

From: Warner, Christopher (Law
Sent: 2/4/2013 5:56:27 PM
To: Hardy, Katherine (katherine.hardy@cpuc.ca.gov); Marks, Jaclyn
(jaclyn.marks@cpuc.ca.gov); Skala, Pete (pete.skala@cpuc.ca.gov)
Cc: Best, Carmen (carmen.best@cpuc.ca.gov); [Redacted]
[Redacted]; Dietz, Sidney
(/O=PG&E/OU=Corporate/cn=Recipients/cn=SBD4); Ghaffarian, Pounch
(pounch.ghaffarian@cpuc.ca.gov)
Bcc:
Subject: RE: Energy Efficiency confidentiality and security issues, next steps

Thx much Kay.

The contract does not appear to contain the information security provisions previously included in the PG&E-Itron and PG&E-KEMA EM&V NDAs that we, KEMA and Itron mutually agreed to in January, 2012 and April, 2011, respectively, including the “industry best practices” under Section 3 of each NDA regarding prior review of the consultants’ security programs and requiring the consultants to provide notification of any breaches of privacy or information security. See attached. These “best practice” security provisions are also included in the “strawperson” I sent Pete last week.

We should discuss whether the CPUC has any plans to add these security review and breach notification provisions to its existing contracts based on industry best practices and for consistency with the privacy and information security rules approved by the CPUC for utilities.

Thx again for the copy, and we can meet to discuss with Pete and you et al. whenever convenient.

Chris

415-973-6695

From: Hardy, Katherine [mailto:katherine.hardy@cpuc.ca.gov]
Sent: Monday, February 04, 2013 4:12 PM
To: Marks, Jaclyn; Skala, Pete; Warner, Christopher (Law)
Cc: Ghaffarian, Pouneh; Best, Carmen; SPatrick@sempra.com; Dietz, Sidney; Cherry, Brian K; Larry.Cope@sce.com; Janet.Combs@sce.com; Lindh, Frank; [Redacted]
Subject: RE: Energy Efficiency confidentiality and security issues, next steps

Attached is a copy of the CPUC's contract with Itron for evaluation of the 2010-12 IOU energy efficiency programs. It is a copy of the initial contract; it has since been amended to extend time and add funds. The contract with KEMA, ED's other prime energy efficiency contractor, has the same provisions.

Kay

Katherine Hardy

California Public Utilities Commission

Energy Division, DSM Evaluation

505 Van Ness Ave., Room 4A

San Francisco, CA 94102

415 703 2322

From: Marks, Jaclyn
Sent: Monday, February 04, 2013 3:44 PM
To: Skala, Pete; Warner, Christopher (Law)
Cc: Ghaffarian, Pouneh; Best, Carmen; Hardy, Katherine; SPatrick@sempra.com; Dietz, Sidney; Cherry, Brian K; Larry.Cope@sce.com; Janet.Combs@sce.com; Lindh, Frank; [Redacted]

Redacted

Subject: RE: Energy Efficiency confidentiality and security issues, next steps

Chris, I am happy to coordinate a follow-up with our ex-ante team. My number is 415-703-2257, although email is best.

Thanks,

Jaclyn

From: Skala, Pete

Sent: Saturday, February 02, 2013 7:58 AM

To: Warner, Christopher (Law)

Cc: Ghaffarian, Pouneh; Best, Carmen; Marks, Jaclyn; Hardy, Katherine; SPatrick@sempra.com; Dietz, Sidnev; Cherrv, Brian K; Larry.Cope@sce.com; Janet.Combs@sce.com; Lindh, Frank; Redacted

Redacted

Subject: RE: Energy Efficiency confidentiality and security issues, next steps

Thanks Chris – and Sid I got your VM but did not have a chance to get back to you and will be OOTO Monday and Tuesday.

Best to follow up with Jaclyn Marks to get additional details on the Ex Ante Review team's problems.

I will ask Kay or Carmen to forward you the contracts with our evaluation contractors. I apologize for the delay on this – I believe I actually dropped this ball because when I looked into this last fall, I was told that we had previously sent these contracts to relevant utility EE program and/or eval managers on multiple occasions.

