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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the Commission's Own Motion to Determine Whether Sharing of Customer Information Between Regulated Water Utilities and Regulated Energy Utilities/Municipal Energy Providers Should be Required; and if so, to Develop the Rules and Procedures Governing Such Sharing.

Rulemaking 09-12-017
(Filed December 17, 2009)

**ASSIGNED COMMISSIONER AND ADMINISTRATIVE LAW JUDGE'S
RULING REQUESTING COMMENTS AND SCOPING MEMO**

This ruling refines the scope of this proceeding set forth in the rulemaking, requests comments, and sets a schedule to resolve all issues.

Background

This rulemaking was opened to determine whether sharing of qualifying low-income customer information between regulated water and energy utilities should be required and whether sharing of this information between regulated water and municipal energy utilities should be encouraged to increase enrollment in water and energy low-income assistance programs. The rulemaking requested comments on those issues and asked whether the rules adopted in this proceeding by the Commission should be based on the existing data sharing program between regulated energy utilities and other energy utilities, including municipal utilities. The schedule was suspended by Administrative Law Judge's electronic mail rulings, and a February 17, 2010 ruling set a workshop to address low-income information sharing programs. A

workshop was held on March 3, 2010 to inform workshop participants about low-income data sharing programs among the regulated energy utilities, to discuss the applicability of these programs as potential models for data sharing among water and energy utilities, and to identify guidelines governing data sharing among water and energy utilities. Pacific Gas and Electric Company, Southern California Edison Company, and Southern California Gas Company representatives participated in a panel discussion on their low-income data sharing programs. A discussion on the applicability of these programs and proposed guidelines on data sharing among energy and water utilities followed the panel discussion.

Scoping Memo

This proceeding will address three issues:

- Sharing customer information among regulated water and energy utilities (encouraging sharing among regulated water and municipal energy utilities) to increase participation in water utilities' low-income ratepayer assistance programs;
- Adoption of proposed guidelines (attached as Attachment A) and additional policies on customer information sharing; and
- Adoption of the same categorical eligibility requirements for water utilities' low-income ratepayer assistance programs as have been adopted for energy utilities' Low-Income Energy Efficiency (LIEE) and California Alternate Rates for Energy (CARE) programs.

Comments

We request comments on low-income customer information sharing among water and energy utilities. Although this proceeding was opened to facilitate the sharing of energy utilities' customer information with water utilities in order to increase participation in low-income programs, we anticipate that

some water utility low-income customer information also will be used to increase participation in energy utilities' low-income programs.

Following discussions at the March 2010 workshop, we also seek comments on whether that information sharing should be used to facilitate enrollment in low-income ratepayer assistance programs through the use of categorical eligibility. Categorical eligibility is an enrollment procedure designed to streamline enrollment in both LIEE and CARE. Customers who provide documentation proving participation in one of several state or federal programs do not need to provide additional information in order to qualify for enrollment in LIEE or CARE.¹ In addition, if a customer is enrolled in LIEE, it can automatically be enrolled in CARE.

Parties are requested to submit comments on the following questions on or before April 23, 2010:

1. Should regulated water and regulated energy utilities share customer information to enhance the penetration of regulated water low-income assistance programs?
 - a. If so,
 - i. Do the proposed guidelines, attached as Attachment A to this ruling, provide the necessary direction to achieve the information sharing efforts?
 - ii. Should customers who are successfully matched and identified as eligible for enrollment in the water low-income assistance programs through the data

¹ Programs that qualify for categorical eligibility are Medi-Cal, Food Stamps, Temporary Assistance to Needy Families, the Women and Infant Children Program, Low-Income Home Energy Assistance Program, Healthy Families Categories A & B, and Supplemental Security Income. See Decisions 06-12-032 and 08-11-031.

sharing efforts be automatically enrolled in such programs? Explain.

- iii. Describe any anticipated information technology requirements that may be necessary to achieve such information sharing.
2. Should regulated water and municipal energy utilities share customer information to enhance the penetration of regulated water low-income assistance programs?
3. For the sake of coordinating subscribership between the Commission's low-income assistance programs, should the same "categorical eligibility" requirements established by the Commission for the energy low-income programs (LIEE and CARE) be adopted for the water low-income assistance programs? Explain.
4. Should the guidelines and policies adopted in this proceeding apply to all California-regulated water utilities that provide low-income assistance programs? Explain.
5. Should increased collaboration between regulated water and energy utilities be encouraged with the intent to increase penetration rates and leverage outreach costs for low-income assistance programs? Explain.

Schedule

The following schedule is adopted for this proceeding.² The assigned Commissioner and Administrative Law Judge may change this schedule as necessary. The schedule reserves a timeframe for an additional workshop, if one is necessary. The determination on whether to hold an additional workshop will be made after reviewing comments submitted by the parties.

