

# **ATTACHMENT A**

## Senate Bill No. 1476

### CHAPTER 497

An act to add Chapter 5 (commencing with Section 8380) to Division 4.1 of, and to repeal Section 393 of, the Public Utilities Code, relating to public utilities.

[Approved by Governor September 29, 2010. Filed with  
Secretary of State September 29, 2010.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 1476, Padilla. Public utilities: customer privacy: advanced metering infrastructure.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including electrical corporations and gas corporations, as defined.

Existing law requires the commission to conduct a pilot study of certain customers of each electrical corporation to determine the relative value to ratepayers of information, rate design, and metering innovations using specified approaches, but prohibits this data from being used for any commercial purpose, unless authorized by the customer.

This bill would repeal the provisions relating to the pilot study.

This bill would prohibit an electrical corporation or gas corporation from sharing, disclosing, or otherwise making accessible to any 3rd party a customer's electrical or gas consumption data, as defined, except as specified, and would require those utilities to use reasonable security procedures and practices to protect a customer's unencrypted electrical and gas consumption data from unauthorized access, destruction, use, modification, or disclosure. The bill would prohibit an electrical corporation or gas corporation from selling a customer's electrical or gas consumption data or any other personally identifiable information for any purpose.

The bill would prohibit an electrical corporation or gas corporation from providing an incentive or discount to a customer for accessing the customer's electrical or gas consumption data without the prior consent of the customers. The bill would require that an electrical or gas corporation that utilizes an advanced metering infrastructure that allows a customer to access the customer's electrical and gas consumption data to ensure that the customer has an option to access that data without being required to agree to the sharing of his or her personally identifiable information with a 3rd party.

The bill would provide that, if the electrical corporation or gas corporation contracts with a 3rd party for a service that allows a customer to monitor his or her electricity or gas usage, and the 3rd party uses the data for a secondary commercial purpose, the contract between the electrical or gas

corporation and the 3rd party shall provide that the 3rd party prominently discloses that secondary commercial purpose to the customer.

The bill would adopt nearly identical requirements applicable to a local publicly owned electric utility with respect to electrical consumption data, as defined.

*The people of the State of California do enact as follows:*

SECTION 1. Section 393 of the Public Utilities Code is repealed.

SEC. 2. Chapter 5 (commencing with Section 8380) is added to Division 4.1 of the Public Utilities Code, to read:

CHAPTER 5. PRIVACY PROTECTIONS FOR ENERGY CONSUMPTION DATA

8380. (a) For purposes of this section, “electrical or gas consumption data” means data about a customer’s electrical or natural gas usage that is made available as part of an advanced metering infrastructure, and includes the name, account number, or residence of the customer.

(b) (1) 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 (e) or upon the consent of the customer.

(2) An electrical corporation or gas corporation shall not sell a customer’s electrical or gas consumption data or any other personally identifiable information for any purpose.

(3) The electrical corporation or gas corporation or its contractors shall not provide an incentive or discount to the customer for accessing the customer’s electrical or gas consumption data without the prior consent of the customer.

(4) An electrical or gas corporation that utilizes an advanced metering infrastructure that allows a customer to access the customer’s electrical and gas consumption data shall ensure that the customer has an option to access that data without being required to agree to the sharing of his or her personally identifiable information, including electrical or gas consumption data, with a third party.

(c) If an electrical corporation or gas corporation contracts with a third party for a service that allows a customer to monitor his or her electricity or gas usage, and that third party uses the data for a secondary commercial purpose, the contract between the electrical corporation or gas corporation and the third party shall provide that the third party prominently discloses that secondary commercial purpose to the customer.

(d) An electrical corporation or gas corporation shall use reasonable security procedures and practices to protect a customer’s unencrypted electrical or gas consumption data from unauthorized access, destruction, use, modification, or disclosure.

(e) (1) Nothing in this section shall preclude an electrical corporation or gas corporation 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) Nothing in this section shall preclude an electrical corporation or gas corporation 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, energy management, or energy efficiency programs, provided that, for contracts entered into after January 1, 2011, the utility has required by contract that the third party implement and maintain reasonable security procedures and practices appropriate to the nature of the information, to protect the personal information from unauthorized access, destruction, use, modification, or disclosure, and prohibits the use of the data for a secondary commercial purpose not related to the primary purpose of the contract without the customer's consent.

(3) Nothing in this section shall preclude an electrical corporation or gas corporation from disclosing electrical or gas consumption data as required or permitted under state or federal law or by an order of the commission.

(f) If a customer chooses to disclose his or her electrical or gas consumption data to a third party that is unaffiliated with, and has no other business relationship with, the electrical or gas corporation, the electrical or gas corporation shall not be responsible for the security of that data, or its use or misuse.

8381. (a) For purposes of this section, "electrical consumption data" means data about a customer's electrical usage that is made available as part of an advanced metering infrastructure, and includes the name, account number, or residence of the customer.

(b) (1) A local publicly owned electric utility shall not share, disclose, or otherwise make accessible to any third party a customer's electrical consumption data, except as provided in subdivision (e) or upon the consent of the customer.

(2) A local publicly owned electric utility shall not sell a customer's electrical consumption data or any other personally identifiable information for any purpose.

(3) The local publicly owned electric utility or its contractors shall not provide an incentive or discount to the customer for accessing the customer's electrical consumption data without the prior consent of the customer.

(4) A local publicly owned electric utility that utilizes an advanced metering infrastructure that allows a customer to access the customer's electrical consumption data shall ensure that the customer has an option to access that data without being required to agree to the sharing of his or her personally identifiable information, including electrical consumption data, with a third party.

(c) If a local publicly owned electric utility contracts with a third party for a service that allows a customer to monitor his or her electricity usage, and that third party uses the data for a secondary commercial purpose, the

contract between the local publicly owned electric utility and the third party shall provide that the third party prominently discloses that secondary commercial purpose to the customer.

(d) A local publicly owned electric utility shall use reasonable security procedures and practices to protect a customer's unencrypted electrical consumption data from unauthorized access, destruction, use, modification, or disclosure, and prohibits the use of the data for a secondary commercial purpose not related to the primary purpose of the contract without the customer's consent.

(e) (1) Nothing in this section shall preclude a local publicly owned electric utility from using customer aggregate electrical consumption data for analysis, reporting, or program management if all information has been removed regarding the individual identity of a customer.

(2) Nothing in this section shall preclude a local publicly owned electric utility from disclosing a customer's electrical consumption data to a third party for system, grid, or operational needs, or the implementation of demand response, energy management, or energy efficiency programs, provided, for contracts entered into after January 1, 2011, that the utility has required by contract that the third party implement and maintain reasonable security procedures and practices appropriate to the nature of the information, to protect the personal information from unauthorized access, destruction, use, modification, or disclosure.

(3) Nothing in this section shall preclude a local publicly owned electric utility from disclosing electrical consumption data as required under state or federal law.

(f) If a customer chooses to disclose his or her electrical consumption data to a third party that is unaffiliated with, and has no other business relationship with, the local publicly owned electric utility, the utility shall not be responsible for the security of that data, or its use or misuse.

O

# **ATTACHMENT B**

## ATTACHMENT B

### Appendix A

**List of Current Statutes, Regulations, Decisions and Protocols  
Related to Customer Privacy Applicable to California Energy Utilities  
from Appendix A of Opening Responses of Pacific Gas and Electric Company to Assigned  
Commissioner's Ruling on Customer Privacy and Security Issues, October 15, 2010**

#### California Constitution

1. **Cal. Constit., Art. I, section 1.** Each citizen has the right to privacy.

