

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

Application of Pacific Gas and Electric Company for Approval of Its Proposals and Cost Recovery for Improvements to the Click-Through Authorization Process Pursuant to Ordering Paragraph 29 of Resolution E-4868. (U39E)	A.18-11-015 (filed November 26, 2018)
And Related Matters.	A.18-11-016 A.18-11-017

**JOINT OBJECTION OF CALIFORNIA EFFICIENCY + DEMAND MANAGEMENT
COUNCIL, CALIFORNIA ENERGY STORAGE ALLIANCE, HOME ENERGY
ANALYTICS, MISSION:DATA COALITION AND OHMCONNECT, INC.
TO THE JOINT APPLICANTS' RESPONSE TO ADMINISTRATIVE LAW JUDGE
RULING ORDERING SUPPLEMENTAL BRIEFING ON SCOPING ITEM 12**

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TABLE OF AUTHORITIES

Statutes

Pub. Util. Code § 8360 6

Pub. Util. Code § 8380 6

Commission Decisions

D.11-07-056 6

D.13-09-025 6,10

Resolution E-4868 4,8-12

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1. Introduction

Pursuant to Administrative Law Judge Andrea McGary’s email order dated August 28, 2020, the California Efficiency + Demand Management Council (the “Council”), California Energy Storage Alliance (“CESA”), Home Energy Analytics (“HEA”), Mission:data Coalition (“Mission:data”) and OhmConnect, Inc. (“OhmConnect”; together, the “Joint Parties”) respectfully submit this Joint Objection to the Joint Applicants’ Response dated September 4,

2020.¹ The “Joint Applicants” or “Applicants” refer to Pacific Gas & Electric Company (“PG&E”), Southern California Edison Company (“SCE”) and San Diego Gas & Electric Company (“SDG&E”).

The Joint Parties object to the severance of Issue 12 from the current proceeding for the following reasons: (1) The Applicants’ request for severance is procedurally misplaced, and the question of whether, and how, to expand the click-through solutions to distributed energy resources (“DER”) is more appropriately addressed in testimony in the current proceeding than in a new proceeding; and (2) the Applicants’ claims that inclusion of Issue 12 would lead to inefficient adjudication and that the present docket has an insufficient number of intervenors are false.

2. Discussion

(A) The Applicants’ Concerns Should be Addressed Through Testimony, Not Severance

The Applicants mention several reasons why Issue 12 should be severed from this proceeding, including that “specific controls for consumer and utility protection” should be developed, and that certain “utility data” could be provided to DERs that do not participate in the CAISO market or operate under the requirements of Rule 24/32.² The Joint Parties agree that these topics are indeed worthy of discussion. However, contrary to the Applicants’ claims, they both *can* be considered in the present docket and, pursuant to Resolution E-4868, *must* be.

¹ Pursuant to the Commission’s Rules of Practice and Procedure 1.8(d), Mission:data confirms that CEDMC, CESA, HEA and OhmConnect have authorized Mission:data to file this Joint Response on behalf of their organizations.

² *Joint Applicants’ Response* at 5-6.

Applications before the Commission require the Commission to determine whether the authority sought is consistent with applicable law, and is just and reasonable. If elements of the applications filed in this docket are inconsistent with applicable law, then the Commission can make that determination after a review of testimony, rebuttal, cross-examination and post-hearing briefs. Nothing limits the Commission's ability to accept, reject, or modify applications filed by utilities in order to make those applications conform to state and federal law and Commission rules. The Joint Parties find the Applicants' argument on this point puzzling because privacy concerns and access controls over customer data are "baked in" to any data-related application before the Commission. How could the Commission approve any information technology (IT)-related investment without simultaneously reviewing access controls and privacy? The reasons put forth by the Applicants to sever Issue 12 are, in fact, reasons for the Commission to adjudicate these matters in the present docket.

