BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

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Application of Pacific Gas and Electric Company (U 39 E) for Approval of Electric Rule No. 30 for Transmission-Level Retail Electric Service (U 39 E)	Application 24-11-007 (Filed November 21, 2024)

CALIFORNIA COALITION OF LARGE ENERGY USERS' COMMENTS CONTESTING PART OF THE PARTIAL SETTLEMENT AGREEMENT

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Pursuant to Rule 12.2 of the California Public Utilities Commission's ("Commission") Rules of Practice and Procedure, the California Coalition of Large Energy Users ("CLEU") submits these comments in response to the Joint Motion ("Joint Motion") for Adoption of Partial Settlement Agreement between Pacific Gas and Electric Company ("PG&E"), California Community Choice Association ("CalCCA"), the Public Advocates Office ("Public Advocates"), and Sierra Club (collectively referred to as "the Settling Parties").[1]

I. INTRODUCTION

CLEU is a 501c(6) non-profit coalition whose membership consists of large commercial and institutional energy consumers, including Common Spirit Health, Genentech, Kaiser Permanente, Microsoft Corporation and the University of California, and are some of the largest ratepayers in the state. Among CLEU's membership are entities that are likely to pursue interconnection of load at the transmission level in the near future, and whose confidential information would be subject to the information-sharing protocols proposed in the Partial Settlement Agreement. On May 7, 2026, CLEU was informed via electronic service of the Joint

[1] "Joint Motion for Adoption of Partial Settlement Agreement of Pacific Gas and Electric Company," filed May 7, 2026, in A.24-11-007.

Motion in this proceeding. CLEU recognizes and supports the need for sharing large-load interconnection data amongst load-serving entities that may be called upon to serve that load, including affected community choice aggregators ("CCAs") and PG&E's Energy Procurement group. However, CLEU has significant concerns about the Partial Settlement Agreement's proposal to share extremely sensitive and granular customer information amongst other parties, such as Public Advocates and Sierra Club, who do not have a clear reason for accessing such sensitive information. The Joint Motion fails to offer any explanation for why it is appropriate for these entities to obtain access to exactly the same granular customer information as load-serving entities, other than the fact that these entities have signed onto the Partial Settlement Agreement.

The Joint Motion has failed to show why it is reasonable, consistent with the law, or in the public interest, to widely share confidential customer information. CLEU therefore requests that the Commission decline to approve the broad data sharing arrangements proposed by the Settling Parties, and, specifically, requests that the Commission reject all portions of the Partial Settlement identifying Sierra Club or the Public Advocates as permissible recipients of the confidential information contemplated therein.

II. BACKGROUND

The Partial Settlement Agreement presents a negotiated agreement that resolves identified "Reporting and Information Sharing Issues," as defined therein.[2] The Settling Parties consist of PG&E, an investor-owned utility; CalCCA, representing the interests of California's community choice aggregators; Public Advocates, described in the Joint Motion as "the independent ratepayer advocate… representing residential and small business customers with a mandate to obtain the lowest possible rates for utility services, consistent with reliable and safe service levels and the

[2] Joint Motion at 7.

state's environmental goals;"[3] and the Sierra Club, described as being "dedicated to . . . practicing and promoting responsible use of the earth's ecosystems and resources, [and] to educating and enlisting humanity to protect and restore the quality of the natural and human environment…."[4]

The Partial Settlement Agreement envisages extensive information sharing by PG&E to Public Advocates, "affected CCAs" (defined as the default provider of generation service for a new transmission level customer), Sierra Club, and PG&E's Energy Procurement organization. The information shared includes quarterly reports on:

- The type of facility seeking interconnection and its projected energization date,
- its capacity ramp schedule, and projected load factor by year,
- any planned or proposed load management strategies or technologies, onsite generation capabilities, fuel type, fuel type source, and how such devices may broadly be operated, and
- the customer's completion of key steps in the interconnection process.[5]

Even after a facility is interconnected, the information to be shared under the Partial Settlement Agreement would include annual reports on:

- facilities that have been interconnected at the transmission-level and have been energized,
- rate schedule and demand side management programs the project has utilized, and
- operational details concerning actual capacity in the previous year, and the actual load factor in the previous year.[6]

