



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

FILED

04-05-11
04:59 PM

Order Instituting Rulemaking on the
Commission's Own Motion to Consider
Alternative-fueled Vehicle Tariffs, Infrastructure
and Policies to Support California's Greenhouse
Gas Emissions Reduction Goals.

Rulemaking 09-08-009
(Filed August 20, 2009)

**OPENING COMMENTS OF THE CONSUMER FEDERATION OF CALIFORNIA ON
THE PROPOSED DECISION IN PHASE 2 ESTABLISHING POLICIES TO
OVERCOME BARRIERS TO ELECTRIC VEHICLE DEPLOYMENT AND
COMPLYING WITH PUBLIC UTILITIES CODE 740.2**

I. INTRODUCTION

Pursuant to Rule 14.3 of the California Public Utilities Commission ("Commission") Rules of Practice and Procedure, Consumer Federation of California ("CFC") respectfully submits these opening comments to Commissioner Peevey's Proposed Decision ("PD") *Phase 2- Establishing Policies to Overcome Barriers to Electric Vehicle Deployment and Complying with Public Utilities Code Section 740.2*. CFC timely files these opening comments pursuant to ALJ Regina DeAngelis' email ruling extending parties' filing date to April 5, 2011.

II. SUMMARY OF COMMENTS

CFC appreciates this opportunity to comment on certain portions of the PD and would like to make the following suggestions:

- The Commission should modify language in the PD to acknowledge the Commission's active role addressing customer privacy issues in the proposed utility data clearinghouse.
- The PD should clarify that the benefits of standardization of PEV technologies, are not only reduction in customer cost but increased safety and reliability of the electric system.

II. COMMENTS

A. THE PD SHOULD BE MODIFIED TO INCLUDE LANGUAGE ACKNOWLEDGING THE COMMISSION'S ACTIVE ROLE IN ADDRESSING CUSTOMER PRIVACY ISSUES IN THE PROPOSED UTILITY DATA CLEARINGHOUSE

CFC indicated in earlier comments that it expressed concern over privacy implication associated with the creation of a data clearinghouse. PG & E proposed in its comments that it is working with stakeholders “to explore the creation of a data clearinghouse that would provide for the secure and confidential notification of *customer-specific* data to utilities when a customer purchases or registers an EV in California.”¹ This is a unique situation as it will be a third party government agency such as the DMV or auto manufacturer releasing customer information to the utility company instead of the utility company potentially releasing customer specific data to a third party; however, this still calls for Commission involvement as it is still utility customer information that is at stake.

The PD mentions the benefits associated with creating a data clearinghouse such as offering a “long term solution to the utility notification challenge” as well as stating that this will be a solution “as long as privacy concerns are adequately addressed.” However, the PD is silent on how the Commission will be involved in the process of ensuring that the customer information exchanged is protected:

This data clearinghouse should effectively track the temporary or permanent relocation of PEVs, such as re-sold PEVs, and will likely require participation from the Department of Motor Vehicles or other government agents to identify and address any privacy concerns that may arise due to the sharing of relevant information. Therefore, we further direct utilities to work with the DMV and other relevant government agencies to determine what data can be legally made available to the data clearinghouse or to the utilities directly consistent with all applicable privacy laws.

Consequently, because the utilities are handling customer specific data and the Commission has regulatory authority over the utilities, the Commission should play an active

¹ PG & E opening comments in response to ALJ Ruling at 5.

role in seeing that customer information used in a data clearinghouse is protected. The Commission has the authority to place restrictions and set rules in place that will ensure that customers' sensitive information is secure. The Commission has scrutinized customer privacy issues in other proceedings and feels that this notification program warrants similar scrutiny.

The PD states that the utilities will file a joint report in this proceeding within 120 days of the effective date of the decision. At a minimum, CFC requests that the PD be modified to include in the report how the utilities will handle customer information, and how they intend to address privacy concerns. The Commission in turn should assess ways to follow-up with utilities to make sure that utilities are complying.

In short the modified paragraphs in the PD that address Commission scrutiny of clearinghouse-related privacy issues should read:

We want to ensure that progress continues in the development of a notification system, while ensuring that a customer's sensitive information is protected. Accordingly, we direct SCE, PG&E and SDG&E to collaborate with stakeholders to further develop such a system that complies with Commission rules on customer privacy and federal and state laws...This data clearinghouse should effectively track the temporary or permanent relocation of PEVs, such as re-sold PEVs, and will likely require participation from the Department of Motor Vehicles and Commission scrutiny to identify and address any privacy concerns that may arise due to sharing of relevant information.