The Applicants further state that failure to sever Issue 12 would result in "uncoordinated, costly and potentially conflicting directions emerging in disparate Commission forums."³ It is the task of the Commission to ensure that applications seeking certain authorities would *not* conflict with existing policy; in no small part, that is the *purpose* of application proceedings. It is also a purpose of applications to determine the most cost-effective method of delivering value to ratepayers so that cost increases may be deemed just and reasonable. The stated concerns of the Applicants are not reasons for severing Issue 12; in fact, they are reasons to diligently consider

³ *Id.* at 7.

Issue 12 in this proceeding's testimony so that Commission policy is consistently applied and cost are minimized.

Furthermore, the Applicants' clear implication is that the rules under which DERs receive customer data with permission are unclear, unsettled or perhaps even non-existent, and that is why a separate proceeding is required. The Joint Parties strongly disagree with this suggestion. Following the 2010 enactment of Senate Bill 17 (Padilla) in 2009 and Senate Bill 1476 (Padilla), which amended § 8360 and § 8380 to Division 4.1 of the Public Utilities Code, the Commission undertook one of the most comprehensive rulemakings on privacy in the country. Decision D.11-07-056 established thoughtful and detailed privacy requirements on energy-related data for utilities, vendors to utilities, and customer-authorized third parties of all types. A subsequent decision, D.13-09-025, established technical methods for customers to authorize third parties of their choosing to receive energy-related information, as well as codified the eligibility criteria of third parties. A series of decisions relating to demand response established Electric Rules 24/32 ("Rules 24/32") and established eligibility criteria for demand response providers ("DRPs"). The Applicants may have differing opinions about how preexisting Commission orders are to be applied to the expansion of the click-through solutions, but the notion that DER eligibility is somehow legally undeveloped or inchoate such that there is insufficient legal grounding to adjudicate Issue 12 in this docket is simply untrue.

Additionally, two of the Applicants appear to contradict the premise of the request for severance, raising significant doubts about the sincerity of the Applicants' argument. In its application, PG&E notes that it has already expanded the click-through authorization process to

all third parties, not merely demand response providers.⁴ Further, PG&E provides data beyond merely electric usage data to customer-authorized third parties via its Share My Data platform, including natural gas usage, bill amounts, billing period and reading cycle, and tiers;⁵ notably, this work was implemented without the need for *any* proceeding to consider the “broader issues” suggested by the Applicants. As for SCE, in opening testimony it supports expanding the click-through improvements to DERs *without* a separate proceeding. SCE states:

SCE’s vision for Click-Through is that it will eventually become the primary means for third parties to obtain access to customer data. As such, SCE supports providing data via Click-Through to all types of DER providers upon proper customer authentication and authorization.⁶

As for the Applicants’ move for severance, it is difficult to take the Applicants’ claims seriously when both PG&E and SCE have made the opposite arguments. As a result, the Joint Parties believe the best way to discover the issues at the root of expanding the click-through solutions to all DERs is to allow testimony, rebuttal, cross-examination and briefs to run their course in this proceeding.

⁴ “This solution, which third parties and customers successfully use today, allows PG&E to authenticate the customer, to obtain a valid authorization, to transmit data securely, and to terminate access when a customer revokes an authorization. Since the click-through process builds upon SMD [Share My Data], it is already available to any third party seeking customer authorization to release data from electric and gas customers.” A.18-11-015 *et al.* (consolidated), *Pacific Gas & Electric Company Improvements to Click-Through Customer Data Access Application*. Prepared Testimony dated November 26, 2018 at 1-10:18-24.

⁵ PG&E Share My Data documentation: https://www.pge.com/pge_global/common/pdfs/save-energy-money/analyze-your-usage/your-usage/view-and-share-your-data-with-smartmeter/reading-the-smartmeter/share-your-data/third-party-companies/Supported-Data-Elements.pdf

⁶ A.18-11-015 *et al.* (consolidated). *Testimony of Southern California Edison Company in Support of its Application in Compliance with Ordering Paragraph 29, Resolution E-4868, Seeking Cost Recovery for Improvements to the Click-Through Authorization Process*. Dated November 26, 2018 at 26:6-8.

