From: Roscow, Steve
Sent: 7/2/2010 3:35:09 PM
To: Redacted; Redacted; Redacted; Weisz, Dawn (dweisz@marinenergyauthority.org)
Cc: Cherry, Brian K (/O=PG&E/OU=CORPORATE/CN=RECIPIENTS/CN=BKC7); Horner, Trina (/O=PG&E/OU=CORPORATE/CN=RECIPIENTS/CN=TNHC); Redacted; Redacted; Fitch, Julie A. (julie.fitch@cpuc.ca.gov); Clanon, Paul (paul.clanon@cpuc.ca.gov); Velasquez, Carlos A. (carlos.velasquez@cpuc.ca.gov); Kahlon, Gurbux (gurbux.kahlon@cpuc.ca.gov)
Bcc:
Subject: RE: Draft Advice Letter for Opt Out Information

Daren, thanks for the note--

I imagine we will have to take this up again next week after the holiday.

I will just note briefly that PG&E is trying to treat MEA's request as identical to CCSF's request, and they are not at all the same. The rest of your logic collapses accordingly.

I'm also dumbfounded that PG&E's response to our request to "work this out" is a flat out "no". If you "strongly desire to work things out with MEA", then I would ask that your actions match your words. Everyone on this note knows that PG&E and MEA could work out the confidentiality concerns, if PG&E would step up with a solution.

Steve

From: Redacted
Sent: Friday, July 02, 2010 3:20 PM
To: Roscow, Steve; Redacted; Weisz, Dawn
Cc: Redacted; Redacted; Cherry, Brian K; Horner, Trina; Clanon, Paul; Fitch, Julie A.; Kahlon, Gurbux; Velasquez, Carlos A.
Subject: RE: Draft Advice Letter for Opt Out Information

Steve,

We strongly desire to work things out with MEA. But, as we have explained, MEA wants information (detailed customer specific opt-out information) which we believe we are not permitted to give under CPUC directions.

As you know from our negotiations with the CCSF Service Agreement, we are required to maintain the privacy of customer-specific information except when the CPUC has authorized specific exemptions. While there is a great deal of customer specific information we can give and have given to MEA, the opt-out information requested by MEA here is not covered by Rule 23 or the CCA-INFO tariff. As a result, we cannot release this information to MEA even though we understand the reason for doing so.

We have looked for solutions and we found them when we negotiated an amendment to the CCSF Service Agreement that will allow us to give detailed customer specific opt-out information to CCSF. We have made an advice filing seeking approval of that proposed change. We have offered a similar change to MEA, and have also offered to amend Rule 23 or the CCA-INFO tariff so the issue will be resolved for all CCAs. We supplied draft language amending Rule 23 on this issue weeks ago, and have offered to discuss alternative language. Because this approach was not acceptable to MEA, we offered to release this data to Energy Division. You have rejected that alternative.

If the CPUC directs us to release this data to MEA before the tariffs are amended, we will of course comply. If we receive no further CPUC directions, we will submit an advice filing amending Rule 23 to seek approval from the CPUC to release this information to all CCAs.

Thank you.

Sincerely,

Redacted

Pacific Gas and Electric Company
Regulatory Relations

Redacted

From: Roscow, Steve [mailto:steve.roscow@cpuc.ca.gov]
Sent: Thursday, July 01, 2010 3:51 PM
To: Redacted; Redacted Weisz, Dawn
Cc: Redacted Redacted; Cherry, Brian K; Horner, Trina; Clanon, Paul; Fitch, Julie A.; Kahlon, Gurbux; Velasquez, Carlos A.
Subject: RE: Draft Advice Letter for Opt Out Information

Daren, PG&E folks:

My recommendation to my managers is that we respond “no thank you” to your offer of data for ED to review, and that we redirect you to my actual request, which I’ll copy again from my note yesterday morning: “Please provide us with a workable means ***for Marin*** to "verify the validity of customer opt-outs", quickly, not dependent on future tariff changes and CPUC resolutions.” (emphasis added).

Could you please go back to the drawing board and come up with a responsive solution? We hear your concerns, we simply are asking you to work directly with Marin to address them. This has taken more then enough Commission staff time.

Thanks again,

Steve R

From: Redacted
Sent: Thursday, July 01, 2010 11:31 AM
To: Roscow, Steve; Redacted; Weisz, Dawn
Cc: Redacted Redacted; Cherry, Brian K; Horner, Trina; Clanon, Paul; Fitch, Julie A.; Kahlon, Gurbux; Velasquez, Carlos A.
Subject: RE: Draft Advice Letter for Opt Out Information

Steve and Dawn,

As Red stated in his email sent on Tuesday, 6/28, one solution that PG&E has offered is to send the "opt

out data" to Energy Division so that they can verify the validity of the customer opt outs on behalf of Marin, similar to the process used in the DA Reopening proceeding (R.07-05-025) as specified in D.10-03-022. In that decision, the IOUs were required to provide specific data to the Energy Division for their review and verification of the Notice of Intent process on behalf of all parties. PG&E is willing to offer a similar approach to the one taken in the DA Reopening proceeding.

