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

Order Instituting Rulemaking to Consider Distributed Energy Resource Program Cost-Effectiveness Issues, Data Access and Use, and Equipment Performance Standards.

Rulemaking 22-11-013

**ASSIGNED COMMISSIONER'S RULING SETTING THE SCOPE OF WORK FOR THE CONSULTANT, SCOPE OF WORK FOR THE DATA WORKING GROUP, AND FORMATION OF THE DATA WORKING GROUP**

This Ruling sets forth (1) the Scope of Work for the Consultant, (2) Scope of Work for the Data Working Group, and (3) guidance for the formation of the Data Working Group.

**1. Background**

As discussed in the order instituting this rulemaking, the Commission will create a Data Working Group to support the work needed to address the issues in Phase One, Track Two of this proceeding.<sup>1</sup>

On July 17, 2023, the assigned Administrative Law Judge (ALJ) issued a Ruling asking parties to provide comments on (1) the draft scope of work for consultant,<sup>2</sup> (2) the proposed scope of work for the Data Working Group, and (3) proposed formation of the Data Working Group (*e.g.*, membership).

<sup>1</sup> Order Instituting Rulemaking ((R.) 22-11-013) at 21.

<sup>2</sup> The Draft Consultant Scope of Work was an attachment to the Ruling.

The following parties filed comments on the Ruling: Silicon Valley Clean Authority, Peninsula Clean Energy Authority, Marin Clean Energy, East Bay Community Energy Authority, and San Diego Community Power (jointly, the Joint CCAs); Southern California Edison (SCE); the Association of Bay Area Governments for the San Francisco Bay Area Regional Area Network (BayREN) and the County of Ventura for the Tri-County Regional Energy Network (3C-REN); Southern California Gas Company (SoCalGas), California Independent System Operator Corporation (CAISO), Leapfrog Power, Inc. (Leapfrog), County of Los Angeles on behalf of the Southern California Regional Energy Network (SoCalREN), Pacific Gas and Electric Company (PG&E), San Diego Gas & Electric Company (SDG&E), the Protect Our Communities Foundation (PCF) and Center for Biological Diversity (Center), Center for Accessible Technology (CforAT), Electronic Frontier Foundation, 350 Bay Area, Utility Consumers' Action Network (UCAN), Clean Coalition, Small Business Utility Advocates (SBUA), and Local Government Sustainable Energy Coalition.

## **2. Responses to Party Comments**

After careful consideration and thorough review of the comments submitted by the parties, the scope of work of the Data Working Group have been modified as appropriate. In the parties' comments, there are certain areas of concerns parties raised that are addressed below.

PG&E suggests that six months is an aggressive timeline to complete all the DWG activities. The DWG should plan to conclude its work over a period of six months; however, Energy Division is authorized to extend the working group's duration for an additional three to six months if Energy Division deems the extension necessary to complete the working group's objectives. After

authorizing an extension, Energy Division shall serve a notice on the service list to notify parties of the extension.

PG&E also proposes to include cost-effectiveness of data sharing solutions into the scope of issues addressed in this phase of the proceeding.

Cost-effectiveness is a topic that parties can consider during DWG discussions. But, as stated in the Scoping Memo, cost issues should be considered in the context of formulating rules and policies to improve data access and usage, and the actual approval of costs to implement these policies will be referred to the appropriate forum, such as a General Rate Case, separate application or other ratesetting mechanism.

BayREN, 3C-REN, and SoCalREN request that the Regional Energy Networks (RENs) be considered as a standalone use case. As set in the DWG scope of work below, the parties, in working together as the DWG, are to identify the use cases through the DWG process.

Finally, SDG&E requests that the Commission clarify the source of funding for the consultant. As discussed below in Section 3 (Scope of Work and Funding for the Consultant), the funding for the consultant will be provided through the Commission's internal budget.

