



## MEMORANDUM

**TO:** Local Government Sustainable Energy Coalition, Energy Data Usage Subgroup

**FROM:** Jody London

**DATE:** May 1, 2014

**SUBJECT:** CPUC Decision on Energy Usage Data

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This memo provides a quick overview of the decision today by the California Public Utilities Commission on energy usage data. While I do think there are a few victories for us, at the end of the day I think the ALJ was very cautious in his interpretations, and the Assigned Commissioner's office did not want to get crosswise with the utilities. At the last minute, after comments were submitted, the decision was revised to reflect input from the large customer groups, which as described below is not helpful to us. So, here's my take.

- Usage data will be posted to a public web site quarterly by zip code for customer classes. For each zip code utilities must provide the summed monthly usage, average monthly usage, and number of customers each month. This is not nearly the level of aggregation we wanted, but it is publicly available data.
  - For residential customers, the zip code must have at least 100 customers. If not 100, then combine zips until you get 100.
  - For commercial, industrial, and agricultural customers, zip code must have at least 15 customers, and no single account can constitute more than 15% of total consumption in any month. So, they are retaining the 15/15 Rule for these customer classes.
- Data must be "machine readable." This is a win for us.
- In terms of Use Case 1, which was "our" use case, the decision notes that "California law does not prohibit utilities or the Commission from disclosing information that cannot reasonably be linked to a particular customer." It then directs the utilities to fulfill requests by local, city, and county governments and regional governmental entities for aggregated or anonymized energy data. The decision names a nexus between local governments needing this data to assess greenhouse gas reduction, a state goal, and directs the utilities to provide these data. This is progress. The aggregation thresholds are different for data provided to local governments under Use Case 1.
  - For residential, commercial, or agricultural customers, the request must have 15 or more customers, with no single account accounting for more than 20% of the total consumption in any interval requested and the data must not contain

- personal identifying information pertaining to any account. The decision names census blocks as a study group for local governments. That is progress.
- For industrial customers, the request must have five or more industrial customers, with no single account accounting for more than 25% of the total consumption in any interval requested.
  - You must request data for one customer type - no mixing of customer classes.
  - Solar customers should be removed. This is a loss for us. I thought our arguments here were strong.
- The Decision is not so good on Use Case 7, which includes whole building data. It notes: "At this point in the proceeding, there is not sufficient showing that Federal or State law requires local governments to perform building benchmarking services. Finally, we note that Assembly Bill (AB) 1103, the statute creating the building benchmarking program, is part of the resource code and under the administration of the CEC." It does note that there's nothing that prohibits the utilities from providing these data to building owners and operators; however, we know that will be harder to do if we have to get customer consent for each building.
  - The Decision is good for university researchers, talking about the value of their research. It dictates that certain privacy protections must be maintained. Researchers must sign a non-disclosure agreement with the utilities. Researchers can request both energy usage data and usage-related information.
  - The Decision directs the utilities to develop a "common and consistent process across utilities" by which eligible third parties can request data. This includes each utility establishing a single point of contact for data requests, and an electronic request form. This is a win for us.
  - The Decision establishes an Energy Data Access Committee that will mediate data disputes and provide non-binding advice. It leaves room for local government representation on the committee, although we are not named as a group that must be included.
  - Local governments do not need to sign a non-disclosure agreement, however we do need to accept the terms of service listed in the Decision. This is a win.
  - The Decision was revised a few days ago to refer to "customers" rather than "accounts." This will make it harder to track specific sources of aberrant energy usage. (One customer can have many accounts.) I know we commented on this; looks like they favored large industrial customers.

If you look at pp. 128-130, the Decision describes how it addressed the issues the LGSEC raised in our comments on the Proposed Decision. Of note, there is no prohibition on providing data to contractors to local governments. This is a win for us.

## **Next Steps**

The utilities will have their web sites up within 180 days. The utilities are ordered to provide data to local governments. Within 90 days, the utilities should have their web portal ready to accept requests for data.

We will want to monitor the implementation of this decision, something for which I will rely on you all for reports on day-to-day progress. We also should consider whether we want to place someone on the Energy Data Access Committee.

Please contact me with any questions or comments.