

DRAFT

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ENERGY DIVISION

ITEM # 18 I.D. # 10743

RESOLUTION E-4420

November 10, 2011

**R E S O L U T I O N**

Resolution E-4420. Pacific Gas & Electric Company (PG&E)

PROPOSED OUTCOME: This Resolution approves revisions to PG&E's Community Choice Aggregation (CCA) Non-Disclosure Agreement (NDA), Form 79-1031, and to PG&E's *Electric Schedule E-CCAINFO-Information Release to Community Choice Aggregators*, as described herein.

ESTIMATED COST: \$0

By Advice Letter (AL) 3841-E-C Filed on August 15, 2011

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**SUMMARY**

This Resolution approves revisions to PG&E's Community Choice Aggregation (CCA) Non-Disclosure Agreement (NDA), Form 79-1031, and to PG&E's *Electric Schedule E-CCAINFO-Information Release to Community Choice Aggregators*, which details the information that can be released to CCAs and to communities wishing to explore CCA program implementation. PG&E and Marin Energy Authority/Marin Clean Energy (MEA/MCE) collaboratively developed the modifications that PG&E filed via Advice Letter 3841-E-C for Commission approval in order to resolve certain operational issues raised by MEA/MCE.

With this approval, the scope of information that can be shared with CCAs and communities wishing to explore CCA implementation via PG&E's CCA NDA is now broadened, enabling PG&E to share additional customer-specific information with these entities. The revisions to rate item 16 of *Electric Schedule E-CCAINFO-Information Release to Community Choice Aggregators* reflect this tariff change.<sup>1</sup>

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<sup>1</sup> Some customer-specific information, however, will only be available to active CCAs, as explained in the modified rate item 16.

## **BACKGROUND**

Marin Energy Authority (MEA) is a joint powers authority<sup>2</sup> that administers Marin Clean Energy (MCE<sup>3</sup>) – the CCA program in Marin County. In 2010, MEA/MCE became an active party in CCA Rulemaking 03-10-003.

Since beginning its CCA operations MEA/MCE has raised various CCA operational issues with PG&E. The California Public Utilities Commission (CPUC) reports on the progress of these CCA issues via the reporting process required pursuant to the Supplemental Report Language (SRL) of the 2010-2011 Budget Act. The SRL required the CPUC to submit four quarterly reports to the California Legislature during 2011.

As part of this reporting process, MEA, PG&E, and Commission staff have identified four issues that need to be dealt with through the Commission's formal advice letter process. Three of these four operational issues are intended to be disposed of via AL 3841-E-C.<sup>4</sup> MEA and PG&E have collaborated to come up with the changes that are proposed by PG&E in AL 3841-E-C.<sup>5</sup>

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<sup>2</sup> Pursuant to Public Utilities Code Section 331.1(b)

<sup>3</sup> MCE is the first operational Community Choice Aggregation program in California, consisting of seven cities/towns – Belvedere, Fairfax, Mill Valley, San Anselmo, San Rafael, Sausalito, Tiburon – and the County of Marin. During the drafting of this Resolution, additional cities/towns were considering membership to MEA/MCE.

<sup>4</sup> The proposed solution to a fourth operational issue, which would revise the process that MCE customers must follow when requesting to return to PG&E bundled service, will be dealt with by means of a separate PG&E advice letter filing.

<sup>5</sup> AL 3841-E was filed on May 2, 2011; AL 3841-E-A was filed on May 20, 2011; AL 3841-E-B was filed on July 19, 2011; Substitute Sheets to AL 3841-E-B were filed on August 11, 2011; and AL 3841-E-C was filed on August 15, 2011.

**Tariff Changes Proposed by PG&E**

PG&E has proposed tariff changes to *Electric Schedule E-CCAINFO-Information Release to Community Choice Aggregators*, and to two paragraphs of the CCA NDA.