After incorporating parties' feedback and adopting appropriate changes, this Ruling sets forth the final (1) Scope of Work for the Consultant, (2) Scope of Work for the DWG, and (3) guidance for the formation of the DWG.

#### **2.1.1. Scope of Work and Funding for the Consultant**

The California Public Utilities Commission (Commission) will hire a consultant to facilitate, coordinate and manage the work of the Data Working Group. The consultant will be solicited and selected from the interested

contractors on the California Multiple Award Schedules (CMAS) list. The funding for the consultant will be provided through the Commission's internal budget. The consultant will report to Energy Division staff and work under their direction and guidance. The scope of work for the consultant reflects the scope of work for the Data Working Group and is attached to this Ruling.

**3. Scope of Work of the Data Working Group (DWG)**

The work of the DWG should include providing actionable recommendations or solutions on the following topics:

- 1) Identify specific use cases, in addition to the business cases set out in Decision (D.) 14-05-016, to:
  - a. enable customers and other entities (such as tribal and local governments, planning entities, researchers, Community Choice Aggregators (CCAs), RENS, Energy Service Providers (ESPs), Distributed Energy Resource (DER) aggregators and others) to make informed decisions on selecting, locating, adopting, evaluating, and utilizing DERs;
  - b. enable local and tribal governments and planning entities to enhance their public health, safety, grid, resiliency, disaster preparedness and climate action planning with better DER-related data;
  - c. support improving accuracy in demand forecast from the DER load;
  - d. align with other DER-related Commission proceedings, including but not limited to R.22-07-005 (Demand Flexibility Order Instituting Rulemaking (OIR)), R.21-06-017 (High DER Future Grid OIR), R.19-01-011 (Building Decarbonization OIR), R.20-01-007 (Long-Term Gas Infrastructure OIR), and the

Commission's Environmental and Social Justice Action Plan;<sup>3, 4</sup>

- e. support other data needs identified by the Working Group and approved by the Consultant and Energy Division.
- 2) Identify types of data<sup>5</sup> needed to perform the analytical efforts and accomplish the goals identified above.
- 3) Identify existing barriers and limitations to obtaining the data. The DWG should consider existing data security and privacy laws in addition to existing investor-owned utilities (IOU) data sharing rules and practices.
- 4) Provide recommendations and/or solutions to existing barriers, including the use of aggregation and anonymization techniques.
- 5) Identify unresolved barriers, gaps and/or other issues.
- 6) Identify any applicable privacy laws by use case.
- 7) Evaluate current IOU/CCA practices of data sharing (*e.g.* 15/15 rule) for reasonableness and propose any necessary modifications.
- 8) Make recommendations on how to resolve data-related disagreements between IOUs or CCAs and other data users.
- 9) Identify data sharing best practices, such as best practices from National Association of Regulatory Utility Commissioners (NARUC) Grid Data Sharing Playbook and provide recommendations on Data Sharing and Transmission Processes, Protocols, Platforms (*e.g.* DG Stats)

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<sup>3</sup> Building Decarbonization Proceeding, R.19-01-011; Long-Term Gas Infrastructure Proceeding, R.20-01-007; Integrated Customer Programs Proceeding, R.22-11-013; Energy Efficiency Proceeding, R.13-11-005; Self-Generation Incentive Program Proceeding, R.20-05-012; Energy Savings Assistance Program Proceeding, A.19-11-003; Affordability Proceeding, R.18-07-006; Income-Graduated Fixed Charge Proceeding, R.22-07-005; San Joaquin Valley proceeding, R.15-03-010 (closed); West Coast Gas Low Income Programs, A.20-03-014.

<sup>4</sup> The consultant must reach out to the relevant Track 2 active and advisory members on an on-going basis to enable coordination with the data related work in other CPUC proceedings.

<sup>5</sup> See the Scoping Memo for the types of data in scope.

and Data Transmission Frequency and Timelines. Consider cybersecurity best practices when storing and transmitting data to the extent practicable and feasible.