#### Statutes

1. **California Public Utilities Code Section 8380 (enacted by SB 1476 (Padilla), 2010 Stats., Ch. 497.)** – Privacy protections for customer energy consumption data collected by California energy utilities using advanced metering infrastructure

Accessed by typing in “SB1476” at <http://www.assembly.ca.gov/acs/acsframeset2text.htm>

2. **California Public Utilities Code Section 394.4** – Privacy protections for customer energy consumption data collected by non-public utility electric service providers
3. **California Public Utilities Code Section 583** – Prohibits disclosure of confidential information provided by CPUC-jurisdictional public utilities to the CPUC unless ordered released by the CPUC
4. **California Public Utilities Code Section 2894, 2894.10** – Restrictions on disclosure of customer specific information by telecommunications providers.
5. **California Public Utilities Code Section 6354(e)** – Energy utilities must report to municipalities the names and addresses of customers who transport gas or electricity, for purposes of enforcing taxes and fees. Municipalities shall not disclose such customer information to third parties.
6. **California Civil Code Sections 1798.81, 1798.81.5, 1798.82, 1798.83, 1798.84 and 1798.85** – Customer privacy and personal information protections applicable to California businesses generally, including California energy utilities
7. **California Business and Professions Code Section 22575** – Requires online posting of a privacy and third party access policies of California businesses, including California energy utilities
8. **California Civil Code Section 1633.1 et seq.** – Authorizing the use of electronic transactions/signatures to satisfy laws requiring records to be in writing.

## Regulations

**California Public Utilities Commission General Order 66-C** – Public access to information and records of California Public Utilities Commission; restrictions on public access to information furnished to CPUC on confidential basis

[http://162.15.7.24/PUBLISHED/GENERAL\\_ORDER/644.htm](http://162.15.7.24/PUBLISHED/GENERAL_ORDER/644.htm)

## CPUC Decisions

1. **Decision No. 90-12-121, 39 CPUC 2d 173 (1990)** – CPUC policies in “Customer List OII” (I.90-01-033) restricting access by third parties to confidential customer information possessed by utilities unless the customer provides written permission and prohibiting access law enforcement except pursuant to legal process (i.e., warrant or subpoena); directing the IOUs to notify the CPUC in writing ninety days prior to any contemplated change in policies regarding release or use of customer information.
2. **Decision No. 97-05-040, 72 CPUC 2d 441, 485- 487 (1997)** – Requiring written authorization by customer to release customer-specific information to third party electric service providers in connection with Direct Access programs

[http://docs.cpuc.ca.gov/PUBLISHED/FINAL\\_DECISION/5530.htm](http://docs.cpuc.ca.gov/PUBLISHED/FINAL_DECISION/5530.htm)

3. **Decision No. 97-10-031, 76 CPUC 2d 29 (1997)** – Reaffirming requirement of individual customer permission for release of customer specific data to electric service providers as part of Direct Access programs
4. **Decision No. 97-12-088, 77 CPUC 2d 422 (1997), and D.06-12-029** – Adopting affiliate transaction rules, including prohibiting the disclosure of customer information to affiliates or non-affiliates without prior affirmative customer written consent (Affiliate Rule IV.A.)

[http://docs.cpuc.ca.gov/WORD\\_PDF/FINAL\\_DECISION/63087.PDF](http://docs.cpuc.ca.gov/WORD_PDF/FINAL_DECISION/63087.PDF)

<http://docs.cpuc.ca.gov/published/Graphics/63089.PDF>

5. **Decision No. 98-03-073, 79 CPUC 2d 343 (1998)** – Reaffirming restrictions on disclosure of customer information without customer consent, in connection with a utility merger
6. **Decision No. 99-07-015, 1 CPUC 3d 465 (1999)** – Applying customer consent requirement to disclosure of customer specific information under gas industry restructuring
7. **Decision No. 99-09-002, 2 CPUC 3d 233, 238 (1999)** – Reaffirming customer consent requirement in disclosure of customer specific information among gas industry competitors
8. **Decision No. 00-07-020, 7 CPUC 3d 380, 422- 425** – In connection with low income energy assistance programs, reaffirming prior CPUC decisions distinguishing between access of utility contractors to customer specific information (where no express customer



consent is required as long as third party is a contractor of the utility whose use of the information is limited to an approved utility program and subject to confidentiality and non-disclosure requirements) and access of third parties to such information (where customer consent is required.)

[http://docs.cpuc.ca.gov/PUBLISHED/FINAL\\_DECISION/906.htm](http://docs.cpuc.ca.gov/PUBLISHED/FINAL_DECISION/906.htm)

9. **Decision No. 00-12-037** – Confidentiality of customer information provided as part of interconnection services

[http://docs.cpuc.ca.gov/PUBLISHED/FINAL\\_DECISION/4117.htm](http://docs.cpuc.ca.gov/PUBLISHED/FINAL_DECISION/4117.htm)

10. **Decision No. 01-04-006** – Reaffirming general rule that customer consent is required for release of customer specific information to other customers, in connection with utility interruptible programs

[http://docs.cpuc.ca.gov/PUBLISHED/FINAL\\_DECISION/6143.htm](http://docs.cpuc.ca.gov/PUBLISHED/FINAL_DECISION/6143.htm)

11. **Decision No. 01-07-032** – Denial of petition by California Narcotics Officers Association to lift prohibition in D. 90-12-021 on utilities releasing customer specific information to law enforcement agencies without a valid subpoena or warrant or as otherwise required under the law (e.g., P.U. Code Section 588, which permits investigators in child abduction cases to obtain certain utility customer information without legal process).

[http://docs.cpuc.ca.gov/PUBLISHED/FINAL\\_DECISION/8411.htm](http://docs.cpuc.ca.gov/PUBLISHED/FINAL_DECISION/8411.htm)

12. **Decision Nos. 01-09-013, -014 and -015** – Applying customer confidentiality protections to servicing agreements between utilities and the California Department of Water Resources relating to DWR power procurement on behalf of utility customers

[http://docs.cpuc.ca.gov/PUBLISHED/FINAL\\_DECISION/9605.htm](http://docs.cpuc.ca.gov/PUBLISHED/FINAL_DECISION/9605.htm)

[http://docs.cpuc.ca.gov/PUBLISHED/FINAL\\_DECISION/9572.htm](http://docs.cpuc.ca.gov/PUBLISHED/FINAL_DECISION/9572.htm)

[http://docs.cpuc.ca.gov/PUBLISHED/FINAL\\_DECISION/9580.htm](http://docs.cpuc.ca.gov/PUBLISHED/FINAL_DECISION/9580.htm)

13. **Decision No. 09-09-047** – As part of Customer Energy Efficiency programs, authorizing utilities to obtain electronic or written paper consent by customers for disclosure of customer-specific energy usage in private buildings.

<http://docs.cpuc.ca.gov/PUBLISHED/GRAPHICS/107829.PDF>

## Public Utility Tariffs and Protocols

### 1. **PG&E Electric Rule 9.M, Gas Rule 9.M, SCE Rule 9.H –**

#### **ELECTRIC RULE 9.M. PRIVACY OF CUSTOMER INFORMATION**

To preserve customer privacy, PG&E will not release confidential information, including financial information, to a third party without the customer's electronic signature or the written consent.

#### **GAS RULE 9.M. PRIVACY OF CUSTOMER INFORMATION**

PG&E may release confidential information to a third party without obtaining the customer's electronic signature or written consent when required by regulatory, legislative or court order. In such instances, PG&E shall make a reasonable effort to inform the customer of the information to be released, the date the information will be released, and the duration of the release, except in circumstances in which notification to the customer by PG&E is prohibited by law or otherwise inconsistent with applicable laws and regulations.

#### **SCE Rule 9.H. Privacy of Customer Information.**

To preserve a customer's privacy when receiving and paying electric bills through the Internet, SCE shall not release confidential information, including financial information, to a third party without an electronic signature or voice/written consent from the customer.

