

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA

Application of Southern California Edison  
Company (U338E) for Approval of its  
2009-2011 Energy Efficiency Program  
Plans And Associated Public Goods Charge  
(PGC) And Procurement Funding  
Requests.

Application 08-07-021  
(Filed July 21, 2008)

And related matters.

Application 08-07-022  
Application 08-07-023  
Application 08-07-031  
(Filed July 21, 2008)

**THE DIVISION OF RATEPAYER ADVOCATES AND  
THE UTILITY REFORM NETWORK'S RESPONSE TO THE MOTION  
OF PACIFIC GAS AND ELECTRIC COMPANY FOR LEAVE TO FILE CORRECTION  
TO COMMENTS ON THE PROPOSED DECISION OF ALJ GAMSON**

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**THE DIVISION OF RATEPAYER ADVOCATES AND  
THE UTILITY REFORM NETWORK’S RESPONSE TO THE MOTION  
OF PACIFIC GAS AND ELECTRIC COMPANY FOR LEAVE TO FILE  
CORRECTION TO COMMENTS ON THE PROPOSED DECISION OF ALJ GAMSON**

**I. INTRODUCTION**

Pursuant to Rule 11.1(e) of the Commission’s Rule of Practice and Procedure, the Division of Ratepayer Advocates (DRA) and The Utility Reform Network (TURN) submit this response to the “Motion of Pacific Gas and Electric Company for Leave to File Correction to Comments on Proposed Decision of ALJ Gamson”<sup>1</sup>. Pacific Gas and Electric Company’s (PG&E) comments<sup>2</sup> on the “Proposed Decision Addressing Petition for Modification of Decision 09-00-047” (PD) incorrectly cited Public Utilities Code Section 394.4(a) in support of its request that the Commission revise the PD to eliminate the requirement that PG&E benchmark all commercial buildings. PG&E’s Motion seeks to replace its reference to Public Utilities’ Code Section 394.4(a) with a reference to newly enacted Public Utilities Code Section 8380.

DRA and TURN do not oppose PG&E’s Motion, as long as DRA and TURN’s reply comments to PG&E’s Comments on the Proposed Decision of ALJ Gamson, regarding Public Utilities’ Code Section 394.4(a) are construed to apply to Public Utilities Code Section 8380, the section that PG&E now cites in its Motion.

**II. Public Utilities Code Section 8380 permits the disclosure of aggregate consumption data for purposes of analysis, reporting or program management if customer identification information has been removed.**

PG&E’s comments on the PD cited Public Utilities Code Section 394.4(a) in support of its argument that state law and Commission decisions protecting the confidentiality of customer data would prevent PG&E from benchmarking all commercial buildings in the 2010-2012 timeframe.<sup>3</sup> PG&E’s Motion now acknowledges that the confidentiality requirements of Public Utilities Code Section 394.4(a) are “not applicable to PG&E.”<sup>4</sup> Instead, PG&E notes that “the

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<sup>1</sup> Motion of Pacific Gas and Electric Company for Leave to File Corrections to Comments on Proposed Decision of ALJ Gamson, March 23, 2011 (Motion).

<sup>2</sup> Comments of Pacific Gas and Electric Company on Proposed Decision of ALJ Gamson, March 14, 2011 (PG&E Comments).

<sup>3</sup> PG&E Comments, p. 4.

<sup>4</sup> PG&E Motion, p. 1.

correct reference should be Public Utilities Code Section 8380.”<sup>5</sup> PG&E contends that the erroneous citation to an inapplicable section of the Public Utilities Code does not change its substantive arguments, but admits that the correction it seeks is “not merely typographical in nature.”<sup>6</sup>

DRA and TURN agree that Public Utilities Code Section 394.4(a) does not apply to PG&E, and that PG&E is subject to the requirements of Public Utilities Code Section 8380. Section 8380(a) defines “electrical or gas consumption data” as “data about a customer’s electrical or natural gas usage that is made available as part of an advanced metering infrastructure, and includes the name, account number, or residence of the customer.” Section 8380(b) prohibits PG&E from disclosing “a customer’s electrical or gas consumption data, except as provided in subdivision (e) or upon the consent of the customer.” Section 8380(e) allows the disclosure of “customer aggregate consumption data” for purposes of “analysis, reporting, or program management” provided that “all information has been removed regarding the individual identity of a customer.”

Thus, Public Utilities Code Section 8380 allows the disclosure of customer information in an aggregate form, and DRA and TURN’s reply comments on the PD regarding the disclosure of aggregate information pursuant to Section 394.4(a) of the Public Utilities Code should be construed to apply to Public Utilities Code Section 8380, the section that PG&E now cites in its Motion.

### **III. CONCLUSION**

DRA and TURN do not oppose PG&E’s Motion, as long as DRA and TURN’s reply comments to PG&E’s Comments on the Proposed Decision of ALJ Gamson, regarding Public Utilities’ Code Section 394.4(a) are construed to apply to Public Utilities Code Section 8380, the section that PG&E now cites in its Motion.

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<sup>5</sup> PG&E Motion, p. 1.

<sup>6</sup> PG&E Motion, p. 1.

Respectfully submitted,

/s/ DIANA L. LEE

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April 4, 2011