#### **4. Formation of the Data Working Group**

To ensure that a diverse set of interests are represented in the DWG, Energy Division will solicit interests by informing the parties on the service list, the stakeholder groups identified in the Scoping Memo, and tribal and local governments on how to join the DWG.<sup>6</sup> The DWG will include the IOUs, state agencies, local and tribal governments, third party implementers, community-based organizations, and other interested parties. The frequency of the DWG meetings will be determined by the stakeholders; however, we expect the DWG to meet at least once a month. The IOUs are directed to serve a summary of the DWG progress on the service list of this proceeding every three months from the date of the first DWG working group meeting. The day, time and location of the DWG meetings should be available to all parties, members of the DWG and relevant state agencies, including the CEC, CARB, and local governments that operate CCAs.

**IT IS RULED that:**

1. The Scope of Work for the Consultant is adopted as set forth in Attachment A to this ruling;
2. The Scope of Work for the Data Working Group is adopted as set forth in this Ruling.

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<sup>6</sup> Energy Division will work with the Commission's Office of Tribal Advisor to contact tribal governments.

3. The Data Working Group shall be formed according to the guidelines set forth in this Ruling.

Dated December 1, 2023, at Sacramento, California.

/s/ DARCIE L. HOUCK

Darcie L. Houck  
Assigned Commissioner

**ATTACHMENT A**  
**Final Consultant Scope of Work**



## **FINAL CONSULTANT SCOPE OF WORK**

### **5. Introduction**

In November 2022, the California Public Utilities Commission (CPUC or the Commission) opened order instituting rulemaking (R.22-11-013) to consider Distributed Energy Resource (DER) Cost-Effectiveness Issues, Data Use and Access and Equipment Performance Standards.<sup>7</sup> On May 31, 2023 the CPUC issued the scoping memo for this proceeding.<sup>8</sup> The Energy Division is seeking a consultant for Phase 1 Track 2 of this Rulemaking that focusses on Data Use and Access

The successful consultant will provide expertise and technical support for CPUC decision making on the Data Use and Access issues, have a background in energy and energy data collection and management, including data privacy and cybersecurity, as well as familiarity with CPUC policy on energy data, and California data privacy laws. Desirable qualifications include domain expertise in utility Smart Grid System, domain expertise in Advanced DER Registry and Flex-Market Platforms, and familiarity with Investor-Owned Utility (IOU), Regional Energy Networks (RENs), and Community Choice Aggregator (CCA) data access laws, including the Information Practices Act.

### **6. Project Objectives**

Phase 1 Track 2 of the R.22-11-013 proceeding examines the rules and requirements to improve data access to facilitate adoption, evaluation, and utilization of DERs by customers and other entities and to improve DER integration with the grid.<sup>9</sup>

The Data Working Group (DWG) final report will propose actionable recommendations and/or solutions to remove the identified data barriers for the Commission to consider. The information gathered from the DWG will assist the Commission in addressing and removing data barriers that prevent the realization of the use cases.

### **7. Scope of Work and Consultant Qualifications**

The consultant will facilitate the work of the DWG, produce a working group report with recommendations and provide expertise and technical support for CPUC decision making on the Data Use and Access issues.

The DWG should plan to conclude its work over a period of six months; however, Energy Division is authorized to extend the working group's duration for an additional three to six months if

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<sup>7</sup> Order Instituting Rulemaking to Consider Distributed Energy Resource Program Cost Effectiveness Issues, Data Use and Access, and Equipment Performance Standards (R.22-11-013):

<https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M499/K158/499158023.PDF>

<sup>8</sup> Assigned Commissioner's Scoping Memo for R.22-11-013:

<https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M510/K287/510287758.PDF>

<sup>9</sup> [Id at 3.](#)

Energy Division deems the extension necessary to complete the working group's objectives. As such, the consultant should be prepared to build in extra time for the DWG meetings to account for delays. The consultant will require preparation time before the meetings, and time to write the relevant reports after the meetings. The expected time for the completion of the DWG process including the reparation and release of DWG reports is 12 – 15 months.