### 2. **PG&E Electric Rule 22.C.3, SCE Rule 22.C.3 – Requiring written authorization from customer for release of customer-specific usage data to third parties in connection with Direct Access programs. SCE's Rule 22.C.3 is substantially similar to PG&E's Rule 22.C.3.**

#### **ELECTRIC RULE 22.C.3. Access to Customer Usage Data**

PG&E will provide customer-specific usage data to parties specified by the customer, subject to the following provisions:

- a. Except as provided in Section E, the inquiring party must have written authorization from the customer to release such information to the inquiring party only. At the customer's request, this authorization may also indicate if customer information may be released to other parties as specified by the customer.
- b. Subject to customer authorization, PG&E will provide a maximum of the most recent twelve (12) months of customer usage data or the amount of data for that specific service account in a format approved by the CPUC. Customer information will be released to the customer or its authorized agent up to two (2) times per year per service account at no cost to the requesting party. Thereafter, PG&E will have the ability to assess a processing charge only if approved by the CPUC.

- c. As a one-time requirement at the initiation of Direct Access, PG&E will make available a database containing a twelve (12) month history of customer specific usage information with geographic and SIC information, but with customer identities removed. PG&E will have the ability to assess a charge only if approved by the CPUC.
- d. By electing to take Direct Access service from an ESP, the customer consents to the release to the ESP metering information required for billing, settlement and other functions required for the ESP to meet its requirements and twelve (12) months of historical usage data.

**3. SCE Rule 23.C.3.a and Schedule CCA-INFO**

(PG&E's Rule 23 and Schedule CCA-INFO tariffs are substantially similar to SCE's Rule 23 and Schedule CCA-INFO.)

**SCE Rule 23.C.3.a -- Access to Customer Data**

SCE shall provide customer-specific usage data pursuant to Schedule CCA-INFO. SCE and CCA shall abide by the instructions of a customer as to the entities to whom access to the confidential customer information is provided.

**Schedule CCA-INFO:**

Customer specific information will be provided to a CCA pursuant to each customer's written authorization or upon receipt of a signed Community Choice Aggregator Non-Disclosure Agreement (Form 14-769) and a signed Community Choice Aggregation Declaration (Form 14-770).

**4. PG&E Customer Information Privacy Policy**

<http://www.pge.com/about/company/privacy/customer/>

**SCE Privacy Policy**

<http://www.sce.com/PrivacyPolicy/>

**5. PG&E Website Privacy Policy**

<http://www.pge.com/about/company/privacy/website/>

**6. PG&E Website Terms of Use**

<http://www.pge.com/about/company/disclosure/>

7. **PG&E Utility Standard Practice 23** – Attached to this Appendix.
8. **SCE Notice of Release of Customer Information to Affiliates**

<http://www.sce.com/AboutSCE/Regulatory/affiliatenotices/noticeofrelease>

**(END OF ATTACHMENT B)**

# **ATTACHMENT C**

**ATTACHMENT C:**

**APPENDIX A-2 of Center for Democracy and Technology’s Reply Comments of  
November 12, 2010, Revised Privacy Policies and Procedures Recommended by CDT**

**1. DEFINITIONS**

(a) **Covered Entity.** A “covered entity” is (1) any electric service provider, electrical corporation, gas corporation or community choice aggregator, or (2) any third party that collects, stores, uses, or discloses covered information [relating to \_\_\_ or more households or residences].

(b) **Covered Information.** “Covered information” is any electrical or gas usage information when associated with any information that can reasonably be used to identify an individual, family, household, or residence, or non-residential customer, except that covered information does not include electrical or gas usage information from which identifying information has been removed such that an individual, family, household, or residence or non-residential customer cannot reasonably be identified or re-identified.

(c) **Primary Purposes.** The “primary purposes” for the collection, storage, use or disclosure of covered information are to—

- (1) provide or bill for electrical power or natural gas,
- (2) fulfill other operational needs of the electrical or natural gas system or grid,
- (3) provide services as required by state or federal law or specifically authorized by an order of the Commission, or
- (4) implement demand response, energy management, or energy efficiency programs operated by, or on behalf of and under contract with, an electrical or gas corporation, electric service provider, or community choice aggregator.

(d) **Secondary Purpose.** “Secondary purpose” means any purpose that is not a primary purpose.

**2. TRANSPARENCY (NOTICE)**

(a) **Generally.** Covered entities shall provide customers with meaningful, clear, accurate, specific, and comprehensive notice regarding the collection, storage, use, and disclosure of covered information.

(b) **When Provided.** Covered entities shall provide notice in their first paper or electronic correspondence with the customer, if any, and shall provide conspicuous posting of the notice or link to the notice on the home page of their website.

(c) **Form.** The notice shall be labeled “Privacy Policy: Notice of Collection, Storage, Use and Disclosure of Energy Usage Information” and shall—

- (1) be written in easily understandable language, and
- (2) be no longer than is necessary to convey the requisite information.

(d) **Content.** The notice shall state clearly—

- (1) the identity of the covered entity,
- (2) the effective date of the notice,
- (3) the covered entity's process for altering the notice, including how the customer will be informed of any alterations, and where prior versions will be made available to customers, and
- (4) the title and contact information, including email address, postal address, and telephone number, of an official at the covered entity who can assist the customer with privacy questions, concerns, or complaints regarding the collection, storage, use, or distribution of covered information.

**3. PURPOSE SPECIFICATION** The notice required under section 2 shall provide—

(a) an explicit description of—

- (1) each category of covered information collected, used, stored or disclosed by the covered entity, and, for each category of covered information, the reasonably specific purposes for which it will be collected, stored, used, or disclosed, and
- (2) each category of covered information that is disclosed to third parties, and, for each such category, (i) the purposes for which it is disclosed, and (ii) the identities of the third parties to which it is disclosed;

(b) the periods of time that covered information is retained by the covered entity;

(c) a description of—

- (1) the means by which customers may view, inquire about, or dispute their covered information, and
- (2) the means, if any, by which customers may limit the collection, use, storage or disclosure of covered information and the consequences to customers if they exercise such limits.

**4. INDIVIDUAL PARTICIPATION (ACCESS AND CONTROL)**

(a) **Access.** Covered entities shall provide to customers upon request convenient and secure access to their covered information—

(1) in an easily readable format that is at a level no less detailed than that at which the covered entity discloses the data to third parties.

(2) The Commission shall, by subsequent rule, prescribe what is a reasonable time for responding to customer requests for access.

(b) **Control.** Covered entities shall provide customers with convenient mechanisms for—

- (1) granting and revoking authorization for secondary uses of covered information,
- (2) disputing the accuracy or completeness of covered information that the covered entity is storing or distributing for any primary or secondary purpose, and

- (3) requesting corrections or amendments to covered information that the covered entity is collecting, storing, using, or distributing for any primary or secondary purpose.

(c) **Disclosure Pursuant to Legal Process.**

- (1) Except as otherwise provided in this rule or expressly authorized by state or federal law or by order of the Commission, a covered entity shall not disclose covered information except pursuant to a warrant or other court order naming with specificity the customers whose information is sought. Unless otherwise directed by a court, law, or order of the Commission, covered entities shall treat requests for real-time access to covered information as wiretaps, requiring approval under the federal or state wiretap law as necessary.
- (2) Unless otherwise prohibited by court order, law, or order of the Commission, a covered entity, upon receipt of a demand for disclosure of covered information pursuant to legal process, shall, prior to complying, notify the customer in writing and allow the customer 7 days to appear and contest the claim of the person or entity seeking disclosure.
- (3) Nothing in this rule prevents a person or entity seeking covered information from demanding such information from the customer under any applicable legal procedure or authority.
- (4) Nothing in this section prohibits a covered entity from disclosing covered information with the consent of the customer, where the consent is express, written and specific to the purpose and to the person or entity seeking the information.
- (5) Nothing in this rule prevents a covered entity from disclosing, in response to a subpoena, the name, address and other contact information regarding a customer.
- (6) On an annual basis, covered entities shall report to the Commission the number of times that customer data has been sought pursuant to legal process without customer consent, and for each such instance, whether it was a civil or criminal case, whether the covered entity complied with the request as initially presented or as modified in form or scope, and how many customers' records were disclosed. The Commission may require the covered entity to make such reports publicly available without identifying the affected customers, unless making such reports public is prohibited by state or federal law or by order of the Commission.

