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

**ENERGY DIVISION**

**ITEM 11  
AGENDA ID 12315  
RESOLUTION E-4599 (Rev.2)  
September 19, 2013**

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

Resolution E-4599. San Diego Gas & Electric Co. (SDG&E), Southern California Edison Co. (SCE), Southern California Gas Company (SoCal Gas), and Pacific Gas and Electric Co. (PG&E) seek approval of proposed tariffs to implement privacy and security rules adopted by the CPUC.

**PROPOSED OUTCOME:** This Resolution approves the Tier 2 Advice Letters and proposed tariffs filed by SDG&E, SCE, SoCal Gas, and PG&E to implement the privacy and security rules adopted by D.11-07-056 and D.12-08-45.

**SAFETY:** These tariffs permit the utilities to operate their systems in a safe and reliable manner while maintaining the privacy of customer energy data.

**ESTIMATED COST:** None.

By SDG&E Advice Letter 2428-E/2157-G (U 902-E). Filed on December 5, 2012.

By SCE Advice Letter 2819-E (U 338-E). Filed on December 5, 2012.

By SoCal Gas Advice Letter 4433-G (U 904-G). Filed on December 5, 2012.

By PG&E Advice Letter 3349-G/4158-E (U 39-E). Filed on December 5, 2012.

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**SUMMARY**

This Resolution addresses San Diego Gas & Electric Co. (SDG&E) Advice Letter 2428-E/2157-G, Southern California Edison Co. (SCE) Advice Letter 2819, Southern California Gas Company (SoCal Gas) Advice Letter 4433, and Pacific

Gas and Electric Co. (PG&E) Advice Letter 3349-G/4158-E seeking approval of actions taken to implement Ordering Paragraph 2 from D.11-07-056, Resolution E-4535, and Ordering Paragraph 4 from D.12-08-045. This Resolution accepts SDG&E, SCE, and PG&E's Advice Letters and proposed tariffs filed to comply with E-4535 and D.11-07-056. This Resolution accepts SoCal Gas' Advice Letter and proposed tariff filed to provide privacy and security protections, as adopted by D.12-08-045, and directs SoCal Gas to submit a new customer authorization form to supplement the adopted Advice Letter.

## **BACKGROUND**

On July 28, 2011, the California Public Utilities Commission (CPUC) issued D.11-07-056 which adopted rules to protect the privacy and security of customer usage data generated by Advanced Meters for the customers of SDG&E, SCE and PG&E. As part of that decision, the CPUC directed SDG&E, SCE, and PG&E to each file a Tier 2 Advice Letter within 90 days detailing "whatever tariff changes are necessary to conform its corporate policies concerning customer usage data to the Rules Regarding Privacy and Security Protections for Energy Usage Data."<sup>1</sup>

On October 27, 2011, SDG&E, SCE, and PG&E filed their Tier 2 Advice Letters in compliance with Ordering Paragraph 2. On November 14, 2011, PG&E filed a supplement to their Advice Letter attaching Form 79-1096, which was not attached to their October 27 filing.

On August 31, 2012, the CPUC issued D.12-08-045 which adopted rules to protect the privacy and security of customer usage data generated by Advanced Meters for the customers of Southern California Gas Company. That decision directed SoCal Gas to file a Tier 2 Advice Letter by November 21, 2012 implementing the rules adopted by the decision.

On September 27, 2012, the Commission rejected the October 27, 2011 Advice Letter filings of SDG&E, SCE, and PG&E in Resolution E-4535. E-4535 directed SDG&E, SCE, and PG&E to "coordinate and implement a consistent set of

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<sup>1</sup> D.11-07-056 at Ordering Paragraph 2.

privacy and security rules, and related customer information request forms.”<sup>2</sup> Additionally, E-4535 directed SDG&E, SCE, and PG&E to participate in a workshop “to develop a coordinated and consistent implementation of the privacy and security rules.”<sup>3</sup> E-4535 directed the utilities to file their revised tariff sheets in conjunction with the Advice Letters required in D.12-08-045.

