercise.
8 If we're providing aggregated data, that choice is
9 taken away from the benchmarker. He won't know
10 whether that's in there or not unless he knows the
11 specific meter number and sees that in the list that
12 we have.

13 So that's a concern that we have there is
14 that the results could be skewed based on certain
15 types of non-benchmarking associated meters being
16 involved.

17 MR. JENSEN: Thank you.

18 Go ahead, Jonathan.

19 MR. CHANGUS: Jonathan Changus again with
20 the Northern California Power Agency. One quick
21 question having to do with the valid request.

22 If a utility receives one valid request from
23 an authorized agent or owner and then receives
24 subsequent requests for the same building from other
25 folks that are technically authorized, they just

1 happen to be someone else within the organization, is
2 it anticipated the utility is going to have to
3 respond to each of those requests that comes in, or
4 once we have a valid request for a specific building,
5 that satisfies it for a period of time?

6 The concern being that, as you noted,
7 Portfolio Manager could have different folks entering
8 data in. And we're not just talking about covered
9 buildings, we're talking about the number of
10 authorized entities for a covered building that could
11 be a much larger number of requests that come in.

12 So I don't know if we've thought through
13 that. We'll have some comments, I think, on that that
14 we'll be happy to submit and look forward to
15 discussing it further, unless you have initial
16 reactions to the question.

17 MR. JENSEN: We haven't talked much about
18 that. My initial reaction would be we would like the
19 owner or anyone authorized to act on their behalf to
20 be able to make the request. My initial reaction is
21 we would like to see multiple requests be able to
22 receive data in a given year or whatever for the same
23 building.

24 I hear your concern. If it looks that's
25 going to greatly multiply the number from either a

1 workload standpoint or some other standpoint, if it
2 looks like that's going to create a problem, we could
3 certainly clarify that.

4 MR. CHANGUS: Okay.

5 MS. WADHWA: (Inaudible.)

6 MR. JENSEN: Yes. Jonathan, if you have any
7 sense of how often that might happen for a given
8 building. I don't know if you would have a sense of
9 that, and if you want to include that in your
10 comments, you could do that. Thank you.

11 Okay, that's it for the room. Let's go to
12 WebEx.

13 Barry, go ahead. Barry, you're still muted,
14 hang on a second. Okay.

15 Matt Evans, go ahead.

16 MR. EVANS: Oh, yes, hi. Matt Evans,
17 Southern California Edison. I'd just like to echo
18 some of the comments that have been made,
19 particularly about having the entire usage from the
20 beginning to the end of the month.

21 Obviously that's going to require access to
22 interval meter data. And I think the difference if
23 you just use monthly billing data if a billing period
24 occurs mid-month is not going to be that great.
25 You're just talking about a few weeks out of the year

1 where there might be an impact, so a small
2 percentage.

3 And systems that were already built or
4 already in place probably already use, as we do, the
5 monthly billing data, and so it would be more costly
6 to now tie it into using interval meter data.

7 Also, on Slide 21, I believe, mentioned the
8 building ID being included as displayed to the
9 building owner. And of course, as you mentioned, that
10 would be coming from the CEC.

11 So maybe we'll talk about this a little
12 later. So there already has to be a mapping maybe
13 that the CEC is doing of buildings to create that
14 building ID, and then that information could be used
15 by utilities to help them with the mapping exercise.
16 So just an observation there.

17 Slide 20, I believe it was, where giving an
18 owner an option to access the data. I guess my
19 opinion would be if utilities had developed a system
20 to interface with Portfolio Manager there's
21 considerable cost in doing so, and that should be
22 really the default method by which building owners
23 would obtain the data.

24 If they need it for other reasons they could
25 always download the data into a spreadsheet on

1 Portfolio Manager. I believe that functionality still
2 exists. So they can then use it for whatever other
3 purpose.

4 The Slide 25. I echo the comments earlier
5 that instead of requiring hard copies or scanned
6 copies of leases there should be an electronic
7 process put in place, maybe through Portfolio Manager
8 just to make the whole process streamlined, so maybe
9 leave some options there.

10 On Slide 26 where there's basically an opt
11 out provision that the customer, as far as the
12 release of customer data to the building owner if the
13 utilities have not heard from them in 14 calendar
14 days.

15 To me that seems problematic. We do have
16 contact information for the customers, however, there
17 could be a change in cell phone number or email
18 address and they may not ever receive that notice. So
19 I think we should look for other alternatives besides
20 having this kind of opt out process.

21 And I think those are all the comments I
22 have at this time.

23 MR. JENSEN: Okay. So let me respond to a
24 couple of the points you made.

25 Our general thought on the last point you

1 made is that the utility would contact the customer
2 by the same method they use to send them their usage
3 or billing information, and so hopefully this is a
4 communication vehicle that is working currently
5 between the utility and the customer.

6 One other point. If someone -- we don't want
7 to require a customer to set up a Portfolio Manager
8 account just to receive energy usage data. So someone
9 who wants to access data doesn't need to report to
10 the Energy Commission. We want them to be able to
11 just get a spreadsheet if that's what they want to
12 do, so that's why we don't make Portfolio Manager the
13 absolute requirement for everyone.

14 MR. EVANS: Okay. So maybe that could tie in
15 with Green Button. That could be their other
16 alternative method outside of benchmarking per se.

17 MR. JENSEN: Okay.

18 MR. EVANS: Yes. And of course we could mail
19 a notice to the customer, but I'm looking for more
20 efficient lower cost ways of doing that.

21 MR. JENSEN: Okay, got it. And it would be
22 great -- yeah, so I hear you and it would be great to
23 get your suggestions on how to do that efficiently in
24 your comments.

25 MR. EVANS: Okay, will do. Thank you.

1 MR. JENSEN: What's that?

2 Hanna, go ahead.

3 MS. GRENE: Sorry, my hand is not raised,
4 that's old.

5 MR. HOOPER: Hi, this is Barry Hooper with
6 the City and County of San Francisco. Three quick
7 comments.

8 I did dig up the actual data on the
9 percentage of buildings excluded based on the three-
10 plus account interpretation, and for commercial
11 buildings in San Francisco subject to San Francisco
12 ordinance that would be 84 percent of buildings have
13 one to two natural gas accounts, and 48 percent of
14 commercial buildings have one to two electricity
15 accounts. So the volume of properties, particularly
16 large ones, excluded could be quite large.

17 I'd like to support the comments from PG&E
18 about the importance of ensuring that there is enough
19 flexibility for an easy to comply option utilizing
20 preferably the existing electronic consent mechanism
21 in Portfolio Manager, it's very helpful.

22 And then one way that utilities have handled
23 that in other states is by in registering for
24 aggregated data the user is required to provide some
25 evidence of information about at least one of the

1 meters serving the building. So a meter number, a
2 customer account number, or similar information.

3 Third, on the technical point about how to
4 provide 12 months of data. A simplifying approach
5 would be for the utility to maintain 13 months of
6 data, because Portfolio Manager does make adjustments
7 to the data stream that it has and it's much easier
8 if the data supplied to Portfolio Manager slightly
9 overlaps the period that the report is intended to be
10 focused on. So providing 13 months of aggregated data
11 would be potentially a very simplifying solution for
12 utilities.

13 Thank you.

14 MR. JENSEN: Barry, I've got two clarifying
15 questions.

16 So first, the numbers that you provided,
17 that was specific to buildings within the scope of
18 the San Francisco ordinance; is that correct?

19 MR. HOOPER: That is correct.

20 MR. JENSEN: Okay. And then the second one,
21 just to be clear, your suggestion. So the cycles
22 would not need to be from the beginning to end of
23 each month, it could be regardless of what the
24 billing cycle is as long as they are providing 13
25 months; is that correct?

1 MR. HOOPER: Yeah, yeah.

2 MR. JENSEN: Okay, great. Thank you.

3 MR. YOUNIS: We have one through chat. If
4 building owner authentication is input for request
5 validity, how can authentication be optional? If not
6 optional, then we have concerns around potential
7 manual processes and workload associated with that.

8 MR. JENSEN: Let me see how I do with this.

9 So it is up to the utility whether they want
10 to require that a building's owner be authenticated
11 as the owner of the building before providing the
12 request. If they want to do so then they would
13 include that in their request process. If they don't
14 want to have the requirement they wouldn't need to do
15 so. Does it seem like I got it? Okay.

16 Randy, go ahead.

17 MR. WALSH: Yeah, thanks. A couple things.

18 A lot of this goes away if a lease agreement
19 written between owner and agreed to release the
20 information.

21 I have a question for you on the time. How
22 many times a year can an owner request information
23 from the utility; is it one time or can I do this
24 every month?

25 MR. JENSEN: So my thought is that they

1 should be allowed to request more than once per year
2 if they want to and maybe there might need to be a
3 case for them having a good reason for doing so. We
4 certainly would want to probably put some limit on
5 that and we certainly would want to hear utilities'
6 thoughts on that as well.

7 MR. WALSH: Okay. Just a general statement,
8 maybe a statewide issue, maybe (inaudible) every
9 building has to be registered, the owner has to be
10 registered with some sort of a local control.

11 (Inaudible) off of that. So there may be
12 processes already underway that -- or systems or data
13 already underway that could prove who the building
14 owner is.

15 That being said, why can't a building owner
16 register his or her ownership of that building at one
17 time and allow that to stay in place until that
18 building ownership changes? So that would avoid
19 having to do this repeatedly.

20 And alternatively, why can't any account
21 setup that takes place at that particular building,
22 why can't that also be just a one-time recognition
23 and authorization of the disclosure of the
24 information?

25 I mean, it seems like that could be pretty

1 straightforward and then, boom, this is all taken
2 care of all at one time, there's no additional
3 paperwork that has to be done.

4 Responding to something that Abhi said --

5 MR. JENSEN: Randy, hang on just a second.

6 I understood the first suggestion to be once
7 a person shows that they are the owner of a building,
8 and until that ownership changes, as long as that
9 understanding continues, they wouldn't need to keep
10 producing that whatever documentation they're using
11 to show ownership. So I understood that as the first
12 suggestion.

13 I don't understand the second suggestion,
14 the most recent thing you said.

15 MR. WALSH: Okay. So once this meter mapping
16 is completed, utilities will know what meters go to
17 what address. You're talking about registering a
18 building with a particular building number. So both
19 of those are some pretty static pieces of information
20 that can be (inaudible) the ownership can change and
21 then the tenancy can change.

22 Every time the tenant changes then they have
23 to change the account. At that point there's the
24 opportunity there in the utility's process of setting
25 up a new account part of that is getting a signature

1 from the tenant or having them check the box or
2 whatever it is that says I agree. Going forward as
3 long as I'm a tenant in this building I understand
4 that my energy use will be aggregated and contributed
5 to this particular building number. And that remains
6 in effect until they leave or close the account or
7 whatever the case. To me that all seems relatively
8 easy to do.