**5. DATA MINIMIZATION**

(a) **Generally.** Covered entities shall collect, store, use, and disclose only as much covered information as is reasonably necessary or as authorized by the Commission to accomplish a specific primary purpose identified in the notice required under section 2 or for a specific secondary purpose authorized by the customer.

(b) **Data Retention.** Covered entities shall maintain covered information only for as long as reasonably necessary or as authorized by the Commission to accomplish a specific primary purpose identified in the notice required under section 2 or for a specific secondary purpose authorized by the customer.

(c) **Data Disclosure.** Covered entities shall not disclose to any third party more covered information than is reasonably necessary or as authorized by the Commission to carry out on behalf of the



covered entity a specific primary purpose identified in the notice required under section 2 or for a specific secondary purpose authorized by the customer.

## **6. USE AND DISCLOSURE LIMITATION**

(a) **Generally.** Covered information shall be used solely for the purposes specified by the covered entity in accordance with section 3.

(b) **Primary Purposes.** An electric service provider, electrical corporation, gas corporation or community choice aggregator may collect, store and use covered information for primary purposes without customer consent. Other covered entities may collect, store and use covered information only with prior customer consent, except as otherwise provided here.

(c) **Disclosures to Third Parties.**

(1) **Initial Disclosure by a Covered Entity.** A covered entity may disclose covered information to a third party without customer consent for a primary purpose being carried out under contract with and on behalf of the entity disclosing the data, provided that the covered entity disclosing the data shall, by contract, require the third party to agree to collect, store, use, and disclose the covered information under policies, practices and notification requirements no less protective than those under which the covered entity itself operates as required under this rule and, if the information is being disclosed for demand response, energy management or energy efficiency purposes, the disclosing entity permits customers to opt out of such disclosure.

(2) **Subsequent Disclosures.** Any entity that receives covered information derived initially from a gas or electrical corporation, electric service provider or community choice aggregator may disclose such covered information to another entity without customer consent for a primary purpose, provided that the entity disclosing the covered information shall, by contract, require the entity receiving the covered information to use the covered information only for such primary purpose and to agree to store, use, and disclose the covered information under policies, practices and notification requirements no less protective than those under which the gas or electrical corporation, electric service provider or community choice aggregator from which the covered information was initially derived itself operates as required by this rule.

(3) **Terminating Disclosures to Entities Failing to Comply With Their Privacy Assurances.** When an entity discloses covered information to any other entity under this subsection 6(c), it shall specify by contract that it shall be considered a material breach if the receiving entity engages in a pattern or practice of storing, using or disclosing the covered information in violation of the receiving entity's commitment to handle the covered information under policies no less protective than those under which the gas or electrical corporation, electric service provider or community choice aggregator from which the covered information was initially derived itself operates in compliance with this rule. If an entity disclosing covered information finds that an entity to which it disclosed covered information is engaged in a pattern or practice of storing, using or disclosing covered information in violation of the receiving entity's privacy and data security commitments related to handling covered information, the disclosing entity shall cease disclosing covered information to such receiving entity.

(d) **Secondary Purposes.** No covered entity shall use or disclose covered information for any secondary purpose without obtaining the customer's prior, express, written authorization for each such purpose, provided that authorization is not required when information is—

- (1) provided to a law enforcement agency in response to lawful process;
- (2) authorized by the Commission pursuant to its jurisdiction and control.

(e) **Customer Authorization.**

- (1) **Authorization.** Separate authorization by each customer must be obtained for each secondary purpose.
- (2) **Revocation.** Customers have the right to revoke, at any time, any previously granted authorization.
- (3) **Expiration.** Customer consent shall be deemed to expire after two years, after which time customers will need to reauthorize any secondary purposes.

(f) **Parity.** Covered entities shall permit customers to cancel authorization for any secondary purpose of their covered information by the same mechanism initially used to grant authorization.

## **7. DATA QUALITY AND INTEGRITY**

Covered entities shall ensure that covered information they collect, store, use, and disclose is reasonably accurate and complete or otherwise compliant with applicable rules and tariffs regarding the quality of energy usage data.

## **8. DATA SECURITY**

(a) **Generally.** Covered entities shall implement reasonable administrative, technical, and physical safeguards to protect covered information from unauthorized access, destruction, use, modification, or disclosure.

(b) **Notification of Breach.** Upon request by the Commission, covered entities shall notify the Commission of security breaches of covered information.

## **9. ACCOUNTABILITY AND AUDITING**

(a) **Generally.** Covered entities shall be accountable for complying with the requirements herein, and must make available to the Commission upon request or audit—

- (1) the privacy notices that they provide to customers,
- (2) their internal privacy and data security policies,
- (3) the identities of agents, contractors and other third parties to which they disclose covered information, the purposes for which that information is disclosed, indicating for each category of disclosure whether it is for a primary purpose or a secondary purpose, and
- (4) copies of any secondary-use authorization forms by which the covered party secures customer authorization for secondary uses of covered data.

(b) **Customer Complaints.** Covered entities shall provide customers with a process for reasonable access to covered information, for correction of inaccurate covered information, and for addressing customer complaints regarding covered information under these rules.

(c) **Training.** Covered entities shall provide reasonable training to all employees and contractors who use, store or process covered information.

(d) **Audits.** Each covered entity shall conduct an independent audit of its data privacy and security practices periodically as required by the Commission to monitor compliance with its data privacy and security commitments, and shall report the findings to the Commission.

(e) **Disclosures.** On an annual basis, covered entities shall disclose to the Commission—

- (1) the number of authorized third parties accessing covered information,
- (2) the number of non-compliances with this rule or with contractual provisions required by this rule experienced by the covered entities or authorized third parties, and the number of customers affected by such non-compliances.

**(END OF ATTACHMENT C)**

# **ATTACHMENT D**

**Attachment D:****Rules Regarding Privacy and Security Protections for Energy Usage Data****1. DEFINITIONS**

(a) **Covered Entity.** A “covered entity” is (1) any electrical corporation,<sup>1</sup> or any third party that provides services to an electrical corporation under contract, (2) any third party who accesses, collects, stores, uses or discloses covered information pursuant to an order of the Commission, unless specifically exempted, who obtains this information from an electrical corporation, or (3) any third party, when authorized by the customer, that accesses, collects, stores, uses, or discloses covered information relating to 11 or more customers who obtains this information from an electrical corporation.<sup>2</sup>

(b) **Covered Information.** “Covered information” is any usage information obtained through the use of the capabilities of Advanced Metering Infrastructure when associated with any information that can reasonably be used to identify an individual, family, household, residence, or non-residential customer, except that covered information does not include usage information from which identifying information has been removed such that an individual, family, household or residence, or non-residential customer cannot reasonably be identified or re-

---

<sup>1</sup> At this time “any electrical corporation” includes only PG&E, SCE, and SDG&E. Phase 2 of this proceeding will determine how rules should apply to gas corporations and to PacifiCorp, the Sierra Pacific Power, Bear Valley Electric Service and Mountain Utilities.