On October 11-12, 2012, Commission Staff convened a workshop, as directed by D.12-08-045 and E.4535, to discuss the development of a consistent implementation of the privacy and security rules.

On November 20, 2012, the deadline for filing these Advice Letters was extended to December 5, 2012 via a letter from Commission Executive Director, Paul Clanon.

#### A) SDG&E Advice Letter 2428-E/2157-G

SDG&E proposes to modify their existing Rule 9, proposes a new Rule 33, and proposes a new Gas/Electric Form 180-100. SDG&E’s proposed revision to Rule 9 adds a reference to their proposed Rule 33.<sup>4</sup> SDG&E’s proposed Rule 33 is based on Attachment D of D.11-07-056 and Attachment A of D.12-08-045, with some additional language “added for clarification.”<sup>5</sup> SDG&E’s proposed Form 180-100 allows for a customer to authorize the sharing of their usage information with a third party. SDG&E states that it attempted to revise their existing form “Authorization to: Receive Customer Information or Act on a Customer’s Behalf,”<sup>6</sup> but SDG&E notes that using that existing form for usage authorization

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<sup>2</sup> E-4535 at 2.

<sup>3</sup> *Id.* This workshop was scheduled pursuant to D.12-08-045.

<sup>4</sup> SDG&E AL 2428-E/2157-G at 3.

<sup>5</sup> *Id.*

<sup>6</sup> All three electric utilities have a similar Customer Information Standardized Request (CISR) authorization form. For ease of reference, these forms are collectively referred to as “CISR.”

was “unworkable.”<sup>7</sup> For information beyond usage, the customer would also need to complete the “Authorization to Receive Customer Information or Act on a Customer’s Behalf,” which provides for access to additional customer information such as billing records. SDG&E states the proposed Form 180-100 can be used for both electric and gas customers.<sup>8</sup> The proposed new Rule 23 and proposed new Form 180-100 would apply to both gas and electric usage data.

B) SCE Advice Letter 2819-E

SCE proposes a new Rule 25 that follows Attachment D to D.11-07-056, with several modifications.<sup>9</sup> Notably, SCE has included an introductory section “clarifying the origins and need for the development” of the proposed Rule 25, adds a definition of “Usage Information” to section 1.e, expands section 6.c(1) “to note that SCE may disclose covered information without customer consent to a third party” governmental entity if ordered to do so by Commission Resolution, and adds indemnity language to section 9.f.<sup>10</sup> In addition, SCE proposes a new Form 14-929, “Authorization or Revocation of Authorization to Receive Customer Interval Usage Information”; Form 14-929 is the form a customer signs when they authorize a third party to access their usage information. For information beyond usage, the customer would also need to complete Form 14-796, which provides for access to additional customer information such as billing records. Finally, SCE proposes a modification to Rule 9 to add a reference to proposed Rule 25.<sup>11</sup>

C) SoCal Gas Advice Letter 4433-G

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<sup>7</sup> *Id.* at 4.

<sup>8</sup> *Id.*

<sup>9</sup> *SCE AL 2819-E at 3.*

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

SoCal Gas proposes a new Rule 42 based on Attachment A of D.12-08-045. SoCal Gas states this rule “affirms that SoCal Gas and covered third party entities in possession of private and confidential customer data under contract with SoCal Gas shall keep such covered information and data confidential.”<sup>12</sup> SoCal Gas also states that it has modified its proposed Rule 42 to address liability issues, as well as edits reflecting the timeframe for the rollout of its Advanced Metering Infrastructure.<sup>13</sup> Finally, SoCal Gas proposes a modification to Rule 12 to add a reference to proposed Rule 42.<sup>14</sup>

D) PG&E Advice Letter 3349-G/4158-E

PG&E proposes a new Rule 27 based on Attachment D of D.11-07-056. In addition, PG&E proposes a new Form 79-1147, “Authorization or Revocation of Authorization to Receive Customer Usage Information.”<sup>15</sup> For information beyond usage, the customer would also need to complete Form 79-1095, which provides for access to additional customer information such as billing records. The proposed new Rule 27 and proposed new Form 79-1147 would apply to both gas and electric usage data.

