



**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking Concerning Energy
Efficiency Rolling Portfolios, Policies, Programs,
Evaluation, and Related Issues.

Rulemaking 13-11-005
(Filed November 14, 2013)

FILED

06/03/22

08:00 AM

R1311005

**MOTION OF COUNTY OF VENTURA
REGARDING DATA ACCESS**

Counsel for:
COUNTY OF VENTURA
for the Tri-County Regional Energy Network (3C-
REN)

June 3, 2022

TABLE OF CONTENTS

I.	Overview of the Data Needs of the 3C-REN Population NMEC Program	2
II.	Background	3
	A. Background on NMEC Programs	3
	B. Commission Regulations Regarding Data	4
III.	Ruling Requested	4
	A. Guidance to IOUs Requested.....	4
	i. Covered Entity	4
	ii. Primary Purpose.....	5
	iii. Use and Disclosure Is Authorized.....	5
	B. Requested Order	5
IV.	Conclusion	6

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking Concerning Energy
Efficiency Rolling Portfolios, Policies, Programs,
Evaluation, and Related Issues.

Rulemaking 13-11-005
(Filed November 14, 2013)

**MOTION OF COUNTY OF VENTURA
REGARDING DATA ACCESS**

Pursuant to Rule 11.1 of the California Public Utilities Commission (Commission) Rules of Practice and Procedure, the County of Ventura for the Tri-County Regional Energy Network (3C-REN) respectfully submits the following motion.

3C-REN respectfully requests that Administrative Law Judges Fitch and Kao direct the three investor-owned utilities (IOUs) in 3C-REN's territory—Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE), and Southern California Gas Company (SoCalGas)—to provide the necessary participant and non-participant data to 3C-REN and/or its program implementer(s) so that 3C-REN can operate its population normalized meter energy consumption (NMEC) Single Family Home Program (SFH Program).¹ This data should be provided by the IOUs under terms and conditions consistent with the terms and conditions applicable to the IOUs' own energy efficiency implementers.

¹ Single-Family Implementation Plan available at: <https://cedars.sound-data.com/filings/download/program-documents/TCR-Res-003/>.

I. OVERVIEW OF THE DATA NEEDS OF THE 3C-REN POPULATION NMEC PROGRAM

3C-REN is authorized by the Commission to act as a program administrator (PA) of energy efficiency programs. Further, pursuant to 3C-REN's most recent Annual Budget Advice Letter (ABAL),² 3C-REN is authorized to operate its population NMEC SFH Program. The SFH Program will deliver measurable energy savings, with a focus on Hard to Reach (HTR) single-family households in the 3C-REN service territory. The program implementer, Recurve Analytics, Inc. (Recurve), will implement energy upgrades utilizing a network of energy efficiency installers (aggregators) who will be paid incentives based on the metered savings achieved by their installations. 3C-REN will claim savings using a population NMEC Measurement and Verification (M&V) approach.

A reliable NMEC program requires both participant and non-participant data to: check eligibility and avoid duplicate payments; target interventions to drive cost effectiveness impacts; and accurately assess performance. Since the SFH Program's launch, 3C-REN has been in discussions with the IOUs in its service territory—PG&E, SCE, and SoCalGas—to receive these data.

To date, none of the IOUs have provided the requested data to 3C-REN. Each utility has agreed to provide participant data, but only upon project enrollment, which inhibits eligibility processing. Further, 3C-REN will need non-participant data in order to perform the M&V function of the program.

Since 3C-REN does not have the data needed to operate the NMEC SFH Program, the program has only been launched on a conditional basis, meaning it can take in project reservations,

² 3C-REN Advice Letters 8-E/7-G (submitted November 8, 2021) and 8-E-A/7-G-A (submitted December 2, 2021), effective as of December 8, 2021 pursuant to a disposition letter of Energy Division dated January 3, 2022.

but no targeting or eligibility checks are possible at this time. These limits are significantly hampering program launch.

This request for utility data from a REN administrator of a NMEC program is not one of first impression. Bay Area Regional Energy Network (BayREN), who also is working with Recurve, has been provided PG&E data for use in the BayREN Business program which is also a NMEC program. The BayREN implementor worked with PG&E to ensure that all of the data security provisions were in place prior to the release of the data.

II. **BACKGROUND**

A. **Background on NMEC Programs**

In 2015, in order to double the savings associated with energy efficiency and produced renewable energy, Governor Brown signed Senate Bill (SB) 350 and Assembly Bill (AB) 802. Together, these bills were intended to accelerate the effective deployment of energy efficiency measures by authorizing utilities to deliver pay-for-performance efficiency programs, establishing NMEC, a new data-driven, streamlined approach to delivering energy efficiency programs.