9 The best case scenario in this data,
10 responding to something that Abhi was offering, is
11 that on a calendar month basis I know what space is
12 occupied, what the operating characteristics were and
13 how much energy was used. Ideally that's the level of
14 detail I need in Portfolio Manager (inaudible) to
15 really get accurate information out of that.

16 So just for purposes of discussion let's
17 assume we're just releasing data to you (inaudible)
18 Portfolio Manager. What would benefit me on the
19 energy efficiency side is to see this information on
20 a regular basis, on a monthly basis. That would be
21 ideal. So can't these links be set up in such a way
22 that we're getting a download every month?

23 It also eliminates any issues with the non-
24 aligned billing period starts and stops because
25 Portfolio Manager has the information and they have

1 the calendar and they can do all the prorating they
2 need based on the energy use.

3 If I've got a stream of data that two or
4 three years long, that is more useful to me.

5 MR. JENSEN: Yeah. So continuous upload is
6 an option with Portfolio Manager, and so this is
7 something actually that would not require a monthly
8 request. Once the required permissions are granted,
9 the utility automatically uploads usage with each
10 usage cycle whether it's monthly or something else to
11 the customer's Portfolio Manager account
12 automatically. So that is certainly an option, and
13 then, yeah, then you could build up -- it wouldn't
14 just be a one-time request once a year, you could
15 build up a record of usage that way.

16 MR. WALSH: Okay. Well, I don't see anything
17 in here that even encourages that ongoing connection.
18 If you're assuming that by the automated data
19 exchange that you're defining a monthly process going
20 forward, I think you may want to look at that again.

21 There was a question about giving data to
22 different people or different entities. So if I'm the
23 owner and I register my building, I would say that
24 I'm the only one that should be able to have a
25 Portfolio Manager account having that building

1 number.

2 If a contractor wants information, I can
3 pull that information out and I could give him the
4 information. I'm not giving IDR data, I'm giving the
5 (inaudible) and the (inaudible), I'm not giving it on
6 15 minute intervals or anything like that, which
7 sometimes is more useful to a contractor.

8 But I would suggest that we want a one-to-
9 one relationship in Portfolio Manager accounts with
10 building identification numbers, and that we would
11 want that somewhat locked down. And ideally that is
12 locked to the building primarily and to the owner
13 secondarily.

14 So when I'm selling my building one of the
15 terms of that agreement is I'm going to turn over the
16 Portfolio Manager account. And since all of the
17 permissions are already in place, it's okay for me to
18 do that. I don't have to worry about releasing data
19 that was authorized just to me as the owner; I'm
20 releasing data that was authorized to be released to
21 that building.

22 So now we've got this stream of data that
23 will become much, much more valuable over a period of
24 time. Just 12 months is not really all that helpful.

25 MR. JENSEN: Great. Okay, yeah, we certainly

1 like that idea of when a building changes ownership
2 having it transferred from the old owner to the new
3 owner's Portfolio Manager account, so that sounds
4 good.

5 It looks like we might have a response in
6 the room. Go ahead, Jonathan.

7 MR. CHANGUS: Jonathan Changus with the
8 Northern California Power Agency. And I think this
9 conversation that we just had is one of the most
10 significant pieces.

11 The difference between providing simplified
12 spreadsheet data on a one-time annual basis to a
13 single building owner entity versus the ongoing
14 automated monthly update as it transitions across
15 building owners are night and day different processes
16 from the utility perspective, and the concerns
17 associated with the spectrum in between are going to
18 vary significantly.

19 So I think this is something where we will
20 observed provide some perspective in written
21 comments, but as we've been trying to respond and
22 provide feedback about what is it going to take for a
23 utility to satisfy the requirements of AB 802, the
24 difference between what we understand those
25 requirements to be covers a gamut.

1 So for benchmarking purposes I don't
2 disagree with the idea that having that monthly
3 update helps the building owner for certain, but the
4 processes that utility needs to have to make sure
5 that that person that we're providing the update to
6 is still actually the building owner and that's a
7 valid request looks very, very different than the
8 annual submission that comes up and so we have a
9 chance to review and say, okay, they're still
10 documenting in some way, shape or form that they're
11 the right person for which we should be providing
12 this data.

13 To the extent we want to go more than that,
14 I think it's a lot more complicated and I don't have
15 a solution yet for how that monthly benchmarking
16 process, which I think some utilities, as we've seen
17 across the country, have done as a service to folks
18 within their communities. But it's a very different
19 question than this kind of more simplified annual
20 request that we'll be handling.

21 MR. JENSEN: Okay. Thanks.

22 MR. LEMEI: And if I can just respond or add
23 something. It's important to keep in mind that
24 certainly benchmarking is at the heart of both
25 aspects of the statute, but when it comes to the data

1 access portion of the statute, it is not
2 fundamentally about benchmarking.

3 So while it's important that we bear in mind
4 that one of the important applications for the
5 building owner obtaining data is going to be
6 benchmarking and should design it to make that work,
7 we should also be mindful that the owner's ability to
8 access data is not limited to benchmarking, it's one
9 of the potential applications for the information.

10 MR. JENSEN: Thanks, Galen.

11 Terry, go ahead.

12 MR. SPAIN: Thank you. Terry Spain with
13 SDG&E. Talking to something I said earlier and
14 something that was just said recently here.

15 We have found that in certain cases because
16 of the offset of meter read dates, if we're going by
17 based on billing information the way Portfolio
18 Manager was set up, it may take up to 14 billing
19 months to actually produce 12 complete calendar
20 months of energy use data, depending how things line
21 up.

22 What we would ask is that the Commission
23 consider leaving some flexibility in the language so
24 we're not asking for the most recent 12 calendar
25 months. We had some problems with our attorneys

1 initially because with 1103 it just said provide the
2 most recent 12 months of energy data.

3 Well, to us that meant 12 billing months. We
4 kept trying to explain to them, well, that's not
5 going to work for some buildings. If they don't have
6 any historical data in there already, 12 months may
7 not do it for them. They won't be able to benchmark
8 even if we give it to them. So we just need to be
9 careful on the language how that's phrased so it kind
10 of leaves it open.

11 Also, I believe from reading the
12 presentation that we're talking about, and this might
13 be something for the next session. Correct me if I'm
14 wrong, but I heard it mentioned up here, as far as
15 periodic versus ongoing updates to the Portfolio
16 Manager information.

17 For example, right now we provide monthly
18 updates to our customers who enrolled in our
19 automated benchmarking system, so that every month
20 they get an update for the past so many months to
21 bring their account up to date and give their current
22 benchmarking score.

23 Unless the regulations are set up to allow
24 that we may not be able to allow that for building
25 owners who want that type of service, because

1 typically attorneys, as you know, will look at the
2 law and say, okay, here's the constraints we have to
3 operate in. We can't step over this line and we can't
4 step over that line. So just be aware that if we
5 state something they're going to hold us strictly to
6 that.

7 And so if there's a desire for the utilities
8 to provide ongoing monthly updates, that needs to be
9 specifically allowed in the regulations. If it's
10 intended just for a once-a-year type of thing, then
11 that's fine. I think that's the way you're headed
12 now.

13 MR. JENSEN: Thank you.

14 MR. TANIOS: Peter, SoCal Gas. I just wanted
15 to clarify or see if there is going to be a
16 requirement for building information as well. I
17 support Prop 39 and that was a small hiccup for the
18 utilities as well.

19 And since we've brought up Prop 39, there
20 seems to be a lot of different programs that vary by
21 segment where the utilities have to provide data.
22 Prop 39, AB 802, EDRP. If there's any way to
23 streamline all these different programs so that the
24 utilities can support them most effectively, because
25 they all have different requirements, aggregation

1 thresholds, and so on. So I just wanted to say just
2 that.

3 MR. YOUNIS: I have one thing from Leslie at
4 EPA. This is going back a little bit. It's very
5 common to have billing cycles that don't match the
6 first/last day of the month and there are best
7 practices for service providers and utilities to
8 import that data into Portfolio Manager correctly.

9 A follow-up question to the slide you're on,
10 Slide 26, from Buck. Will second paragraph of Slide
11 26 require utilities to have customers formally or
12 legally acknowledge this, the implied consent to
13 release their data, and sign terms and conditions?

14 MR. JENSEN: Our current thought is no. The
15 utility will use a known good communication path to
16 notify the customer of this. And unless they get a
17 refusal from the customer, that they go ahead and
18 provide the data. But we look forward to receiving
19 comments on that.

20 Oh, Vic, go ahead.

21 MR. BATESON: Yes, Vic Bateson with Boone
22 Energy. Just a quick comment and then a question or
23 maybe a request.

24 As someone that's done several hundred
25 benchmarks in the last two, three, four years in the

1 city of San Francisco based upon their program, and
2 has dealt with hundreds of tenants in the process,
3 we've run across one tenant that would not give up
4 automated access to their monthly data, and even they
5 were willing to provide the data, they just didn't
6 want to give the data access.

7 Now, that's anecdotal data and policy
8 shouldn't be made on anecdotal data, but it concerns
9 me that we are possibly making the process even more
10 difficult than it should be when it doesn't have to
11 be. As I said, every one of the tenants that we've
12 dealt with has been willing to provide that data. So
13 that's just a brief comment.

14 My real concern here or my question is that
15 over the last two, three years we've altogether as
16 kind of an industry have developed a process, at
17 least in the city of San Francisco, that seems to be
18 working fairly well. And I'll give PG&E kudos for
19 what they have done and their benchmarking support
20 team and how well they seem to work in getting a
21 process where we can get the data we need to do the
22 job and get it on an individual meter basis, not
23 aggregated data.

24 And we've worked with some of the other
25 utilities around the state and southern California,

1 and I know they're working hard on this too. And the
2 process may not always be simple, but it works. And
3 my concern is as we move forward with this focus on
4 aggregated data that we may break the systems that
5 are in place or we may regress so that all we end up
6 getting is aggregated data even if we have tenant or
7 utility customer permission to have access to their
8 individual data.

9 And I just want to make sure that we don't
10 end up bringing everything down to the lowest common
11 denominator such that the processes that are in place
12 stop working. Thank you.

13 MR. JENSEN: Great, thanks, Vic.

14 So some of the things you mentioned are
15 prescribed to us by the statute and we don't have
16 flexibility on them, but please do include what you
17 just said in your comments and we'll certainly take
18 them into account.

19 MS. WADHWA: This is Abhi Wadhwa from Energy
20 Commission. I'm going to look to Galen, just alert
21 him to what I'm about to say.

