

DOCKETED

Docket Number:	22-IEPR-03
Project Title:	Electricity Forecast
TN #:	243135
Document Title:	PG&E Daily Gas Demand Form Application for Confidential Designation
Description:	Per the CEC request, PG&E is submitting again this for requesting confidential designation of Form 2 of the daily gas demand.
Filer:	Elizabeth Lopez
Organization:	PG&E
Submitter Role:	Public
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Application for Confidential designation

(Title 20 Cal. Code. Regs., 2505 et seq.)

To Energy Commission Docket Unit

Applicant: Pacific Gas and Electric Company (PG&E)

Address:

Law Department

Pacific Gas and Electric Company

P.O. Box 7442

San Francisco, CA 94120-75411

Phone and email: 818-388-1711 / DSHI@pge.com

Proceeding or Project Name: UPDATE 2022 INTEGRATED ENERGY POLICY REPORT

Docket Number: 22-IEPR-03

1(a). Title, date, and description (including number of pages) of the information or data for which you request confidential designation. Information or data seeking a designation of confidentiality must be included with this application

Title: Daily Natural Gas Demand Reports submitted to the California Energy Commission (CEC) for the 2022 Integrated Energy Policy Report (IEPR).

Date: April 18, 2022

Description: Wholesale customer daily demand data in Form 2

1(b). Specify the part(s) of the information or data for which you request confidential designation.

Wholesale customer daily demand data in Form 2 (the two columns in Form 2).

2. State and justify the length of time the Energy Commission should keep the information or data confidential.

PG&E is requesting confidential designation for three years for data pertaining to the wholesale customer daily demand data in Form 2 in order to protect the confidentiality of proprietary, market-sensitive information that constitutes valuable PG&E intellectual property and trade secrets under California law.

PG&E requests confidentiality for its wholesale customer daily demand data for three years to protect that information from other market participants who could otherwise use the data to the detriment of PG&E ratepayers. Three years of confidentiality strikes the right balance between protecting proprietary and market-sensitive data and the information becoming sufficiently dated to be released to the public without harm to PG&E ratepayers.

3(a). State the provision(s) of the Public Records Act (Gov Code, 6250 et seq.) or other law that allows the Energy Commission to keep the information or data confidential, and explain why the provision(s) apply to that material.

Confidential consumer information, statutes have been enacted to protect such data (e.g., usage data or the identity of individual customers).

Specifically, Civ. Code §§ 1798.98-1798.99 (relating to privacy of customer energy usage data made available to utility as part of an advanced metering infrastructure); Civ. Code § 1798.80, et seq. (process for protecting customer records); Pub. Util. Code § 8380(d) (a utility “shall use reasonable security procedures and practices to protect a customer's unencrypted electrical or gas consumption data from unauthorized access, destruction, use, modification, or disclosure”); and associated CPUC Decisions (D.11-07-056 and D.14-05-016 at 16, 20, and Conclusion of Law 7 at 152-153) were designed to protect confidential consumer data. Similarly, 20 CCR, Section 2505(a)(5)(1) may provide automatic protection for this type of data, since it constitutes “[i]nformation that is derived from energy consumption metering.”

The information presented on Form 2 represents PG&E customer energy consumption metering data in the form of wholesale gas system customer daily demand metered information. In total, the wholesale gas system daily demand data, represents data from only 6 PG&E gas system customers which if made public presents a significant risk of such customer’s energy consumption and PG&E’s closely held intellectual property and trade secret information.

As such, PG&E respectfully requests that the Commission approve this application for confidentiality to maintain PG&E’s proprietary and market-sensitive data. Doing so will prevent higher costs to PG&E ratepayers, maintain the confidentiality and privacy of PG&E customers, and will preclude market participants from gaining an unfair advantage over PG&E ratepayers.

3(b). Discuss the public interest in nondisclosure of the material submitted for a confidential designation. If the material contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage, please state how it would be lost, the value of the information to the applicant and the ease or difficulty with which the information could be legitimately acquired or duplicated by others.

PG&E requests that the wholesale customer daily demand data in Form 2 be designated as newly confidential. PG&E is requesting this designation in order to prevent disclosure of PG&E proprietary information that constitutes valuable PG&E intellectual property and trade secrets under California law.

Specifically, PG&E is seeking to protect confidential customer demand information requested by the CEC. The information requested by the CEC and provided herewith comprises of daily demand information for only 6 wholesale customers on the PG&E gas system, which is not a sufficiently large enough number of customers to effectively aggregate their daily demand data to protect the confidentiality and privacy of these PG&E customers. As such, if this information is made public, any market participant or competitor can use this information to the detriment of PG&E and its customers. The disclosure would jeopardize the privacy of individual customer daily demand information on PG&E’s gas system. Protecting individual customer energy consumption information and preventing the public dissemination of private PG&E customer information serves the interests of such PG&E customers and

serves the interests of the public and PG&E customers' rights to privacy. In addition, disclosure of the information would put PG&E customers at a competitive disadvantage, because the information if disclosed could be used by PG&E competitors and other market participants to gain advantage they otherwise would not have without the disclosure, resulting in potential higher costs for PG&E customers.

Accordingly, treating this data as confidential is in the public interest because it would protect the confidentiality and privacy of the concerned PG&E customers and would prevent PG&E and its customers from suffering market disadvantages and higher costs.

4. State whether the information or data can be disclosed if it is aggregated with other information or masked to conceal certain portions (including but not limited to the identity of the applicant). State the degree of aggregation or masking required. If the data cannot be disclosed even if aggregated or masked, explain why.

The data on wholesale customers has already been further aggregated and is included in Form 1 (not confidential) under the core demand and industrial demand categories. The notes at the bottom of the Form 1 table indicate that "Wholesale usage is included in Industrial and Core."

In regard to the data in Form 2, wholesale customers on PG&E's gas system, because the data represents daily demand meter readings for only 6 wholesale customers, daily demand data for such a small pool of customers cannot be effectively aggregated to prevent market participants, and other PG&E competitors, from reverse engineering the data to obtain the private metered gas daily demand data of such PG&E customers in violation of their privacy. This will also lead to disclosure of PG&E's intellectual property and trade secret information and could lead to higher costs and competitive disadvantages for PG&E.

5. State how the material is kept confidential by the applicant and whether it has even been disclosed to a person other than an employee of the applicant. If it has, explain the circumstances under which disclosure occurred.

No. PG&E hasn't disclosed the information provided in Form 2. PG&E keeps the information confidential by limiting the distribution of such information only to those who are authorized to view it.

Dated: May 16, 2022

Signed: Original signed by /s/ Daniel S. Hashimi

Name (print or type): Daniel S. Hashimi

Title: (print or type): Senior Counsel

Representing: Pacific Gas and Electric Company

Include additional signature blocks if there are multiple partners in the project with shared responsibilities for making the request.