The consultant will administer the DWG and facilitate discussions across diverse stakeholders including utilities, state agencies, local and tribal governments, third party implementers, community-based organizations, CCAs, RENs, DER aggregators, Energy Service Providers (ESPs) and other interested parties, using a working group process that facilitates equal participation from all entities.

The consultant will work closely with and report to the CPUC's Energy Division. The consultant must be well versed in state-of-the-art data management tools and have familiarity with enterprise-scale best practices for data management including use of open-source methods and techniques for managing data privacy while maximizing the usefulness of data for multiple entities with varied permissions and access levels. They will also be well-versed with federal and state laws that pertain to public records and preservation of customer privacy.<sup>10</sup> The consultant should also be familiar with existing CPUC and CEC data decisions and policies.<sup>11</sup>

The consultant will facilitate the Data Working Group (DWG), which will:

- 1) Identify specific use cases, in addition to identified business cases in D.14-05-016, to:
  - 10) enable customers and other entities such as tribal and local governments, planning entities, researchers, CCAs, RENs, ESPs, DER aggregators and others to make informed decisions on selecting, locating, adopting, evaluating, and utilizing DERs;
  - 11) enable local and tribal governments and planning entities to enhance their public health, safety, grid, resiliency, disaster preparedness and climate action planning with better DER related data;
- c. support improving accuracy in demand forecast from the DER load;
- d. align with other DER-related Commission proceedings, including but not limited to; R.22-07-005 (Demand Flexibility OIR), R.21-06-017 (High DER Future Grid OIR), and the Commission's Environmental and Social Justice Action Plan;<sup>12,13</sup>

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<sup>10</sup> Including but not limited to SB 1476 (2010), AB 802 (2015).

<sup>11</sup> Including but not limited D.14-05-016, D.11-07-056, D.23-02-002.

<sup>12</sup> Building Decarbonization Proceeding, R.19-01-011; Long-Term Gas Infrastructure Proceeding, R.20-01-007; Integrated Customer Programs Proceeding, R.22-11-013; Energy Efficiency Proceeding, R.13-11-005; Self-Generation Incentive Program Proceeding, R.20-05-012; Energy Savings Assistance Program Proceeding, A.19-11-003; Affordability Proceeding, R.18-07-006; Income-Graduated Fixed Charge Proceeding, R.22-07-005; San Joaquin Valley proceeding, R.15 03-010 (closed); West Coast Gas Low Income Programs, A.20-03-014.

<sup>8</sup>The consultant must reach out to the relevant Track 2 active and advisory members on an on-going basis to enable coordination with the data related work in other CPUC proceedings.

- e. identify other valid data needs recognized by the DWG and approved by the Consultant and Energy Division.
- 2) Identify types of data<sup>14</sup> needed to perform the analytical efforts noted above.
  - 3) Identify existing barriers and limitations to obtaining the data. The DWG should consider existing data security and privacy laws in addition to existing IOU data sharing rules and practices.
  - 4) Provide recommendations and/or solutions to existing barriers, including the use of aggregation and anonymization techniques.
  - 5) Identify unresolved barriers, gaps and/or other issues.
  - 6) Identify any applicable privacy laws by use case.
  - 7) Evaluate current IOU/CCA practices of data sharing (*e.g.* 15/15 rule) for reasonableness and propose any necessary modifications.
  - 8) Make recommendations on how to resolve data-related disagreements between IOUs or CCAs and other data users.
  - 9) Identify data sharing best practices, such as best practices from NARUC Grid Data Sharing Playbook and provide recommendations on Data Sharing and Transmission Processes, Protocols, Platforms (*e.g.* DG Stats) and Data Transmission Frequency and Timelines. Consider cybersecurity best practices when storing and transmitting data to the extent practicable.