² As noted in the rulemaking, notices of intent to claim intervenor compensation shall be filed no later than 30 days following the issuance of this scoping memo.

April 23, 2010	Comments filed.
May 24, or 25, or 26, or 27, 2010	The Division of Water and Audits second workshop. Workshop report and comments on workshop report to be determined.
90 days after comments filed	Mailing of proposed decision after last round of comments filed in this proceeding.

We anticipate that this proceeding will be resolved no later than 18 months after the issuance of this scoping memo, pursuant to Pub. Util. Code § 1701.5.

Category of Proceeding and Hearing Determination

The initial rulemaking made a preliminary determination that this proceeding should be categorized as quasi-legislative, because it was anticipated that this proceeding could be resolved through comments and workshops. No contrary opinion was expressed at the March 2010 workshop. Accordingly, this ruling determines that the category of the proceeding is quasi-legislative and hearings are not necessary. This final determination is subject to appeal, only as to categorization, as specified in Rule 7.6 of the Commission's Rules of Practice and Procedure.

Ex Parte Communications

The rulemaking noted that ex parte communications were governed by Article 8 of the Rules of Practice and Procedure (Rules). Rules 8.2(c), 8.3, and 8.4(b) place no restrictions on ex parte communications.

Presiding Officer

Administrative Law Judge Janice Grau shall be the presiding officer for this proceeding.

IT IS RULED that:

1. The scope of this proceeding includes the three issues concerning low-income customer information sharing.
2. The schedule for this proceeding is set forth in this ruling, subject to any revisions made by the assigned Commissioner or Administrative Law Judge.
3. The proceeding is categorized as quasi-legislative and evidentiary hearings are not anticipated to be necessary. This ruling on categorization may be appealed, as provided in Rule 7.6.

Dated April 1, 2010, at San Francisco, California.

/s/ DIAN M. GRUENEICH

Dian M. Grueneich
Assigned Commissioner

/s/ JANICE GRAU

Janice Grau
Administrative Law Judge

ATTACHMENT A

PROPOSED GUIDELINES

1. Regulated water utilities shall develop a program and associated agreement(s) with regulated energy utilities in which the utilities share Customer Data of those customers enrolled in low-income assistance programs, including their recertification and random post enrollment status in such programs.
2. Regulated water utilities are encouraged to and may develop a program and associated agreement(s) with municipal utilities in which the utilities share Customer Data of those customers enrolled in low-income assistance programs.
3. All programs and agreements shall comply with State and Federal laws, as well as Commission codes, decisions, orders, and rules.
4. Confidential Customer Data necessary for enrollment into low-income assistance programs consists of and is defined as the customer's name, and address.
5. Confidential customer information does not include such information that can be found in the public domain.
6. All utility employees who access the Confidential Customer Data shall be advised that the information is confidential and must not be disclosed other than for purposes directly related to the enrollment of the customers in the low-income assistance program, and shall be instructed as to the use and handling of confidential customer information.
7. Utilities must restrict disclosure of the confidential information to utility employees with an authorized "need to know" and not disclose it to any other person or entity without prior written consent.

8. All reasonable measures shall be taken to protect confidential customer information. Utilities must protect customer information through appropriate security safeguards against risks of loss, unauthorized access or use, destruction, modification, or unintended or inappropriate disclosure.

9. In the event of any disclosure of confidential customer information, whether accidental or misused, the utility, whether it be the water or the energy utility, must immediately notify in writing the other utility with which it has entered into a data sharing agreement.

10. Each utility must develop a secure data transfer system that protects the privacy of the data transferred.

11. Regulated water utilities must obtain customer authorization to share Confidential Customer Data from:

- a. New Participants, by adding a declaration statement on the low-income assistance program application that reads as follows:

“I understand that ABC Water Company can share my information with other utilities or their agents to enroll me in their assistance programs.”

- b. Existing Participants, via a direct mailing to all existing participants of the water low-income assistance programs not already enrolled in CARE.

12. Regulated water utilities must develop a data matching process intended to effectively identify those customers eligible for “automatic enrollment,” while also identifying those customers who may be “potential participants” but whose eligibility, consistent with Commission policy, cannot be reasonably established without more information from the customer:

- a. Customers identified as eligible for “automatic enrollment” must be served with an “opt-out” letter 30 days prior to enrollment,

providing the customer with the opportunity to opt-out from receiving the discount automatically.

- b. Customers identified as “potential participants” must be served with outreach material identifying them as potential customers and providing them the opportunity to enroll via the traditional application method.

13. Regulated water utilities need not request recertification and/or random post enrollment verification directly from the customer if said customer is also enrolled in CARE and the recertification and/or random post enrollment verification requirement has been successfully established by the energy utility for its CARE program.

(END OF ATTACHMENT A)

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