

Decision 99-08-031 August 5, 1999

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric
Company (U 39 E) for Rehearing of
Resolution E-3592, Authorizing 1999
Energy Efficiency Programs

A.99-05-004
(Filed May 3, 1999)

**ORDER GRANTING JOINT MOTION OF PACIFIC GAS AND
ELECTRIC COMPANY AND THE CALIFORNIA ENERGY
COMMISSION TO ACCEPT AGREEMENT FOR THE TRANSFER OF
DATA AND DISMISS APPLICATION FOR REHEARING, AND
MODIFYING RESOLUTION E-3592**

I. SUMMARY

In this order, we grant the joint motion of Pacific Gas and Electric Company (PG&E) and the California Energy Commission (CEC) to Accept Agreement for the Transfer of Data and Dismiss Application for Rehearing. We also make several modifications to Resolution E-3592 for purposes of clarification.

II. BACKGROUND

On April 1, 1999, we adopted Resolution E-3592, which approved, as modified, the California Board for Energy Efficiency's (CBEE's) recommendations regarding energy efficiency programs for the major California energy utilities for the period of April 1, 1999 through December 31, 2001. Areas covered include energy efficiency and demand side management institutional and transitional issues, policy rules, utility performance incentives, market assessment and evaluation plans, budgets, and program area descriptions.

One of the provisions in Resolution E-3592 concerns CEC data collection activities. As the Resolution explains, historically, the CEC received DSM data from the energy utilities to support various statewide programs: e.g., Program Measurement, Load Metering, Saturation Surveys, Market Assessment, Long-Range Forecasting, and Regulatory Compliance. Some of these data collection activities and program studies were reviewed and modified annually, in response to revised energy efficiency policies or programs such as electric restructuring. Others were continued in order to be able to use cost-effectiveness values in the evaluation of ongoing energy efficiency programs, whether they be "old" or "new." However, for various reasons, the utilities appeared to no longer be providing as many of these data studies and collection activities to the CEC. Thus we felt it necessary to take steps to ensure that the DSM information that this Commission and others have relied on for calculating or comparing DSM cost effectiveness would continue to be forthcoming.

In the course of the review of CBEE's and the energy utilities' advice letters leading to Resolution E-3592, the CEC identified to our Energy Division and CBEE two studies which would provide for the annual continuation of CPUC-required data used in evaluating cost effectiveness measures. These studies are 1) a Commercial Building Survey, previously (but no longer) compiled by the utilities, and 2) an Update of the Database for Energy Efficient Resources.

After reviewing the project proposals, the Energy Division was of the view that provision of these studies by the CEC would be instrumental in providing continued database support, and recommended that we adopt them. We did so, both in terms of adopting a funding mechanism and in terms of requiring the energy utilities to transfer certain utility data to the CEC in order that the studies could proceed. This data was to include delivery of billing file records, individual billing histories, and load metering data. We ordered the energy utilities to file with us written agreements with the CEC concerning data acquisition.

PG&E filed a timely application for rehearing of Resolution E-3592, challenging only the provision relating to data transfer. PG&E contended the provision may be inconsistent with the Commission's and PG&E's rules regarding customers' privacy rights, as well as with prior Commission rulings, and may violate customers' privacy rights under the California Constitution. PG&E also alleged that this provision did not appear in the draft Resolution which was circulated to the parties for comment, but only appeared in the final version. PG&E proposed language changes which would allow the utilities to work with the CEC on developing a provision which would satisfy the Commission's requirements and meet the needs of both the CEC and the utilities. Barring the Commission's agreeing to make such language changes, PG&E requested further proceedings to ensure that all interested parties have an opportunity for input into this issue.

Southern California Edison Company (Edison), San Diego Gas & Electric Company and Southern California Gas Company jointly (Sempra), and the California Manufacturers Association (CMA) all filed responses in support of PG&E's application for rehearing and the suggested language changes.

Meanwhile, representatives of PG&E and the CEC began trying to find common ground on which agreement could be reached that would accommodate both the CEC's desire for information and the utilities' need to maintain customer privacy. Edison and the Sempra companies also participated.