**NOTICE**

Notice of SDG&E AL 2428-E/2157-G (U 902-E), SCE AL 2819-E (U 338-E), SoCal Gas AL 4433-G (U 904 G), and PG&E AL 3349-G/4158-E (U 39-E) was made by publication in the CPUC’s Daily Calendar. SDG&E, SCE, SoCal Gas, and PG&E state that a copy of the Advice Letter was mailed and distributed in accordance with Section 4 of General Order 96-B.

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<sup>12</sup> SoCal Gas AL 4433-G at 2.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> PG&E AL 3349-G/4158-E at 2.

**PROTESTS**

SDG&E AL 2428-E/2157-G, SCE AL 2819-E, SoCal Gas AL 4433-G, and PG&E AL 3349-G/4158-E was timely protested by the Alliance for Retail Energy Markets (AReM), Direct Access Customer Coalition (DACC), School Project for Utility Rate Reduction (SPURR) (collectively “AReM”), and EnerNOC on December 26, 2012. The City and County of San Francisco submitted a timely protest of PG&E AL 3349-G/4158-E on December 26, 2012. SDG&E, SCE, SoCal Gas, and PG&E responded to the protests on January 10, 2013.

**SUMMARY OF PROTESTS**

AReM protests both the subject filings and other advice letters filed in response to other orders in D.12-08-45.<sup>16</sup> AReM argues that the CISR forms proposed by the utilities are inconsistent and creates confusion by requiring the customer to sign two CISR forms: one for usage and one for billing and meter data.<sup>17</sup> AReM also argues that the CISR forms do not “clearly establish an indefinite term as the default” for the duration of customer consent.<sup>18</sup> Furthermore, AReM states that the CISR forms are not uniform enough across the three utilities, nor did the utilities provide for one authorization form that would apply across the utilities.<sup>19</sup> In addition, AReM notes that SoCal Gas failed to submit a CISR form, so it is unable to determine to what extent SoCal Gas has a CISR form and whether it is consistent with the others. AReM requests a technical change to the proposed Rules; specifically, AReM requests that the rules be modified to explicitly state that the rules are not applicable to Electric Service Providers (ESP).<sup>20</sup> AReM also requests the Commission to “encourage on-line authorization by customers” to

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<sup>16</sup> In parallel to the subject advice letters, the utilities filed another set of advice letters (specifically, SDG&E 2434-E, SCE 2830-E and PG&E 4170-E) to address other parts of D.12-08-045.

<sup>17</sup> Protest of Alliance for Retail Energy Markets, Direct Access Customer Coalition and School Project for Utility Rate Reduction to Utility Advice Letters Implementing Smart Grid Privacy Rules at 2.

<sup>18</sup> *Id.* at 3.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.* at 4-5.

release data to authorized third parties.<sup>21</sup> Finally, AReM requests a revision to the utilities' ESP rules regarding the definition of "small commercial customers," although this protest is actually made with respect to other advice letters that are not the subject of this Resolution.<sup>22</sup>

EnerNOC protests the filings and states that the utilities introduced new language regarding "Usage Information" that is not defined in Attachment D or D.11-07-056 or D.12-08-045.<sup>23</sup> EnerNOC also protests language in the rules regarding termination of data access as it "does not provide a process by which the customer complaint is received and the customer's request to rescind data access to the third party is effectuated."<sup>24</sup> EnerNOC is concerned that without an identified process, "allegations of wrong doing by an authorized third party can be made without support, without notice and without an opportunity for the third party to respond and address the charge."<sup>25</sup> Finally, EnerNOC also protests the proposed CISR forms as being confusing and inefficient to implement. EnerNOC argues that having one CISR form for customer usage information and another CISR form for billing information may be "confusing and frustrating for customers." EnerNOC, instead, suggests the CISR forms be combined, and the Commission should consider how to encourage the use of electronic access and electronic signatures.<sup>26</sup>

City of San Francisco protests PG&E's Advice Letter and argues that PG&E inappropriately expands the proposed rule to limit its liability beyond that expected by the Commission.<sup>27</sup> According to the City of San Francisco, PG&E's

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<sup>21</sup> *Id.* at 5.