22 We want to be clear that in implementing
23 this statute we are not prohibiting anyone from
24 following practices that they were already doing
25 outside of the rights and provisions provided to the

1 building owner outside of this statute.

2 So if working with your local utility you
3 already had a process down in place that allowed you
4 access to more granular data, and that works better
5 for your clients' purposes, then the statute is not
6 prohibiting you from continuing that. It's not
7 stopping any kind of previous permission processes
8 that you were going through to get more granular
9 data.

10 The statute simply provides some bounds to
11 the data access when building owners don't want to go
12 through those processes and need access to aggregated
13 data or when they don't have aggregated data they
14 have certain methods to request that information.

15 MR. BATESON: Thank you, and I understand
16 what you're saying about from the statute's
17 perspective of not changing what's in place.

18 My concern is that the utility companies may
19 say, well, if I've got to do -- that they may back
20 off on providing some of the data. If they could just
21 get away with providing nothing but aggregate data,
22 that they develop their systems around that and maybe
23 shut down some of the stuff that has been in place
24 because it's not required.

25 And I would hate to see that happen because

1 the aggregate data, as has been mentioned by some
2 previous commenters, removes some of the ability for
3 the people doing the benchmark to be making decisions
4 about what should be included and what shouldn't be
5 included, and it also removes information from the
6 building owner to being able to make decisions about
7 how they want to move forward.

8 One of the other things that we're starting
9 to see is a lot of individual tenants, even if the
10 building owner is not interested, the individual
11 tenants are very interested in seeing their data and
12 seeing what their impact is and trying to make
13 decisions about how they individually, even if the
14 building owner doesn't, how they individually might
15 be able to take steps to improve their carbon
16 footprint. And that's something that's only started
17 to kind of bubble up in the last year or so, but I
18 think providing individual accident owners or tenants
19 with this kind of information is something that they
20 would be very interested in also.

21 Thank you.

22 MR. JENSEN: Great, thank you.

23 Do we have anyone else on WebEx?

24 Okay, we're going to try the phone thing
25 again, so again here's the deal.

1 We're going to unmute this end. Whether
2 you're muted on your end depends on your discretion,
3 and what we would like is for you to be muted unless
4 you're wanting to speak. So we're going to unmute our
5 end. Mute your end unless you want to speak, and
6 we're going to try this again.

7 Shut it down, Laith, this is no good, we
8 can't do this. All right, that's that, I guess.

9 Okay. I would suggest, let's get Randy.

10 Hang on a second, Randy.

11 MR. WALSH: Yeah, before you went to the
12 next topic I wanted to comment on something that Abhi
13 said.

14 Ideally, I would get data to the most
15 granular level I can get, and then I should be able
16 to match my occupancy characteristics or operating
17 characteristics to that data.

18 So if we're aggregating data and I've got
19 vacancy in my building, how do I know what amount of
20 data is being reported for that vacant space, or if
21 any data is being reported for the vacant space?

22 And I'm just speaking about the data coming
23 in. There's parameters and best practices in
24 Portfolio Manager regarding how we account for
25 vacancies.

1 So aggregated data is probably, (inaudible)
2 least helpful without having any sort of
3 identification in it to help me match up to Portfolio
4 Manager.

5 Also, all we're talking about just moving
6 into Portfolio Manager is kWh. There's nothing that
7 comes in here about demand. There's no load price
8 profiling that can be done. So there are other areas
9 where we could potentially get better information
10 from the utilities if they do track it. I'm not sure
11 that this is actually giving us access to that.

12 I think what Galen was saying is, and maybe
13 the theme here is we might be trying to do too many
14 things with this law, and because of that it's way
15 more complicated.

16 And I think that it's for now. I just wanted
17 to jump back in on those few things. Okay.

18 MR. JENSEN: Okay. We've got someone in
19 chat.

20 MR. YOUNIS: From Buck. With respect to
21 aggregated versus granular data, it needs to be
22 understood that providing both potentially makes
23 solution more expensive but we are exploring it.

24 Also needs to be weighed against other
25 platforms already in place that provide individual

1 [Next Slide]

2 So Section 3 is public disclosure. Now, for
3 a building owner who has a building located somewhere
4 where -- a building that would be covered by both a
5 local ordinance and the statewide ordinance, the
6 building owner will not be required to report to the
7 state, they'll only need to report to the local
8 jurisdiction.

9 So there's a lot of things that will need to
10 happen here behind the scenes and we'll need to add
11 some refinement to this, but the general idea is that
12 we'll have the data infrastructure connected from our
13 statewide infrastructure will be connected to the
14 local infrastructure. We'll get the data to us behind
15 the scenes.

16 We'll need to figure out exactly what the
17 process will be for ensuring that a local ordinance
18 is at least as stringent as our program.

19 So for example, if a program, if they're
20 going down to smaller buildings, if they have a more
21 aggressive schedule or if they require something
22 beyond just the reporting that we require, those are
23 examples of things that would qualify.

24 If you have a local ordinance that might
25 only cover commercial buildings and doesn't cover

1 multi-family, so in a case like that if you have a
2 commercial building you would just need to report to
3 your local jurisdiction. If you have a multi-family
4 building you would need to report to the state.

5 So as I mentioned, we'll be adding more
6 detail to this, and it will be very clear because
7 we'll list on our website the programs that qualify,
8 and so you'll know if you're a building owner that
9 you don't need to report to the state in those cases.

10 [Next Slide]

11 Okay. So this is another situation where --
12 I think we'll just go in the order that I have the
13 slides, so let's just read through this and then I'll
14 talk about it.

15 So I guess actually I don't know -- let's
16 see here.

17 So just as I mentioned earlier on the
18 timeline, these first reporting years the information
19 will not be publicly disclosed for the first year for
20 each building sector. They will be publicly disclosed
21 in the years after these.

22 [Next Slide]

23 So these are just the steps that a building
24 owner needs to take if he or she hasn't taken them
25 already.

1 Open a Portfolio Manager account. Enter the
2 building into Portfolio Manager. Complete or update
3 the required fields for the building within Portfolio
4 Manager. In the regulation text we'll be clear on
5 what the required fields are.

6 I don't want to go all the way back to the
7 slide, but as you may have seen on the slide with the
8 building counts earlier, it's possible that a
9 significant portion of the buildings that are
10 disclosable buildings within the scope of this
11 program are already in Portfolio Manager, so likely
12 with the first two and maybe the third step won't
13 need to be taken for a lot of the buildings that are
14 within the program.

15 [Next Slide]

16 February 1 is a suggestion for when building
17 owners might want to request data. It won't be a
18 requirement but we want to make sure that the utility
19 has the four weeks that they're allotted to respond
20 to the request and then that the building owner has
21 enough time to complete the benchmarking and
22 reporting process.

23 So after they do that, they'll get the data
24 from the utility, confirm that it's been received.

25 [Next Slide]

1 And then this is the reporting to the Energy
2 Commission. So by April 1 of the first reporting
3 year, and again, that varies whether it's a
4 commercial or multi-family building, and annually
5 thereafter.

6 On the Energy Commission website there will
7 be a link the person will click that will send you,
8 the building owner, to Portfolio Manager. When you
9 log in there you'll go right to a screen where you'll
10 choose to submit the data and it will pull the
11 required information from your Portfolio Manager
12 account.

13 [Next Slide]

14 Okay. Now, for -- hang on just a second.

15 Okay, so as we mostly talked about, the
16 information that utilities are providing is going to
17 building owners. We're also proposing that
18 information go from utilities to the Energy
19 Commission, and there are two reasons for this. So
20 let's read this slide and then we'll get to the
21 reasons on the next slide.

22 So one reason that we would like to receive
23 the data here at the Energy Commission is to verify
24 what's submitted by the building owners.

25 The second reason is to generate metrics

1 that we think are very useful and important but that
2 can't come through the custom report template that
3 we'll be using with Portfolio Manager to get data
4 from the building owners.

5 So that's why we want to create this
6 separate path coming from the utility, and we can go
7 into a little more detail on that when we're
8 describing the data infrastructure later.

9 [Next Slide]

10 Okay, so I covered this already. First
11 reporting year data is just coming to the Energy
12 Commission, not going public. Next reporting year,
13 data is made public.

14 [Next Slide]

15 So we're listing here -- hang on a second.
16 So this is a list of things that we may make public.
17 We're not saying we will make all of them public but
18 it's a list of possibilities. I don't want to go
19 through the whole list. I'll draw attention to a
20 couple of them.

21 Item L is, there are a lot of and/or's in
22 here, but it's monthly and/or annual site and/or
23 source energy use intensity normalized for weather
24 and operating hours.

25 So if you want to be able to compare

1 performance over time, you need to account for
2 variances in weather.

3 If you want to compare buildings that have
4 similar uses but if one is open for 10 hours, one is
5 open for 12 hours, you want to be able to control for
6 the operating hours as well.

7 [Next Slide]

8 On this slide the list continues.

9 The comment field we feel is pretty
10 important, so if someone reports, doesn't like their
11 score, say it take them six months to put out a bid,
12 get a contractor signed up to perform an upgrade to
13 their building, say it takes three more months to
14 have the work done on their building. Well, they've
15 only got three months of the new improved building
16 usage on record, so they don't have a whole year of
17 better performance going into their score.

18 So we've got this comment field so if an
19 owner wants to say something like that, we just
20 improved the building, we only have three months of
21 usage since the improvement in here.

22 Or if an owner wants to say we've got work
23 planned for the future and wants to go into detail on
24 that, that's fine. So if they've got a low score
25 someone doesn't just see the low score, they might be

1 interested in more information about the building.

2 And then S and T, S is national average
3 score or other metric for property type, and T is the
4 same thing at the state level, so that's pretty -- if
5 you want to see how each building compares that's
6 what those are referring to.

7 [Next Slide]

8 Okay, last slide in the public disclosure
9 section is exemptions. There are three of them, I'll
10 just read them.

11 The building has not yet had a complete
12 calendar year of utility service.

13 The building is scheduled to be demolished
14 one year or less from the reporting date.

15 The building is covered by a local building
16 energy use benchmarking program listed on the Energy
17 Commission website.

18 As it has been explained to me, it's
19 redundant and sort of conflicting to have this one up
20 at the front of this section and included here in the
21 exemptions. That'll be cleaned up by the regulations,
22 but anyway, these are what we've got listed currently
23 for the exemptions.

24 So let's go to comments on this section.

25 Bryan, go ahead.

1 MR. COPE: Bryan Cope, Southern California
2 Public Power Authority. Three quick questions.

3 Where is the list or does it exist on your
4 website yet of --

5 MR. JENSEN: Sorry, just press the button.
6 There we go.

7 MR. COPE: Thank you. Bryan Cope, Southern
8 California Public Power Authority.

9 I was not able to see on the CEC website
10 where the list of the local benchmarking programs
11 that are qualified to predispose the entry to AB 802.
12 Is that available yet or will it be soon?