**Proposed changes to rate item 16 of the *Electric Schedule E-CCAINFO-Information Release to Community Choice Aggregators***

Item 16 currently states:

16. Customer-specific information consisting of: service agreement number, name on agreement, service address with zip code, mailing address with zip code, monthly kWh usage, monthly maximum demand where available, and monthly rate schedule for all accounts within the CCA's territory, per request (provided on a cd rom/zipped file)

Per request ..... \$920.00

PG&E's proposed amendment to rate item 16 of the *Electric Schedule E-CCAINFO-Information Release to Community Choice Aggregators* would provide to CCAs, and to communities wishing to explore CCA program implementation, additional customer-specific information such as: California Alternate Rates for Energy (CARE) participation, Service Voltage, Medical Baseline, Meter/Bill Cycle, and Balanced Payment Plan participation. Moreover, the proposed amendment would provide to *active* CCAs information such as the current and historical billing information for non-CCA services provided by PG&E or other electric service providers. All of the information included in rate item 16 is provided under a NDA. With PG&E's proposed amendments, rate item 16 will read as follows:

16. Customer-specific information from the current billing periods as well as prior 12 months consisting of the following billing information: service agreement number, name on agreement, service address with zip code, mailing address with zip code, monthly kWh usage, monthly maximum demand where available, Baseline Zone, CARE participation, End Use Code (Heat Source), Service Voltage, Medical Baseline, Meter Cycle, Bill Cycle, Balanced Payment Plan and other plans, HP Load and Number of Units and monthly rate schedule for all accounts within the CCA's territory, per request. In addition, PG&E will provide the CCA the following additional information regarding customers currently enrolled in its CCA service: current and historical billing information for non-CCA services provided by PG&E or other electric service providers (provided on a cd rom/zipped file)

Per request.....\$920.00

### **Changes to the Non-Disclosure Agreement**

AL 3841-E-C also proposes modifications to two paragraphs of the CCA NDA in order to reflect the above mentioned changes to rate item #16 of the *Electric Schedule E-CCAINFO-Information Release to Community Choice Aggregators*. The first modification is made to the second paragraph on the 1<sup>st</sup> page of the CCA NDA, which adds the italicized/bolded language below:

The CPUC has determined that CCA/Community may obtain specified confidential customer information from Utility pursuant to Tariff Schedules ECCAINFO-Information (as modified hereafter from time to time) (“E-CCAINFO”) as a community choice aggregator, as defined by PU Code Section 331.1, solely in order to investigate, pursue or implement community choice aggregation pursuant to PU Code Section 366.2, et seq. The provisions of this Agreement and E-CCAINFO govern the disclosure of Utility’s confidential customer information to CCA/Community (“Disclosure Provisions”) ***under Schedules E-CCAINFO and E-CCA.***

The second modification changes the paragraph numbered “2” on the 2<sup>nd</sup> page of the CCA NDA which currently reads as follows:

The confidential and proprietary information disclosed to CCA in connection herewith may include, without limitation, the following information about Utility Customers: (a) names; (b) addresses; (c) meter and other identification numbers; (d) account numbers; (e) telephone numbers; (f) electricity usage; and (g) other similar information specific to Utility Customers individually or in the aggregate (collectively, “Confidential Information”). Confidential Information shall also include specifically any copies, drafts, revisions, analyses, summaries, extracts, memoranda, reports and other materials prepared by CCA or its representatives that are derived from or based on Confidential Information disclosed by Utility, regardless of the form of media in which it is prepared, recorded or retained.

In AL 3841-E-C, PG&E proposed to modify paragraph numbered “2” of the CCA NDA as follows:

The confidential and proprietary information disclosed to CCA in connection herewith may include, without limitation, the following billing information about Utility Customers – customer-specific information from the current billing periods as well as prior 12 months consisting of: service agreement number, name on agreement, service address with zip code, mailing address with zip code, monthly kWh usage, monthly maximum demand where available, Baseline Zone, CARE participation, End Use Code (Heat Source) Service Voltage, Medical Baseline, Meter Cycle, Bill Cycle, Balanced Payment Plan and other plans, HP Load and Number of Units and monthly rate schedule for all accounts within the CCA's territory. In addition, PG&E will provide the CCA the following additional information regarding customers currently enrolled in its CCA

service: current and historical billing information for non-CCA services provided by PG&E or other electric service providers (collectively, “Confidential Information”). Confidential Information shall also include specifically any copies, drafts, revisions, analyses, summaries, extracts, memoranda, reports and other materials prepared by CCA or its representatives that are derived from or based on Confidential Information disclosed by Utility, regardless of the form of media in which it is prepared, recorded or retained

## **NOTICE**

Notice of AL 3841-E-C was made by publication in the Commission’s Daily Calendar. PG&E states that a copy of the advice letter was mailed and distributed in accordance with Section 3.14 of General Order 96-B.

## **PROTESTS**

AL 3841-E-C was not protested.

## **DISCUSSION**

**The CPUC addressed CCA program<sup>6</sup> rules in Rulemaking 03-10-003 when it adopted Decisions (D.) 04-12-046 and D.05-12-041.**

PG&E filed interim tariffs pursuant to D.04-12-046 which were approved on August 18, 2005; PG&E subsequently filed revised tariffs – via AL 2784-E-A – pursuant to D.05-12-041, that were adopted by Resolution E-4013 on November 9, 2006.

The tariffs that were adopted via Commission Resolution E-4013 included (among other Schedules) *Schedule E-CCAINFO-Information Release to Community Choice Aggregators*, which delineated the information that PG&E can share with CCAs as well as with communities wishing to explore CCA program implementation. *Schedule E-CCAINFO-Information Release to Community Choice*

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<sup>6</sup> The Commission has implemented CCA program rules under the provisions of Assembly Bill (AB) 117 (2002 Stats., ch. 838).

*Aggregators* included “rate items” #1-17 regarding information that can be provided to CCAs/communities. AL 2784-E-A also included the CCA NDA.

**CCAs and communities wishing to explore CCA program implementation are currently able to receive certain types of information**

Since the approval of AL 2784-E-A via Resolution E-4013, CCAs and communities wishing to explore CCA program implementation have been allowed to receive certain types of aggregated information and customer-specific information under *Schedule E-CCAINFO-Information Release to Community Choice Aggregators*. Below are examples of such information.

Examples of *aggregated information* that PG&E can share with CCAs/communities are (rate items #1-15):

- a community's energy consumption (kWh)
- EE funds collected for the community
- a community's load shape
- residential and non-residential load shapes by climate band
- load profiles by rate class
- usage (kWh) by rate schedule/zip code
- mapping of customer rate schedules by rate class
- generation revenues received by the IOU for a particular community

Examples of *customer-specific information* that PG&E can currently share with CCAs/communities wishing to explore CCA program implementation (rate items #16-17) are:

**Under rate item #16**

- service agreement number
- name on agreement
- service address with zip code
- mailing address with zip code
- monthly kWh usage
- monthly maximum demand (where available)
- monthly rate schedule for all accounts within a community/CCA territory

Under rate item # 17

- service agreement number
- monthly interval meter data (where available)
- monthly rate schedule for all accounts within a community/CCA territory

**The modifications proposed by PG&E in AL 3841-E-C will enable PG&E to share with CCAs, and with communities wishing to explore CCA program implementation, the following additional customer-specific information:**

**a) With CCAs & Communities exploring CCA program implementation**

Baseline Zone, CARE participation, End Use Code (Heat Source), Service Voltage, Medical Baseline, Meter Cycle, Bill Cycle, Balanced Payment Plan and other plans, HP Load and Number of Units

**b) With operational CCAs only**

Current and historical billing information for non-CCA services provided by PG&E or other electric service providers (i.e. will enable active CCAs' representatives to view a CCA customer's entire bill when providing customer service).