All DWG meetings will be scheduled and facilitated by the consultant. The frequency of the DWG meetings will be determined by the stakeholders; however, we expect the DWG to meet at least once a month. The consultant shall work with Energy Division staff to determine what (if any) parallel tracks and/or subgroups are needed to focus on specific use cases and/or users. The consultant would be responsible for all necessary gatherings of the identified tracks and/or subgroups to present findings and move to the next steps. The consultant will have regular check-ins with the Energy Division contract manager. The consultant may also coordinate with the CEC or other relevant data working groups to the extent applicable and feasible.

## **8. DWG Formation and Deliverables**

### **8.1. Meeting Facilitation and Group Formation**

To ensure that a diverse set of interests are represented in the DWG, Energy Division will solicit interest by informing the parties on the service list, the stakeholder groups identified in the Scoping Memo, and tribal governments on how to join the DWG.<sup>15</sup> After the Energy Division provides notice,

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<sup>14</sup> See the Scoping Memo for the types of data in scope.

<sup>15</sup> Energy Division will work with the Commission's Office of Tribal Advisor to contact tribal governments.

the consultant will work with staff to contact and assist the working group participants. The DWG will include the IOUs, state agencies, local and tribal governments, third party implementers, community-based organizations, and other interested parties.

The DWG will begin with one large stakeholder group. The consultant, in coordination with the Energy Division, will determine if the group would benefit from being organized into smaller sub-groups. Milestones and deliverables will be established for the Data Working Group and sub-groups, if any. The sub-groups will reconvene, at some regular interval, to discuss pertinent findings with all stakeholders.

The consultant's responsibilities include meeting, scheduling, and facilitation, including agenda development, preparing meeting notes and follow up items. The consultant will also set up and manage a secure shared file location to enable online collaboration for group members, and any software programs necessary for work product development (e.g., note sharing/ whiteboard applications) to ensure a satisfactory work experience for group members. The consultant must accommodate feedback by email in addition to online collaborations.

In addition to these meetings, the consultant should anticipate time to prepare for meetings, perform follow-up from meetings, and conduct various ad hoc calls as needed between meetings to obtain information and complete deliverables.

The following deliverables are required:

### **8.1.1. DWG Administration (agenda, meeting notes, follow ups)**

- 1) The consultant shall create the agenda and publish presentations for the meetings prior to the WG meetings in a publicly accessible location.
- 2) After the meetings, the consultant shall publish, at a publicly accessible location, complete meetings notes, meeting recordings (when feasible), next steps and action items.
- 3) The consultant shall be responsible for following up with the designated parties to complete assigned action items.
- 4) The consultant shall timely bring to the attention of Energy Division staff any stalemate, non-responsiveness or disagreements among group members that could delay the deliverables.

All above materials shall be ADA-compliant. The consultant shall work closely with Energy Division to develop templates for the various documents.

### **8.2. DWG Reports (Draft and Final) and DWG Workshop**

The consultant shall compile the draft and final DWG reports based on the work and findings of the DWG. The draft and final DWG report should include discussions of the items included in the Scope of Work and any additional items identified during the DWG meetings and propose recommendations. The draft and final DWG report should include areas of consensus and non-

consensus. The list of data types, use cases, gap assessment and proposed solutions shall be compiled by the consultant into a draft report, and submitted to Energy Division no later than 30 days after the last DWG meeting.

The Energy Division or its consultant will then share the draft report with the workshop participants for comments. The consultant is responsible for reviewing participant comments on the draft report, summarizing the comments and revising the draft proposal under Energy Division guidance. The consultant shall submit the final report to Energy Division no later than 45 days after receiving stakeholder comments on the draft report.

- 8.3.** The consultant shall also hold a public workshop to discuss the findings of the final report. The workshop shall be noticed on all proceeding service lists initially noticed for the DWG formation and any additional stakeholders identified during the DWG process.

**(END OF ATTACHMENT A)**