The customer information that the Partial Settlement Agreement proposes to share amongst all of the Settling Parties, including the information summarized above, is commercially sensitive and confidential. Yet, other than stating that the Partial Settlement Agreement will "promote information sharing," the Motion fails to provide any explanation of why the sharing of detailed

[3] CLEU notes that the website of the Public Advocates Office provides a more broadly worded mission statement. *See* https://www.cpuc.ca.gov/about-cpuc/divisions/public-advocates-office.
[4] *Id*.
[5] Settlement Agreement at Attachment A: Quarterly Reporting.
[6] *Id.* at Attachment B: Annual Reporting.

commercially sensitive and confidential information is necessary beyond the load-serving entities potentially involved in providing service to those customers, or why the sharing of such information would outweigh the customer's interest in maintaining the confidentiality of such commercially sensitive information. And, while the Joint Motion notes that the "settling Parties represent a broad range of distinct interests, including… the diverse interests of PG&E's customers,"7 none of the Settling Parties reflect the interests of customers whose commercially sensitive and confidential information might be shared amongst the Settling Parties. Nor did the Scoping Ruling in this proceeding put customers on notice of the potential broad dissemination of their commercially-sensitive information—to the contrary, the scoping ruling only expressly referenced sharing information with affected CCAs.[8]

III. THE JOINT MOTION FAILS TO ESTABLISH THAT THE PARTIAL SETTLEMENT IS REASONABLE, CONSISTENT WITH STATUTE OR PRIOR COMMISSION DECISIONS, OR IN THE PUBLIC INTEREST

Rule 12.1(d) of the Commission's Rules of Practice and Procedure provides that "[t]he Commission will not approve settlements, whether contested or uncontested, unless the settlement is reasonable in light of the whole record, consistent with law, *and* in the public interest." The Settling Parties have not demonstrated that the Partial Settlement is reasonable in light of the whole record, consistent with the Commission's prior interpretation of the law, or in the public interest. The settling parties have only provided a vague and passing reference to any benefits whatsoever from the disclosure of the customer data at issue.

[7] *Id.* at 10.
[8] Assigned Commissioner's Scoping Memo and Ruling at 8 (Issue 4.b).

A. The Settling Parties Fail to Demonstrate that the Partial Settlement is Reasonable in Light of the Record, or in the Public Interest

The Joint Motion asserts that the Partial Settlement Agreement "will permit greater access to information among the Settling Parties, as well as PG&E's Energy Procurement division."[9] However, while CLUE understands that load-serving entities may require detailed customer information in planning to meet that potential future load, there is no explanation in the Joint Motion as to why the ratepayer advocate, or an environmental organization like the Sierra Club, needs "greater access to" the type of detailed customer information that those entities would be provided under the Partial Settlement Agreement. While those entities may be concerned about affordability or environmental impacts associated with large load interconnection, there is also no explanation in the Joint Motion of how access to such detailed customer information, such as capacity ramp schedule, projected load factor, actual load factors or actual capacity would help either entity address those broad issues. Ensuring affordability and understanding environmental impacts are goals that are already being addressed by these parties through their participation in this proceeding and through the design of proposed elements of the Rule 30 tariff, and are broadly weighed in various other relevant Commission proceedings.[10]

Further, the broad scope of information proposed to be shared under the Partial Settlement Agreement would include detailed and granular customer information that is commercially sensitive and proprietary, and the disclosure of such information is not in the public interest. For data center developers, for example, that information directly reflects the scale, location and timing of datacenter operations and strategic growth plans. Public disclosure of this information could

[9] Joint Motion at 13.

