

From: Michael Closson
Sent: 11/16/2011 3:40:11 PM
To: Botorff, Thomas E (/O=PG&E/OU=CORPORATE/CN=RECIPIENTS/CN=TEB3); Burt, Helen (/O=PG&E/OU=CORPORATE/CN=RECIPIENTS/CN=HAB6); CPUC Public Advisor (public.advisor@cpuc.ca.gov)
Cc: Carrie Armel (Karmel@stanford.edu); Adel Suleiman (Asuleima@energy.state.ca.us); Mark.Ferron@cuc.ca.gov (Mark.Ferron@cuc.ca.gov); Debbie Mytels (debbiem@acterra.org); Steve Schmidt (steve@highenergyaudits.com); Twana Karney (TwanaK@acterra.org)
Bcc:
Subject: PG&E Denying Access to Residents' SmartMeter Data by Third Parties

Dear Ms. Burk and Mr. Botoroff,

Acterra is a non-profit organization with a contract from the California Energy Commission to provide a residential energy efficiency program to 1,000 homes in the San Francisco Peninsula area. (See www.acterra.org/highenergy) Using an innovative software system, our program relies upon access to residents' SmartMeter data to analyze energy use patterns and provide cost effective and customized recommendations for reducing household energy use.

With permission from the residents, we use an automated system to collect their SmartMeter data on a continuous basis, enabling us to work with the residents to profile energy use patterns that correspond to specific energy-wasting plug loads and appliances. (The results to date have been impressive; one resident, for example, lowered her household bill by \$500/month.)

However, our program was stopped cold last week, when our access to the SmartMeter data was suddenly cut off. This loss of access is apparently related to the change PG&E made to its website when it instituted the "My Energy" information section that became available to its customers on Friday (Nov. 11).

At first we thought that the problem was simply a data transfer glitch; however, it became apparent that residents themselves could no longer access their own data until they agreed to PG&E's new Website Terms of Use: <http://www.pge.com/about/company/disclosure/>

Included in this new Terms of Use document is a statement that denies third parties such as Acterra access to user data, paragraph 5. c.:

Mining. No user or third party is authorized to use any software, bots, spiders, or other information-gathering devices or programming routines to monitor, copy, or otherwise "mine" information displayed on the Website for display on or use with any Website or service.

It appears that this "requirement" is in conflict with [the recent CPUC ruling](#) that states users own their SmartMeter data and can authorize access to third parties of their choosing.

We are not alone in being affected by this sudden change in PG&E procedures. The Precourt Institute at Stanford University is working on a million-dollar-plus Federally funded grant that

relies upon the use of SmartMeter data. Their access has also been denied in the past few days. In addition, we could name several other third party companies, ranging from solar energy providers to other consumer education websites that utilize authorized data from residents to carry out their business and educational functions.

Moreover, we have invested time and money in community outreach activities to enroll more residents in this energy-saving program. Just this past weekend we recruited volunteers and delivered information to over 800 residents, and the Town of Los Altos Hills has just printed up postcards to mail to all their 2,000+ residents, informing them about the program. All this effort will be meaningless if residents cannot give us permission to analyze their SmartMeter data.

We urgently request you to remedy this situation. We need PG&E to change its Website Terms of Use and remove any legal language that prevents PG&E customers from authorizing third parties access to their user data (including SmartMeter data) in an automated manner. We also need to have PG&E re-open an electronic pathway for data access immediately. Time is of the essence, since essential data and community outreach opportunities will be lost.

Thank you for your attention to this important matter. Feel free to give me a call if you would like to discuss this issue further.

Sincerely,

Michael Closson

Michael Closson, Executive Director, Acterra

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