<sup>2</sup> The Commission and its agents, including but not limited to contractors and consultants, are not “covered entities” subject to these rules because the Commission and its agents are subject to separate statutory provisions pertaining to data. In addition, these rules do not apply at this time to gas corporations, other electrical corporations, community choice aggregators, or electric service providers. Phase 2 of this proceeding will make that determination.

identified. Covered information, however, does not include information provided to the Commission pursuant to its oversight responsibilities.

(c) **Primary Purposes.** The “primary purposes” for the collection, storage, use or disclosure of covered information are to—

- (1) provide or bill for electrical power or gas,
- (2) provide for system, grid, or operational needs,
- (3) provide services as required by state or federal law or as specifically authorized by an order of the Commission, or
- (4) 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.

(e) **Secondary Purpose.** “Secondary purpose” means any purpose that is not a primary purpose.

## 2. TRANSPARENCY (NOTICE)

(a) **Generally.** Covered entities shall provide customers with meaningful, clear, accurate, specific, and comprehensive notice regarding the accessing, collection, storage, use, and disclosure of covered information. Provided, however, that covered entities using covered data solely for a primary purpose on behalf of and under contract with utilities are not required to provide notice separate from that provided by the utility.

(b) **When Provided.** Covered entities shall provide written notice when confirming a new customer account and at least once a year shall inform customers how they may obtain a copy of the covered entity’s notice regarding the accessing, collection, storage, use, and disclosure of covered information, and shall provide a conspicuous link to the notice on the home page of their website, and shall

include a link to their notice in all electronic correspondence to customers.

(c) **Form.** The notice shall be labeled Notice of Accessing, Collecting, Storing, Using and Disclosing Energy Usage Information and shall –

- (1) be written in easily understandable language, and
- (2) be no longer than is necessary to convey the requisite information.

(d) **Content.** The notice and the posted privacy policy shall state clearly –

- (1) the identity of the covered entity,
- (2) the effective date of the notice or posted privacy policy,
- (3) the covered entity's process for altering the notice or posted privacy policy, including how the customer will be informed of any alterations, and where prior versions will be made available to customers, and
- (4) the title and contact information, including email address, postal address, and telephone number, of an official at the covered entity who can assist the customer with privacy questions, concerns, or complaints regarding the collection, storage, use, or distribution of covered information.

### 3. PURPOSE SPECIFICATION

The notice required under section 2 shall provide –

- (a) an explicit description of –
  - (1) each category of covered information collected, used, stored or disclosed by the covered entity, and, for each category of covered information, the reasonably specific purposes for which it will be collected, stored, used, or disclosed,
  - (2) each category of covered information that is disclosed to third parties, and, for each such category, (i) the purposes for which it is disclosed, and (ii) the categories of third parties to which it is disclosed, and

- (3) the identities of those third parties to whom data is disclosed for secondary purposes, and the secondary purposes for which the information is disclosed;
- (b) the approximate period of time that covered information will be retained by the covered entity;
- (c) a description of—
  - (1) the means by which customers may view, inquire about, or dispute their covered information, and
  - (2) the means, if any, by which customers may limit the collection, use, storage or disclosure of covered information and the consequences to customers if they exercise such limits.

#### **4. INDIVIDUAL PARTICIPATION (ACCESS AND CONTROL)**

(a) **Access.** Covered entities shall provide to customers upon request convenient and secure access to their covered information—

- (1) in an easily readable format that is at a level no less detailed than that at which the covered entity discloses the data to third parties.
- (2) The Commission shall, by subsequent rule, prescribe what is a reasonable time for responding to customer requests for access.

(b) **Control.** Covered entities shall provide customers with convenient mechanisms for—

- (1) granting and revoking authorization for secondary uses of covered information,
- (2) disputing the accuracy or completeness of covered information that the covered entity is storing or distributing for any primary or secondary purpose, and



- (3) requesting corrections or amendments to covered information that the covered entity is collecting, storing, using, or distributing for any primary or secondary purpose.

**(c) Disclosure Pursuant to Legal Process.**

- (1) Except as otherwise provided in this rule or expressly authorized by state or federal law or by order of the Commission, a covered entity shall not disclose covered information except pursuant to a warrant or other court order naming with specificity the customers whose information is sought. Unless otherwise directed by a court, law, or order of the Commission, covered entities shall treat requests for real-time access to covered information as wiretaps, requiring approval under the federal or state wiretap law as necessary.
- (2) Unless otherwise prohibited by court order, law, or order of the Commission, a covered entity, upon receipt of a subpoena for disclosure of covered information pursuant to legal process, shall, prior to complying, notify the customer in writing and allow the customer 7 days to appear and contest the claim of the person or entity seeking disclosure.
- (3) Nothing in this rule prevents a person or entity seeking covered information from demanding such information from the customer under any applicable legal procedure or authority.
- (4) Nothing in this section prohibits a covered entity from disclosing covered information with the consent of the customer, where the consent is express, in written form, and specific to the purpose and to the person or entity seeking the information.
- (5) Nothing in this rule prevents a covered entity from disclosing, in response to a subpoena, the name, address and other contact information regarding a customer.

(6) On an annual basis, covered entities shall report to the Commission the number of demands received for disclosure of customer data pursuant to legal process or pursuant to situations of imminent threat to life or property and the number of customers whose records were disclosed. Upon request of the Commission, covered entities shall report additional information to the Commission on such disclosures. The Commission may make such reports publicly available without identifying the affected customers, unless making such reports public is prohibited by state or federal law or by order of the Commission.

(d) **Disclosure of Information in Situations of Imminent Threat to Life or Property.** These rules concerning access, control and disclosure do not apply to information provided to emergency responders in situations involving an imminent threat to life or property. Emergency disclosures, however, remain subject to reporting rule 4(c)(6).

## 5. DATA MINIMIZATION

(a) **Generally.** Covered entities shall collect, store, use, and disclose only as much covered information as is reasonably necessary or as authorized by the Commission to accomplish a specific primary purpose identified in the notice required under section 2 or for a specific secondary purpose authorized by the customer.

(b) **Data Retention.** Covered entities shall maintain covered information only for as long as reasonably necessary or as authorized by the Commission to accomplish a specific primary purpose identified in the notice required under section 2 or for a specific secondary purpose authorized by the customer.

(c) **Data Disclosure.** Covered entities shall not disclose to any third party more covered information than is reasonably necessary or as authorized by the Commission to carry out on behalf of the covered entity a specific

primary purpose identified in the notice required under section 2 or for a specific secondary purpose authorized by the customer.

## 6. USE AND DISCLOSURE LIMITATION

(a) **Generally.** Covered information shall be used solely for the purposes specified by the covered entity in accordance with section 3.

(b) **Primary Purposes.** 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. Other covered entities may collect, store and use covered information only with prior customer consent, except as otherwise provided here.

(c) **Disclosures to Third Parties.**

(1) **Initial Disclosure by an Electrical Corporation.** An electrical corporation may disclose covered information without customer consent to a third party acting under contract with the Commission for the purpose of providing services authorized pursuant to an order or resolution of the Commission or to a governmental entity for the purpose of providing energy efficiency or energy efficiency evaluation services pursuant to an order or resolution of the Commission. An electrical corporation may disclose covered information to a third party without customer consent

a. when explicitly ordered to do so by the Commission; or

b. for a primary purpose being carried out under contract with and on behalf of the electrical corporation disclosing the data;

provided that the covered entity disclosing the data shall, by contract, require the third party to agree to access, collect, store, use, and disclose the covered information under policies, practices and notification requirements no less protective than those under which the covered entity itself operates as required under this rule, unless otherwise directed by the Commission.