[10] *See* R.26-04-009 "Order Instituting Rulemaking on California Advanced Electric Rate Design." *See also* R.20-05-003 "Order Instituting Rulemaking to Continue Electric Integrated Resource Planning and Related Procurement Processes," assessing the Reliable and Clean Power Procurement Program, *and* R.25-06-019 "Order Instituting Rulemaking to Continue Oversight of Electric Integrated Resource Planning and Procurement Processes," authorizing additional procurement to account for load growth.

reveal sensitive insights into infrastructure investments, market strategy, and capacity planning, which are core to maintaining a competitive advantage in the technology and cloud services industry. In addition, load data can be used to infer information about customers' demand, regional deployment strategies, and future expansion timelines. Making this information publicly available could create asymmetries in commercial negotiations with utilities, suppliers, and partners, and could expose project developers to unnecessary commercial and security risks. For these reasons, developers typically treat load consumption data as proprietary business information and seek to protect it from disclosure to preserve competitive positioning, ensure fair market participation, and safeguard the integrity of its operational planning.

Given the commercial sensitivity of the information, its distribution should be limited to load-serving entities that require such detailed information to interconnect and serve that load, or in the case of relevant CCAs, to plan for necessary capacity to serve future load. The record in this proceeding presents no reasons why other entities, such an environmental organization, should be permitted to access that specific information, nor is it in the public's interest to have such commercially sensitive information widely distributed.

The Joint Motion is devoid of any explanation as to why such wide dissemination of commercially sensitive and proprietary customer information is either reasonable or in the public interest. CLEU therefore requests that the Commission decline to adopt the broad information sharing provisions proposed in the Partial Settlement Agreement.

B. The Partial Settlement Agreement is Inconsistent with the Commission's Prior Interpretation of the Strict Prohibitions on the Disclosure of Customer Information

Statutory provisions and multiple Commission decisions set protective guardrails around the use and sharing of customer-specific data.[11] The Commission has consistently ruled in favor of customer confidentiality except under very limited circumstances and exceptions, which include customer consent and aggregation of sensitive data.[12] The Commission typically applies a balancing test, comparing the competing interests of access to customer data and a customer's privacy interest in that data.[13] When applying this test, the Commission has interpreted the provisions of the Public Utilities Code regarding data on customers' load, or energy consumption data, strictly: this data is de facto confidential and should not be disclosed except when required by law.[14]

However, as explained above, the Joint Motion fails to provide any explanation as to why this precedent should not be applied in this instance or why the broad dissemination of customer-specific information is so strongly in the public interest that it outweighs the statutory protections for customers or the Commission's specific direction. In the absence of such a showing, the disclosures contemplated by the Partial Settlement Agreement are inconsistent with the Commission's clear requirements to protect customer confidentiality when approaching the question of the use and sharing of customer-specific data, and therefore should be rejected as inconsistent with established law and Commission precedent protecting such confidential customer information. The NDA between PG&E and the other Settling Parties does not cure the

[11] *See* D.14-05-016, *Decision Adopting Rules to Provide Access to Energy Usage and Usage-Related Data While Protecting Privacy of Personal Data*, R.08-12-009, May 5, 2014; D.11-07-056, *Decision Adopting Rules to Protect the Privacy and Security of the Electricity Usage Data of the Customers and Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company*, R.08-12-009, July 29, 2011; Pub. Util. Code § 8380.
[12] *Id.*
[13] D.14-05-016 at 12;
[14] *See* D.11-07-056 at Attachment D; *See also* D.14-05-016 at Conclusion of Law 7-8.

prohibited disclosure. Prior decisions only allowed NDAs to protect data where the data sharing was *ordered by the Commission* or required by law.[15] The fact that the Sierra Club would be required to execute an NDA does not obviate the need to show that there is a legitimate public interest in allowing access to the data or information.

Where, as here, no public interest in allowing access to confidential information has been shown, an NDA does not adequately address confidentiality concerns. The Motion fails to show any need to allow Sierra Club access to detailed confidential information. The proposal to require an NDA from Sierra Club does not cure that defect, nor does it adequately protect commercially sensitive and confidential customer information.

IV. CONCLUSION

CLEU appreciates the opportunity to file comments and respectfully requests that the Commission decline to adopt the Partial Settlement Agreement as proposed. If moving forward, the Commission should require that the settlement be specifically modified to: limit access to confidential customer information to such information that is relevant to the scope of this proceeding. Modifications should also limit access to those parties with a legitimate operational need for such data, such as the relevant CCA and IOU expected to serve that customer's load, or required to procure capacity to meet their load.

Respectfully submitted,

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[15] *Id.*