<sup>22</sup> *See supra* footnote 16.

<sup>23</sup> *Protest of EnerNOC* at 2.

<sup>24</sup> *Id.* at 3.

<sup>25</sup> *Id.*

<sup>26</sup> *Id.* at 4.

<sup>27</sup> *Protest of the City and County of San Francisco* at 3.

revised section 9(f) adds to its liability protection due to “legal process,” which was not included in the Attachment D of D.11-07-056. In addition, City of San Francisco argues that edits to section 9(f) further protects PG&E from “liability when PG&E is providing energy usage data to third parties in response to legal process or even when PG&E has been grossly negligent.”<sup>28</sup> Finally, City of San Francisco states that PG&E’s proposed new Form 79-1147 also provides PG&E extra liability protection that was not authorized by the Commission.<sup>29</sup> City of San Francisco argues that “PG&E is attempting to use [Form 79-1147] to require those customers to both release and indemnify PG&E for PG&E’s own wrongful conduct when acting pursuant to that consent or revocation.”<sup>30</sup> City of San Francisco requests that the Commission reject PG&E’s Advice Letters or PG&E agrees to remove section 9(f) and related indemnification language from its rule and proposed Form 79-1147.<sup>31</sup>

## **SUMMARY OF UTILITY RESPONSES**

SDG&E’s replies that its new Form 180-100 CISR is for instances where the customer merely wants to share usage information, and notes that this form only requires the signature of the customer, whereas the longer CISR form requires signatures from both the customer and third party.<sup>32</sup> Additionally, the longer CISR form can also be used to authorize the sharing of usage information and billing data; Form 180-100 is for usage only. SDG&E also states that the duration of consent language was reached as a result of discussions held in an October 2012 workshop, and adequately represents the consensus reached in that workshop.<sup>33</sup> SDG&E further responds that its pending application (A.12-03-003) to authorize access to utility backhaul data will address several concerns

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<sup>28</sup> *Id.*

<sup>29</sup> *Id. at 4.*

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> *Reply of San Diego Gas & Electric to the Protests of Advice Letters 2428-E/2157-G at 1, 3-4.*

<sup>33</sup> *Id. at 2.*



regarding electronic authorization, termination of third party access, and ability to choose multiple third parties at once.<sup>34</sup> SDG&E also responds that its use of “personal information” and “personal electricity usage data” because “these terms add clarity and are required for SDG&E’s overall privacy policies and procedures,” and is “more meaningful to customers.”<sup>35</sup> SDG&E notes that D.11-07-056 is not the only privacy laws to which it is bound. Finally, SDG&E notes that D.12-08-045 also applies to ESPs, and it would be “wrong for SDG&E to state in its proposed Rule 33 that ESPs are not covered entities included in the data privacy rules”<sup>36</sup>; however, SDG&E does agree to modify its Electric Rule 25 regarding a definition of “Small Commercial Customer” upon Commission adoption of the definition in R.07-05-025.<sup>37</sup>

In its reply, SCE also states that the new Form 14-929 is for instances where the customer authorizes access only to usage information; should the customer authorize access to usage and other information, such as billing data, the customer can authorize the existing CISR Form 14-796.<sup>38</sup> Regarding the duration of authorization, SCE notes that its language is consistent with the consensus reached in the October 2012 workshop and that customers should retain the option for either a specific authorization period or an indefinite authorization period.<sup>39</sup> SCE disagrees with AReM that its rules should not identify ESPs as being covered under the privacy rules as inconsistent with D.12-08-045.<sup>40</sup> SCE defends the use of the terms “Usage Information,” “Personal Information,” and “Personal Electricity Usage Data” as more appropriate terms considering the other rules in place regarding data and data privacy, and the historical use of

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<sup>34</sup> *Id.* at 3-5.