- (2) **Subsequent Disclosures.** Any entity that receives covered information derived initially from a covered entity may disclose such covered information to another entity without customer consent for a primary purpose, provided that the entity disclosing the covered information shall, by contract, require the entity receiving the covered information to use the covered information only for such primary purpose and to agree to store, use, and disclose the covered information under policies, practices and notification requirements no less protective than those under which the covered entity from which the covered information was initially derived operates as required by this rule, unless otherwise directed by the Commission.
- (3) **Terminating Disclosures to Entities Failing to Comply With Their Privacy Assurances.** When a covered entity discloses covered information to a third party under this subsection 6(c), it shall specify by contract, unless otherwise ordered by the Commission, that it shall be considered a material breach if the third party engages in a pattern or practice of accessing, storing, using or disclosing the covered information in violation of the third party's contractual obligations to handle the covered information under policies no less protective than those under which the covered entity from which

the covered information was initially derived operates in compliance with this rule.

- If a covered entity disclosing covered information for a primary purpose being carried out under contract with and on behalf of the entity disclosing the data finds that a third party contractor to which it disclosed covered information is engaged in a pattern or practice of accessing, storing, using or disclosing covered information in violation of the third party's contractual obligations related to handling covered information, the disclosing entity shall promptly cease disclosing covered information to such third party.
  - If a covered entity disclosing covered information to a Commission-authorized or customer-authorized third party receives a customer complaint about the third party's misuse of data or other violation of the privacy rules, the disclosing entity shall, upon customer request or at the Commission's direction, promptly cease disclosing that customer's information to such third party. The disclosing entity shall notify the Commission of any such complaints or suspected violations.
- (4) Nothing in this section shall be construed to impose any liability on an electrical corporation relating to disclosures of information by a third party when i) the Commission orders the provision of covered data to a third party; or ii) a customer authorizes or discloses covered data to a third party entity that is unaffiliated with and has no other business relationship with the electrical corporation. After a secure transfer, the electrical corporation shall not be responsible for the security of the covered data or its use or misuse by such third party. This limitation on liability does not apply when a utility has acted recklessly.

(d) **Secondary Purposes.** No covered entity shall use or disclose covered information for any secondary purpose without obtaining the customer's prior, express, written authorization for each type of secondary purpose. This authorization is not required when information is –

- (1) provided pursuant to a legal process as described in 4(c) above;
- (2) provided in situations of imminent threat to life or property as described in 4(d) above; or
- (3) authorized by the Commission pursuant to its jurisdiction and control.

(e) **Customer Authorization.**

- (1) **Authorization.** Separate authorization by each customer must be obtained for all disclosures of covered information except as otherwise provided for herein.
- (2) **Revocation.** Customers have the right to revoke, at any time, any previously granted authorization. .
- (3) **Opportunity to Revoke.** The consent of a residential customer shall continue without expiration, but an entity receiving information pursuant to a residential customer's authorization shall contact the customer, at least annually, to inform the customer of the authorization granted and to provide an opportunity for revocation. The consent of a non-residential customer shall continue in the same way, but an entity receiving information pursuant to a non-residential customer's authorization shall contact the customer, to inform the customer of the authorization granted and to provide an opportunity for revocation either upon the termination of the contract, or annually if there is no contract..

(f) **Parity.** Covered entities shall permit customers to cancel authorization for any secondary purpose of their covered information by the same mechanism initially used to grant authorization.

(g) **Availability of Aggregated Usage Data.** Covered entities shall permit the use of aggregated usage data that is removed of all personally-identifiable information to be used for analysis, reporting or program management provided that the release of that data does not disclose or reveal specific customer information because of the size of the group, rate classification, or nature of the information.

## 7. DATA QUALITY AND INTEGRITY

Covered entities shall ensure that covered information they collect, store, use, and disclose is reasonably accurate and complete or otherwise compliant with applicable rules and tariffs regarding the quality of energy usage data.

## 8. DATA SECURITY

- (a) **Generally.** Covered entities shall implement reasonable administrative, technical, and physical safeguards to protect covered information from unauthorized access, destruction, use, modification, or disclosure.
- (b) **Notification of Breach.** A covered third party shall notify the covered electrical corporation that is the source of the covered data within one week of the detection of a breach. Upon a breach affecting 1,000 or more customers, whether by a covered electrical corporation or by a covered third party, the covered electrical corporation shall notify the Commission's Executive Director of security breaches of covered information within two weeks of the detection of a breach or within one week of notification by a covered third party of such a breach. Upon request by the Commission, electrical corporations shall notify the Commission's Executive Director of security breaches of covered information.
- (c) **Annual Report of Breaches.** In addition, electrical corporations shall file an annual report with the Commission's Executive Director, commencing with the calendar year 2012, that is due within 120 days of the end of the calendar year and notifies the Commission of all

security breaches within the calendar year affecting covered information, whether by the covered electrical corporation or by a third party.

## 9. ACCOUNTABILITY AND AUDITING

(a) **Generally.** Covered entities shall be accountable for complying with the requirements herein, and must make available to the Commission upon request or audit –

- (1) the privacy notices that they provide to customers,
- (2) their internal privacy and data security policies,
- (3) the categories of agents, contractors and other third parties to which they disclose covered information for a primary purpose, the identities of agents, contractors and other third parties to which they disclose covered information for a secondary purpose, the purposes for which all such information is disclosed, indicating for each category of disclosure whether it is for a primary purpose or a secondary purpose. (A covered entity shall retain and make available to the Commission upon request information concerning who has received covered information from the covered entity.), and
- (4) copies of any secondary-use authorization forms by which the covered party secures customer authorization for secondary uses of covered data.

(b) **Customer Complaints.** Covered entities shall provide customers with a process for reasonable access to covered information, for correction of inaccurate covered information, and for addressing customer complaints regarding covered information under these rules.

(c) **Training.** Covered entities shall provide reasonable training to all employees and contractors who use, store or process covered information.

(d) **Audits.** Each electrical corporation shall conduct an independent audit of its data privacy and security practices in conjunction with general rate case proceedings



following 2012 and at other times as required by order of the Commission. The audit shall monitor compliance with data privacy and security commitments, and the electrical corporation shall report the findings to the Commission as part of the utility's general rate case filing.

(e) **Reporting Requirements.** On an annual basis, each electrical corporation shall disclose to the Commission as part of an annual report required by Rule 8.b, the following information:

- (1) the number of authorized third parties accessing covered information,
- (2) the number of non-compliances with this rule or with contractual provisions required by this rule experienced by the utility, and the number of customers affected by each non-compliance and a detailed description of each non-compliance.

**(END OF ATTACHMENT D)**

\*\*\*\*\* SERVICE LIST \*\*\*\*\*

Last Updated on 06-MAY-2011 by: AMT

R0812009 PHASE2

ENERGY SERVICE PROVIDERS

\*\*\*\*\* PARTIES \*\*\*\*\*

\*\*\*\*\* STATE EMPLOYEE \*\*\*\*\*

\*\*\*\*\* INFORMATION ONLY \*\*\*\*\*

3 PHASES RENEWABLES, LLC  
2100 SEPULVEDA BLVD., STE. 37  
MANHATTAN BEACH CA 90266  
(310) 939-1283  
Energy@3PhasesRenewables.com

Mike Lamond  
Chief Financial Officer  
ALPINE NATURAL GAS OPERATING CO. #1 LLC  
PO BOX 550, 15 ST. ANDREWS ROAD  
VALLEY SPRINGS CA 95252  
(209) 772-3006  
Mike@alpinenaturalgas.com

Paul Delaney  
V.P.  
AMERICAN UTILITY NETWORK (A.U.N.)  
10705 DEER CANYON DRIVE  
ALTA LOMA CA 91737  
(805) 390-5632  
pssed@adelphia.net

David Coyle  
General Manager  
ANZA RURAL ELECTRIC COOP  
PO BOX 391909 / 58470 HWY 371  
ANZA CA 92539-1909  
(909) 763-4333  
For: Anza Electric Co-operative, Inc.

