

**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)

**PACIFIC GAS AND ELECTRIC COMPANY'S (U 39 E) COMMENTS 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

Pacific Gas and Electric Company (PG&E) provides these comments in response to 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* (ACR) filed on August 22, 2013. By email dated August 28, 2013 Administrative Law Judge Katherine MacDonald provided permission to PG&E and the other parties to file these comments by no later than September 9, 2013. As such, these comments are timely filed.

To the extent customer-specific or contractor-specific data previously collected as part of the California Solar Initiative (CSI) program is necessary in completing the interconnection process and providing utility service to utility customers, PG&E already has proposed to continue to include those fields as part of PG&E's net energy metering (NEM) customer interconnection application. PG&E also supports collecting other customer-specific or contractor-specific solar installation data as proposed by the ACR, but if it is not needed for NEM or interconnection-related utility services, then customers should and must be given a voluntary choice about whether or not to supply the information to the utility and the public. Under the Commission's privacy rules and the California Information Practices Act, customer-specific energy usage and financial information may not be disclosed by a utility to third-parties

or to state government agencies for a purpose unnecessary to utility service or regulation without customer authorization. Contractors also may have a privacy interest in proprietary data regarding their installations.

In addition, even where customers or contractors voluntarily agree to utility collection and public disclosure of customer-specific or contractor-specific information, care should be taken in determining whether to collect such data in the NEM interconnection forms themselves, because of the risk that collection of such data could delay or negatively impact the NEM application and approval process.

For these reasons, PG&E recommends that data not necessary to interconnection and utility services be collected voluntarily from customers and contractors, and that the Commission consider minimizing the collection of such additional data on the NEM application form in order to reduce any adverse impact or delays in NEM application processing.

II. DISCUSSION

A. PG&E has Proposed a Thoughtful Increase in Data Collection from NEM Applicants

On July 31, 2013, PG&E submitted Advice Letter 4263-E^{1/} requesting Commission approval for streamlined NEM interconnection application and agreement forms for use by the vast majority of NEM applicants, those with photovoltaic (PV) or wind systems sized 30 kW or less. While improved processing is the main impetus for this revision, in response to ongoing discussions with the Energy Division regarding data collection for PV installations post-CSI, PG&E also incorporated additional data fields into the revamped form. These include:

1. Installing Contractor's California Contractor's State License Number,
2. If a third party owns the facility,
3. If a third party owns the facility and the renewable energy credits associated with the facility, the name of third party, and

^{1/} http://www.pge.com/nots/rates/tariffs/tm2/pdf/ELEC_4263-E.pdf

4. The PV mounting method -- whether fixed or employing a tracking system.

PG&E views these items as providing information that is needed for the processing of NEM interconnection requests and/or the administration of the NEM program. For instance, Item 1, the contractor's state license board number, is a standardized field that helps organize PG&E's contractor data to assure PG&E uses consistent spelling of contractor company names (e.g., solarABC vs. Solar ABC, Inc.). Items 2 and 3 relate to the third party ownership since customers who have third party financing arrangements often have relinquished renewable credit (REC) ownership to the financing agent, and knowledge of REC ownership is necessary in the administration of certain components of the NEM program.^{2/} Finally, Item 4 relates to the nature of the solar mounting and helps establish that the PV system is sized appropriately for NEM and can assist in better analyzing expected system performance and how it might impact PG&E's grid.

PG&E also modified the Schedule NEM tariff and interconnection agreement^{3/} form to provide for the collection of the generating system cost data from customers on a voluntary basis. This cost data is not necessary for interconnection or NEM administration purposes, but is useful for public policy and analytical purposes. As discussed in more detail in Section B below, given these factors, PG&E determined that voluntary collection in a manner that minimized impact to the interconnection process was appropriate. PG&E's revamped forms strike the right balance between collecting needed data, preserving customer privacy and minimizing impact on NEM application processing. PG&E looks forward to receiving prompt approval of Advice Letter 4263-E so that it can begin using the improved forms.

