

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking Regarding Policies,  
Procedures and Rules for the California Solar  
Initiative, the Self-Generation Incentive Program  
and Other Distributed Generation Issues.

Rulemaking 12-11-005  
(Filed November 8, 2012)

**OPENING COMMENTS OF SAN DIEGO GAS & ELECTRIC COMPANY (U902E) ON  
THE ASSIGNED COMMISSIONER'S RULING REGARDING THE TRANSFER OF  
RESPONSIBILITY FOR COLLECTING SOLAR STATISTICS FROM THE  
CALIFORNIA SOLAR INITIATIVE TO THE NET ENERGY METERING  
INTERCONNECTION PROCESS**

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**I. INTRODUCTION**

In response to Commissioner Michael R. Peevey's *Assigned Commissioner's Ruling Regarding the Transfer of Responsibility for Collecting Solar Statistics from the California Solar Initiative to the Net Energy Metering Interconnection Process* ("ACR") issued on August 22, 2013, San Diego Gas & Electric Company ("SDG&E") respectfully submits these Opening Comments on the ACR's proposal to modify the Net Energy Metering ("NEM") interconnection applications and require the investor-owned utilities ("IOU") to transfer these data ("Solar Statistics") for publishing on the California Solar Statistics website.

While SDG&E supports the California Public Utility Commission's ("CPUC" or "Commission") efforts to cleanly and efficiently transition NEM data acquisition, storage transmission and reporting as well associated administrative activities from the California Center for Sustainable Energy ("CCSE") to SDG&E in anticipation of the sunset of the California Solar Initiative ("CSI") program, SDG&E is concerned that the ACR fails to adequately preserve customer privacy, such that the information proposed for collection goes beyond that which is necessary and desirable to complete the interconnection process and administer NEM. At a minimum, any data collected from customers and their contractors which is provided to and

published by Energy Solutions as part of the California Solar Statistics public website should be voluntary and adhere to relevant state and federal privacy statutes, rules and policies such as the California Information Practices Act,<sup>1</sup> Public Utilities Code Section 8380, and this Commission’s privacy rules,<sup>2</sup> as well as any applicable customer privacy determinations made by the Commission pursuant to the Commission’s current Energy Data Center Rulemaking (“EDC”) (“R.”) 08-12-009.

SDG&E also urges the Commission to consider SDG&E’s unique position as a non-Program Administrator IOU when implementing its proposed transition of reporting responsibilities for the California Solar Statistics website. SDG&E is concerned that the additional complexity associated with a transition from CCSE to SDG&E may require more time and consume more financial resources to implement than the time and resources contemplated by the ACR for Pacific Gas and Electric Company (“PG&E”) and Southern California Edison Company (“SCE”), which both currently handle CSI program administrative duties in their respective service territories.

Lastly, SDG&E provides comments on the proposed data fields that the ACR proposes be included in its NEM Interconnection form.

## **II. THE ACR FAILS TO ADEQUATELY CONSIDER CUSTOMER PRIVACY CONCERNING CALIFORNIA SOLAR STATISTICS.**

SDG&E’s principal concern is that ACR fails to adequately consider how the Commission will ensure compliance with existing, relevant state and federal law concerning the protection of the privacy of the IOUs’ customers regarding Solar Statistics. SDG&E’s review of the proposed data collection fields listed in the table “PV System and Customer Data to be Collected via NEM Interconnection Process”<sup>3</sup> reveals that many of the proposed data fields do not appear reasonable and necessary for the provision of utility services under the interconnection and NEM tariffs. SDG&E is also alarmed by the sheer (and audacious) breadth

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<sup>1</sup> California Civil Code Section 1798.14.

<sup>2</sup> D.11-07-056, Attachment D.

<sup>3</sup> Ruling at pp. 3- 5.

of information proposed for collection as part of the interconnection process. The ACR inexplicably fails to adequately consider customer privacy concerning Solar Statistics, since this failure runs afoul of current, ongoing, significant and noteworthy efforts at the Commission, such as the Energy Data Center phase of R.08-12-009, dedicated to privacy and security of customer information, and streamlining the interconnection process for distributed generation (“DG”) projects. Adopting rules that unnecessarily enlarge data collection requirements, even on a voluntary basis, will impede the interconnection process. Further, implementing overbroad data collection requirements from NEM applicants also introduces significant legal concerns.