---

Don Stoneberger  
APS ENERGY SERVICES  
400 E. VAN BUREN STREET, STE 750  
PHOENIX AZ 85004  
(602) 744-5007  
Don.Stoneberger@apses.com

John Tsouvalas  
West Coast Crude Asset Mgr.  
ARCO PIPE LINE COMPANY  
5900 CHERRY AVENUE  
LONG BEACH CA 90805  
(562) 728-2252

Tara Knox  
AVISTA CORPORATION  
PO BOX 3727  
SPOKANE WA 99220  
(509) 489-0500

John Casadont  
BLUESTAR ENERGY SOLUTIONS  
363 WEST ERIE STREET, SUITE 700  
CHICGO IL 60654  
(312) 628-8666  
JCasadont@BlueStarEnergy.com

Peter Eichler  
CALIFORNIA PACIFIC ELECTRIC COMPANY  
933 ELOISE AVENUE  
SOUTH LAKE TAHOE CA 96150  
(800) 782-2506  
peter.eichler@CaliforniaPacificElectric.com

Don Bishop  
CALNEV PIPELINE COMPANY  
PO BOX 6346  
SAN BERNARDINO CA 92412-6346  
(909) 888-7771

CALPINE POWERAMERICA-CA, LLC  
717 TEXAS AVENUE, SUITE 1000  
HOUSTON TX 77002  
(713) 830-8362  
JArmenta@calpine.com

Mary Anne Collins  
Mgr. Regulatory  
CHEVRON PIPELINE COMPANY  
4800 FOURNACE PLACE  
BELLAIRE TX 77401-2324  
(713) 432-2835  
macollins@chevron.com

CLEAN POWER SAN FRANCISCO  
1155 MARKET STREET, 4TH FL.  
SAN FRANCISCO CA 94103

COMMERCE ENERGY, INC  
1 CENTERPOINTE DRIVE, STE 350  
LA PALMA CA 90623  
(714) 259-2508  
IGoodman@CommerceEnergy.com

\*\*\*\*\* SERVICE LIST \*\*\*\*\*

Last Updated on 06-MAY-2011 by: AMT

R0812009 PHASE2

ENERGY SERVICE PROVIDERS

Rob Gunnin  
V.P. - Supply  
COMMERCE ENERGY, INC.  
600 ANTON BLVD., STE 2000  
COSTA MESA CA 92626  
(714) 259-2500

Patrick Van Beek  
COMMERCIAL ENERGY OF CALIFORNIA  
7677 OAKPORT STREET, STE 525  
OAKLAND CA 94621  
(510) 567-2700  
Patrick.VanBeek@CommercialEnergy.net

Mary Kelly  
Rate Specialist  
CONOCOPHILLIPS PIPE LINE COMPANY  
972 ADAMS BUILDING  
BARTLESVILLE OK 74004  
(918) 661-8427  
mkelly@ppco.com

Larry Vickrey  
Dir.  
CONOCOPHILLIPS PIPELINE COMPANY  
600 N. DAIRY ASHFORD  
HOUSTON TX 77079-1175  
(281) 293-2135  
larry.vickrey@conocophillips.com

Gregory Kosier  
CONSTELLATION NEW ENERGY, INC.  
TWO CALIFORNIA PLAZA  
350 SOUTH GRAND AVENUE, SUITE 3800  
LOS ANGELES CA 90071  
(213) 996-6116  
gregory.kosier@constellation.com

Victor Gonzalez  
CONSTELLATION NEW ENERGY, INC.  
111 MARKET PLACE, STE 500  
BALTIMORE MD 21202  
(713) 652-5544  
Victor.Gonzalez@Constellation.com

Larry W. Alexander  
CRIMSON PIPELINE L.P.  
2459 REDONDO AVENUE  
LONG BEACH CA 90806  
(562) 595-9216  
lwalexander@crimsonpl.com

Andrea Morrison  
DIRECT ENERGY BUSINESS  
7220 AVENIDA ENCINAS, SUITE 120  
CARLSBAD CA 92009  
(916) 759-7052  
Andrea.Morrison@DirectEnergy.com

Andrea Morrison  
DIRECT ENERGY SERVICES, LLC  
12 GREENWAY PLAZA, SUITE 600  
HOUSTON TX 77046  
(805) 481-2097  
Andrea.Morrison@DirectEnergy.com

Carl Boyd  
Mgr - Regulatory Compliance  
DIRECT ENERGY SERVICES, LLC  
1001 LIBERTY AVE.  
PITTSBURGH PA 15222  
(412) 667-5272  
carl.boyd@DirectEnergy.com

Kathryn Fugere  
ELLWOOD PIPELINE, INC.  
ONE EMBARCADERO CENTER, 30TH FL.  
SAN FRANCISCO CA 94111  
(415) 788-0900  
kfugere@gmsr.com

Kevin Boudreaux  
ENERCAL USA LLC  
7660 WOODWAY DRIVE, STE. 471A  
HOUSTON TX 77063  
(713) 395-5372  
kb@enercalusa.com

ENERCAL USA, LLC  
7660 WOODWAY DRIVE, SUITE 471A  
HOUSTON TX 77063  
(877) 398-9705  
info@EnercalUSA.com

John D. Zimmerman  
EOTT ENERGY PIPELINE LIMITED PARTNERSHIP  
SUITE 400  
2000 WEST SAM HOUSTON PARKWAY SO  
HOUSTON TX 77042  
(713) 993-5671  
john\_zimmerman@eott.com

\*\*\*\*\* SERVICE LIST \*\*\*\*\*

Last Updated on 06-MAY-2011 by: AMT

R0812009 PHASE2

ENERGY SERVICE PROVIDERS

Joan Weessies  
Tariff Mgr.  
EQUILON CALIFORNIA PIPELINE CO., LLC  
PO BOX 2648  
HOUSTON TX 77252

Richard Daniel  
GILL RANCH STORAGE, LLC  
220 NW SECOND AVENUE  
PORTLAND OR 97209  
(503) 226-4211  
R.Daniel.GRS@nwnatural.com

Andrew Luszcz  
GLACIAL ENERGY OF CALIFORNIA  
5326 YACHT HAVEN GRANDE BOX 36  
ST THOMAS VI 00802  
Andrew.Luszcz@GlacialEnergy.com

Jessica Evena  
GLACIAL ENERGY OF CALIFORNIA, INC.  
24 ROUTE 6A  
SANDWICH MA 02563  
(888) 452-2425  
Jessica.Evans@GlacialEnergy.com

Ronald Moore  
Sr. Regulatroy Analyst  
GOLDEN STATE WATER COMPANY  
630 EAST FOOTHILL BLVD.  
SAN DIMAS CA 91773  
(909) 394-3600 X-682  
rkmoore@gswater.com

LIBERTY POWER DELAWARE LLC  
1901 W. CYPRESS CREEK ROAD, SUITE 600  
FORT LAUDERDALE FL 33309  
(954) 598-7060  
ASantiago@LibertyPowerCorp.com

Thomas Dill  
LODI GAS STORAGE, LLC  
14811 ST. MARYS LANE, STE. 150  
HOUSTON TX 77079  
(281) 679-3599  
TRDill@WesternHubs.com

MARIN ENERGY AUTHORITY  
3501 CIVIC CENTER DRIVE, ROOM 308  
SAN RAFAEL CA 94903

Dawn Weisz  
Interim Executive Dir  
MARIN ENERGY AUTHORITY  
3100 ZINFANDEL DRIVE, SUITE 600  
RANCHO CORDOVA CA 95670  
dweisz@co.marin.ca.us