Finally, the Applicants falsely paint the expansion of the click-through solutions to all DERs as an all-or-nothing proposition: Either DERs receive information identical to the data received by registered DRPs, in which case modifications to Rules 24/32 would be required,⁷ or DERs do not. The Joint Parties do not believe such a rigid, binary determination is reflected in Commission orders. It is clear from Resolution E-4868 that the Commission intended for the present applications to address the expansion of the click-through solutions to DER providers, even if the precise details of *how* the click-through solutions were to be adapted to DERs was not known at the time Resolution E-4868 was issued. For example, the following discussion in Resolution E-4868 illuminates the Commission’s intent that utilities should plan for “flexibility” in their IT systems so that DERs can receive customer information in the same manner as DRPs, even though the specific details were not known at that time:

In addition to SDG&E’s approach of allowing multiple use cases per provider, **the Utilities shall first ensure that the click-through process accommodates different use cases by customizing the data set that each type of provider would receive. Different providers are approved to receive different data sets; for example, energy efficiency providers may not receive gas data unless they install gas efficiency measures.** To receive data through the Green Button platform, distributed energy resource providers must pre-register with the Utility. Section 6 describes how a third-party Demand Response Provider can choose its preferred length of authorization when it pre-registers with the Utility for OAuth Solution 3. In order to “future-proof” the click-through solution(s), **the Utilities shall ensure that the different data sets available to each different distributed energy resource can be included as an option in the pre-registration process.**⁸

⁷ “The Applicants all raised various concerns, including the potential for this proceeding to expand the use of the Click-Through solution(s) to provide utility data to DER providers that do not participate in the CAISO market or operate under the requirements of the Rule 24/32 tariff.” *Joint Applicants’ Response* at 6. While the Applicants state that “The Applicants all raised various concerns,” this is misleading because PG&E did not raise concerns in its testimony about providing “utility” data to DERs.

⁸ Resolution E-4868 at 68. Emphasis added.

Two paragraphs later, the Commission then uses the reasoning cited above to order the Applicants to “include a proposal for expanding the solution(s) to other distributed energy resource and energy management providers in the application for future improvements described...below.”⁹ It is unmistakable in the above passage that the Commission did *not* intend to provide DERs with identical data as that provided to DRPs. Contrary to the Applicants’ claim that there are “broader questions about who should be eligible to access those different types of data,”¹⁰ implying that the Commission has never opined on such matters, those questions were explicitly addressed in Resolution E-4868: “the Utilities shall ensure that the different data sets available to each different distributed energy resource can be included...” Put simply, the all-or-nothing framing of the Applicants does not exist in the text of Resolution E-4868. In fact, Resolution E-4868 ordered IT platforms with “flexibility” precisely so that the details of *how* the click-through solutions should be expanded to DERs could be determined in the present docket.

On this last point, the Joint Parties suggest re-wording Issue 12 to eliminate misinterpretations that the Commission intended a binary determination. We respectfully suggest adding the word “how” at the beginning of the sentence so that it would read: “**How** should the IOUs’ current click-through solutions for Demand Response Providers be expanded to include other distributed energy resource and energy management providers?”

(B) The Applicants’ claims that adjudicating Issue 12 would be inefficient, and that this docket has an insufficient number of intervenors, are false.

⁹ *Id.* at 69.

¹⁰ *Joint Applicants’ Response* at 6.

The Applicants state that there would be “significant procedural issues” should Issue 12 be included in the present docket. For example, the Applicants cite the need to develop a list of data items; identify their accompanying business purpose; analyze the new content change; determine whether the information resides in the utilities’ systems; determine what IT processes and resources would be necessary for the utility to deliver the additional data elements; determine batching; and “modify tariffs and commercial agreements that would establish governance for DER providers’ and other energy management providers’ registration and use of data,” among others.¹¹

The Joint Parties assert that the alleged “procedural issues” are illusory. In listing a number of exaggerated and in part unnecessary steps, the Applicants paint a picture not of the present but of the status quo in 2011, implying that we are at the very bottom rung of a ladder up which the utilities, stakeholders and the Commission have, in fact, been climbing for many years. The Applicants ignore Commission decisions, working groups, and their own development of technology platforms since 2011 that largely answer the questions posed. For example, D.13-09-025 established eligibility criteria, a registration process and dispute resolution procedures for third party DERs that wish to access customer energy information with consent of the customer. The Applicants’ Green Button Connect (“GBC”) platforms have been operational since approximately 2016 with scores of third parties registering to use these services. A list of data items is provided by each utility for their respective GBC platforms and Rule 24/32 systems. The work that the Applicants imply is so painstaking to conduct is, in large part, bygone.