<sup>35</sup> *Id.* at 4.

<sup>36</sup> *Id.* at 5.

<sup>37</sup> *Id.*

<sup>38</sup> *Reply of Southern California Edison Company to Protests at 2.*

<sup>39</sup> *Id.*

<sup>40</sup> *Id.* at 3.

terms in existing Forms and rules.<sup>41</sup> Additionally, SCE argues that its clarification will “be more meaningful to most customers” rather than the use of other technical terms.<sup>42</sup> Finally, SCE agrees with EnerNOC that a third party would want to be aware of allegations of misuse, but it is not appropriate to include such mechanisms in Rule 25; rather, SCE notes that similar discussions are underway in the backhaul data applications proceeding (A.12-03-002, *et al.*) and proposes that a separate workshop on revocation of access could be useful in developing a common protocol for revocation of third party access.<sup>43</sup>

In its reply, SoCal Gas states that it does not believe it was required to submit a CISR for usage data access.<sup>44</sup> SoCal Gas argues that since its Advanced Metering Infrastructure rollout is yet to be deployed it would be premature to submit a modified CISR form. Nevertheless, SoCal Gas agrees that a modified CISR form, consistent with others, would be beneficial and states that it “will work to make any necessary modifications to its CISR form once interval data from AMI becomes widely available.”<sup>45</sup> SoCal Gas also disagrees with the request of AReM to notice that ESPs are exempt from its Rule 42. SoCal Gas notes that its Rule 42 applies only to gas operations, and AReM’s protest is related to electric tariffs, not gas.<sup>46</sup> In addition, SoCal Gas opposes AReM’s request to add a definition of “Small Commercial Customer” to its Rule 42 as that is also related to electric utility tariffs, not gas.<sup>47</sup>

In its Response, PG&E disagrees with City of San Francisco’s concerns. Specifically, PG&E notes that the rules already provide PG&E with liability

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<sup>41</sup> *Id.* at 4-5.

<sup>42</sup> *Id.* at 5.

<sup>43</sup> *Id.* at 6.

<sup>44</sup> *Reply to Protest of SoCal Gas* at 2.

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

<sup>47</sup> *Id.* at 3.

protection when approved by the customer, or as directed by the Commission.<sup>48</sup> PG&E argues that the added language does not provide PG&E with any additional liability protections, but addresses the conduct of the customer and third parties receiving data from PG&E.<sup>49</sup> In responding to EnerNOC, PG&E states that there is no need for a “paper trail” or formal process to determine revocation of access; PG&E notes that the customer has the means by which to revoke access, pursuant to the process in CISR Form 79-1147.<sup>50</sup> Additionally, responding to concerns of both EnerNOC and AReM regarding multiple authorization forms, PG&E notes that CISR Form 79-1147 applies only to usage data, and does not apply to other data such as billing.<sup>51</sup> PG&E also expresses support for a more automated and electronic authorization process, but is unsure of the costs necessary to implement such a system.<sup>52</sup> PG&E disagrees with AReM’s request to revise the authorization duration language as “contrary to the rights of customers and the need for customer flexibility in controlling access to their customer data.”<sup>53</sup> In addition, PG&E notes that the authorization duration language is consistent with the Privacy Rules in allowing the customer to set its own authorization.<sup>54</sup> Finally, PG&E argues that AReM’s requests to add clarifying language regarding the applicability of its Rule 27 and to make associated edits to its ESP rules as beyond the scope of the privacy tariffs should be rejected.<sup>55</sup>