PG&E will provide a list of the customers who opted out of Marin Clean Energy, the date of opt out and the method of opt out to the Energy Division for their review and verification of the data. If the Energy Division requests further details in the report PG&E will also include those details specified in the request. The data provided to the Energy Division will be marked as proprietary and confidential protected material under PU Code Section 583. As we have stated before, unless we receive an order from the Commission that requires PG&E to share the confidential customer specific information, PG&E cannot provide this information to MEA. With this proposal we believe the Energy Division can review the data on behalf of Marin without the need to address the customer confidentiality issues that PG&E is concerned with.

Please let us know if this is an acceptable proposal and if so, have the Energy Division provide a data request to receive this information.

Sincerely,

Redacted

Redacted

Pacific Gas and Electric Company
Regulatory Relations

Redacted

From: Roscow, Steve [mailto:steve.roscow@cpuc.ca.gov]
Sent: Wednesday, June 30, 2010 10:46 AM
To: Redacted Weisz, Dawn
Cc: Redacted Redacted Cherry, Brian K; Horner, Trina; Clanon, Paul; Fitch, Julie A.; Kahlon, Gurbux; Velasquez, Carlos A.
Subject: RE: Draft Advice Letter for Opt Out Information

PG&E folks,

This is still not responsive to my request.

The problem that I asked you to solve is the following: Marin wishes to "verify the validity of customer opt-outs" (the quoted text is from an earlier e-mail sent by Redac, so it has been clear from the start that PG&E understands what MEA is looking for here).

I asked PG&E in an e-mail sent Thu 6/3/2010 4:50 PM to "suggest a specific solution". Tying this issue to Rule 23.J.2 isn't a solution. Please provide us with a workable means for Marin to "verify the validity of customer opt-outs", quickly, not dependent on future tariff changes and CPUC resolutions.

Thanks again,

Steve Roscow

CPUC Energy Division

415-703-1189

From: Redacted
Sent: Tuesday, June 29, 2010 2:52 PM
To: Weisz, Dawn
Cc: Redacted Redacted Roscow, Steve
Subject: RE: Draft Advice Letter for Opt Out Information

Hi Dawn,

Thank you for your response to our proposal to address the confidentiality concerns that currently prevents PG&E from providing customer specific information for those customers opting out of CCA prior to the mass enrollment. Our proposed simple revision to Rule 23.J.2 would, upon CPUC approval, enable PG&E to provide the data that MEA currently seeks. This proposal was modeled after a similar arrangement we made with the City and County of San Francisco in the execution of our CCA Service Agreement with them. As we discussed on the phone prior to sending you the draft Advice Letter, we believe this language would allow PG&E to provide MEA (and any other CCA) with the opt-out information that is currently barred by the existing tariff language.

Your response suggests that there is already sufficient provisions in our tariffs to provide all opt out information. In reviewing the tariff references you cite below, we do not believe they are applicable to this issue as noted:

Rule 23 B.2.c: Timeliness and Due Diligence

"Consistent with State law and Commission decisions, PG&E shall exercise due diligence in meeting its obligations and deadlines under this Rule"

PG&E: This is a general reference to meeting deadlines associated with various tasks identified in the tariff, e.g. switching timelines, providing meter data, payment timeline, etc. Meeting our obligations to the current language in this tariff is precisely why we are unable to provide customer information until it is changed.

Rule 23 C.b: "When a customer is enrolled in to CCA Service, the customer's account information will be sent to the CCA. Such information will include information such as metering information required for billing, settlement and other functions"

PG&E: Yes, customer information is sent to the CCA upon mass enrollment of that customer onto CCA Service. The information MEA is seeking is for those customers that opted out of CCA, and therefore did not get mass enrolled. As such, this tariff provision does not apply to the issue at hand.

Rule 23 C.c: "A CCA has the option to request additional customer information pursuant to Schedule E-CCAINFO."

This provision allows a CCA to request additional info associated with its customers, not those that have opted out of CCA, and we have recently provided MEA with such additional information, e.g. tax percentage, # of dwelling units for multi-family units, medical baseline allotments, heat source designation, and horse power connected load. The opt-out information that MEA is seeking is sensitive in nature, and the current restriction in Rule 23.J.2 must first be removed before providing this information under Rule 23.C.3.c.

