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R2205002

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company (U39E) for Approval of its Demand Response Programs, Pilots and Budgets for Program Years 2023-2027.

Application 22-05-002

And Related Matters.

Application 22-05-003

Application 22-05-004

ASSIGNED COMMISSIONER’S RULING DIRECTING RELEASE OF THE AGGREGATED DATA AND MODELING CODE ASSOCIATED WITH THE LAWRENCE BERKELEY NATIONAL LABORATORY PHASE 4 DEMAND RESPONSE POTENTIAL STUDY

1. Background

The Commission maintains a commitment to protecting confidential customer data, and to ensuring that confidential individual energy data is sufficiently aggregated and masked prior to making any data sets publicly available. On March 30, 2023, an Administrative Law Judge (ALJ) ruling (Ruling) was issued in this proceeding requesting party comments on whether certain anonymized load shape data files associated with clusters of customers from the Phase 4 Demand Response (DR) Potential Study (Study) are sufficiently aggregated to meet applicable customer data confidentiality standards.¹ The

¹ Application (A.) 22-05-002, et. al, Administrative Law Judge’s Ruling Requesting Comment on Public Release of Demand Response Potential Study Data, March 30, 2023.

ruling asked parties whether the Study data was sufficiently aggregated such that they can be safely released to the public accompanied by the modeling code, in the form of a report that represents findings based on the data, as well as in the form of data files. Opening and reply comments were due April 28, 2023 and May 19, 2023, respectively. The Ruling included an attachment of LBNL's report entitled "Development and use of cluster load shapes for the Phase 4 DR Potential Study" (Report), which sets forth the purpose for and nature of the public release, including a table in Section 2 that lists work products for release.

Opening comments were filed by the California Large Energy Users Association (CLECA Comments) and joint opening comments were filed by Southern California Edison Company, Pacific Gas And Electric Company, and San Diego Gas & Electric Company (Joint investor-owned utilities (IOUs)); no replies were submitted.

California Public Utilities (Pub. Util.) Code Section 8380(b)(1) states that:

An electrical corporation or gas corporation shall not share, disclose, or otherwise make accessible to any third party a customer's electrical or gas consumption data, except as provided in subdivision (f) or upon the consent of the customer.

Subdivision (f) of Code Section 8380 states that an electrical corporation or gas corporation is not precluded from using customer aggregate electrical or gas consumption data for analysis, reporting, or program management if all information has been removed regarding the individual identity of a customer;² nor are they precluded from disclosing a customer's electrical or gas consumption data to a third party for system, grid, or operational needs, or the implementation of demand response programs if the third party uses

² Public Utilities Code (Pub. Util.) Code Section 8380(f)(1). All further statutory references shall be to the California Public Utilities Code unless specified otherwise.

“reasonable security procedures and practices appropriate to the nature of the information” to protect the personal information from unauthorized access or disclosure.³

Decision (D.) 14-05-016, which addresses public release of customer usage data, requires that customer use data be aggregated before it can be made public. This Decision set the minimum levels of aggregation to protect customers’ privacy interests at a minimum of 100 customers for residential usage, and at least 15 customers for nonresidential usage, of which the largest customer cannot represent more than 15 percent of the load (the 15/15 standard).⁴

CLECA argues “the Report’s description of disclosing prototypical daily load shape data raises a slight concern that should be addressed.” CLECA states that “Since there are often very few industrial customers in a particular location, it can be fairly easy to reverse-engineer electricity consumption data to determine the usage, and thus the output, of a particular facility.” Thus, CLECA urges LBNL should be restricted to characterizing no fewer than 15 customers.

As discussed by the Joint IOUs,⁵ Section 394.4, subdivision (a) provides further guidance on the confidentiality of customer energy use data. That subdivision provides in part that the confidentiality of customer usage data

shall not extend to disclosure of generic information regarding the usage, load shape, or other general characteristics of a group or rate classification, unless the release of that information would reveal customer specific information because of the size of the group, rate classification, or nature of the information.

³ Code Section 8380(f)(2).

⁴ D.14-05-016, at 124.

⁵ Joint Comments of Southern California Edison Company, Pacific Gas and Electric Company, and San Diego Gas & Electric Company on Public Release of Demand Response Potential Data, April 28, 2023, at 5.

Here, CLECA itself notes LBNL's "emphasis on aggregating the study data to avoid the direct or indirect disclosure of non-public, protected customer usage data."⁶ As CLECA notes, LBNL's technical description in the attachment to the Ruling makes it clear that LBNL aggregated according to the 15/15 standard for non-residential customers.

In regard to the prototypical daily load shape treatment that CLECA raises concerns over, upon seeing CLECA's comments in response to the Ruling, LBNL edited the original version of Attachment 1 to make clear that no confidential information is disclosed. Attachment 1 to this ruling, a revised version of the original is presented, addressing CLECA's comments. In Section 5.4 of Attachment 1, LBNL clarified that when it gets requests for information on the prevalence of each prototypical daily load shape for more granular sets of customers, such as by building type and size, LBNL may identify the percent of days that follow a particular pattern, such as a flat pattern, but in groups of customers no fewer than 30 non-residential, or 100 residential customers. This clarification from LBNL addresses the CLECA concern.

IT IS RULED that:

1. LBNL shall release its Phase 4 DR Potential Study report, and associated work products listed in Section 2 of Attachment 1, such as the load shape data files associated with clusters of customers from the Phase 4 potential study as well as the modeling code used in this study.

⁶ California Large Energy Consumers Association Comments on Public Release of Demand Response Potential Study Data, April 28, 2023, (CLECA Comments) at 2, 3.

2. The unaggregated source data used to develop the report shall remain confidential.

Dated April 12, 2024, at San Francisco, California.

/s/ JOHN REYNOLDS

John Reynolds
Assigned Commissioner

Attachment 1