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<sup>48</sup> *Pacific Gas and Electric Company’s Response to Protests of Advice Letters 3349-G/4158-E at 2.*

<sup>49</sup> *Id.*

<sup>50</sup> *Id. at 3.*

<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

<sup>53</sup> *Id. at 4.*

<sup>54</sup> *Id.*

<sup>55</sup> *Id.*

**DISCUSSION**

This Resolution accepts the Advice Letters, proposed tariff changes, and proposed CISR forms of SDG&E, SCE, and PG&E. This Resolution also accepts the Advice Letter and proposed tariff changes of SoCal Gas. With one exception, this resolution rejects the protests of AReM, City of San Francisco, and EnerNOC, as explained below.

A) Utility Tariffs

As stated in E-4545, “The need for a consistent implementation of these privacy rules is important to ensure that these rules are applied as uniformly as possible across the utility service territories.” As demonstrated in their Advice Letter filings, the utilities submitted their new rules in a consistent manner, mostly by adopting, on a word-for-word basis the adopted Privacy Rules. It is important to note, in response to the protests, that consistent does not mean identical, and the modifications to the adopted Privacy Rules provide useful and clarifying edits to the adopted Privacy Rules. These newly adopted utility Rules still do not limit the effectiveness or applicability of the Commissions’ adopted Privacy Rules; rather, the adopted utility Rules allow for an appropriate level of implementation and guidance for parties subject to the tariffs. As such, the protests of AReM and EnerNOC regarding the modifications of the utility rules are rejected.

This Resolution rejects the request of AReM to modify the utility tariffs to clarify the relationship of ESPs as it applies to the utility Rules. This Resolution finds that the proposed tariff language is consistent with Attachment D of D.11-07-056 and Attachment A of D.12-08-045, as specifically required by those Decisions. It is noted that the utilities replies in the context of the subject advice letters related to the “small commercial customer” issue raised by AReM are out of scope; as already observed, AReM raised this issue in connection with other advice letters that are not the subject of this Resolution.<sup>56</sup>

This Resolution rejects the requests of City of San Francisco regarding PG&E’s indemnification language. This Resolution agrees with PG&E that the Commission’s Privacy Rules provide for the requisite protection regarding utility

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<sup>56</sup> See *supra* footnote 16.

liability. As PG&E notes, the adopted Privacy Rules already provide PG&E with a measure of liability protection from misuse of data by third parties (be they authorized by the customer or directed by the Commission), unless the utility acts “recklessly.”<sup>57</sup> PG&E section 9(f) of their Rule 27 does not change PG&E’s requirement to abide by the Privacy Rules; rather, 9(f) provides for clarifying language where a third party misuses customer usage information, and that third party obtained information pursuant to customer direction or at the direction of the Commission.

B) CISR Forms

This Resolution finds as persuasive the arguments of the utilities as to the purpose of these adopted CISR forms. The utilities adequately explain that the adopted usage only CISR forms apply in the instance of customer authorization the sharing of their usage data only; in the event the customer chooses to authorize billing data in addition to usage, the applicable separate and longer CISR forms are already and will remain in effect. Additionally, the adopted usage only CISR forms place a lower burden on both the customer and third party relative to the requirements of the longer form since only the customer’s authorization is required to release the usage data; this should suffice for the outlined purposes of sharing customer usage information. Therefore, the protests of AReM and EnerNOC regarding the use of multiple CISR forms are rejected.

This Resolution also rejects the argument of EnerNOC that a “paper trail” is needed to follow the authorization process. As the utilities all note, the tariff itself provides for the rights granted to the customer regarding his/her ability to revoke authorization for transmitting usage data to a third party. In addition, the on-going proceeding regarding third party access to backhaul data is addressing the issue of process for handling complaints or privacy violations<sup>58</sup>; as stated in the Joint IOU report in that proceeding, the parties proposed several options for notification and process regarding the revocation of third party

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<sup>57</sup> See Privacy Rules Section 6(c)(4).