**PG&E and MEA/MCE have collaboratively developed the proposed modifications to *Schedule E-CCAINFO-Information Release to Community Choice Aggregators*, as filed via PG&E AL 3841-E-C, in order to resolve certain operational issues raised by MEA/MCE.**

AL 3841-E-C has been filed in order to implement the proposed modifications due to the fact that PG&E cannot change its existing tariffs involving Commission's privacy rules without Commission approval. PG&E is therefore requesting for authority to modify *Schedule E-CCAINFO-Information Release to Community Choice Aggregators* via the Commission's advice letter process in order to enable PG&E to provide to MEA/MCE the information it seeks.

**The modifications proposed by PG&E to rate item 16 of PG&E's *Electric Schedule E-CCAINFO-Information Release to Community Choice Aggregators*, and to the PG&E's CCA NDA, will permit PG&E to disclose additional customer-specific information to MEA/MCE. These changes will help facilitate the resolution of the following three issues that MEA/MCE has raised via legislative reporting process.**

- Issue 1.3 titled *Need for third-party viewing of customer bills*. The approval of the modifications proposed by PG&E in AL 3841-E-C would enable MEA/MCE staff to view MCE customers' bills while providing customer support services, such as helping customers verify the accuracy of their bill and helping Net Energy Metering customers verify that their MCE-provided generation credit has been credited accurately on their account.
- Issue 1.5 titled *CARE data not being provided to MCE*. The approval of the modifications proposed by PG&E in AL 3841-E-C would enable MEA/MCE to receive updates from PG&E regarding MCE's CARE customer eligibility status. These updates will enable MEA/MCE to accommodate the needs of new CARE-eligible customers that move into MCE's service territory and of those customers whose CARE-eligibility status has changed.
- Issue 2.1 titled *Billing arrangements not disclosed*<sup>7</sup>. The approval of the modifications proposed by PG&E in AL 3841-E-C would enable MEA/MCE to identify which customers have made payment arrangements with PG&E; the ability to identify such customers will enable MEA/MCE to differentiate between customers who are delinquent with their payment and those customers who, in some months, do not make a full payment due to their billing arrangements with PG&E.

### **Commission Rules regarding the sharing of customer specific information**

Pursuant to D.11-07-056, the Commission's privacy rules regarding the sharing of customer-specific information cover the following three broad categories of entities.

#### 1) Utilities

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<sup>7</sup> PG&E is the billing agent for MEA/MCE. MCE staff provided the following explanation of this issue: "PG&E sets up a plan where a customer pays a large balance over a long period of time at set amounts but MEA is not informed of this. So we may not receive payment from a customer even if they are paying PG&E".

- 2) Third Parties working on behalf or under direction of CPUC.
- 3) Customer consent Third Parties receiving data from IOUs

In D.11-07-056 the Commission explained that “the rules and policies adopted in this decision do not apply to other electrical corporations<sup>8</sup>, gas corporations, community choice aggregators, or electric service providers”. This same decision, however, further explained that “Phase 2 of this proceeding will also explore how the rules and policies adopted in this decision should also apply to community choice aggregators and electrical service providers”.

**CCAs, and communities exploring their CCA options, are uniquely situated**

In Resolution E-4013, the Commission recognized the unique situation of CCAs and of communities wishing to explore CCA program implementation, and as such, authorized access to specified customer-specific information for these entities. D.11-07-056 did not change the status quo regarding the rules for data sharing with the CCAs and communities wishing to explore CCA program implementation. D.11-07-056 indicated that “Phase 2 of this proceeding will also explore how the rules and policies adopted in this decision should also apply to community choice aggregators and electrical service providers.”

Until we revisit the issue regarding the access to data by CCAs and communities wishing to explore CCA implementation in Phase 2 of R.08-12-009, and make a final determination on the applicable rules, it is appropriate to continue to provide data as proposed by PG&E via AL 3841-E-C. The approach proposed by PG&E and approved here continues to provide access to customer-specific data for CCAs and Communities wishing to explore the CCA option in a similar way that D. 11-07-056 provides this access to “third parties” under a Non-Disclosure Agreement.