13 MR. JENSEN: No. So it's not yet, and it
14 wouldn't be too soon. Part of the regulation
15 development will be determining how a program will
16 qualify, so that decision isn't made yet. And then so
17 after that happens we can decide on the list and it
18 will go on our benchmarking page.

19 MR. COPE: Thank you.

20 MR. JENSEN: Yeah.

21 MR. COPE: For disclosable buildings the
22 utility shall deliver to the CEC the same information
23 delivered to the owner. That's on Slide 33. At the
24 same time that we give it to the owner we're supposed
25 to give it to the Energy Commission.

1 My question is, which is kind of awkward, is
2 if we're giving it to the owner via Portfolio
3 Manager, what format do you want it in?

4 MR. JENSEN: I think -- Laith, let me know
5 if I'm right on this -- we're going to work out the
6 details on how the utility does that, and hopefully
7 they won't have to complete two separate actions.

8 MR. COPE: All right. Again, I would just
9 urge that duplication of effort, as much minimization
10 of that as we can achieve would be appreciated.

11 And lastly, it has to do with the release of
12 data. I'm just curious.

13 There is no data released to the public in
14 the first year. In the second year and beyond, will
15 the second year be data from 2016 and then the third
16 year be 2017, so there's a one-year lag, or basically
17 a two-year lag? Or how do you envision that
18 happening?

19 MR. JENSEN: Let's see if I can get this
20 right.

21 So the first cycle of commercial reporting
22 is 2018, and that data will never be publicly
23 disclosed.

24 2019 is the second cycle for commercial. The
25 data that the building owner will be reporting to the

1 Energy Commission would be from the 2018 calendar
2 year, so it's the previous calendar year that they're
3 reporting in 2019.

4 Later in 2019 that 2018 data will be made
5 public.

6 MR. COPE: Okay. So it's only going to be a
7 one-year lag instead of a two-year lag.

8 MR. JENSEN: Yes.

9 MR. COPE: Okay. Thank you.

10 MR. SPAIN: Terry Spain, SDG&E. A couple of
11 questions.

12 If a building owner is already benchmarking
13 under a local ordinance, what obligations, if any, do
14 the utilities still have under AB 802, or are they
15 only subject to the requirements of that local
16 ordinance?

17 MR. JENSEN: So for data access if a
18 building owner requests data and if that building is
19 within the scope of this program, the utility would
20 need to provide it.

21 So say someone's in San Francisco, even if
22 they've already complied with the San Francisco
23 requirements, they can certainly still go and get
24 data from the utility.

25 MR. SPAIN: Right, but would the utility

1 still have to provide that data to the CEC in that
2 situation?

3 MR. JENSEN: I would think no. We would work
4 with -- our plan is to work with the local
5 jurisdictions on their compliance and enforcement, so
6 I think the answer is no. I don't have a definitive
7 answer yet.

8 MS. WADHWA: Hi, this is Abhi Wadhwa. I
9 think the answer is TBD because we don't know if that
10 particular local jurisdiction is getting the data
11 from the utilities or not.

12 If they are, then we can work with them. But
13 if as part of their requirement they never had that
14 built in, then we'll have to work it out with the
15 utilities.

16 We would prefer that if a local ordinance is
17 in place, then the data first goes to them. So this
18 becomes a matter of actually working with local
19 ordinances to make sure they are understanding the
20 compliance and verification policy angles that we
21 would like to see in the state.

22 MR. JENSEN: Yeah, so thanks, Abhi.

23 So when we're approving these programs to be
24 listed on our website in addition to setting
25 different levels, we would want to also look at how

1 they're doing their enforcement and what the program
2 design is, and that would help answer the question
3 you're asking, I think.

4 MR. SPAIN: All right. The second question I
5 have is we would like to see some clarification on
6 the term "operator." I believe that the statute says
7 building owner, owner's authorized representative, or
8 building operator.

9 In many cases the building operator is
10 either the tenant or somebody hired by the tenant,
11 not a representative of the building owner.

12 I think right now it's kind of unclear. It
13 makes it look as though a building operator that is
14 not employed or authorized by the building owner can
15 qualify for requesting aggregated data under AB 802.

16 MR. JENSEN: Okay. Great.

17 MR. CHANGUS: Jonathan Changus with the
18 Northern California Power Agency. Seeking point of
19 clarification on Slide 29 about the language that
20 says that the owners of a disclosable building shall
21 disclose benchmarking data.

22 Is that envisioning that all owners of a
23 disclosable building will be required to make the
24 request of the utility, or is it that those building
25 owners that make a request of a utility for this data

1 of a disclosable building, only if they've made the
2 request will be required to do so?

3 I wasn't sure if I was reading 29, and then
4 31, the recommended date of when the request should
5 come in, if we're envisioning that all building
6 owners would be making that or if they were going to
7 be required to. Is that clear?

8 MR. JENSEN: I'm not clear on the question,
9 so could you...

10 MR. CHANGUS: Sure. So in the statute it
11 says we provide the information on request from the
12 building owner.

13 MR. JENSEN: Yes, right.

14 MR. CHANGUS: The way I read these slides
15 was that all owners of disclosable buildings will be
16 required to disclose this information to the CEC,
17 which would mean requesting it.

18 So I was just trying to figure out if it's a
19 voluntary process, and then those that have made the
20 request of the utility then shall, or if regardless
21 if they wanted to or not, all owners of disclosable
22 buildings shall participate in this program.

23 MR. JENSEN: No, it's required that they
24 report to us. An owner of a disclosable building has
25 to report to us. So if they've already got the usage

1 data and they don't need to request from the utility,
2 that should be fine for fulfilling the requirements
3 of the program. So you could not opt out of reporting
4 to the Energy Commission just by not making the
5 request of the utility.

6 MR. CHANGUS: Okay. Because that's different
7 in the CEC regulation than what we had interpreted
8 and read from statute, which is more on a voluntary
9 basis, so that's an important clarification.

10 With regard to February 1st, for at least
11 NCPA members February 1st is when we're in the midst
12 of conducting the annual reporting process and
13 compiling a whole bunch of data having to do with
14 energy efficiency programs. Some staff are probably
15 going to be involved in some manner with this, so
16 February 1st might be somewhat problematic.

17 I like the idea if this is going to be an
18 annual submission having one date for all of them is
19 definitely a good idea, but perhaps maybe something
20 like April 1st, get us past the March 15th deadline
21 so that it's not a dual reporting burden at the same
22 time.

23 MR. JENSEN: Okay, got it. So let me talk to
24 you a little more later on about that.

25 MR. CHANGUS: Okay.

1 MR. JENSEN: Okay.

2 MR. CHANGUS: Thank you.

3 MR. LEMEI: Jonathan, I'm sorry. I just
4 wanted to clarify in response to your question. What
5 we're talking about right now is the program that is
6 being designed by the Energy Commission pursuant to
7 subdivision (d).

8 MR. CHANGUS: Um-hmm.

9 MR. LEMEI: So subdivision (c) is the
10 voluntary program. Subdivision (d) is the program
11 that the statute calls upon the Energy Commission to
12 develop for public disclosure and benchmarking.

13 We are proposing that the mechanics of it
14 essentially use the same infrastructure of the
15 voluntary program, but the owners of disclosable
16 buildings that are subject to the mandate are
17 required to make that request, and then the utilities
18 are required to facilitate that in the same manner
19 that they would facilitate voluntary requests.

20 That's the structure. That's the idea, but I
21 just wanted to clarify that we switched statutory
22 provisions on you.

23 MR. CHANGUS: Yeah, I appreciate that
24 clarification, thank you.

25 MR. TANIOS: Peter Tanios, SoCal Gas. On

1 Slide 34 we're referencing that the Energy Commission
2 will use the data that they receive from the
3 utilities to verify the customer inputs, so I get
4 that on the usage side.

5 The score is also based on the building
6 attributes and how the customer sets that up. Who's
7 going to be verifying that information?

8 MR. JENSEN: Great question. I don't know
9 that we have a good answer for it.

10 Go ahead, Abhi.

11 MS. WADHWA: So the building owner shares
12 from within Portfolio Manager all the operational
13 characteristics data as part of the sharing, so we
14 get the operational data from building owner.

15 And also the energy use data, but we also
16 are envisioning to get the energy use data separately
17 from the utility to verify that there was no
18 tampering with it to get a better score or metric.

19 MR. JENSEN: So Peter, the question as I
20 understood it was, we have energy use data coming
21 from two sources, which allows us to verify.

22 We're only getting the operating from one
23 source. That's your question, right? We don't have a
24 second source to verify that. Okay.

25 MS. WADHWA: Let me take a second stab at

1 it.

2 We have not narrowed down or focused so far
3 on our compliance and enforcement plan, but one could
4 conjecture that some kind of a sampling in the field
5 could be done to check whether building owner has
6 indeed been submitting accurate information, or some
7 kind of verification procedures could be in place for
8 a certain sample of the submitted information. But we
9 have not gone down that far yet. Just academically, I
10 would say it's possible.

11 MS. CRESENCIA: Kim Cresencia, SDG&E and
12 SoCal Gas. So Slides 36 and 37 where you've got the
13 laundry list of items that will be publicly
14 disclosed.

15 Which of these, if any and/or all, will be
16 the utility would be required to maintain in their
17 databases?

18 And then specifically F and G, latitude/
19 longitude. I'm assuming that's building, but could it
20 be meter or parcel?

21 And the reason I'm getting to that is,
22 again, this whole talk about meter mapping. The
23 utilities have roughly at the 50 percent level maybe
24 have lat/long for smart meters. In talking with some
25 vendors, especially those in the real estate segment,

1 they get it at the parcel.

2 So now you're talking about, you know, this
3 is a pretty big effort to meter map to the building.
4 You've got meter, you've got parcel, you've got
5 building, so just want to bring some awareness to
6 that.

7 I know as part of one of our comments we
8 have with 1103 there were benchmark triggers and with
9 802, which repealed 1103, there are no longer
10 benchmark triggers. Is that intentional, inadvertent,
11 or are we actually now this is mandatory
12 benchmarking?

13 MR. JENSEN: So this program doesn't mandate
14 time of transaction disclosure as 1103 did. I'm not
15 clear what the question is, I guess.

16 MS. CRESENCIA: So yeah, 1103 had the
17 financial transactions. 802 no longer has that, and
18 so it was a way to assess maybe the number of
19 requests that we could be getting for 802.

20 MR. JENSEN: Okay.

21 MS. CRESENCIA: But absent those triggers,
22 this just appears to us this is annually any covered
23 building would have to do benchmarking.