And thank you for the standard contract “strawperson.” I believe we did use this (or its precursor, if this is a relatively new version of the document) as a basis for the agreement we currently have in place with our contractors. I was not able to attend all of the data center workshops, but what I caught was quite interesting. There were quite a few troubling

anecdotes shared about challenges that local government and educational/research institutions have been having getting access to data they need to do their work, and the debilitating impacts on their IT budgets of complying with utility security provisions.

Best,

-Pete

Pete Skala

Program Manager - Demand-Side Analysis Branch

CPUC Energy Division

415-703-5370 (office)

415-577-8576 (cell)

From: Warner, Christopher (Law) [mailto:CJW5@pge.com]

Sent: Thursday, January 31, 2013 1:19 PM

To: Skala, Pete

Cc: Ghaffarian, Pouneh; Best, Carmen; Marks, Jaclyn; Hardy, Katherine; SPatrick@sempra.com; Dietz, Sidney; Cherry, Brian K; Larry.Cope@sce.com; Janet.Combs@sce.com; Lindh, Frank; Redacted

Redacted

Subject: RE: Energy Efficiency confidentiality and security issues, next steps

Thx Pete for your email and letter today. I'll check with PG&E Reg Affairs and our program managers on our schedules for a meeting to discuss your letter and let you know, and thanks for the update on the CPUC's recommended approach.

In addition, may I have our program leads call you directly to get some additional details on the ex ante review team's problems listed in your letter, including the "missing project" info problem, so that they can address any of those technical "streamlining" issues before our meeting?

Also, can you please let us and the other IOUs know when we will get copies of the CPUC's contracts with its consultants that was one of the action items in our September 26 meeting with Frank Lindh and staff last fall? (See email below.) As we discussed and agreed back on

September 26, it would be useful to have copies of those contracts, including the information security and privacy provisions, prior to the followup meetings the CPUC staff committed to set up then.

Also, per your request for our thoughts on the CPUC's NDAs with consultants and "best practices" on privacy and information security protections you may want to include in your own NDAs with your consultants, attached is the "strawperson" standard data sharing agreement PG&E provided to CPUC staff, ALJs and interested parties at the CPUC's recent "energy data center" workshops a couple weeks ago. Exhibit B of this standard agreement may be useful for your consideration and for our followup discussion.

Thx again for following up on these issues!

Chris

973-6695

From: Warner, Christopher (Law)
Sent: Wednesday, September 26, 2012 5:52 PM
To: Ghaffarian, Pouneh (pouneh.ghaffarian@cpuc.ca.gov)
Cc: Larry.Cope@sce.com; SPatrick@sempra.com; Aguilar, Arocles; Melendez, Ernesto; Les.Starck@sce.com; Cherry, Brian K; DSkopec@semprautilities.com; 'Lindh, Frank'; russell.swartz@sce.com; Hartman, Sanford (Law); Smith, W. Davis (Dave) (Legal) (WDSmith@semprautilities.com); Dietz, Sidney
Subject: RE: Energy Efficiency Customer Data - Confidentiality Issue

Pouneh, we very much appreciated the discussion today and are ready to assist and engage on the followup items. We appreciate Frank's and your offer to make available to the IOUs the CPUC's contracts with your EM&V contractors, subcontractors and consultants so we can provide you any appropriate recommendations on "best practices" for terms and conditions relating to protecting customer privacy and ensuring the security of customer information.

At your convenience, could you send us copies of the contracts (electronic if possible) and we will review and be prepared to provide you our informal recommendations regarding provisions relating to customer privacy and information security.

We also look forward to your scheduling of our individual utility meetings with CPUC staff to discuss specific issues regarding the timeliness and process for our EM&V data responses. Please let us know asap on when you would like to meet.

Thx again for the discussion and action items.

Chris Warner

PG&E Law

415-973-6695

From: Skala, Pete [<mailto:pete.skala@cpuc.ca.gov>]
Sent: Thursday, January 31, 2013 11:53 AM
To: Warner, Christopher (Law)
Cc: Ghaffarian, Pouneh; Best, Carmen; Marks, Jaclyn; Hardy, Katherine
Subject: Energy Efficiency confidentiality and security issues, next steps

Chris,

Please see attached letter that outlines our concerns and next steps to address these issues.

Thank you,

Pete

Pete Skala

Program Manager - Demand-Side Analysis Branch

CPUC Energy Division

415-703-5370 (office)

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