Under Public Utilities Code Section 8380 and the Commission’s privacy rules, collection, storage, use or disclosure of covered information is limited to providing services as required by state or federal law or specifically authorized by an order of the Commission, or in support of specific energy programs that serve a “primary purpose.” For the collection and disclosure of covered information for a “secondary purpose”, meaning any purpose that is not a primary purpose, customer consent is required. Concerning the ACR’s proposed collection of covered information for the apparent secondary purpose of providing information to “the [CSI] Program Administrators, market participants, researchers and the general public”, SDG&E believes a key element is to first demonstrate how this type of covered information fits within the narrow exception that the data is being collected by the Commission itself and is necessary for the Commission to exercise its regulatory “jurisdiction and control.”<sup>4</sup> Accordingly, SDG&E respectfully submits that if the Commission determines the additional data is important from a policy stand point, the Commission must adequately and clearly provide the underlying purpose of all proposed data fields, and explain how the process will ensure full compliance with all privacy laws regarding collection, storage, use or disclosure of covered Solar Statistics.

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<sup>4</sup> CPUC Privacy Rule 6(d)(3), D.11-07-056, Attachment D, at p. 10; Public Utilities Code Section 8380(e)(3); California Information Practices Act, California Civil Code Section 1798.14.

### **III. SDG&E IS NOT CURRENTLY A PROGRAM ADMINISTRATOR, CREATING CHALLENGES NOT EXPERIENCED BY THE OTHER ELECTRIC UTILITIES.**

Currently, PG&E and SCE are Program Administrators (“PAs”) administering the CSI Program in their respective service territories. However, by Commission decision, CCSE is currently the PA administering the CSI Program in SDG&E’s service territory, which creates specific issues for SDG&E. Due to this substantial difference, SDG&E is in a unique position with regard to Solar Statistics data collection and reporting post-CSI because both SDG&E and CCSE will likely be required to make various changes to business practices and current contractual relationships in order to comply with the ACR. Such changes include creating, amending and terminating contracts with third parties where CCSE is currently in privity of contract with one or more third parties, gaining proper access to reporting tools, and strengthening IT systems to provide necessary data to Energy Solutions. For example, the ACR states: “The CSI PA who currently manages the Energy Solutions contract should be authorized to amend the contract to cover these incremental costs, which the CSI measurement and evaluation (M&E) budget would cover.”<sup>5</sup> This amendment cannot currently be completed by SDG&E as CCSE is the party to the contract with Energy Solutions. In order for this amendment to be possible, SDG&E would need to negotiate and execute a contract with Energy Solutions, which could take time above and beyond what was initially discussed by the Commission.

Furthermore, SDG&E will likely experience unforeseen transition issues and related costs that it has not considered at this time. SDG&E will strive for a smooth transition and minimize these any unexpected events and their associated costs. However, until this transfer from CCSE to SDG&E is complete, SDG&E cannot guarantee how much time or financial resources will be needed to appropriately and effectively hand off PA responsibilities from CCSE.

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<sup>5</sup> Assigned Commissioner’s Ruling Regarding the Transfer of Responsibility for Collecting Solar Statistics from the California Solar Initiative to the Net Energy Metering Interconnection Process, at pp.5-6.

#### **IV. AMENDMENTS TO THE NET ENERGY METERING INTERCONNECTION APPLICATION TO INCLUDE ALL THE PROPOSED REPORTING REQUIREMENTS**

In anticipation of this ACR, SDG&E has been working toward making changes to its NEM Interconnection form. Many of these expected changes are included in the ACR's table of proposed data fields. However, since the majority of the data fields in the NEM Interconnection application are not mandatory for customers to answer, the information that the utilities receive may be incomplete, inaccurate and inadequate.

Again, because of SDG&E's unique position regarding the gathering, collection, storage and transmission of Solar Statistics, SDG&E prudently cannot guarantee the accuracy of the information it receives as part of the NEM Interconnection application process. Therefore, SDG&E believes the proposed data fields should not be mandated as part of this ACR and should be not be given much weight as this data may be misleading.

SDG&E is not necessarily opposed to adding data fields to its NEM Interconnection form as deemed appropriate by the Commission. Nonetheless, any changes to SDG&E's NEM Interconnection application will require considerable time and resources. The frequency of data collection and the reporting requirements will help to determine how complex implementation of this ACR and the transfer of responsibilities for collecting Solar Statistics will be. Accordingly, SDG&E is concerned that the data the Commission seeks to collect will necessitate incremental costs (i.e. personnel and IT system costs), which SDG&E should be allowed to recover. SDG&E will, however, collaborate with Energy Division as well as stakeholders to attempt to mitigate potential costs associated with complying with this ACR.

#### **V. CONCLUSION**

SDG&E looks forward to working with the Energy Division and other interested stakeholders to develop a consistent format for the data and implement Commissioner Peevey's Ruling.

DATED at Los Angeles, California, this 9<sup>th</sup> day of September, 2013.

Respectfully submitted,

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