24 MR. JENSEN: Right. Okay, so yes.

25 MS. CRESENCIA: So in essence it is

1 mandatory benchmarking.

2 MS. WADHWA: (Inaudible.)

3 MR. JENSEN: Right. So as far as assessing
4 number of requests, so we certainly hope that 100
5 percent of disclosable buildings will be making
6 requests, and we can try to help with -- I mean, you
7 probably have data already. We've gotten closer now
8 so we can certainly try to work together on that.

9 And then we certainly would like to see a
10 high number of the covered but not disclosable
11 buildings making a request as well. We don't know
12 what those numbers would be like, and those likely
13 would not all be coming in on February 1st like the
14 disclosable ones might.

15 MS. CRESENCIA: About this list, how much of
16 this would you expect the utilities to maintain or
17 have?

18 MR. JENSEN: So I don't know if we -- So lat
19 and long in particular, I think our plan -- do you?
20 Sure.

21 MR. YOUNIS: A lot of these items are coming
22 out of the Portfolio Manager custom report template,
23 so we wouldn't be anticipating the utilities keeping
24 track of all of these fields, but what we can do is
25 make a table of where we expect to see that type of

1 data coming from, specifying that this is an output
2 from EPA.

3 Lat and long would be something, as an
4 example, where it is have to be post-processed from
5 the address, so even EPA's output doesn't give
6 lat/long.

7 But primarily, as long as you've fulfilled
8 the task of populating Portfolio Manager with the
9 energy that the building owner requested, then these
10 fields would all come out of Portfolio Manager with
11 your data along with the building owner's operational
12 characteristics.

13 MS. CRESENCIA: Okay. Just to come back to
14 what somebody said. We don't want any duplication of
15 any information and efforts.

16 MR. JENSEN: It looks like we might have...

17 MR. YIP: I was just echoing what Kim said.
18 This is Jerry from PG&E. Some of this is kind of new
19 or first time I'm reviewing it, so I just wanted to
20 tie up what you were saying earlier about what data
21 is delivered by whom.

22 In reading Slide 33 where it says the
23 utility will deliver the same data that we provide to
24 the building owner or agent. I'm referring back to
25 Slide 19 then where you had list A through E of the

1 meter number, customer name, number of meters, what
2 have you. That's really what the utility has to
3 provide. Everything else in Slide 37 I'm interpreting
4 as Portfolio Manager should be able to provide most
5 of that information; is what you were saying.

6 MR. JENSEN: I see. We'll make that clear.

7 MR. YIP: Yeah. And I imagine it's still in
8 the works as far as how that data will be transmitted
9 to the CEC, because that's a big question for us.

10 MR. JENSEN: Yeah, that's still being
11 discussed, and we're working with EPA along with the
12 meter mapping (inaudible).

13 MR. YIP: And in terms of that timeline,
14 going back to Slide 7 -- that's not me.

15 MR. JENSEN: Hang on a second, Jerry. Let's
16 make that go away. All right.

17 MR. YIP: So the public disclosure of
18 information as far as what we provide to the CEC,
19 does that start on April 1st, 2018, or April 1st,
20 2017?

21 MR. JENSEN: January 1st, 2017 is when you
22 will need to provide data.

23 MR. YIP: Owners and agents.

24 MR. JENSEN: Right.

25 MR. YIP: Right, but to the CEC...

1 MR. JENSEN: Got it. Okay.

2 MR. YIP: The disclosure aspect of that.

3 MR. JENSEN: Okay, I get the question.

4 MR. YIP: Because like 33, I don't know when
5 that becomes -- Slide 33 says at the same time as the
6 owners and agents, but I'm guessing maybe that's
7 after a certain point in time. Is that starting
8 April 1st, 2017, or January 1st, 2017, which is...

9 MR. JENSEN: We'll clarify that.

10 MR. YIP: Okay. I would just note if you're
11 saying January 1st, 2017, that would be a challenge
12 because we haven't even defined the mechanism for
13 transmitting the data to you, and that's important.

14 MR. JENSEN: Right. Sure.

15 MR. YIP: Okay.

16 MS. WADHWA: So again, thinking through
17 together. I think the way we had it so far was that
18 the building owner is requesting it on a rolling
19 basis, not necessarily on February 1st. There will be
20 hopefully many building owners that are not waiting
21 until the last minute.

22 And again, hopefully, we will figure out a
23 system within Portfolio Manager where the
24 passthrough, when you click the pass-through for the
25 information to go into building owner's account it's

1 also just as easy to push it to Energy Commission's
2 Portfolio Manager account. So that happens on a
3 rolling basis, not on a fixed date.

4 MR. YIP: Right, right, I get that.
5 Obviously there's that ongoing sort of feed.

6 I'm speaking from the perspective of when do
7 we need such functionality to be ready to support
8 transmitting data to the CEC, whether that's ongoing
9 or the very first time. I'm trying to establish that
10 clarification.

11 Are you saying it's January 1st or is it one
12 of these other milestones?

13 MR. JENSEN: So it definitely wouldn't be
14 before the regulations are in effect, so --

15 MR. YIP: April 1st.

16 MR. JENSEN: -- tentatively yeah. So it
17 couldn't be before that because the regulations will
18 explain what the requirement is.

19 MR. YIP: Yeah. Okay. Thanks.

20 MS. CRESENCIA: Kim Cresencia, SDG&E, SoCal
21 Gas. So I want to ask it maybe a little bit more
22 directly.

23 So does this in essence move that January 1
24 date to April 1 when we have to be in compliance?

25 MR. JENSEN: No, it does not. So the statute

1 requires utilities to require usage data to building
2 owners on request after January 1, 2017.

3 The stuff that we're talking about today
4 which will become regulations, that will go into
5 effect at whatever date the regulations go into
6 effect.

7 MS. CRESENCIA: So pretty much it's the
8 content of what we're discussing within the slide
9 presentation today. Kind of fine tuning it.

10 MR. JENSEN: Right, for what will happen
11 when the regulations go into effect, right. So yes,
12 correct.

13 MS. CRESENCIA: Okay.

14 MR. CHANGUS: Sorry not to belabor, but just
15 to make sure I understand, especially after Galen's
16 clarification about the two different parts of the
17 code that we're dealing with.

18 So for disclosable buildings, that's
19 obviously we're reporting to the CEC that which we're
20 reporting to the building owner.

21 For just the covered buildings with which
22 requests are going to start to come in on
23 January 1st, 2017, with which we'll be providing data
24 either in a spreadsheet form or through Portfolio
25 Manager, is there an expectation for those covered

1 buildings which are not also disclosable buildings,
2 the CEC will be receiving at the same time we provide
3 to the building owner that energy usage data, or is
4 what we as a utility are sharing with the CEC only
5 limited to the disclosable buildings?

6 MR. JENSEN: That's only for disclosable
7 buildings, that's what we've got currently.

8 MR. CHANGUS: Okay, thank you.

9 MR. JENSEN: Anyone else in the room?

10 All right, let's see what we have on WebEx.

11 Okay, so it looks like we don't have
12 anything on WebEx.

13 Anyone on the phone who wants to comment or
14 ask a question, please go ahead.

15 MR. EVANS: Hello, this is Matt Evans,
16 Southern California Edison.

17 MR. JENSEN: Go ahead, Matt.

18 MR. EVANS: Okay, great, thank you.

19 Referring back to Slide 33 about requiring the
20 utilities to deliver their energy usage data to the
21 CEC, I just wanted to echo some of the concerns that
22 I've heard already.

23 You know, we definitely want to be efficient
24 and minimize the number of systems that are being
25 developed across all utilities, so might I suggest

1 that maybe the CEC has a link to the Portfolio
2 Manager and can work out a system where when
3 utilities provide data to buildings in California
4 that meet or exceed a disclosable building, then the
5 CEC could get that data directly. So that's one.

6 And also, we as utilities, we may not know
7 whether a request from a building owner is for a
8 disclosable building.

9 For example, the building owner could submit
10 a request through Portfolio Manager to us to receive
11 the energy usage data, but they don't necessarily
12 need to have the square footage input, and I actually
13 have seen that in the past. So we really won't know
14 whether it meets the threshold or not, for example.

15 MR. JENSEN: Yeah. So for providing data to
16 the building owner, the utility should not be making
17 a distinction between disclosable buildings and
18 covered buildings in general. For sending data to the
19 Energy Commission that distinction will need to be
20 made, and we need to work on how we'll make clear to
21 utilities which buildings are in fact disclosable
22 buildings.

23 MR. EVANS: Yeah, and we may not know. It
24 will depend on what information the building owner
25 has input into Portfolio Manager.

1 MR. JENSEN: Understood. So that's one
2 option. The other option is the Energy Commission
3 might be able to get the information to you.

4 MR. EVANS: Okay. And I have some concerns
5 about all the reporting for all disclosable buildings
6 being a set date. I think now it's February 1st.

7 There may be a large volume of requests that
8 are submitted and that need to be fulfilled in a
9 fairly short period of time, so I'm just wondering if
10 there's a way to stagger that in time, those request
11 and disclosure periods. So just a question.

12 MR. JENSEN: Okay. We would be very
13 interested to hearing the comments about utility
14 preferences. Some utilities might prefer to get a
15 huge number all at once and be able to ramp up and
16 just plan for that. Some might prefer to have them
17 spread throughout the year, so we'd love to hear from
18 utilities on what they'd prefer.

19 MR. EVANS: Okay. Great, that's all I had.
20 Thank you very much.

21 MR. JENSEN: Thank you.

22 Anyone else on the phone? Last call for the
23 phone. All right.

24 [Next Slide]

25 Okay, the next section just has two slides

1 and then we get to look at some pictures, so let's go
2 to Section 4, Violations and Enforcement. So let's
3 take a minute to read this and then I'll explain it.

4 Okay. So from the statute we have
5 enforcement authority through Public Resources Code
6 Section 25321, which has to do with issuing fines.
7 There are three -- and we have three examples of
8 violations by a building owner. Failure to complete a
9 submission. Failure to share all information
10 required. And intentionally sharing incorrect data.

11 [Next Slide]

12 We have two examples of violations by a
13 utility. Failure to provide requested information
14 within four weeks of a valid request, and
15 intentionally sharing incorrect data.

16 That is that section in its entirety. Do we
17 have comments or questions on that section in the
18 room?

19 MR. CHANGUS: This is Jonathan Changus with
20 NCPA again. Under the violation section we don't
21 envision any concern or problem with the building
22 owner sharing this usage information with other
23 entities that are not the CEC, for which you will
24 decide what's going to be disclosed if they choose to
25 share this with other third parties or other

1 interested entities. I think that would be a problem
2 for the utility.