^{2/} See Decision 11-06-016, Ordering Paragraph 2 regarding the requirements for Assembly Bill 920 renewable adder attribute compensation.
http://docs.epuc.ca.gov/PublishedDocs/WORD_PDF/FINAL_DECISION/137431.PDF

^{3/} This proposed specification is expressly included in Section D of the Agreement and Customer Authorization (Form 79-1151-A).

B. Customer Privacy Rights Require Protection

PG&E has reviewed the proposed data collection fields listed in the table “PV System and Customer Data to be Collected via NEM Interconnection Process” on pages 3- 5 of the ACR (ACR Data Table). Many of the data fields listed in the ACR Data Table are necessary in order to provide utility services to utility customers including interconnection and participation in NEM. Many of these fields are already collected,^{4/} or proposed to be continued to be collected by PG&E as part of its post-CSI utility services.^{5/} These data fields are relatively non-controversial and necessary for utility services, and therefore can and should continue to be collected by PG&E from customers and contractors as part of the interconnection process for NEM.

That leaves a handful of data fields listed in the ACR Data Table that are not needed for utility services under the interconnection and NEM tariffs. Included in this group of fields are: 1) Customer sector detail beyond what is provided by the electric tariff information already collected on the NEM forms, 2) Sale price, 3) PACE financing information, 4) Third party owned contract type, 5) Mounting (rooftop/ground/mixed), 6) Whether the customer installed system output monitoring and if so, the vendor, 7) Additional detail beyond whether the system is Tracking or Fixed such as tilt and azimuth, and 8) electric vehicle information beyond selection of EV rate option. Since these items go beyond what is needed to complete the interconnection process and administer NEM, they should be collected from customers and their contractors, if at all, only on a voluntary basis, consistent with the Commission’s privacy rules and the California Information Practices Act.

Of these additional data fields, PG&E is already proposing to collect the system sale price voluntarily from customers on its revised NEM interconnection agreement pending in

^{4/} These include: Customer name and address, Meter number, Utility account number (for PG&E this is the Service Agreement ID), Electric tariff, Customer zip code and city (though not county), Name of Distribution utility, participating in CA rebate program, Capacity in DC watts and in AC watts, Number of inverters and inverter manufacturer(s) and Model(s).

^{5/} These include: Installer name and contact information is in the current form but this will be updated to provide Installer name and CSLB License number, Customer owned or third party owned, If third party owned, then name of owner at time of application for interconnection, Tracking or fixed.

Advice Letter 4263-E. Apart from the cost item, PG&E respectfully requests that the Commission eliminate the other seven data fields from the ACR Data Table.

As a practical matter, discussed in more detail in Section C below, PG&E is concerned that adding new data collection requirements to the NEM forms beyond what PG&E has proposed in Advice Letter 4263-E, even on a voluntary basis, may confuse customers and bog down and potentially delay the interconnection process itself. There are also legal concerns. Under the Commission's privacy rules and approved tariffs, collection and disclosure of customer-specific energy usage data and financial information for purposes other than utility operations or services is prohibited unless the customer consents to the collection and disclosure. For example, CPUC Privacy Rules 1(c) and 6(d), provide that a utility may not use or disclose customer-specific energy usage information for a purpose other than utility services, operations or programs without obtaining the customer's "prior, express, written authorization for each type of secondary purpose."^{6/} Likewise, under PG&E Electric Rule 9.M, to preserve customer privacy, PG&E may not release confidential customer information, including financial information, to a third party without the customer's electronic signature or written consent.^{7/} This confidential customer interconnection data should not be disclosed to the public unless customer confidentiality is preserved.^{8/} PG&E also is concerned that the current publication of solar data is not in sufficiently aggregated form to avoid re-identification of confidential customer-specific information, even under the Commission's 15/15 rule, and notified the other IOUs and the Energy Division in order to address and correct this potential customer privacy problem.

