

From: Michael Closson
Sent: 11/23/2011 2:45:03 PM
To: Bottorff, Thomas E (/O=PG&E/OU=CORPORATE/CN=RECIPIENTS/CN=TEB3)
Cc: fer@cpuc.ca.gov (fer@cpuc.ca.gov); Steve Schmidt (steve@highenergyaudits.com);
Carrie Armel (Kcarmel@stanford.edu); Adel Suleiman
(Asuleima@energy.state.ca.us); Burt, Helen
(/O=PG&E/OU=CORPORATE/CN=RECIPIENTS/CN=HAB6); Zambrano, Saul
(/O=PG&E/OU=Corporate/cn=Recipients/cn=SAZ1); [Redacted]
[Redacted]
[Redacted]; Twana Karney
(TwanaK@acterra.org); CPUC Public Advisor (public.advisor@cpuc.ca.gov)

Bcc:

Subject: RE: PG&E Denying Access to Residents' SmartMeter Data by Third Parties

Dear Mr. Bottorff,

Thank your for your message below. We appreciate your understanding of the legal and technical difficulties that PG&E's recent website changes have caused for our CEC-grant funded program.

We want to underscore that **time is of the essence**.

Firstly, In regard to the wording of the website's Terms of Use, we are concerned that new users of our program will see the current wording in paragraph 5. c. that disallows "Mining" of data by third parties. While it may be a small percentage of people who pay attention to this, nonetheless, there will be some customers who will see this and decide not to work with us.

We request a change in this wording on the website ASAP, so that we do not lose any further opportunities to begin working with potential users of our funded program.

This could be remedied very quickly by inserting the words in red below:

Mining. No user or third party is authorized without a customer's permission 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.

Secondly, and this is the most pressing concern, we also want PG&E to resolve the technical issue of access to data ASAP. Indeed, as you indicate below, our access to customer data has been through a customized script — one that we have created with a great deal of effort and financial cost. It is not a simple matter to create another such automated script to access the data.

We had a conference call with PG&E staff last Thursday (11/17), including [Redacted]
[Redacted] They

were most helpful in working to understand our problem, and we have set up another conference call with them for next Tuesday (11/29/11). At the time, our program architect, Steve Schmidt, suggested two solutions:

1. PG&E could make the old "My Account" interface available to us in a secure internet location. With this approach we could be back up and running in days, and technically it should be quite easy for PG&E.
2. PG&E could accelerate the "Green Button Initiative" approach, which would provide a standards-based approach to this problem. This is clearly the best long-term solution but timing on this option is unknown.

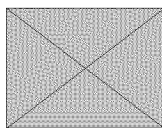
As you suggested, Steve has also sent these suggestions to Saul Zambrano. Because of the timing issue, the first of these two approaches — return our access to the old site through a "backdoor" method -- is the preferable one.

Our grant from the CEC, which is for a six-figure amount with a completion deadline in spring 2012, is totally dependent on getting access to residents' PG&E data. And, as we indicated to your PG&E colleagues in our phone conversation with them last Thursday, our organization is not the only one dependent on use of customers' SmartMeter usage data. Other businesses, universities and non-profits are in a similar situation with a need for on-going access to data that residents have already agreed we can use to help them in lowering their energy use.

We appreciate your help with this problem and request that you work urgently with your colleagues at PG&E to create a very speedy resolution to our concerns.

Michael Closson

Michael Closson, Executive Director, Acterra



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On Nov 20, 2011, at 8:53 PM, Bottorff, Thomas E wrote:

Dear Mr. Closson,

Thank you for your note regarding access to customer data by third parties. I

want to assure you that our website's terms and conditions do not preclude customers from accessing their own energy usage data on-line, or providing that data to third parties such as Acterra who serve as a customer's agent. We will clarify our website to make that clear. We also strongly support enhancing the on-line tools available to our customers who seek the types of energy services you provide.

With respect to your data access difficulties, we believe the source of the problem may have stemmed from your use of a customized script to retrieve customer data. When we upgraded our website, your customized script may no longer have been readable.

If you use a new automated script that is compatible with our upgraded website, you should be able to obtain the same customer-authorized access as you did previously. Please note that our system experienced some down-time last week, but has now been fully restored. If you have any questions, please call Saul Zambrano, PG&E's Senior Director of Products, at 415-973-1020.

Thanks again for your inquiry.

Sincerely,

Tom Botorff

From: Michael Closson [<mailto:michaelc@acterra.org>]

Sent: Wednesday, November 16, 2011 3:40 PM

To: Burt, Helen; Botorff, Thomas E; CPUC Public Advisor

Cc: Mark.Ferron@cuc.ca.gov; Carrie Armel; Adel Suleiman; Debbie Mytels; Steve Schmidt; Twana Karney

Subject: PG&E Denying Access to Residents' SmartMeter Data by Third Parties

Importance: High

Dear Ms. Burk and Mr. Botorff,

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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