On May 17, 1999, the CEC and PG&E filed a joint motion to extend the time for the CEC to respond to the application for rehearing to May 27, which was granted by Legal Division management. On May 25, PG&E, the CEC and Edison filed a motion to hold the application for rehearing in abeyance while settlement negotiations were ongoing, and to again extend the time for the CEC's response. This filing included a draft of the agreement thus far arrived at by these parties for turning over utility billing and load/consumption data to the CEC or the CEC's contractor consultants. The motion stated that these parties would report

back to the Commission by June 9, 1999 on the status of negotiations, with either a request that the Commission dismiss the application, or proceed to a decision. If the parties were unable to reach agreement, the CEC's response to the application for rehearing would be due on June 21, 1999. The motion represented that the Sempra companies, participants in the discussions, had no objection to the granting of this motion. We took no formal action on it.

On June 10, 1999, PG&E and the CEC filed a Motion to Accept Agreement for the Transfer of Data and Dismiss Application for Rehearing. This motion stated that the parties had reached mutually agreeable language, both on the broad outlines of the data to be provided, and the details and condition of such data. The agreement between PG&E and the CEC was attached to the motion, and it was PG&E's understanding that substantially identical agreements between the CEC and the other energy utilities would be submitted shortly. PG&E requests that if we find the agreement to be a reasonable interpretation of the language in the text on page 48 and in Finding 83 of Resolution E-3592, that we dismiss its application for rehearing.

Other than those named above, no party has submitted written comments or otherwise expressed any views on this issue to us.

III. DISCUSSION

The agreement submitted by PG&E and the CEC is a two and one-half page document which governs the provision of utility billing and load/consumption data by PG&E to the CEC or its contractor, for purposes of conducting the Commercial Building Survey, updating the Database for Energy Efficiency Resources, and performing related activities. The agreement sets forth, step by step, the process by which data will be provided, and the specific categories of data which will be provided. It covers confidentiality concerns in detail. A copy of the agreement is attached to this order.

The agreement has been reviewed by our Energy Division and our Legal Division, and both are of the view that it is a reasonable interpretation of the

language in the first full paragraph on page 48 and in Finding of Fact 83. Their conclusion supports PG&E's request that its application for rehearing be dismissed. We are also of the view that this agreement reasonably interprets the above referenced language, and we will accept their recommendation that PG&E's application for rehearing be dismissed as moot.

However, putting aside for a moment PG&E's motion, our review of this matter has persuaded us that the language on page 48 and in Finding 83 of Resolution E-3592 is ambiguous concerning the privacy protections we will insist on when we are requiring the energy utilities to transfer certain specific customer data. Thus we will modify this language to ensure that no one misinterprets our directives in this area. We find that the language PG&E proposed in its application for rehearing expresses our intent well, and we will substitute it for the present language on page 48 of Resolution E-3592. We will also modify Finding 83 accordingly. These modifications will constitute a clarification only; they do not require granting rehearing, nor do they preclude dismissing the application for rehearing.

IV. CONCLUSION

For the reasons stated above, we will grant the joint motion of PG&E and the CEC to accept the agreement for the transmission of data and to dismiss PG&E's application for rehearing. We will also modify Resolution E-3592 for clarification purposes.

Therefore, **IT IS ORDERED** that:

1. Resolution E-3592 is modified in the following respects:
 - a. The first full paragraph on page 48 is modified to read:

“The utilities should cooperate with the CEC and its contractors in providing information and data needed to conduct the survey(s) and perform subsequent analyses, consistent with this Commission's and the utilities' policies on the confidentiality of customer information. This may include delivery of the utilities'

appropriate billing file records to enable sampling, individual billing histories for sampled accounts and load metering data.”

b. Finding of Fact 83 is modified to read:

“The utilities should cooperate with the CEC and its contractors in providing information and data needed to conduct the survey(s) and perform subsequent analyses, consistent with this Commission’s and the utilities’ policies on the confidentiality of customer information. This may include delivery of the utilities’ appropriate billing file records to enable sampling, individual billing histories for sampled accounts and load metering data.”

2. The joint Motion of Pacific Gas and Electric Company and the California Energy Commission to Accept Agreement for the Transfer of Data and Dismiss Application for Rehearing is granted.

3. The application for rehearing of Resolution E-3592 by Pacific Gas and Electric Company is dismissed as moot.

This order is effective today.