**We approve the access to additional data for CCAs and communities exploring the CCA option as described in rate item 16 of PG&E’s *Electric Schedule E-CCAINFO-Information Release to Community Choice Aggregators*.**

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<sup>8</sup> The phrase “other electric corporations” refers to: PacifiCorp, Sierra Pacific Power, Bear Valley Electric Service, and Mountain Utilities.

Regarding the additional information that will be made available to operational CCAs only, we note that this information will enable the representatives of these active CCAs to, among other things, view the entire CCA customer's bill (i.e. the transmission and distribution charges, not just the generation portion of the bill as is currently the case). This type of new information is necessary for operational CCAs to access so that their representatives can better address their CCA customers' billing questions.<sup>9</sup>

**PG&E's *Electric Schedule E-CCAINFO-Information Release to Community Choice Aggregators* should reflect the fact that data is available to CCAs and communities wishing to explore CCA program implementation.**

Except for a narrow subset of data that is only available to an operational CCA, PG&E's tariffs provide customer-specific data to CCAs as well as to communities wishing to explore CCA program implementation. We direct PG&E to incorporate this clarification in *Electric Schedule E-CCAINFO-Information Release to Community Choice Aggregators*.

**MEA/MCE's request to add "telephone number" and "meter number" as informational items that can be provided under rate item 16 is granted. This request is supported by PG&E.**

Via their comments on the resolution, MEA/MCE and PG&E requested that the Commission add "telephone number" to the list of items that may be disclosed to CCAs and to communities wishing to explore CCA program implementation in rate item 16 and in the CCA Non Disclosure Agreement. Both parties acknowledge that the item, "telephone number", was inadvertently omitted in Advice Letter 3841-E-C. PG&E notified the Energy Division that PG&E is okay with including the "meter number" as additional information in rate item 16 and the CCA NDA.

**MEA/MCE's request to add "other similar information specific to Utility Customers individually or in the aggregate" to information provided under Rate Item 16 is denied.**

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<sup>9</sup> Note that an active CCA would not be able access this new type of customer-information for customers who are not enrolled in its CCA service.

In its comments, MEA/MCE also requested that "...other similar information specific to Utility Customers individually or in the aggregate" be added to rate item 16. This MEA/MCE proposed language is not currently included in rate item 16; however, it is included in the CCA NDA, which reads as follows:

The confidential and proprietary information disclosed to CCA in connection herewith may include, without limitation, the following information about Utility Customers: (a) names; (b) addresses; (c) meter and other identification numbers; (d) account numbers; (e) telephone numbers; (f) electricity usage; and (g) ***other similar information specific to Utility Customers individually or in the aggregate*** (collectively, "Confidential Information"). Confidential Information shall also include specifically any copies, drafts, revisions, analyses, summaries, extracts, memoranda, reports and other materials prepared by CCA or its representatives that are derived from or based on Confidential Information disclosed by Utility, regardless of the form of media in which it is prepared, recorded or retained. (Emphasis added)

In its reply comments, PG&E objects to the inclusion of the "...and other similar information specific to Utility Customers individually or in the aggregate," language that MEA/MCE seeks to include in rate item 16 of the CCAINFO tariff. PG&E notes that the CPUC has a clear objective of protecting customers' privacy which, "has generally held that customers specific information in confidential unless the CPUC orders or approves releases of the data to a third party." PG&E states that it asked MEA/MCE to provide a specific list of what MEA/MCE would like to include (in rate item 16 and the CCA NDA) and that PG&E included every single item that MEA/MCE requested. PG&E argues that "...this new and ambiguous category of 'similar' information was not previously requested, and could be quite unclear what information is 'similar'. PG&E needs to know specifically what it is permitted to share and not share with CCAs, and this proposed text does not provide that needed clarity."

We agree with PG&E's interpretation of the CPUC rules that unless the CPUC authorizes release of customer specific information, it is confidential. The "*other similar information specific to Utility Customers individually or in the aggregate*" language that MEA/MCE seeks could mean many things; as such, the CPUC now finds this language to inadequately describe what information can be provided to CCAs like MCE. We will not require PG&E to include such language in rate item 16 or in the CCA NDA.

