



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Consider Smart Grid Technologies Pursuant to Federal Legislation and on the Commission's own Motion to Actively Guide Policy in California's Development of a Smart Grid System.

Rulemaking 08-12-009, Phase 2
(Filed December 18, 2008)

**ADMINISTRATIVE LAW JUDGE'S RULING
SEEKING ADDITIONAL INFORMATION**

1. Summary

This Administrative Law Judge's Ruling (ALJ Ruling) seeks additional information from the Respondents¹ pertaining to the security of existing and planned Advanced Metering Infrastructure (AMI) and Automatic Meter Reading (AMR) installations, an explanation of their existing privacy and security policies and strategies, and what information is available to customers.

Additionally, this ALJ Ruling orders Respondents to provide an analysis of Decision (D.) 11-07-056 and Attachment D (Privacy Rules) that explains whether or not the Respondents' current privacy practices are currently in accordance with the Privacy Rules. Specifically, the Respondents are to identify what sections of D.11-07-056 and the Privacy Rules the Respondent currently meets, what sections of D.11-07-056 and the Privacy Rules the Respondent does not

¹ Respondents are Southern California Gas Company (SoCalGas), South West Gas Company (SW Gas), Pacific Gas and Electric Company (PG&E), San Diego Gas & Electric Company (SDG&E), Marin Energy Authority (MEA), and Alliance for Retail Energy Markets (AReM).

currently meet, and any changes or modifications to the Privacy Rules that the Respondent would make that would allow them to abide by the Privacy Rules. Responses to these questions should be filed as part of their post-workshop comments due on January 20, 2012.

2. Background

D.11-07-056 created a second phase in this Rulemaking to discuss the applicability of the adopted Privacy Rules upon gas corporations, Community Choice Aggregators (CCA) and Electric Service Providers (ESPs).

On November 16, 2011, a workshop was held by the Commission to address these issues. During the workshop, several questions were raised by Commission Staff and the Division of Ratepayer Advocates (DRA) regarding the security and privacy policies and strategies of the gas corporations, as well as to the CCA and ESP representatives. Specifically, Commission Staff sought additional information regarding the security of both AMI and AMR roll-outs for the gas companies, as well as the privacy policies of CCAs and ESPs. DRA asked for information from the respondents on what parts of the Privacy Rules were implementable and what parts were not.

During the workshop, the parties agreed that additional information presented in comments would be beneficial to the development of a record and to answer additional questions asked by Commission Staff. In addition, Commission Staff agreed to work with DRA to develop these additional questions.²

² DRA and Commission Staff may serve additional data requests pending the responses to the identified questions.

3. Information Required

In order to develop a more robust record, this ALJ Ruling directs the Respondents to provide more information concerning their security and privacy policies, as well as other questions relating to the applicability of D.11-07-056 and Attachment D.

3.1. Questions for All Respondents

These questions are applicable to all Respondents, and all Respondents should, with the exception of Question 1, avoid responses based on jurisdictional arguments. SoCalGas, SW Gas, PG&E, SDG&E, MEA and AReM shall, therefore, respond to the following questions:

1. Please explain your views pertaining to whether or not the Commission has authority and jurisdiction to apply the Privacy Rules and requirements of D.11-07-056 to your company or organization.
2. Explain any changes that should be made to the Privacy Rules as they apply to your company or organization and the basis for these recommended changes. Please include as part of this a redlined document showing any changes to the Privacy Rules.
3. What existing electric or natural gas tariffs will require amendments to implement the Privacy Rules, if adopted for your company or organization?
4. What part of the Privacy Rules, if any, should not apply to your company or organization and why?
5. What electricity or natural gas usage information is currently provided to your customers (i.e., hourly, daily or monthly data)?
6. D.11-07-056 directed that customers be provided with additional information, such as providing access to customer usage information to third parties, bill-to-date information, and receiving prices in near-real time. Please explain whether you do or will provide this information to customers, or, if not, why not?

7. Do you have a privacy officer or group that oversees privacy matters and customer complaints?
8. Do you provide a usage privacy policy or statement to customers? If so, how is it provided?
9. Please explain how you currently handle privacy-related customer complaints.
10. What type of personally-identifiable information does the company or organization collect from your customers? How is it protected?
11. Do you contract with other third parties that are involved in the collection of usage data or have access to usage data (e.g., a meter data management agent or a third party who manages the internet interface)?
12. Please describe the security strategies and policies being used by the company or organization and how they align with industry best practices.

3.2. Question for Community Choice Aggregators

Furthermore, based on discussion at the workshop, this ALJ Ruling seeks additional information from CCAs specifically due to their unique place in California statutes.

1. Should the Commission decide that the Privacy Rules apply to CCAs? How would the Privacy Rules be used by a CCA considering the different statutory requirements placed on a CCA? For example, if a CCA receives a request from law enforcement for customer data, does the CCA respond pursuant to the requirements under the Public Records Act or to the Privacy Rules?

3.3. Responses Due January 20, 2012

The Respondents shall file responses to these questions as part of their Post-Workshop reply comments due on January 20, 2012. This date is reasonable

because many of these issues were previously discussed at the workshop on November 16, 2011.

IT IS RULED that on January 20, 2012, Southern California Gas Company, Southwest Gas Company Corporation, Pacific Gas and Electric Company, San Diego Gas and Electric Company, representatives of Community Choice Aggregators and representatives of Electric Service Providers must file a response to the questions directed by this Ruling as part of their Post-Workshop Reply Comments.

Dated January 11, 2012, at San Francisco, California.

 /s/ MARYAM EBKE for
Timothy J. Sullivan
Administrative Law Judge