



SOUTHERN CALIFORNIA  
**EDISON**<sup>®</sup>

An EDISON INTERNATIONAL<sup>®</sup> Company

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April 19, 2012

Re: Southern California Edison Company's comments on the California Energy Commission's proposed regulations related to nonresidential building energy use benchmarking and disclosure (AB 1103 rulemaking, Docket No. 12-AB1103-1)

**DOCKET**

**12-AB1103-1**

DATE APR 19 2012

RECD. APR 19 2012

To Whom It May Concern:

SCE is pleased to provide the following comments on the California Energy Commission's proposed regulations related to nonresidential building energy use benchmarking and disclosure, and would appreciate the opportunity to discuss further with the Commission. Please direct any questions on this matter to me.

Very truly yours,

Steve Galanter

**BEFORE THE CALIFORNIA ENERGY COMMISSION**

PROPOSED REGULATIONS	)	Docket Number 12-AB1103-1
Nonresidential Building Energy Use Disclosure Program	)	
Title 20, Division 2, Chapter 4, Article 9, Sections 1680-1685	)	
March, 2012	)	
CEC-400-2010-004-SD3	)	
	)	

**AB1103 RULEMAKING PROCEEDING**

**SOUTHERN CALIFORNIA EDISON COMPANY'S COMMENTS ON THE**  
**AB1103 PROPOSED REGULATIONS**

Dated: **April 19, 2012**

## I.

### INTRODUCTION

Southern California Edison (SCE) staff attended the California Energy Commission's AB1103 Rulemaking Proceeding regarding the *Proposed Regulations, Nonresidential Building Energy Use Disclosure Program* ("AB1103 Proposed Regulations") and provided oral comments. Pursuant to the rulemaking proceeding, SCE welcomes the opportunity to also provide written comments. SCE's comments herein support the AB1103 Proposed Regulations with some proposed modifications.

## II.

### DISCUSSION

#### A. Customer Privacy Issues

Maintaining the confidentiality of customers' energy usage data is a primary concern to Southern California Edison. Although the inclusion of all energy usage at a building is required in order to properly benchmark a building, it must be done in such a way as to maintain confidentiality. SCE would like to point out that the criteria set forth in Section 1685(b) concerning a utility company's release of energy usage data to the building owner does not address the requirement to preserve confidentiality as currently written. This section states, "If a building has more than one account, a utility shall aggregate or use other means to reasonably protect each account holder's data from uses other than compliance with Public Resources Code, section 25402.10." As written, this would direct a utility to use aggregation or other means to preserve the confidentiality of energy usage data for purposes other than compliance with AB1103. Therefore, SCE suggests that this portion of Section 1685(b) be modified as follows:

“If a building has more than one account, a utility shall aggregate or use other means to reasonably protect each account holder’s data for the purpose of complying with Public Resources Code, section 25402.10.”

SCE would also like to point out that the aggregation of energy usage data by as few as two customers is not sufficient to preserve confidentiality. SCE has included the use of aggregation in its Automated Benchmarking System in order to preserve the confidentiality of customer energy usage data; however, SCE utilizes the “15/15 Rule” regarding aggregation. The 15/15 Rule was previously adopted by the California Public Utilities Commission (CPUC) as part of the Direct Access Proceeding on the protection of customer confidentiality and was also applied during Community Choice Aggregation. Under this 15/15 Rule, as it pertains to AB1103, the following criteria must be met in order to perform aggregation and release energy usage data to a third party:

1. there must be at least 15 service accounts included in the aggregate; and,
2. no service account can account for 15% or more of the total energy usage.

The service accounts must also belong to different customers. In situations where the 15/15 Rule cannot be met, SCE requires submission of written authorization by the customer (i.e., tenant) to release the data to a third party (i.e., building owner). A completed Customer Information Standardized Request (CISR-S) form is used for this purpose. However, the *Initial Statement of Reasons, Proposed Regulations to Implement AB1103* that is included as part of the CEC’s rulemaking documentation states in Section 4), p. 7, “To fulfill the purposes of the statute, meet the Commission’s policy goals such as those expressed in the Governor’s Green Building Initiative (Executive Order S-20-04), and as supported by SB 1476 (Pub. Utilities Code, §§ 8380, subd. (e)(3) and 8381 (e)(3)), which allows release of energy use data to comply with state law, the

Commission is directing utilities to release tenant energy use data with reasonable and flexible protections for privacy during the upload. The other option is to require owners to get consent for release from every tenant from the previous 12 months. The Commission has rejected this option as so burdensome that it would endanger compliance and prevent owners from benchmarking and deriving resultant energy efficiency benefits, and deprive building buyers, lessees and lenders from the disclosure of energy use data that is expressly required by statute.” This implies that the CEC does not support SCE’s approach requiring written customer consent when the 15/15 rule cannot be met.

Given the CPUC’s regulatory oversight of investor owner utilities, SCE would welcome the opportunity to jointly discuss with the CEC, the CPUC, and the other California IOUs the issue of customer confidentiality and how the customer’s right to privacy can be maintained in conjunction with the possible release of customers’ energy usage data as it pertains to AB1103.

**B. Building Energy Usage, Meters & Accounts, and the Utilities’ Role**

SCE would also like to call attention to the building owner’s role in identifying the sources of energy use data for a building as it relates to Section 1685(a)(5). This section states, “Request all utility and energy provider companies serving the building to release energy use data for the entire building from the most recent 12 months to the owner’s Portfolio Manager Account;...” It is important to note that SCE does not have building-level information in its billing system that would be necessary in order to identify all accounts serving a building. SCE’s billing system is built at the meter level and not at the building level. It is up to the building owner who is using Portfolio

Manager's Automated Benchmarking System to input all of the utility accounts necessary to capture the entire building's energy usage for 12 months, excluding other non-utility sources such as on-site generation. The utilities' role is to provide up to 12-months of energy usage data for the specified utility accounts only, provided all confidentiality requirements are met. Also, SCE will upload energy usage data only after the information in the request has been validated and authenticated. Therefore, SCE suggests that Section 1685(a)(5) be modified as follows:

“(5) Request all utility and energy provider companies serving the building to release energy use data for the entire building from the most recent 12 months for the specified utility meters or utility accounts to the owner's Portfolio Manager Account.”

This modification will also provide consistency with Section 1685(b) which currently and correctly includes the statement “...for the specified utility meters or utility accounts...”

SCE also recommends that the Abstract (paragraph 3) be modified as follows so that it is in alignment with Section 1685(b):

“The proposed regulations also require utilities serving the building to release the most recent 12 months of the entire building's energy use data for the specified utility meters or utility accounts to the building owner's Portfolio Manager Account.”