**PG&E and MEA/MCE are directed to share lists of customers who have elected to opt-out of CCA service on a regular basis. In addition, PG&E shall also**

**share the list of customers that opted-out during the period the utility was permitted to process opt-out requests including the opt-outs that were rescinded pursuant to Resolution E- 4250.**

MEA/MCE has sought to obtain names and contact information of customers who had sent their opt-out requests to PG&E during the time PG&E was permitted to process opt-outs. Some of these opt-outs were later rescinded pursuant to Commission Resolution E-4250 because it was determined that it was inappropriate for PG&E to process the opt-outs before the time MEA/MCE had informed customers of its terms and conditions, including rates. MEA raised this issue as part of the Commission's first quarter report to the legislature pursuant to Supplemental Report Language (SRL) of the 2010-2011 Budget Act.

In its reply comments PG&E states that "[i]f ordered or specifically directed by the CPUC to provide this information, PG&E is willing to share the opt-out names and contact information with MEA. PG&E would also expect MEA to share opt-out information with PG&E to help sort out customer issues".

We direct PG&E and MEA to share the opt-out information going forward. In addition, PG&E shall also share the list of customers that opted-out during the period the utility was permitted to process opt-out requests including the opt-outs that were rescinded pursuant to Resolution E- 4250.

## **COMMENTS**

Public Utilities Code section 311(g)(1) provides that this Resolution must be served on all parties and subject to at least 30 days public review and comment prior to a vote of the Commission. Section 311(g)(2) provides that this 30-day period may be reduced or waived upon the stipulation of all parties in the proceeding.

The 30-day comment period for the draft of this Resolution was neither waived nor reduced. Accordingly, this Draft Resolution was mailed to parties for comments, and will be placed on the Commission's agenda no earlier than 30 days from today.

Comments on draft Resolution E-4420 were filed by MEA/MCE and PG&E on October 24, 2011; reply comments were filed by these same parties on October 31, 2011.

Via their comments, MEA/MCE and PG&E requested that the Commission add “telephone number” to the list of items that may be disclosed to CCAs and to communities wishing to explore CCA program implementation in rate item 16 and in the CCA Non Disclosure Agreement. Both parties acknowledge that the item, “telephone number”, was inadvertently omitted in Advice Letter 3841-E-C. In its comments, MEA/MCE further requested that “meter number” and “...other similar information specific to Utility Customers individually or in the aggregate” also be added to rate item 16. In its reply comments, PG&E objected to the inclusion of “...other similar information specific to Utility Customers individually or in the aggregate”.

This resolution has been revised to incorporate MEA/MCE’s and PG&E’s comments and revised comments as described in the Discussion section.

## **FINDINGS AND CONCLUSIONS**

1. The CPUC adopted CCA program rules in Decisions (D.) 04-12-046 and D.05-12-041 (Rulemaking R.03-10-003).
2. PG&E filed interim tariffs pursuant to D.04-12-046 which were approved on August 18, 2005.
3. PG&E filed revised tariffs pursuant to D.05-12-041 that were adopted via Resolution E-4013 on November 9, 2006.
4. In 2010, MEA/MCE became an active party in Rulemaking 03-10-003.
5. The Supplemental Report Language of the 2010-2011 Budget Act (General Government Item 8660-001-0462) requires that the CPUC submit to the relevant fiscal and policy committees of each house of the Legislature a report regarding the activities related to its CCA program oversight on or before January 31, 2011 and quarterly thereafter. The last report to each house of the Legislature is due on October 31, 2011.
6. Since being operational, MEA has raised various issues that the CPUC staff has been striving to help resolve by working with PG&E and MEA.
7. MEA, PG&E, and CPUC staff have identified four issues that need to be dealt with through the Commission’s advice letter process.