Dated August 5, 1999, at San Francisco, California.

RICHARD A. BILAS
President
HENRY M. DUQUE
JOSIAH L. NEEPER
JOEL Z. HYATT
CARL W. WOOD
Commissioners

PG&E Data Deliveries for the Statewide CEUS

6/10/99

PG&E and the CEC have reached the following agreement for turning over utility billing and load/consumption data to the CEC or the CEC's contractor, for purposes of conducting the Commercial Building Survey, updating the Database for Energy Efficiency Resources and performing related activities, for which funding was authorized in Resolution E-3592:

1. Pursuant to an appropriate confidentiality agreement, PG&E will turn over to the CEC contractor (not the CEC) the appropriate billing and consumption records (aggregated at the customer "premise" level and identified by I.D. tagging) for all accounts that could potentially be in the sample. For this purpose, the CEC will provide PG&E with a list of SIC codes that constitute the commercial building sector. The contractor will process the account information as necessary to develop a customer-level sampling frame.
2. The CEC contractor will select the sample and back-up sample(s) from this sampling frame and will then promptly obtain from PG&E the additional information needed to contact the specific customers identified in the sample. This sample population and, as necessary, the back-up sample population will be contacted by the CEC contractor by letter to recruit survey participation and customer agreement to provide billing data. PG&E will be given an opportunity to review and comment on the contact letter before the letter is sent to its customers.
3. The CEC contractor will perform analyses on the survey results and the load/consumption data. The CEC will receive from its contractor the results from these analyses along with the supporting data sets for the survey respondents, and the process sampling frame information stripped of appropriate customer identifiers. The CEC will use the process sampling frame information only as needed to assist the CEC in implementing its regulations pertaining to confidentiality, currently contained in Title 20, California Code of Regulations, Sections 2501 et seq. The CEC will make no other use of this sampling frame information without the prior written consent of PG&E. The CEC will make the appropriate confidential results available to PG&E, and the non-confidential results available generally.

PG&E and the CEC have reached the following understanding of what constitutes appropriate billing and load/consumption records (aggregated at the customer "premise" level) in each of the above three steps.

Step 1.

- a) I.D. tag (premise-level)
- b) Zip code
- c) SIC code (4-digit level)
- d) Account/meter set date (identifies new construction; or appropriate variable as advised by PG&E)
- e) Monthly kWh consumption (accounts aggregated to premise level) from January 1, 1998, till this deliverable
- f) Monthly therm consumption (accounts aggregated to premise level) from January 1, 1998, till this deliverable
- g) Read dates for each month (or read date and number of days in billing cycle for each month in the consumption deliverables above)
- h) In addition, PG&E and the CEC agree in principle that PG&E will nominate a pool of customers with interval-metered data who can be selected into appropriate sample and back-up sample strata. This pool will include, but is not necessarily limited to the following: (1) bundled customers with demand of 500kW or more; (2) a subsample of customers in PG&E's load research sample with demand of less than 500kW; and (3) customers who were discontinued in 1998 as load research sample points. This procedure will minimize the impact on PG&E's load research sample while allowing the CEC to validate its survey analyses methodologies. Details will be discussed among PG&E, CEC, and CEC's contractor when the CEC contractor begins preparation for the sample draw.

Step 2.

For each site in the samples:

- a) I.D. tag
- b) Name
- c) Service address
- d) City
- e) Phone number
- f) Direct access flag

Step 3.

For each survey participant with customer agreement:

- a) Direct access service delivery point identifier or other equivalent
- b) Monthly electric billing data (premise level) that matches kWh deliverable in Step 1
- c) Monthly gas billing data (premise level) that matches the therms deliverable in Step 1
- d) Rate codes

- e) For direct access customers: all available consumption data and, if available, enough information to determine whether the customer is interval-metered
- f) Hourly annual loads for: (1) PG&E bundled customers that are interval-metered for billing (customers with demand above 500 KW); and (2) customers that are in the pool specified in Step 1g), above.

In addition:

- g) Typical hourly annual loads for each sub-sample of the load research population (to be jointly determined; likely classification is building type by climate zone by size) for use only in the commercial survey project, the commercial load forecast, and related energy efficiency measures analyses. The CEC will make no other use of these hourly load data without the prior written consent of PG&E.