The Commission has provided guidance on various aspects of NMEC programs, including in the *Assigned Commissioner and Administrative Law Judge's Ruling Regarding High Opportunity Energy Efficiency Programs or Projects*, dated December 30, 2015 (HOPPS Ruling), Decision (D.) 18-01-004, and D.18-10-008.³ One area that has not been addressed by the Commission directly relates to how RENs may access necessary utility data to implement NMEC programs under the Data Rule.

³ At B-12.

B. Commission Regulations Regarding Data

The Commission’s guidance on privacy and security protections for energy usage data is set forth in Decision (D.) 11-07-056. Specifically, D.11-07-056, Attachment D, details the Rules Regarding Privacy and Security Protections for Energy Usage Data (Data Rules) applicable to the 3C-REN SFH Program.

This Decision allows the IOUs to provide energy usage data to a Regional Energy Network—and any third party that provides services to such REN under contract⁴—so that the REN may “plan, implement, or evaluate demand response, energy management, or energy efficiency programs under contract with an electrical corporation, under contract with the Commission, or as part of a Commission authorized program conducted by a governmental entity under the supervision of the Commission.”⁵ Representative data of what will be needed to run the SFH Program is set forth in Attachment A.

III. RULING REQUESTED

A. Guidance to IOUs Requested

3C-REN asks the Commission to provide the following guidance to the IOUs.

i. Covered Entity

3C-REN and any third party under contract⁶ with 3C-REN to implement the SFH Program is a “covered entity” pursuant to Section 1(a)(2) of the Data Rules which applies to “any third party who accesses, collects, stores, uses or discloses covered information pursuant to an order of the

⁴ Data Rules, Section 1(a).

⁵ Data Rules, Section 1(c)(4).

⁶ Data Rules, Section 1(a).

Commission, unless specifically exempted, who obtains this information from an electrical corporation.”⁷

ii. Primary Purpose

The proposed use of the data is a “primary purpose.” Specifically, 3C-REN and/or its implementer need the data to “plan, implement, or evaluate demand response, energy management, or energy efficiency programs under contract with an electrical corporation, under contract with the Commission, or as part of a Commission authorized program conducted by a governmental entity under the supervision of the Commission.”⁸

iii. Use and Disclosure Is Authorized.

Section 6(b) of the Data Rules authorizes the IOUs to disclose the data to 3C-REN and/or its third-party implementer is authorized to use such data:

An electrical corporation, a third party acting under contract with the Commission to provide energy efficiency or energy efficiency evaluation services authorized pursuant to an order or resolution of the Commission, or a governmental entity providing energy efficiency or energy efficiency evaluation services pursuant to an order or resolution of the Commission may access, collect, store and use covered information for primary purposes without customer consent.

B. Requested Order

3C-REN further asks the Administrative Law Judges Fitch and Kao to order PG&E, SCE, and SoCalGas to provide data for the SFH Program to 3C-REN and/or its implementer pursuant to the Data Rules and under terms and conditions no more restrictive than those applicable to the IOUs’ energy efficiency implementers.

⁷ Data Rules at 1.

⁸ Data Rules, Section 1(c)(4).

IV. CONCLUSION

3C-REN thanks Assigned Commissioner Shiroma and Assigned Administrative Law Judges Fitch and Kao for their consideration of this motion.

Respectfully submitted,

/s/ Elizabeth Kelly
Elizabeth M. Kelly
LAW OFFICE OF ELIZABETH KELLY
P.O. Box 225037
San Francisco, CA 94122
Telephone: (415) 535-9998
Email: beth@emk-law.com

Counsel for:
COUNTY OF VENTURA

June 3, 2022

ATTACHMENT A

DESCRIPTION OF REPRESENTATIVE DATA NEEDED FOR 3C-REN'S SFH PROGRAM

Data Content. The 3C-REN SFH Program requires data for customers within the 3C-REN service territory including:

- Customer site information
- Meter information
- Energy usage data for both participants and non-participants

Timing. The following outlines the frequency needed for the data:

- One-time historical data for the 13-month period prior to the SFH Program launch
 - Purpose: Used to set a baseline and identify eligible customers.
- Monthly data transfers on an ongoing basis.
 - Purpose: Used to quantify savings for participating customers and to maintain a comparison group of non-participant data to account for exogenous effects and preserve the integrity of savings claims to 3C-REN.