<sup>58</sup> A.12-03-002, *et al.*

access.<sup>59</sup> This Resolution finds that the request of EnerNOC to provide for a process here is outside the scope of this proceeding, and more appropriately addressed in the backhaul data access proceeding (A.12-03-002, *et al.*).

This Resolution rejects the request of AReM to modify the authorization duration language of the new CISR forms. The forms adopted in this Resolution appropriately capture the options available to customers of either an indefinite time period or a pre-determined time-period as decided by the customer. However, this Resolution does determine that if a customer declines to identify a time period or declines to check the indefinite option, the utility should assume an indefinite duration for third party access.<sup>60</sup>

This Resolution rejects the request of the City of San Francisco to reject the indemnification language found in PG&E's Form 79-1147. As noted above, this Resolution agrees with PG&E's arguments that the indemnification language provides additional protection from third party misuse of data when access is authorized by a customer or directed by the Commission.

#### C) SoCal Gas

This Resolution accepts SoCal Gas' Advice Letter and Rule 42. The Resolution also rejects the requests of AReM regarding the applicability of SoCal Gas' Rule 42 to ESPs. This Resolution agrees with SoCal Gas that the changes requested by AReM impact electricity matters and not gas matters.

This Resolution agrees with AReM, however, that SoCal Gas should submit a CISR form to allow for third party access to customer usage information, consistent with the forms submitted by SDG&E, SCE, and PG&E, and adopted in

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<sup>59</sup> See "Joint IOU Report on the Informal All-Party Discussions Regarding the Issues Identified in the Assigned Commissioner's Ruling and Scoping Memo," A.12-03-002, *et al.* at 21-22 (filed July 30, 2012).

<sup>60</sup> As AReM notes, D.11-07-056 envisions that the customer controls the duration of access; absent a pro-active determination by the customer, the utility should assume an indefinite authorization.

this Resolution. SoCal Gas' arguments against this request are not persuasive. Upon reviewing both D.10-04-027 and D.12-08-045, it is clear that the Commission directed SoCal Gas to allow customers to authorize a third party to access their usage information. D.10-04-027 directed SoCal Gas to make access to customer usage information available to authorized third parties "concurrently with meter installation," but also to "utilize any resulting direction [from R.08-12-009] to meet the target we set here to ensure meter data can be made available to authorized third parties as meters are installed"<sup>61</sup> (*italics added*). D.12-08-045 did not alter the time frame for making third party access available, and SoCal Gas' Advice Letter filing made no showing or argument for not including a CISR form for third party access to customer usage information. SoCal Gas' defense in their Reply is not persuasive; as D.10-04-027 states, third party access to data should be done concurrently with AMI installation, not upon full deployment. This Resolution directs SoCal Gas to file a Tier 1 advice letter within 15 days of approval of this Resolution submitting a CISR form allowing third party access to customer usage information, consistent with the CISR forms approved in this Resolution.

## **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 CPUC. 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 on August 6, 2013, and was placed on the CPUC's agenda no earlier than 30 days from the mail date.

Comments on the Draft Resolution were filed by SCE, SCG, PG&E, AReM/DACC/SPURR, Marin Energy Authority (MEA), and EnerNOC on August 26, 2013.

One reply comments was received from SCG on August 30, 2013.

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<sup>61</sup> D.10-04-027 at 43-44.

A summary of the comments submitted by the parties and this Resolution's response is provided below.

SCE agrees the Resolution appropriately 1) finds that the utilities submitted their tariffs in a consistent manner, and 2) rejects parties' protests seeking modifications to the tariff rule and CISR form.

PG&E supports the Resolution's acceptance of the proposed tariff and CISR form.

SCG supports the Resolution and requests one modification to the second ordering paragraph to additionally update certain other existing CISR forms with a form also consistent with other utilities. Having received no objection to the proposed modification, the change is accepted by this Resolution.