To ensure that this data clearinghouse develops in a timely fashion, the utilities shall jointly file a report in this proceeding within 120 days of the effective date of this decision. The proceeding shall not be reopened by the filing of this report. At a minimum, the report shall comprehensively outline a data clearinghouse proposal and establish a development schedule. This report will also give a detailed report of how utilities in collaboration with other stakeholders plan to identify and address privacy concerns, as well as how their handling of customer information complies with Commission rules on customer privacy as well as federal and state privacy laws. The Commission will then follow up with the utilities to seek if utilities are in compliance.

Finding of Fact #2 should be modified to read as follows:

Given the priority the Commission places on avoiding adverse impacts and ensuring safety of the electric grid, a notification system or data clearinghouse could prove to be a long-term, scalable solution to the notification challenge, provided that there is proper Commission scrutiny of data-clearinghouse privacy related issues.

B. THE PD SHOULD CLARIFY THAT THE BENEFITS OF A METERING POLICY THAT SUPPORTS STANDARDIZATION INCLUDE INCREASED SAFETY AND RELIABILITY OF THE ELECTRIC SYSTEM IN ADDITION TO COST REDUCTION.

The PD makes it very clear that the principal reason for promoting standardization of PEV technology is that it will be cost-effective and avoid stranded cost. CFC supports cost-effective metering technology but requests the Commission to clarify that an equally main reason for promoting interoperability of PEV technology is to ensure safety and reliability of the electric system, consistent with the Commission's central tenets to make sure that consumers receive safe and reliable service.

As such, Conclusion of Law #13 should read as follows:

A metering policy should support standardization because this policy will reduce customer and avoid stranded investment, and increase safety and reliability of the electric system.

Dated April 5, 2011

Respectfully submitted,

_____/s/_____,

Nicole A. Blake
Consumer Federation of California
1107 9th Street, Ste. 625
Sacramento, CA 95814
Phone: (916) 498-9608
Fax: (916) 498-9611
Email: blake@consumercal.org

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the
Commission's Own Motion to Consider
Alternative-fueled Vehicle Tariffs, Infrastructure
and Policies to Support California's Greenhouse
Gas Emissions Reduction Goals.

Rulemaking 09-08-009
(Filed August 20, 2009)

CERTIFICATE OF SERVICE

I, Nicole A. Blake, hereby certify that I have this day served a true and original copy of this

**OPENING COMMENTS OF THE CONSUMER FEDERATION OF CALIFORNIA ON
THE PROPOSED DECISION IN PHASE 2 ESTABLISHING POLICIES TO
OVERCOME BARRIERS TO ELECTRIC VEHICLE DEPLOYMENT AND
COMPLYING WITH PUBLIC UTILITIES CODE 740.2**

on all known parties of record in proceeding R.09-08-009 by delivering a copy via email to the
current service list or by delivering a copy via U.S. First Class mail to those parties of the current
service list with undeliverable email addresses.

Executed on April 05, 2011, in Sacramento, CA.

By: _____//s//_____

Nicole A. Blake
1107 9th Street, Ste. 625
Sacramento, CA 95814
Phone: (916) 498-9608
Fax: (916) 498-9611
Email blake@consumercal.org

Service List R. 09-08-009

liddell@energyattorney.com
fdms@electradrive.net
nsuetake@turn.org
andrew.mcallister@energycenter.org
Bob@EV-ChargeAmerica.com
clozo@arb.ca.gov
epetrill@epri.com
kwalsh@fiskerautomotive.com
pierojd@udel.edu
angie_doan@plugsmart.net
kevin.webber@tema.toyota.com
cread@ecotality.com
syndi.driscoll@ladwp.com
SDPatrick@SempraUtilities.com
npedersen@hanmor.com
david.patterson@na.mitsubishi-
motors.com
helsel@avinc.com
Janet.Combs@sce.com
ek@a-klaw.com
rpopple@teslamotors.com
lms@cpuc.ca.gov
Yulee@theICCT.org
jay@pluginamerica.org
ssmyers@att.net
cjw5@pge.com
Ann.Bordetsky@betterplace.com
Jason.Wolf@betterplace.com
jody_london_consulting@earthlink.net
jwiedman@keyesandfox.com
jharris@volkerlaw.com
svolker@volkerlaw.com
gmorris@emf.net
enriqueg@greenlining.org
richard.lowenthal@coulombtech.com
bchang@svlg.org
david.tulauskas@gm.com
shears@ceert.org
blake@consumercal.org
toconnor@edf.org
wwester@smud.org
dlazier@cdfa.ca.gov
aconway@dmv.ca.gov
cassandra.sweet@dowjones.com
david@dwassociates.us
WoychikEC@bv.com
Erin.Grizard@BloomEnergy.com
jordan@evconnect.com
krose@dmv.ca.gov
kfox@keyesandfox.com
mlaherty@cisco.com
mschreim@core.com
nealroche@gridtest.net
roberto.bocca@weforum.org
ttutt@smud.org
mrw@mrwassoc.com
brian_tinkler@ahm.honda.com
hugh.mcdermott@betterplace.com
michelle.d.grant@dynegy.com
mike.ferry@energycenter.org
tam@communityrenewables.biz
than.aung@ladwp.com
GO'neill@energy.state.ca.us
colleenquin@gmail.com
mpieniazek@drenergyconsulting.com
wchen@ecsgird.com
kldavis@midamerican.com
martin.liptrot@ge.com
jung.zoltan@epa.gov
jviera@ford.com
mkarwa@leviton.com
hillary.dayton@fluor.com
cbrooks@tendriline.com
Douglas.Marx@PacifiCorp.com
kmorrow@etecevs.com
AChavez@ecotality.com
Leila.Barker@ladwp.com
Marcelo.DiPaolo@ladwp.com
Oscar.Alvarez@ladwp.com
Oscar.Herrera2@ladwp.com
Priscila.Castillo@ladwp.com
Scott.Biasco@ladwp.com
Vaughn.Minassian@ladwp.com
david.eaglefan@gmail.com
leilani.johnson@ladwp.com
jellman@winnr.com
lmitchell@hanmor.com
tatsuaki.yokoyama@tema.toyota.com
bock@avinc.com
dickinson@avin.com
klynch@cityofpasadena.net
ckuennen@ci.glendale.us
dave.barthmuss@gm.com
mbaumhefner@nrdc.org
ffletcher@ci.burbank.ca.us
flangit@ci.azusa.ca.us
andrea.moreno@sce.com
case.admin@sce.com