3 So in your enforcement action if you're
4 limited perhaps by existing statute as far as what
5 you're allowed to penalize, but I think we're going
6 to have to figure out a way to ensure that the data
7 is being used appropriately and is provided to the
8 appropriate entities but not going beyond that given
9 the extreme sensitivity that at least we have about
10 the sharing of this data more broadly.

11 MR. JENSEN: Galen, do you want to comment
12 on that at this time? If not that's fine.

13 MR. LEMEI: So I understand you to be
14 suggesting the possibility that an additional
15 enforceable violation be the sharing of the utility
16 data under certain circumstances by the building
17 owner.

18 25321, that enforcement authority is
19 actually the IEPR statute, and it is generally
20 focused on, as the IEPR is generally, on the failure
21 to share data, so it's a non-obvious fit, but your
22 comment is well taken.

23 I would say that before you could talk about
24 penalties for improperly sharing data you would first
25 need to prescribe the parameters under which data

1 could be shared in the first instance.

2 And an additional complication is that the
3 building owner is going to be receiving data both
4 under the public disclosure program but also under
5 the private program.

6 So that's a long way of saying that I
7 understand what you are suggesting. There are some
8 complexities. To the extent that you wish to provide
9 a more fleshed out suggestion, that would be
10 appreciated.

11 MR. CHANGUS: Looking forward to doing so.

12 MR. JENSEN: All right, do we have anyone
13 else in the room?

14 Then let's see, do we have anyone on WebEx?
15 Looks like we do not.

16 Do we have anyone on the phone?

17 It's picture time, okay.

18 Laith is going to take us through the
19 anticipated data flow diagram and a couple pictures
20 of building concentrations for the state.

21 [Next Slide]

22 MR. YOUNIS: Okay, everyone. My name is
23 Laith Younis. I'll be focusing on the infrastructure
24 slides here. This is our attempt to show the simple
25 process of sharing data. The more that we talk about

1 it collectively and the more comments we receive from
2 you, the more I'm able to fill this picture in.

3 This is going out to EPA, all the utilities,
4 everybody that can offer guidance. We offer a bi-
5 monthly meter mapping call to talk about these kind
6 of items, primarily focused on meter mapping now but
7 that is kind of an open forum for anything that can
8 be shared.

9 One way to read this, and you can go left to
10 right as time progresses as well as the color
11 represents the tasks and who owns them.

12 So if you start in the top left. Again, this
13 is anticipated. We're still really in the draft
14 discussion phase but we'd love to get more comments.

15 For the utility, they receive the request
16 from the building owner, as we've talked about. They
17 compare the utility accounts to the thresholds that
18 are listed in the statute that we've talked about.
19 And if over the statute, you can see this bubble is
20 to send the data to the building owner if it's over
21 50,000 square feet. Someone brought up that point.

22 If under the threshold, then customer
23 permission is required. If not approved, then some
24 notification would need to go to that building owner
25 that made the request. And that brings us down into

1 the building owner line.

2 When we're asking for comments we can just
3 call out which specific color we're talking to.

4 Next on the building owner section. The
5 building owner would make the request that the
6 utility received that we talked about, using the
7 building ID that we talked about obtained from either
8 a CEC or utility website.

9 Again, the idea is that that's a
10 standardized ID across platforms that would be made
11 available for the building owner. And then when we're
12 reporting the data on the back end on the CEC
13 website, that building ID would also be used for
14 everyone to know which building is which.

15 That goes through the utility process. They
16 receive the utility data or the notice that they
17 couldn't get the data from the tenants, and they
18 would populate Portfolio Manager with that data or it
19 would be web service delivered.

20 And a very important piece is collect the
21 operational characteristics from their tenants, also
22 populate Portfolio Manager, and through a data
23 request method share that data within Portfolio
24 Manager with the CEC. Or whatever is required for
25 their local ordinance.

1 So that's an important piece. We left the
2 local ordinance out of this for now to keep it a
3 little more simple, but obviously that data would be
4 important to come from the local ordinance as a
5 cluster to the Energy Commission.

6 And lastly, the Energy Commission line would
7 be to receive the data from the utility. The
8 mechanism that Erik pointed out we're still fleshing
9 out trying to identify the best means.

10 We would receive the building benchmark from
11 the building owner, all the disclosable buildings,
12 and then determine any buildings that are
13 noncompliant, either changes to the data, buildings
14 that should have reported but didn't through
15 Portfolio Manager, and make that available -- make
16 benchmarking metrics available on the CEC website.

17 And that's it for this. I think we can open
18 up to comments now while I leave that up.

19 Or I'll go ahead to the next map here and
20 then come back to this.

21 [Next Slide]

22 Apologize if the printout doesn't show it
23 very well. We can change the color schemes if need
24 be, but this is commercial buildings greater than
25 50,000 square feet, so there's no multi-family in

1 here, with multiple tenants by zip code.

2 Erik touched on the fact we're really
3 appreciating the CoStar Realty information that we're
4 presenting, but in some aspects it doesn't align
5 perfectly to statute, so multiple tenants is one
6 limitation there.

7 And the purpose, you can see this is zip
8 code level data and number of buildings per zip code.
9 At 15 you start to get a good spread of the color
10 scheme, so that's an arbitrary number just for
11 graphical representation. And then we have two areas
12 zoomed in, the San Francisco Bay Area on the top and
13 L.A. area on the bottom.

14 So this is to help understand just number of
15 buildings and where they're at. It's kind of nice to
16 see that the national parks, the farmland, you're
17 going to see a very low amount of buildings that
18 would need to report. You're really looking at the
19 urban dense population areas that's going to be a
20 higher amount.

21 [Next Slide]

22 And then lastly, this was made with Tableau,
23 same data but presented graphically by number of
24 buildings by county. So again, you can take with that
25 what you need and understand better where to put your

1 resources.

2 So with that, is there any comments on the
3 flowchart?

4 MR. CHANGUS: I think we probably want to
5 add something for the Energy Commission early on
6 there about building identification numbers being
7 developed and provided to the utilities prior to
8 receiving requests from the building owners; that's
9 part of what we're supposed to be providing.

10 I also think that for at least NCPA members
11 there will be an owner verification process of some
12 sort which is not included on the green bit which
13 could be a bit in which we notify the building owner
14 that there was a mistake in documenting that.

15 And then through CoStar are you guys going
16 to be able to develop a list of the disclosable
17 buildings that support your determination of
18 noncompliant buildings early on? And if so, at some
19 point do you think that might be something that you
20 could share with utilities?

21 I understand some of the licensing concerns
22 with CoStar. It may not be a yes. We're not sure now,
23 but I think that would be really helpful for the
24 utilities in processing requests and being able to
25 check very easily without having additional building

1 information if this is coming from replies to a
2 disclosable versus a covered building, and then what
3 our obligations are.

4 MR. YOUNIS: Yeah, yeah. That's all good
5 info, thank you. I'll make sure to make a point of
6 that on the data flow.

7 And as far as the CoStar data, at this point
8 now I think we can't release detail to the data but
9 we can build derivatives like this where I'm not
10 presenting CoStar data as a whole. I highly recommend
11 looking into the purchase of it, and we hope that in
12 future years we develop the relationship where we can
13 release more data.

14 MS. WADHWA: This is Abhi Wadhwa from Energy
15 Commission. A couple of points to what Laith said.

16 We decided to go with CoStar for our
17 purposes because in our analyses of what else was
18 available this seems to most closely fit with what we
19 needed. But by no means are we saying this is the
20 only source out there or the only way that utilities
21 can get a better sense of how to do their
22 infrastructure planning. We encourage you to explore
23 what other data sources are out there that you may
24 want access to. By no means is CoStar the
25 recommendation from Energy Commission as the only

1 data source.

2 Secondly, Jonathan, to tease out more your
3 question about whether Energy Commission will be able
4 to provide a list of disclosable buildings.

5 In just thinking through it, in our mind
6 that list comes as a compilation of two key elements,
7 one of which, and only one of which is the square
8 footage of the building, which probably through
9 CoStar we will have access to.

10 The second part of the equation which then
11 completes that list of disclosable buildings is the
12 number of utility accounts. We don't have that
13 information. That's where we look to the utilities to
14 complete that equation so that that comprehensive
15 list of disclosable buildings can be congealed.

16 So in our mind, it's probably going to be a
17 back-and-forth with utilities to come up with that
18 list, and probably important to do, but we will have
19 to work really together as a team to really nail it
20 down.

21 MR. CHANGUS: Thank you. And I think that's
22 really great feedback.

23 We may want to consider, then, the use of
24 the words "at the same time" to make sure that we
25 have an opportunity to figure out which of these

1 requests are for disclosable buildings versus covered
2 buildings so that we don't hold up the process to
3 providing building owners of a covered building with
4 data while we're trying to figure out that list. And
5 just happy to work forward on that.

6 MR. SPAIN: I had one question on the
7 flowchart. Down on the bottom on the Energy
8 Commission flow, the second-to-the-last step says
9 determine noncompliant buildings. What are these
10 buildings supposedly noncompliant with?

11 MR. YOUNIS: Noncompliant is they either
12 didn't build a benchmark but the utility would have
13 sent them the data. So we're doing an "if" statement
14 against the two of them. If data is in one but not
15 the other, comparing against a building ID for
16 example, then we'd be able to know if they're
17 noncompliant. Also, we can use other resources like
18 CoStar or whatever other products that are out there.

19 MR. SPAIN: Okay, this is more of a
20 verification of benchmarking process.

21 MR. YOUNIS: Yes.

22 MR. SPAIN: Thank you.

23 MR. YOUNIS: Any questions on the phone or
24 WebEx? All right, great. Thank you so much.

25 Erik, do you want to go to just open

1 comment?

2 All right, so this is open comment time.
3 Feel free to ask any questions that have come up.

4 Again, we reiterate that this is still the
5 draft early process. None of this is final by any
6 means, so we hope to get as much feedback from you as
7 possible.

8 UNKNOWN SPEAKER: (Inaudible.)

9 MR. JENSEN: I don't know. In what way? Are
10 you talking about the work authorization?

11 MR. WILLIAMS: Hello, Erik.

12 MR. JENSEN: Hi, Rick.

13 MR. WILLIAMS: Good presentation, I like the
14 program. When I look at the start times, if everybody
15 at the utilities are ready in January and regulations
16 go in April, why do we wait a whole year before we
17 start collecting commercial? Or am I missing
18 something? Hello?

19 MR. JENSEN: Hang on a second, Rick.

20 So April 2017 is when we anticipate the
21 regulation is going into effect. We wouldn't want to
22 immediately require people to start reporting at that
23 time. We need to allow time for outreach, as we've
24 alluded to some to make sure utilities have their
25 processes in place and the Energy Commission is also

1 getting some of our things in place.

