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DOCKET
09-AB 1103-1
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California Energy Commission
Dockets Office, MS-4
Re: Docket No. 10-AB 1103-01 / 09-AB 1103-01
1516 Ninth Street
Sacramento, CA 95814-5512

Re: AB 1103 Pre-Rulemaking Proceeding: AB 1103 Nonresidential Building Energy Performance Rating System - Comments of Pacific Gas and Electric Company on Revised Draft Regulations

Pacific Gas and Electric Company ("PG&E") appreciates the opportunity to provide comments on the Revised Draft Regulations ("RDR") to implement Assembly Bill ("AB") 1103's Nonresidential Building Energy Performance Rating System. The draft regulation was discussed at a California Energy Commission ("CEC") Staff Workshop on September 12. PG&E's comments focus on data privacy issues and proposed solutions to address these challenges.

On page 4 of the RDR, the following data aggregation process is set forth:

(b) Within 15 days of receiving a request from a building owner to release a building's energy use data, a utility company shall upload at least most recent 12 months of the entire building's energy use data to the building owner's Portfolio Manager account. If a utility serves more than one customer within a building, the utility shall aggregate data before release. A utility may verify a request or ask for clarification before releasing data.

This directive requiring aggregation of data is unnecessary for several reasons:[1]

First, to comply with AB 1103 in any manner that would require the disclosure of customer-specific information, including customer-specific usage information, without the

[1] These do not include issues that would be introduced if the utility was responsible for identifying the meters/accounts in the building.

express consent of the individual customer of record (such as a building tenant), PG&E will need express approval by the California Public Utilities Commission ("CPUC") under its recently updated customer privacy rules (CPUC Decision ("D.") No. 11-07-056, Attachment D, Rule 6(c)(1)). PG&E is willing to request approval for such disclosure jointly with the CEC and the other investor-owned utilities in compliance with CPUC D. 11-07-056.

Second, aggregation fails as a proxy for data privacy assurance for a large number of buildings. Although aggregation of data from multiple accounts in a building may provide an additional measure of data privacy for some customers some of the time, there are many instances where no privacy protection whatsoever would be provided. For example, in the common case where a single tenant occupies a landlord-owned building, that tenant may have single meter, or multiple meters for multiple spaces in the building. Under either scenario, the owner would receive specific information about that tenant's consumption in that building (whether from a single meter or from the sum of the consumption from multiple meters). The aggregation exercise provides no privacy protection whatsoever in these situations, which are commonly encountered in the commercial market.

PG&E is near completion of a major IT project to implement AB 1103 functionality (for providing tenant data to building owners). This project will have taken over 2 years to complete with a budget of $578,000 (for IT costs only). A "best case" estimate for the additional cost to implement this requirement would be about $300,000 and 1 year. Constraints in the Portfolio Manager user interface and the EPA's Automated Benchmarking System make this requirement difficult, if not impossible, to implement, especially without impacting the 4000+ buildings already using the system. Aggregating data for multiple meters (which may also change on a monthly basis) will make it challenging for users and ESPs to identify mistakes (meters that should not have been or should be included in the building's energy use), and even more challenging to correct them. Meters at a building may be on different billing/reading cycles – implementation of aggregation could affect both the ability for a building to receive a score and/or its accuracy.

PG&E is available to discuss its alternative proposals with the Commission and other interested parties at your convenience.

Sincerely,

Valerie J. Winn

cc: Justin Regnier (by email: jregnier@energy.state.ca.us)