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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Review,
Revise, and Consider Alternatives to the
Power Charge Indifference Adjustment.

Rulemaking 17-06-026

**ASSIGNED COMMISSIONER AND ASSIGNED ADMINISTRATIVE LAW
JUDGE RULING GRANTING RELIEF SOUGHT IN DECEMBER 8, 2017
SUPPLEMENTAL JOINT REPORT ON DATA ISSUES**

Summary

This ruling grants the relief sought by parties in their December 8, 2017 Supplemental Joint Report on Results of Meet and Confer Regarding Data Issues:

1. The data-sharing proposal set forth in Attachment A of the Supplemental Joint Report is approved;
2. The proposed Modified Nondisclosure Agreement as set forth in Attachment B of the Supplemental Joint Report is approved; and
3. The data aggregation approach for historical generation and pricing data described in Attachment C of the Supplemental Joint Report is approved.

Background

The September 25, 2017 Scoping Memo and Ruling of Assigned Commissioner (Scoping Memo) established two tracks in this proceeding, to run concurrently. Track 1 will address Power Charge Indifference Adjustment (PCIA) exemptions for California Alternatives Rates for Energy (CARE) and medical baseline customers, and is not the subject of this ruling. Track 2 will

provide a process for “evaluation and possible modification of the PCIA methodology” that is currently in effect pursuant to previous Commission decisions. The Scoping Memo determined that the following issue is within the scope of Track 2 of this proceeding:¹

How should the Commission ensure access to necessary data and require transparency of calculations in order to enable interested parties to (1) review the current PCIA methodology and understand its results and (2) contribute to and understand the development of any possible replacement methodology?

The Scoping Memo directed parties to engage in a meet-and-confer process in order to address and resolve threshold issues regarding data availability. Parties were further directed to either (1) submit a consensus proposal if one is reached, or (2) in the absence of consensus, to prepare a joint filing that lays out the areas of agreement and disagreement.

Pursuant to the process described above, on October 23, 2017 San Diego Gas & Electric Company, on behalf of itself, Pacific Gas and Electric Company, Southern California Edison, CalCCA, Commercial Energy, the Alliance for Retail Energy Markets, the Direct Access Customer Coalition, Los Angeles Community Choice Energy, Western Riverside Council of Governments, and Coachella Valley Association of Governments (together, the Interested Parties) submitted a “Joint Report on Results of Meet and Confer Regarding Data Issues” (Joint Report).² The Joint Report outlined areas of agreement and presented a limited

¹ September 25, 2017 “Scoping Memo and Ruling of Assigned Commissioner” at 21.

² San Diego Gas & Electric Company Submission of Joint Report on Results of Meet and Confer Regarding Data Issues, October 23, 2017.

set of open issues related to data access and a Modified Nondisclosure Agreement (Modified NDA), and requested Commission guidance to resolve those issues. In addition, the Joint Report identified a contested issue raised by Commercial Energy related to interpretation of the "masking" requirement contained in the proposed Modified NDA submitted by the Interested Parties.

On November 22, 2017 the Assigned Commissioner and Assigned Administrative Law Judge issued a "Ruling Confirming Scoping Memo Issues and Modifying Schedule." The Ruling provided guidance to the Interested Parties regarding the open issues identified in the Joint Report and directed the parties to continue to meet and confer in order to comply with the directives in the Scoping Ruling, i.e., to provide a single joint filing summarizing all areas of agreement and disagreement.

The Supplemental Joint Report provides the results of that second round of the meet-and-confer process: the Interested Parties report that they were successful in reaching agreement concerning all remaining open data access issues identified in the Joint Report. Interested Parties also report that they reached agreement regarding an approach to aggregating historical generation and pricing data, at the request of Commercial Energy, which will satisfy the masking requirement of Section 2.A of the Modified NDA.

The Supplemental Joint Report includes three attachments that comprise the consensus proposal of the Interested Parties:

Attachment A: Table setting forth data requests identified in the Joint Report as open (items listed in Appendices F and H to Joint Report), with consensus proposal regarding data to be provided for each item, along with the confidentiality restrictions;

Attachment B: Consensus version of Modified NDA; and
Attachment C: Agreed-upon approach for aggregation of historical generation and pricing data to comply with Section 2.A of the Modified NDA, to be incorporated as Appendix C to the Modified NDA.

The Interested Parties request Commission approval of their consensus data access proposal, as presented in the Joint Report and Supplemental Joint Report.

Discussion

The consensus data access proposal of the Interested Parties, as presented in the Joint Report and Supplemental Joint Report, should be approved.

First, the Interested Parties explain that the consensus proposal for data access in the instant proceeding maintains the Commission's existing framework for sharing confidential procurement data, while permitting greater access to such data by employees of Community Choice Aggregators (CCAs), Community Aggregators (CAs), Electric Service Providers (ESPs), and trade associations and regulatory alliances comprised of such entities or customers of such entities (TAs) than would otherwise be provided under the Commission's standard Model NDA. This greater level of access is provided through expansion in the Modified NDA of the definition of "Reviewing Representative" to include CCA, CA, ESP and TA employees, provided that certain obligations set forth in the agreement are met. In certain limited cases where highly sensitive market information is requested, the Commission's standard Model NDA, rather than the Modified NDA, will govern access to the data at issue. The Interested Parties have reached consensus regarding the manner in which the IOUs will provide requested procurement data identified in the Joint Report and the level of

confidential treatment to be afforded to each data point (i.e., public, Modified NDA or Model NDA). This approach is reasonable and should be approved.

Second, the Interested Parties request approval of the proposed Modified NDA included in Attachment B of the Supplemental Joint Report. As noted above, the Joint Report included a proposed Modified NDA that reflected the parties' agreement on terms, except as to two discrete issues. The November 22, 2017 ruling provided guidance on those two issues and the proposed Modified NDA included in Attachment B of the Supplemental Joint Report incorporates that guidance. The Interested Parties now propose an additional limited revision to the Modified NDA to address inclusion of the agreed-upon data aggregation approach for historical generation and pricing data. The proposed approach is reasonable and should be approved.

Third, the Interested Parties request approval of Attachment C to the Supplemental Joint Report, which sets forth the agreed-upon proposal for aggregation of historical generation and pricing data that will satisfy the masking requirement of Section 2.A of the Modified NDA. Once approved, this document will be attached to the Modified NDA as Appendix C. This agreed-upon approach is reasonable and should be approved.

In summary, Appendix E to the Joint Report and Appendices A - C of the Supplemental Joint Report comprise the Interested Parties' consensus data access proposal. This proposal in its entirety is approved.

IT IS RULED that:

1. The Interested Parties' consensus data access proposal, consisting of Appendix E to the October 23, 2017 Joint Report on Results of Meet and Confer Regarding Data Issues and Appendices A - C of the December 8, 2017 Supplemental Joint Report on Results of Meet and Confer Regarding Data Issues is approved.

Dated December 20, 2017, at San Francisco, California.

/s/ CARLA J. PETERMAN
Carla J. Peterman
Assigned Commissioner

/s/ STEPHEN C. ROSCOW
Stephen C. Roscow
Administrative Law Judge