2 I mean, the short answer is just that there
3 needs to be some warning from when the regulations go
4 into effect to when reporting is first required.

5 MR. WILLIAMS: But we clearly have nine
6 months before we start January 1, so it seems like we
7 have a lot of time, but okay.

8 MR. JENSEN: Okay. So just to be clear,
9 we're taking general comments and questions now on
10 anything. If anyone in the room wants to go ahead. It
11 looks like Galen does.

12 Go ahead, Galen.

13 MR. LEMEI: I didn't mean to cut anyone off.
14 I wanted to augment my response to Jonathan earlier,
15 but that doesn't need to happen at this moment, we
16 can proceed with public comment. I wasn't sure if
17 things were winding down.

18 MR. JENSEN: All right.

19 MR. TANIOS: Peter Tanios, SoCal Gas. I just
20 want to clarify one thing. The countdown clock for
21 the utilities to fulfill this within four weeks, that
22 starts within what we consider a valid request?

23 MR. JENSEN: Right. So that would need to be
24 made by a verified owner if the utility wants to
25 verify. It needs to be made by a certain method, and

1 would need to include certain information. You'd need
2 to have all three of those things before the clock
3 starts.

4 MR. TANIOS: Thank you.

5 MR. YOUNIS: One thing that has been talked
6 about a lot is the building ID piece. From our
7 research we haven't found a good use of products that
8 are out there that have a consistent theme throughout
9 the state.

10 For example, you'll get parcel ID, which is
11 not building specific and it may differ from region
12 or county to county.

13 You'll have Portfolio Manager ID which comes
14 very late in the process.

15 The goal of what we see the building ID
16 marker representing is that from the beginning to end
17 there is a number or a shape file or something for
18 the building owner to point to and say this is my
19 building. Then it gets handed off.

20 Utilities point to it and say those are the
21 meters going to that building.

22 CEC receives it and posts it on the map
23 publicly and says the energy for the shape file of
24 this building is the same.

25 So it's very clear and not a question of

1 building or parcel or property or those kind of
2 things that we all recognize when we're walking down
3 the street but we want to make sure that we have a
4 consistent thing to point to for the process. That's
5 why we think a building ID is important primarily in
6 a GIS method.

7 So any comments or additional feedback on
8 that would be appreciated.

9 On potentials of what's out there, we
10 recognize other cities have challenged this question,
11 but this is the first time that statewide we're
12 looking at it, so...

13 MR. CHANGUS: In follow-up to that, what's
14 the process going to be for updating new buildings as
15 they come on and the generation of new building ID
16 numbers and making sure that we have -- I mean, it's
17 not a one time in history, and even if it was, if
18 you're looking for all buildings prior to, and on a
19 going forward basis it's probably something you guys
20 are going to manage. If it's a new number then too
21 versus a parcel or something else, that's tricky and
22 I wish you all the best, but just clarifying that's
23 something we'll want to work on too as far as going
24 forward, the process in which we get the new numbers
25 for the new buildings, especially for the disclosable

1 buildings that are going to be subject to a mandate
2 going forward.

3 Do you want to, while I'm here?

4 MR. LEMEI: Sure, since you stepped up.

5 In addition to the complexity -- I'm back on
6 the topic of not just an enforceable requirement for
7 building owners to keep information confidential, but
8 the philosophy of the confidentiality or the
9 protections appropriate for the information that the
10 building owner receives.

11 We read the statute as reflecting a
12 legislatively endorsed compromise as to the sort of
13 protections that are appropriate for protection of
14 privacy in a setting.

15 I mean, the legislature adopted this in part
16 to address difficulties with AB 1103. I think Randy
17 Walsh actually alluded to this as well. And in that
18 context I think it's important to think about --

19 So for example, in a situation where the
20 building owner is getting the information based on
21 tenant consent, that may be a situation where
22 protecting the privacy of that information is pretty
23 important.

24 In contrast, a situation where you have a
25 disclosable building where some of this information

1 is going to be made publicly available in some form,
2 then preservation of confidentiality may be less
3 important or not really an issue at all, potentially.

4 So I guess to the extent that you or any
5 other stakeholders are commenting on that question, I
6 just wanted to encourage being mindful or speaking to
7 the broader legislative intent on that question.

8 MR. CHANGUS: Yes, and I think that this is
9 something where there's a lot of concern early on
10 about actually building, even aggregated energy usage
11 data being publicly disclosed, which based on the
12 laundry list of metrics that you're proposing, it's
13 not actual energy usage, there's some usage
14 intensity.

15 No one's actually talking about that
16 building usage data going beyond the building owner
17 and potentially U.S. EPA Portfolio Manager and the
18 CEC. And I don't believe it's consistent with the
19 CEC's legislative intent to take or allow a building
20 owner to accumulate energy usage data to share for
21 other purposes outside the scope of what they
22 approved in AB 802, and that's our concern.

23 And absent some sort of limitation, which is
24 neither present in the statute nor in what we've seen
25 so far as the staff proposal, that makes us a little

1 bit nervous.

2 So it's an area that, agreed, with the
3 Portfolio Manager score, with the information that's
4 going to be provided to the CEC, and then
5 subsequently disclosed in some other fashion, that's
6 a separate topic than this initial piece that I've
7 been raising about the actual aggregated energy usage
8 data, the five data points that you identified
9 earlier on that were provided for covered buildings
10 and disclosable buildings.

11 And then particularly for covered buildings
12 in which there isn't a latter disclosure envisioned,
13 I think we need to be very sensitive.

14 I realize that some of us on the utility
15 side have a different perspective on how sensitive we
16 should be to this issue of privacy. That's also
17 because we're the ones that currently have an
18 obligation to maintain it and are the ones that are
19 going to be on the first line of fire if somebody
20 does something wrong with it that was deemed
21 inappropriate at a later time.

22 So we are absolutely hypersensitive to
23 making sure customer information, aggregated or
24 otherwise, is protected to the maximum extent
25 possible, and we're concerned initially having not

1 seen the actual draft yet. Based on what was
2 presented today, we would have serious concerns. So
3 we'll explain that in greater detail in written
4 comments.

5 MR. LEMEI: Thank you.

6 MR. JENSEN: All right, it doesn't look like
7 we have anything else in the room. Let's see if we've
8 got anything on WebEx or on the phone.

9 It looks like we've got Randy.

10 Go ahead, Randy. Is he unmuted? Hang on a
11 second, Randy.

12 Randy, stand by for a minute.

13 Folks, we've got technical difficulties, as
14 they say, and Laith is working on it as we speak, so
15 just bear with us for a few minutes, please.

16 Jerry, why don't you go ahead.

17 MR. YIP: Jerry from PG&E again. Yeah, it's
18 been mentioned a few times the concept of building
19 ID. I do have some hesitation with that because it's
20 still sort of nebulous. Probably that definitely
21 deserves some more fleshing out.

22 What I'm hearing is something along the
23 lines of this giant master list of all the buildings
24 in California, and somewhere that's going to live,
25 and I have reservations. Maybe that's something that

1 could be explored as far as just the utilities
2 assigning building IDs as they get requests, and then
3 each utility has their own unique way of identifying
4 their buildings so they don't overlap with another
5 utility.

6 Because that sort of suggests a whole other
7 mapping exercise, because how do we know we're
8 talking about the same building if you're going to
9 give us a master list. Oh, this is Ninth Street, but
10 it encompasses the entire block, that building, so
11 you have different entrances. You say it's Building
12 ID 123 and it's at address 123 Ninth Street, but we
13 have a different address on file. We're going to have
14 to match that, too, so it's a whole other exercise as
15 opposed to as we get requests we can say we're going
16 to assign the building ID to this. We have a primary
17 and a secondary address and we'll send that to the
18 CEC depending on if it meets the disclosure
19 requirements. But to actually have to front load that
20 with getting all these building IDs and exchanging
21 that with CEC is a little concerning, that's
22 additional work.

23 MR. JENSEN: Go ahead, Abhi.

24 MS. WADHWA: Jerry, this is Abhi Wadhwa. I
25 am a huge believer of laying all our cards out and

1 showing you where the current thinking is so you can
2 help us refine it.

3 I think we should re-emphasize that we were
4 thinking of such kind of a database in conjunction of
5 working with you. We understand PG&E has already
6 started some efforts in the building ID arena and we
7 were looking to talk to you on what can be leveraged.
8 Whether you would like a nomenclature only and
9 continue with what you're doing, is that more
10 streamlined for you, and then we take it back from
11 you.

12 For each utility, the resources you have
13 available, the speed with which you can move is
14 different, but as a state agency, when we implement a
15 statewide program we have to make sure it will be
16 able to cater to the smallest utility also.

17 The building ID that we were thinking of,
18 and this is just some very initial thoughts, we
19 wanted it to be spatially representative of a
20 building so that you would click on -- the building
21 owner potentially comes either on the utility website
22 or on the CEC website and clicks on a specific
23 rectangle or specific vector file and gets a barcode
24 number associated with that shape which is spatially
25 located so that there is no ambiguity between all of

1 the three parties involved -- the utility, building
2 owner, and Energy Commission -- exactly what building
3 is being talked about.

4 And in our mind this was a first step toward
5 solving that building address problem which we
6 thought was fairly extensive, and in talking to other
7 jurisdictions and other utilities who have tried to
8 solve it, the address matching was way too fuzzy to
9 be reliable.

10 And again, this is very conceptual diagrams
11 going on and our thinking. We know we have just
12 started these conversations on the utility working
13 group, but the idea is not to make it more
14 complicated but in fact have a common denominator
15 that all three entities are working from.

16 MR. YIP: Yeah. I mean, we're sort of in
17 those initial stages as well. As you mentioned, with
18 the (inaudible) of AB 1103 (inaudible).

19 In terms of the latter proposal where it's
20 some sort of geospatial tracking, that would propose
21 then like walking through that narrative and the
22 building owners go to the CEC site to get the
23 building ID and they subsequently provide it to the
24 utility, and there's no exchange because you would
25 provide that geospatial visual for the building owner

1 so that it's clear what they're talking about when
2 they say this is the building.

3 Unless that building owner first goes to you
4 and then provides it to us, that doesn't help us, the
5 utility match it with what you're saying, right.

6 We're not going to also provide a visual.
7 It's not like lat/longs can always differ
8 slightly, yeah.

9 MS. WADHWA: Can I make a maybe rather dumb
10 comment? Why do we assume that Energy Commission and
11 utilities don't talk to each other before the
12 building owner has come to either one of us?

