

From: Warner, Christopher (Law
Sent: 11/21/2011 8:23:49 AM
To: 'Villarreal, Christopher' (christopher.villarreal@cpuc.ca.gov); 'mc3@cpuc.ca.gov'
(mc3@cpuc.ca.gov)
Cc: Dietz, Sidney (/O=PG&E/OU=Corporate/cn=Recipients/cn=SBD4)
Bcc:
Subject: PG&E Access to Residents' SmartMeter Data by Third Parties

Chris, Michael - here is our response and solution for the customer-directed third-party energy data access issues identified in the last week. Feel free to contact Sid or myself if you have any followup questions. Thanks!

Chris Warner
PG&E
415-973-6695

From: Bottorff, Thomas E
Sent: Sunday, November 20, 2011 8:53 PM
To: 'Michael Closson'
Cc: 'fer@cpuc.ca.gov'; Carrie Armel; Adel Suleiman; Debbie Mytels; Steve Schmidt; Twana Karney; Burt, Helen; Zambrano, Saul; CPUC Public Advisor
Subject: RE: PG&E Denying Access to Residents' SmartMeter Data by Third Parties

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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