¹¹ *Id.* at 9.

As for the need for utilities to analyze how their IT systems should function, the Joint Parties wish to remind the Commission that it is the utilities' responsibility to design, develop and maintain IT systems in a timely and reasonable manner to the Commission's satisfaction. Resolution E-4868 OP29 required the Applicants to conduct an analysis of their IT systems, provide a cost estimate, and propose a detailed plan and budget for expanding the click-through solutions to all DERs. The Applicants appear to be claiming that they did not, in fact, conduct such an analysis, because they claim such an analysis needs to be conducted again. The Joint Parties view the Applicants' claims as distracting, contradictory and false. Only one of these scenarios can be true: Either the Applicants complied with Resolution E-4868 OP29, having analyzed "what IT processes and resources would be necessary for the utility to deliver the additional data elements," in which case the time-consuming tasks to which the Applicants allude do not exist, or else the Applicants did *not* sufficiently comply with Resolution E-4868 OP29, and that work is still to be done. Either way, the purported inefficiency that would result from utilities designing their IT systems in a prudent manner is not a legitimate reason to sever Issue 12, either because such work should have already been completed or because, if it hasn't, the Commission should not excuse the Applicants' failure to comply with Resolution E-4868 OP29.

Put simply, the expansion of the click-through solutions to all DERs is not rocket science because of the work the Commission and the utilities have already undertaken. It is not excessively difficult or excessively risky, nor does it require utilities to babysit DERs, analyze the legitimacy of DERs' data "needs," or develop governance strategies over DERs. Commission policies and precedents in these areas are robust and well-established. The Applicants may have differing views regarding certain implementation details or the application of Commission policy

on certain matters, but these disagreements are to be expected in an application proceeding of this type.

Finally, as for the Applicants' claim that there is an insufficient number of intervenors, the Joint Parties strongly disagree. While it is true that there are seven non-utility parties to the proceeding, it is not true that this number is necessarily inadequate. First of all, the associations of Mission:data, CESA and CEDMC represent over 170 firms that provide energy efficiency, demand management, demand response, energy storage, rooftop solar, and other distributed energy resources across the state of California. The fact that all 170 firms are not individually parties to this proceeding does not mean they are uninterested in this docket or that their interests are not being sufficiently represented. In addition, while it is possible that a separate proceeding dedicated to Issue 12 would attract additional intervenors, it is also possible that it would not because participation is impossible to predict. The Joint Parties believe that while the Applicants' concerns in this regard may be well-intentioned, DERs set their own business priorities and the Commission should not put itself in the position of mind-reader. This proceeding was publicly noticed, and it is the Joint Parties' view that our firms and constituents were aware of this docket. Therefore, an adequate number and type of intervenors are already present in this proceeding.

3. Conclusion

The Applicants' information technology systems involving customer consent to share information with third parties have been the subject of Commission proceedings for over a decade. And yet, as demonstrated in the 2018 protests filed in the present docket by Mission:data, OhmConnect and Home Energy Analytics, much remains to be done to ensure that customers have simple and convenient mechanisms for accessing energy management services

from third parties. Put simply, the Commission should be rightfully exasperated at the snail's pace of progress to date. Resolution E-4868 OP29 clearly and unambiguously designated *this* application proceeding to be the venue in which the Commission would evaluate the expansion of the click-through solutions to all DERs. Severing Issue 12 would subvert the Commission's clear instructions given in Resolution E-4868 and unduly delay the already long-overdue improvements that are necessary for California ratepayers to realize the benefits of investments in advanced metering.

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Respectfully submitted,

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