

DOCKETED

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Via Email

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**Supplemental Joint Application for Confidential Designation:
SoCal Gas Daily Gas Demand Data, 2017-2021
SDG&E Daily Gas Demand Data, 2017-2021
Docket No. 22-IEPR-03**

Dear Eric Gressler and Jonathan Newland:

The California Energy Commission (CEC) has received Southern California Gas Company (SoCal Gas) and San Diego Gas & Electric's (SDG&E) (collectively Sempra California Utilities), joint supplemental application for confidential designation, dated August 18, 2022 (TN 244933), for the SoCal Gas Daily Gas Demand Data, 2017-2021, and SDG&E Daily Gas Demand Data, 2017-2021 (collectively, Daily Gas Demand Data), which CEC staff requested of SoCal Gas and SDG&E. Specifically, data for certain days within the following categories in the Daily Gas Demand Data are requested to be maintained as confidential:

- Core Industrial
- Core Natural Gas Vehicle
- Core Commercial
- Noncore Commercial
- Noncore Industrial
- Noncore Electric Generation
- Noncore Enhanced Oil Recovery
- Noncore Wholesale and International
- Deliveries to SDG&E System
- Sum Before Shrinkage and Company Use
- Total

An application for confidential designation shall be granted under the California Code of Regulations, title 20, section 2505(a)(3)(A), ". . . if the applicant makes a reasonable claim that the [California] Public Records Act or other provision of law

authorizes the [California Energy] Commission to keep the record confidential.” The executive director’s determination made in response to an application for confidential designation is subject to a reasonableness standard. It is the applicant’s burden to make a reasonable claim for confidentiality based on the California Public Records Act (PRA) and other applicable laws.

The application states spreadsheet cells that contain confidential data are highlighted in the spreadsheets and are based on analyzing whether the data in each cell was sufficiently aggregated for that day and customer class to ensure that a particular customer’s usage information could not be discerned.

The application further states that in order to determine whether the information was sufficiently aggregated, the 15/15 Rule analysis was applied for each individual cell in the spreadsheets. The 15/15 Rule comes from the Public Utilities Commission’s decisions setting forth an objective standard for assessing whether customer usage data is sufficiently aggregated to protect customer confidentiality. The application notes the 15/15 Rule generally provides that aggregated or anonymized customers’ specific information must be made up of at least 15 customers and a single customer’s load must be less than 15% of an assigned category. If the number of customers in the compiled data is less than 15, or if a single customer’s load is more than 15% of the total data, the Rule provides for combining categories, or removing non-conforming customer information before the information is released, or otherwise protecting the customer information from public disclosure.

The application also states that certain data that the Sempra California Utilities provided to the CEC would not allow for further aggregation of data to meet the 15/15 Rule based on the request’s parameters. In those instances, the Sempra California Utilities highlighted the data to indicate their confidentiality and to protect customer information from disclosure. The concern is that the data, if not protected, could be paired with publicly available information, and lead to identifying the customer and discerning the customer’s usage.

Finally, the application notes that the Sempra California Utilities are not requesting that the CEC adopt the 15/15 Rule but want to convey the basis for the Sempra California Utilities using it in this instance, especially given the substantially similar data was provided by the Sempra California Utilities to the Public Utilities Commission which accepted the confidentiality request.

The application states that the Daily Gas Demand Data should be kept confidential indefinitely consistent with CPUC practices. The application identifies the following bases for nondisclosure of the gas demand data:

1. Government Code section 6254(k)
2. Public Utilities Code section 8380

Government Code section 6254(k)

Government Code section 6254(k) exempts records from public disclosure if the disclosure of those records is exempt or prohibited from public disclosure pursuant to federal or other state law.

The application claims that other state laws provide the basis for exempting the Daily Gas Demand Data from public disclosure under the Public Records Act, as discussed below.

Public Utilities Code section 8380

Public Utilities Code section 8380(b) states in part that a gas corporation shall not share, disclose, or otherwise make accessible to any third party a customer's gas consumption data, except as provided in subdivision (f) or upon the consent of the customer.

In addition, Public Utilities Code section 8380(d) requires a gas corporation to "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."

The application states that daily data points which are susceptible to disclosure of individual customer gas usage have been identified and are requested to be confidential. The application provides the following example:

The June 17, 2021, entry for "Noncore Industrial" was highlighted, meaning that a calculation was performed that concluded the data was insufficiently aggregated to protect usage data under the 15/15 Rule and the data was insufficiently aggregated to protect usage data. Similarly, for certain customer classes, such as Noncore Wholesale and International, the total number of customers within this classification was less than 15 so that category was marked as confidential.

The application also notes that the CEC has analogous regulations that provide automatic confidentiality to protect certain classes of user information in instances where "customer identifiers, energy consumption, and any other information" "could allow a third party to uniquely identify a specific respondent." See Title 20, California Code of Regulations, section 2505(a)(5)(B).

Executive Director's Determination

Based on the applicant's claims and a review of the Daily Gas Demand Data, the applicant has made reasonable claims that the law authorizes the granting of confidentiality status to portions of the Daily Gas Demand Data. The data will remain confidential indefinitely or until similar data submitted to the CPUC is made public.

Be advised that under the California Code of Regulations, title 20, section 2506, one may petition to inspect or copy records that the CEC has designated as

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confidential. A decision on a petition to inspect or copy records is issued by the CEC's chief counsel. Under the California Code of Regulations, title 20, section 2507, the executive director may disclose, or release records previously designated as confidential in certain circumstances. The procedures for acting on a petition and criteria for disclosing or releasing records previously designated as confidential are set in the California Code of Regulations, title 20, sections 2506 to 2507.

If you have any procedural questions regarding this application for confidential designation, please contact Jared Babula, senior attorney, at Jared.Babula@energy.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Drew Bohan', with a long horizontal stroke extending to the right.

Drew Bohan
Executive Director