8. This Resolution resolves three of the four operational issues identified in the Third Quarter Report to the Legislature by virtue of adopting the changes to the tariffs pursuant to AL 3841-E-C, as modified herein.
9. The scope of information that can be shared with active CCAs via PG&E's CCA NDA should be broadened, enabling PG&E to share additional customer-specific information with active CCAs; the revision to item 16 of *Electric Schedule E-CCAINFO-Information Release to Community Choice Aggregators* reflects this change in the tariffs.
10. Comments on draft Resolution E-4420 were filed by MEA/MCE and PG&E on October 24, 2011.
11. Reply comments were filed by MEA/MCE and PG&E on October 31, 2011.

**THEREFORE IT IS ORDERED THAT:**

1. PG&E's request to modify its CCA NDA, Form 79-1031, and its *Electric Schedule E-CCAINFO-Information Release to Community Choice Aggregators* via AL 3841-E-C is approved as described herein.
2. Rate item 16 of the *Electric Schedule E-CCAINFO-Information Release to Community Choice Aggregators* shall now read as follows:

16. Customer-specific information from the current billing periods as well as prior 12 months consisting of the following billing information: meter number, service agreement number, name on agreement, service address with zip code, mailing address with zip code, telephone number, monthly kWh usage, monthly maximum demand where available, Baseline Zone, CARE participation, End Use Code (Heat Source), Service Voltage, Medical Baseline, Meter Cycle, Bill Cycle, Balanced Payment Plan and other plans, HP Load and Number of Units, monthly rate schedule for all accounts within the CCA's territory, per request. In addition, PG&E will provide the CCA the following additional information regarding customers currently enrolled in its CCA service: current and historical billing information for non-CCA services provided by PG&E or other electric service providers (provided on a cd rom/zipped file)

Per request.....\$920.00

3. The second paragraph on the 1st page of the Community Choice Aggregation Non Disclosure Agreement shall now read a follows:

The CPUC has determined that CCA/Community may obtain specified confidential customer information from Utility pursuant to Tariff Schedules ECCAINFO-Information (as modified hereafter from time to time) ("E-CCAINFO") as a community choice

aggregator, as defined by PU Code Section 331.1, solely in order to investigate, pursue or implement community choice aggregation pursuant to PU Code Section 366.2, et seq. The provisions of this Agreement and E-CCAINFO govern the disclosure of Utility's confidential customer information to CCA/Community ("Disclosure Provisions") *under Schedules E-CCAINFO and E-CCA.*

4. Paragraph numbered "2" of the Community Choice Aggregation Non Disclosure Agreement shall now read as follows:

"The confidential and proprietary information disclosed to CCA in connection herewith may include, without limitation, the following billing information about Utility Customers – customer-specific information from the current billing periods as well as prior 12 months consisting of: service agreement number, name on agreement, service address with zip code, mailing address with zip code, telephone number, meter number, monthly kWh usage, monthly maximum demand where available, Baseline Zone, CARE participation, End Use Code (Heat Source) Service Voltage, Medical Baseline, Meter Cycle, Bill Cycle, Balanced Payment Plan and other plans, HP Load and Number of Units and monthly rate schedule for all accounts within the CCA's territory. In addition, PG&E will provide the CCA the following additional information regarding customers currently enrolled in its CCA service: current and historical billing information for non-CCA services provided by PG&E or other electric service providers (collectively, "Confidential Information"). Confidential Information shall also include specifically any copies, drafts, revisions, analyses, summaries, extracts, memoranda, reports and other materials prepared by CCA or its representatives that are derived from or based on Confidential Information disclosed by Utility, regardless of the form of media in which it is prepared, recorded or retained.

5. We direct PG&E to reflect the fact that Electric Schedule E-CCAINFO-Information Release to Community Choice Aggregators enables data to be shared with CCAs as well as with communities wishing to explore CCA program implementation.

This Resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed and adopted at a conference of the Public Utilities Commission of the State of California held on November 10, 2011; the following Commissioners voted favorably thereon:

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Paul Clanon  
Executive Director