AReM/DACC/SPURR (AReM) assert that the Draft Resolution errs in rejecting its request for modification in the proposed tariff language to clarify that ESPs "are not 'covered entities'" under the proposed tariff, arguing that D.12-08-045 "implemented separate privacy" rules for ESPs. The protest is based on references to Attachment B of D.12-08-045 that describes privacy rules applicable to ESPs & CCAs and is thus rejected as out of scope by this Resolution. The Resolution is focused on reviewing tariffs filed pursuant to Commission orders in D.11-07-056 (OP #2) and D.12-08-045 (OP #1, 4, & 6), which explicitly direct the utilities to file tariffs to implement privacy rules applicable to the electric and gas utilities in Attachment D of D.11-07-056 and Attachment A of D.12-08-045 and make no allowance for modifying the specified language in these Attachments to include an exception based on a reference to Attachment B of D.12-08-045 as proposed by AReM.<sup>62</sup>

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<sup>62</sup> The privacy rules adopted in Attachment B of D.12-08-045 apply to smart meter usage information of the customers of CCAs and small commercial and residential customers of ESPs. Energy Division is currently working with the utilities and parties to complete the disposition of advice letters (SDG&E 2434-E, SCE 2830-E and PG&E 4170-E) filed pursuant to D.12-08-045 to implement Attachment B privacy rules.



MEA's protest is similar to the point raised by AReM above and is rejected for the same reason discussed above.

This Resolution rejects concerns raised by AReM about the Resolution being untimely and the adopted CISR form "impeding" work related to demand response proceeding. The Resolution merely adopts the CISR forms proposed in the subject Advice Letters, submitted by the utilities to comply with a direct order in D.11-07-056; in fact, adoption of the CISR form will facilitate work in other areas as the CPUC can modify these, or any other, CISR forms at any time in other proceedings as needed.

The requests to modify the adopted CISR form or consolidate multiple CISR forms by AReM and EnerNOC are rejected as the issues raised by them have already been addressed in the Resolution.<sup>63</sup> EnerNOC's protest regarding the need for revocation process is rejected for the same reason; as noted before, the process issue is appropriately addressed in the backhaul data access proceeding (A.12-03-002, *et al.*, which also references the privacy tariffs approved in this Resolution).

## **FINDINGS AND CONCLUSIONS**

1. This Resolution approves the Advice Letters and tariffs of SDG&E, PG&E, and SCE, as explained in the Resolution.
2. This Resolution accepts the Advice Letter and tariff of SoCal Gas.
3. The tariffs submitted by SDG&E, SCE, SoCal Gas, and PG&E are consistent, but not necessarily identical.
4. The Utility Customer Information Service Request (CISR) forms are consistent across the utilities.
5. The protests of AReM, EnerNOC, and City of San Francisco are rejected, except as noted below.
6. This Resolution agrees with AReM and finds that SoCal Gas should file a Customer Information Services Request form to allow third party

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<sup>63</sup> The customer has two options for authorizing access to data: the CISR form adopted by this Resolution which covers usage only information, or the longer CISR form which covers additional information including usage.

access to customer usage information, consistent with SDG&E, SCE,  
and PG&E.

**THEREFORE IT IS ORDERED THAT:**

1. San Diego Gas & Electric Advice Letter 2428-E/2157-G, Southern California Edison Advice Letter 2819-E, Southern California Gas Company Advice Letter 4433-G, and Pacific Gas and Electric Advice Letter 3349-G/4158-E are approved.
2. Southern California Gas Company (SCG) is directed to submit, via a Tier 1 Advice Letter filing, a Customer Information Service Request (CISR) form, consistent with the forms of the other utilities, for third party access to customer usage within 15 days of approval of this Resolution. Additionally, in the same filing, SCG shall replace other existing CISR forms (Forms No. CIA-1A and CIA-1B) with a CISR form that is consistent with the forms of the other utilities.

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 September 19, 2013; the following Commissioners voting favorably thereon:

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PAUL CLANON  
Executive Director