C. Morris, Jr  
President  
MOBIL PACIFIC PIPELINE COMPANY  
RENAISSANCE TOWER #1610C  
PO BOX 900  
DALLAS TX 75221  
(713) 656-5419

John Dutcher  
Vp - Regulatory Affairs  
MOUNTAIN UTILITIES  
PO BOX 205  
KIRKWOOD CA 95646  
(707) 426-4003  
Ralf1241a@cs.com

NOBLE AMERICAS ENERGY SOLUTIONS  
401 WEST A STREET, SUITE 500  
SAN DIEGO CA 92101-3017  
(619) 684-8039  
DWelch@SempraSolutions.com

Greg Bass  
Director  
NOBLE AMERICAS ENERGY SOLUTIONS LLC  
101 ASH STREET, HQ09  
SAN DIEGO CA 92101  
(619) 696-3177  
GBass@NobleSolutions.com

Richard Mayer  
NRG ENERGY CENTER SAN FRANCISCO LLC  
410 JESSIE STREET  
SAN FRANCISCO CA 94103  
(415) 777-3415  
richard.mayer@nrgenergy.com

Brian K. Cherry  
PACIFIC GAS AND ELECTRIC COMPANY  
77 BEALE STREET, ROOM 1087  
SAN FRANCISCO CA 94105  
(415) 973-4977  
BKC7@pge.com

\*\*\*\*\* SERVICE LIST \*\*\*\*\*

Last Updated on 06-MAY-2011 by: AMT

R0812009 PHASE2

ENERGY SERVICE PROVIDERS

Leslie H. Everett  
Director, Regulatory Relations  
PACIFIC GAS AND ELECTRIC COMPANY  
77 BEALE STREET, ROOM 1087  
SAN FRANCISCO CA 94105  
(415) 972-6842

Irvin Toole Jr.  
Presiden And Ceo  
PACIFIC PIPELINE SYSTEM, LLC.  
5900 CHERRY AVENUE  
LONG BEACH CA 90805-4408  
(562) 728-2800

Cathie Allen  
Dir - Regulatory Affairs  
PACIFICORP  
825 NE MULTNOMAH, SUITE 2000  
PORTLAND OR 97232  
(503) 813-5934  
cathie.allen@pacificorp.com

PILOT POWER GROUP, INC.  
8910 UNIVERSITY CENTER LANE, STE. 520  
SAN DIEGO CA 92122  
(858) 678-0118  
TDarton@PilotPowerGroup.com

Robert Marshall  
General Manager  
PLUMAS SIERRA RURAL ELECTRIC COOP. (908)  
73233 STATE ROUTE 70 / PO BOX 2000  
PORTOLA CA 96122-7069  
(916) 832-4261  
bmarshall@psrec.coop

Rick C. Noger  
PRAXAIR PLAINFIELD, INC.  
2711 CENTERVILLE ROAD, SUITE 400  
WILMINGTON DE 19808  
(925) 866-6809  
rick\_noger@praxair.com

Lee Schavrien  
SAN DIEGO GAS & ELECTRIC CO.  
8330 CENTRUY PARK COURT, CP33C  
SAN DIEGO CA 92123-1550  
(619) 696-4050  
LSchavrien@SempraUtilities.com

Joseph R. Kloberdanz  
Mgr - Regulatory Affairs  
SAN DIEGO GAS & ELECTRIC COMPANY  
PO BOX 1831  
SAN DIEGO CA 92112  
(619) 696-4420

Ken Deremer  
SAN DIEGO GAS & ELECTRIC COMPANY  
8330 CENTURY PARK COURT, CP32C  
SAN DIEGO CA 92123  
(858) 654-1756  
kderemer@semprautilities.com

Peter Hanschen  
SAN FRANCISCO THERMAL, LTD PARTNERSHIP  
ONE MARITIME PLAZA, STE 300  
SAN FRANCISCO CA 94111  
(415) 954-0258

SAN JOAQUIN VALLEY POWER AUTHORITY  
KINGS RIVER CONSERVATION DISTRICT  
4886 EAST JENSEN AVENUE  
FRESNO CA 93725

Peter M. Dito  
SANTA FE PACIFIC PIPELINES LTD PARTNERS  
1100 TOWN AND COUNTRY ROAD  
ORANGE CA 92868  
(714) 560-4780

Joan Weessies  
Director, Economic Regulation & Tariff Serv  
SHELL CALIFORNIA PIPELINE COMPANY LP  
PO BOX 2648  
HOUSTON TX 77252-2648  
(713) 241-3676  
jweessies@equilon.com

Marcie A. Milner  
SHELL ENERGY NORTH AMERICA (US), L.P.  
4445 EASTGATE MALL, STE. 100  
SAN DIEGO CA 92121  
(858) 526-2106  
marcie.milner@shell.com

Trevor Dillard  
Rate Regulatory Relations  
SIERRA PACIFIC POWER COMPANY  
6100 NEAL ROAD, MS S4A50 / PO BOX 10100  
RENO NV 89520-0024  
(775) 834-5894  
tdillard@sppc.com

\*\*\*\*\* SERVICE LIST \*\*\*\*\*

Last Updated on 06-MAY-2011 by: AMT

R0812009 PHASE2

ENERGY SERVICE PROVIDERS

Akbar Jazayeri  
Dir. Revenue & Tariffs, Rm 390  
SOUTHERN CALIFORNIA EDISON COMPANY  
PO BOX 800, 2241 WALNUT GROVE AVE  
ROSEMEAD CA 91770  
(626) 302-3630  
akbar.jazayeri@sce.com

John Hughes  
Mgr. - Regulatory Affairs  
SOUTHERN CALIFORNIA EDISON COMPANY  
601 VAN NESS AVENUE, STE. 2040  
SAN FRANCISCO CA 94102  
(415) 775-1856

Sid Newsome  
SOUTHERN CALIFORNIA GAS COMPANY  
555 WEST FIFTH STREET, GT14D6  
LOS ANGELES CA 90013-1011  
(213) 244-2846  
SNewsom@SempraUtilities.com

Ronald Moore  
SOUTHERN CALIFORNIA WATER COMPANY  
630 EAST FOOTHILL BLVD  
SAN DIMAS CA 91773-9016  
(909) 394-3600 X759  
rkmoore@scwater.com

Donald L. Soderberg  
Vp - Pricing & Tariffs  
SOUTHWEST GAS CORPORATION  
5241 SPRING MOUNTAIN ROAD / BOX 98510  
LAS VEGAS NV 89150  
(702) 876-7321  
don.soderberg@swgas.com

Bill Fong  
Supervisor - Subsidiary Accounting  
STANDARD PACIFIC GAS LINES, INC  
77 BELE STREET, ROOM 730  
SAN FRANCISCO CA 94106  
(415) 972-1220

Tracy Phillips  
TIGER NATURAL GAS, INC.  
1422 E. 71ST., STE 7  
TULSA OK 74136  
(918) 491-6998 X-202  
tphillips@tigernaturalgas.com

Raymond J. Czahar  
Chief Financial Officer  
WEST COAST GAS COMPANY  
9203 BEATTY DRIVE  
SACRAMENTO CA 95826  
(916) 364-4100  
westgas@aol.com

Daniel E. Hall  
President  
WICKLAND PIPELINES LLC  
8950 CAL CENTER DR. STE 125 BOX 13648  
SACRAMENTO CA 95853  
(916) 978-2460  
DHall@wickland.com

Jason A. Dubchak  
WILD GOOSE STORAGE LLC  
607 8TH AVENUE S.W., SUITE 400  
CALGARY AB T2P 047  
CANADA  
(403) 513-8647  
jason.dubchak@niskags.com