ELECTRIC SCHEDULE E-CCAINFO *Sheet 3*

INFORMATION RELEASE TO COMMUNITY CHOICE PROVIDERS:

4. Customer-specific information or aggregated information that violates the 15/15 Rule, as listed

above will be provided when the CCA has met all of the following conditions:

a. Signed Non-Disclosure Agreement;

b. Executed an Attestation stating that the city or county is investigating,

pursuing or implementing CCA, and

c. Any registration or other requirements as imposed by the CPUC.

The signed Non-Disclosure Agreement referenced above, for customer specific data items, applies only to the current tariff items #16 and #17.

We believe that the current advice letter proposal we discussed with you best addresses the specific restriction on our ability to provide this information. Other potential options that we would be willing to discuss with you are:

1) Revisions to the E-CCAINFO tariff;

2) Amendment to the MEA Service Agreement; and

3) PG&E submits the data you seek directly to Energy Division for their review and verification

With the exception of the third option, the current proposal along with options one and two would still require approval by the CPUC in the form of a resolution before this data could be released by PG&E. We are happy to discuss any of these options with you further.

We are also willing to consider specific changes you may want to propose to the draft text amending Rule 23 we sent to you. Please let us know your preference among these alternatives. Thank you.

Best,

Redacted

Manager, Core Gas Aggregation Program

Energy Solutions and Service
Pacific Gas and Electric Company

Redacted

From: Weisz, Dawn [mailto:dweisz@marinenergyauthority.org]
Sent: Wednesday, June 23, 2010 3:02 PM
To: Redacted
Cc: Redacted Redacted
Subject: RE: Draft Advice Letter for Opt Out Information

Hi Redacted

We really appreciate the time you took to brief us on the draft advice letter and for sending it our way. In reviewing it, we could not find any provisions that address our request for customer data showing when and how customers opted out. Instead, the draft letter addresses a different set of issues, most of which are actually not applicable any more, given recent CPUC decisions.

The proposed tariff language would also seek to impose reporting obligations on a CCA. While we appreciate you reaching out to us and while we would like to partner with you on this effort, MEA cannot support this advice letter as currently drafted.

As we mentioned previously, the request for customer date and method of opt out should already be provided under your existing tariff language as specified in Rule 23 as follows:

Rule 23 B.2.c: Timeliness and Due Diligence

"Consistent with State law and Commission decisions, PG&E shall exercise due diligence in meeting its obligations and deadlines under this Rule"

Rule 23 C.b: "When a customer is enrolled in to CCA Service, the customer's account information will be sent to the CCA. Such information will include information such as metering information required for billing, settlement and other functions"

Rule 23 C.c: "A CCA has the option to request additional customer information pursuant to Schedule E-CCAINFO."

***ELECTRIC SCHEDULE E-CCAINFO** Sheet 3*

INFORMATION RELEASE TO COMMUNITY CHOICE PROVIDERS:

4. Customer-specific information or aggregated information that violates the 15/15 Rule, as listed above will be provided when the CCA has met all of the following conditions:

a. Signed Non-Disclosure Agreement.

b. Executed an Attestation stating that the city or county is investigating,

pursuing or implementing CCA, and

c. Any registration or other requirements as imposed by the CPUC.

MEA has met all of the conditions (4a, b and c) above. Here is a direct link to the information on your website: http://www.pge.com/tariffs/tm2/pdf/ELEC_SCHEDS_E-CCAINFO.pdf We suggest that the customer confidentiality concerns raised by PG&E may be more directly addressed through a clarifying letter from the CPUC Energy Division. Longer term, a revision to the CCA-INFO tariff, stating that PG&E will provide opt-out information requested by the CCA once the CCA has executed a non-disclosure agreement, may be appropriate as well. Please let us know if you have any questions or need further clarification on this issue.

We expect that this information (customer opt out date and method) can be provided to us by the end of the week.

Again, thank you for your time and effort in sharing this draft letter with us. We look forward to hearing from you soon.

Thanks,

Dawn

From: Redacted
Sent: Monday, June 21, 2010 4:29 PM
To: Weisz, Dawn; John Dalessi; Kirby Dusel
Cc: Redacted Redacted
Subject: Draft Advice Letter for Opt Out Information

Hi Dawn,

Attached is the draft Advice Letter and Tariff change that we plan to file with the CPUC in order to provide CCAs with customer opt-out information prior to the mass enrollment date. Let us know if you have any feedback before we finalize our Advice Letter.

If you have any additional questions, feel free to contact Redacted

Thanks,

Redacted

Redacted | Manager - **ESP Services**

Pacific Gas & Electric Company

Redacted

Redacted