sfr@sandag.org
mpsweeney@earthlink.net
julian.durand@qualcomm.com
vsmith@qualcomm.com
CentralFiles@SempraUtilities.com
DNiehaus@SempraUtilities.com
david.almeida@energycenter.org
sephra.ninow@energycenter.org
RGiles@SempraUtilities.com
howard@cpe-services.com
sbadgett@riversideca.gov
vic@theprossergroup.com
jlehman@anaheim.net
coutwater@libertyplugins.com
forest.williams@mindspring.com
chappella@co.monterey.ca.us
trae@kpcb.com
lburrows@vpvp.com
diarmuid@teslamotors.com
mdjoseph@adamsbroadwell.com
edwin.lee@sfgov.com
johanna.partin@sfgov.com
eric@ethree.com
smui@nrdc.org
bfinkelstein@turn.org

BWT4@pge.com
ELL5@pge.com
filings@a-klaw.com
tjl@a-klaw.com
bcragg@goodinmacbride.com
mgo@goodinmacbride.com
mmattes@nossaman.com
robertgex@dwt.com
Diane.Fellman@nrgenergy.com
cem@newsdata.com
axtw@pge.com
regrelcuccases@pge.com
l1hg@pge.com
SAZ1@pge.com
sfr2@pge.com
aaron.singer@bmw.com
saluja@capricornllc.com
a.vogel@sap.com
Sven.Thesen@betterplace.com
Sean.Beatty@mirant.com
jerryl@abag.ca.gov
michael.schmitz@iclei.org
sstanfield@keyesandfox.com
Karin.Corfee@kema.com

jhall@calstart.org
philm@scdenergy.com
slsarris@greenfuseenergy.com
dgrandy@caonsitegen.com
jamie@jknappcommunications.com
bdicapo@caiso.com
e-recipient@caiso.com
cchilder@arb.ca.gov
ekeddie@arb.ca.gov
marcreheis@wspa.org
dmodisette@cmua.org
gina@wspa.org
jluckhardt@downeybrand.com
Julee@ppallc.com
Inavarro@edf.org
Ralph.Moran@bp.com
abb@eslawfirm.com
lmh@eslawfirm.com
atrowbridge@daycartermurphy.com
sas@a-klaw.com
cathie.allen@pacificorp.com
michelle.mishoe@pacificorp.com
carmine.marcello@hydroone.com
MWT@cpuc.ca.gov
SMK@cpuc.ca.gov
ahl@cpuc.ca.gov
clu@cpuc.ca.gov
ctd@cpuc.ca.gov
crv@cpuc.ca.gov
cwl@cpuc.ca.gov
bsl@cpuc.ca.gov
eks@cpuc.ca.gov
fxg@cpuc.ca.gov
fcc@cpuc.ca.gov
gtd@cpuc.ca.gov
jw2@cpuc.ca.gov
jzr@cpuc.ca.gov
lau@cpuc.ca.gov
lwt@cpuc.ca.gov
mc4@cpuc.ca.gov
mc3@cpuc.ca.gov
ska@cpuc.ca.gov
pva@cpuc.ca.gov
rmd@cpuc.ca.gov
rl4@cpuc.ca.gov
scr@cpuc.ca.gov
Kellie.Smith@sen.ca.gov