The only other exception to customer consent for the additional data proposed to be collected by the ACR is if the data is being collected by the Commission itself and is necessary

^{6/} D.11-07-056, Attachment D, pp. 2, 10.

^{7/} PG&E Electric Rule 9.M, cited by D.11-07-056, Attachment B, p. 4; see also D.90-12-121, 39 CPUC 2d 173 (1990).

^{8/} The Commission adopted the 15/15 Rule to allow for sufficient aggregation of customer specific data to protect customer confidentiality. See, D.97-10-031, Ordering Paragraph 1.

or the Commission to exercise its regulatory “jurisdiction and control.”^{9/} Clearly, the Commission has the authority to require the utilities to collect this information for the Commission’s direct oversight and regulation of the utilities. However, the other purposes cited by the ACR – providing information to “the [CSI] Program Administrators, market participants, researchers and the general public” – are not necessary purposes for the Commission’s regulation of utilities’ services to solar customers, including under the interconnection and NEM tariffs. Accordingly, if the Commission determines the additional data is important from a policy standpoint, PG&E proposes that these additional data fields in the ACR Data Table should be collected from customers and contractors only on a voluntary basis, in keeping with California’s privacy rules and statutes. In addition, PG&E respectfully requests that the Commission only require and fund the collection of the data on a voluntary basis^{10/} separate from the interconnection process itself.

C. The Collection of Additional Fields Could Negatively Impact Efforts to Streamline the Interconnection Process

One key concern about the collection and public distribution of the data fields proposed in R.12-11.005 is the potential for violations of customer privacy rules as discussed above. In addition, PG&E is also concerned that the collection of additional data as part of the interconnection process runs counter to the ongoing efforts by the Commission, PG&E and other stakeholders to streamline the interconnection process for distributed generation (DG) projects. Significant resources have been devoted to reducing the ‘soft costs’ associated with developing distributed solar PV projects. A key element of these efforts is seeking ways to reduce interconnection time, burden, and cost. PG&E is working to streamline the interconnection process in our territory through our own internal initiatives, and by working with local governments, solar industry representatives, and other stakeholders as part of a regional effort

^{9/} CPUC Privacy Rule 6(d)(3), D.11-07-056, Attachment D, p. 10; Public Utilities Code Section 8380(e)(3); California Information Practices Act, California Civil Code Section 1798.14.

^{10/} PG&E notes that even when we receive information from customers on a voluntary basis this would not extend to the release to the public of identifiable customer specific information without further customer authorization.

funded through the US Department of Energy's SunShot Initiative. A key part of PG&E's effort to streamline the interconnection process is to try to minimize the amount of information collected during that process to only those pieces which are critical for PG&E to ensure safe and reliable interconnection. PG&E is concerned that the additional fields that are being proposed for data collection beyond what PG&E included in Advice Letter 4263-E will impose an additional burden to the utility, customers and contractors and impede progress in this important effort.

D. The ACR Should Clarify CSI Funding Availability to Support Data Collection and Transfer

The ACR provides direction regarding how frequently the listed data fields should be collected and forwarded to Energy Solutions and the August 2, 2013 update to the CSI Measurement & Evaluation (M&E) Plan explains how funding of the ongoing compiling, cleaning, transferring, and display of solar data by Energy Solutions should be covered. The M&E Plan further explains that the utilities need to transfer the interconnection data to the CPUC or Energy Solutions. However, these documents do not specify how utility costs should be covered for the updates that will be required to the utility interconnection data collection and compilation processes to accomplish this transfer. The proposed utility collection, compilation, and monthly transferring of data will require additional resources and incur costs that are not captured in the current operating budget or specified in the M&E Plan. PG&E respectfully requests that the ACR be modified to spell out that sufficient CSI M&E funds may be used to support development of the streamlined and automated data collection, compilation, and transfer of the data provided for in the ACR.

III. CONCLUSION

PG&E respectfully requested that the Commission modify the ACR as discussed above and act promptly to approve PG&E's Advice Letter 4263-E.

Respectfully submitted,

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