13 MR. YIP: No, I have no problem with that.
14 I'm saying it's more work and I'm imagining more
15 interfaces that need to be built, that's all. As
16 opposed to if it's as simple as a business process
17 where the building owner first goes to you, gets the
18 ID, and then we don't have to worry about matching
19 what are we talking about, what the ID means, we just
20 take it at face value once it's been assigned by the
21 CEC.

22 As opposed to they come to us and give us an
23 address and then we have to say what does this
24 address correspond to? Let's check against the master
25 list that the CEC has, and that's another interface.

1 MS. WADHWA: I think we are on the same
2 page. The only thing I want to punctuate is we don't
3 want you to assume that we are building this in
4 isolation of what you might already be working with.
5 This is still all taxpayer, ratepayer dollars. If
6 there are efforts going on within larger utilities
7 that are already trying to build these kind of
8 special geo databases, then let's work together.
9 There's no reason for Energy Commission to repeat
10 this exercise for a large utility territory.

11 MS. CRESENCIA: Kim Cresencia, SDG&E, SoCal
12 Gas. So meter mapping, it seems to be the big topic
13 and we've been going around it back and forth at the
14 utilities, it's a big discussion here.

15 I think we've got a little bit more
16 direction on what you guys are thinking. Now we know
17 the disclosable buildings, that seems to be where the
18 threshold for why you might need to do the meter
19 mapping. And a lot of that is in the SoCal Gas,
20 Southern California Edison territory.

21 I think what's still missing from at least
22 my thinking, and I'm very new to benchmarking. What's
23 the genesis; what's the thinking in having to do this
24 tremendous exercise?

25 And you mentioned that it's because you know

1 that other utilities are starting it. Well, there are
2 other utilities that aren't starting it, so what's
3 the genesis of it; what was your thinking about it?
4 Because you knew ComEd was doing it, Nextel Energy
5 has done it? It's still a little bit elusive to us as
6 to what are some of the real drivers behind this huge
7 -- it's going to probably be in the hundreds of
8 thousands, if not millions, maybe to do this from a
9 utility perspective.

10 MS. WADHWA: By what exercise?

11 MS. CRESENCIA: The meter mapping. Meter
12 mapping, building mapping, lat/long, you know. We've
13 had discussions among the IOUs and we've had
14 discussions among some of the vendors that we've been
15 talking to do to this, and they, well, it's best
16 practice.

17 Yeah, it's best practice to know what your
18 meter is, but really we're not just going to do it
19 because we think it's best practice. It's got to make
20 sense, it's got to be cost effective and it's got a
21 rate of return and all that.

22 But it's a foregone conclusion, I think,
23 that we have to do meter mapping, so what was the
24 drivers behind the Energy Commission's desire that we
25 do this huge full blown exercise instead of doing it

1 like at the time of request?

2 Something a little bit smaller scale, not
3 this huge undertaking prior to and rolling out any of
4 this functionality.

5 MR. JENSEN: Right, so a couple things.

6 So my response, first of all, from a program
7 perspective as to why we need to have usage
8 associated with a building is so that a building
9 owner can request a building's worth of data at the
10 building level. Just say this is the building for
11 which I want energy use data and get that. So that's
12 why we need usage to be associated with a building.

13 Second thing, regarding your assumption that
14 all meter mapping needs to be done ahead of time,
15 that's not necessarily the case. It's certainly an
16 option. It's absolutely an option for a utility to do
17 these as they receive a request for a building. They
18 could go and see which meters are serving that
19 building and do it that way. So yeah, that's
20 certainly not a foregone conclusion that it all needs
21 to happen ahead of time.

22 Do we have any more in the room?

23 MS. SMITH: Kellie Smith with the Efficiency
24 Council. I just want to build a little bit up on the
25 comment that Jonathan Changus brought up about access

1 to data, and it may not be necessarily within the
2 scope of this regulation. However, I wouldn't want
3 this regulation to also go so far as to forever
4 preclude a building owner from working with their
5 tenants to disclose that data to third parties such
6 as engineers that are going to come in to work on
7 efficiency improvements for the complex.

8 And increasingly data analytics are critical
9 to that work, especially as we see baseline and
10 normalized meter consumption rollout and the other
11 provisions of AB 802. So if you could keep that in
12 mind as you may address the issue that Jonathan
13 raised.

14 And I had a little sidebar, I think Jonathan
15 would agree with that.

16 MR. JENSEN: Great, thank you.

17 Any other comments in the room?

18 Okay, it looks like we're up. We had
19 technical difficulties and I apologize if it looks
20 like we were unable to unmute people who may have
21 wanted to be unmuted. So let's go first to see what
22 we have on the WebEx.

23 Beth, go ahead, please. Do we have a last
24 name? Beth Gucciardi, do you have a question?

25 Randy, go ahead, please.

1 MR. WALSH: Yeah, can you go to the slide of
2 approximate building and property counts? It's early
3 on. I think maybe -- yeah, okay. I want to make sure
4 I'm understanding this.

5 So according to CoStar, your or their
6 definition of commercial is 287,000 buildings that
7 fall under that category.

8 But according to AB 802, all of those
9 buildings would be able to request the data
10 regardless of the meter counts, and a building that
11 needs to be disclosed, a small subset of that, is
12 6,952 buildings with 2 or more tenants and 50,000
13 square feet of rental area.

14 So your best case scenario is you would see
15 6,952 reports. Am I understanding that correctly?

16 MR. JENSEN: You are understanding it
17 correctly, yes.

18 MR. WALSH: Okay. So of those 6,952 how many
19 of those buildings are in municipalities that will be
20 exempt because they have a local process in place?

21 MR. JENSEN: We are working on that. We
22 should know shortly but we don't know now.

23 MR. WALSH: Okay. And then you subtract for
24 whatever reason buildings that don't have 12 months
25 or they've been vacant or they're going to be

1 demolished. You're ending up with a pretty low number
2 there. And of that low number that's left, if you've
3 got triple net leases in place, there's really not
4 much the owner and the tenants are going to want to
5 do to improve the energy efficiency performance of
6 the building.

7 If you run the same scenario over on the
8 multi-family side, you probably have less control
9 over the energy use in occupied space.

10 So I think you need to look at these numbers
11 and what the total dataset may be and really question
12 whether or not this is even cost effective.

13 I'm assuming we're talking about millions of
14 dollars in programming and technology and systems
15 that need to be put in place, and at the end of the
16 day, according to this, you're not going to get much
17 data. So I'm just throwing that out. I think that
18 needs to be looked at pretty closely.

19 MR. JENSEN: Yeah, thanks Randy. And so
20 that's consistent with what Barry was saying this
21 morning, we're losing by going to only three-plus for
22 disclosable on the commercial side where it looks
23 like we're losing quite a bit of the building
24 population, so we're certainly planning to revisit
25 that. This is not set in stone, the different levels

1 that we're using.

2 MR. WALSH: You might go down to 50,000 or
3 you might go down to 20,000.

4 MR. JENSEN: We'll look at both the building
5 size and the number of accounts.

6 MR. WALSH: A question on the Portfolio
7 Manager, the buildings that are in there, and I know
8 you have some caveats. But those numbers are
9 individual building counts as of December 31st of
10 each of those years in the chart, right? There's
11 nothing that says we have X number of buildings that
12 have been benchmarking energy use for three years, or
13 four years, or five years. Do I understand that
14 correctly?

15 MR. JENSEN: Would you mind repeating the
16 question?

17 MR. WALSH: Yeah. You've given this chart
18 showing the total number of buildings benchmarking
19 energy as of December 31st, I think you did 2013,
20 2014, and 2015. Those are three distinctly different
21 numbers. There's no tracking of buildings that have
22 been benchmarking for all three years or benchmarking
23 for two years or only benchmarking for one year,
24 right?

25 MR. JENSEN: The numbers that we're showing

1 are numbers of buildings that are in Portfolio
2 Manager.

3 Stand by, it looks like there's an error in
4 our data and we're going to make a statement on it.
5 Hang on a second.

6 MR. WALSH: The number of 11,110?

7 MR. YOUNIS: Yeah, that is actually
8 incorrect. In Portfolio Manager buildings over 50,000
9 square feet is 19,312. It does not perfectly match
10 with the multi-family 17-plus. 19,312.

11 All buildings also needs a correction to
12 49,394. Apologize about that.

13 MR. WALSH: Okay, can you put that back up,
14 then?

15 MR. JENSEN: Yeah.

16 MR. WALSH: Okay. So right now the subject
17 time period for that in Portfolio Manager is 19,000
18 buildings is including in buildings that you counted
19 December 31st of 2013, 2014, and 2015, or (inaudible)
20 as of March 2nd?

21 MR. JENSEN: So Laith, let me know if --
22 this is the buildings that were in Portfolio Manager
23 in December 2015.

24 MR. WALSH: Okay. There's no control on the
25 EPA side and it sounds like Leslie Cook is

1 participating in this, and I don't think your caveats
2 or conditions here, I don't see anything done to
3 match addresses. So there's a great possibility that
4 you could have two, three, four different Portfolio
5 Manager accounts around the same building. Have you
6 guys sort of cleaned that up?

7 MR. JENSEN: No. That's correct, and I
8 mentioned that earlier, the same building can be
9 entered multiple times by multiple people in
10 Portfolio Manager.

11 MR. WALSH: Right, so this 19,000 number is
12 not an accurate number.

13 MR. JENSEN: Right, so that's not
14 necessarily unique buildings, good point.

15 MR. WALSH: Okay. I was just trying to see
16 sort of what the voluntary. And even in those how
17 many are in there because they're required to by the
18 local ordinances? Just trying to get an idea of how
19 much voluntary benchmarking there is.

20 If voluntary benchmarking is being done, is
21 it being done completely; do they have all the data?
22 And if that's the case, do you then have an idea of
23 the number that you see how many additional buildings
24 of those covered buildings might end up benchmarking
25 energy usage to make the data more easily available

1 to them. And then I think you need to also look at
2 that in terms of the cost effectiveness of a
3 statewide effort.

4 MR. JENSEN: Okay. Point taken, thank you.

5 So we've got no one else on WebEx. We're
6 going to try the phone lines. Does anyone want to
7 try? Okay, let's -- oh.

8 Rich Chien, are you wanting to ask a
9 question? Stand by, Rich. Okay.

10 So let's -- okay, it looks like there are no
11 more questions or comments. Okay, so we're concluded.

12 We've got contact information up here for
13 both me and Laith. We both also have business cards.

14 So thanks very much for coming, and we look
15 forward to working with you further.

16 (Adjourned at 2:20 p.m.)

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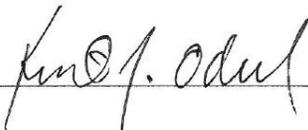
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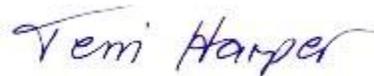
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Terri Harper
Certified Transcriber
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