Energy Data Access Committee (EDAC) Quarter 2, 2017 Meeting

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| Monday, June 19, 2017  WebEx Link |

<https://van.webex.com/van/j.php?MTID=m9183d52e0ff0df80092e598946274462>

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| 3:00 pm  |  Pacific Daylight Time (San Francisco, GMT-07:00)  |  1 hr 30 mins |

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| Meeting number: 746 974 824 |
| Meeting password: !Energy1 |
| Join by Phone |
| Call-in: 866-628-9540 Participant password: 163 7171 |

Agenda:

* 3:00 Meeting roll call and announcements
* 3:10 Review and discussion of proposed EDAC recommendation to CPUC Commissioners regarding privacy changes for industrial sector customers. (See p.2)
  + Review of recommendation(s)
  + Review of IOU data request responses
  + Discussion
* 3:30 Public Input on Proposed Recommendation (30 min)
  + Customer Advocates
  + Local Governments
* 4:10 New Business
  + EDAC Recommendation to CPUC to open a data OIR
  + (Other…..please add)
* 4:30 Adjourn

**Recommendation to Modify D.14-05-016 Use Case 1: Local Governments Seeking Access to Aggregate Data**

CPUC Decision 14-05-016 (Decision) recognized that local governments have responsibility for Climate Action Planning under CEQA and related statutes. Local governments must fulfill their public service obligations and State direction to complete GHG inventories consistent with standard community inventory protocols. To do so, jurisdictions require publicly disclosable, annualized kWh and therm usage for each sector: Residential, commercial, industrial, and agricultural. Since each jurisdiction has compliance obligations, minimum aggregation requirements must be by jurisdiction, preferably without minimum number of customers or energy usage percentages.

Local governments who are currently working to meet requirements to conduct publicly reported GHG inventories and track progress over time have found that they do not have sufficient access to utility energy usage data to meet their public obligations to implement Climate Action planning. The CPUC’s current rules do not allow all local governments to meet their public disclosure needs.

The Commission’s Energy Division Staff proposal was presented to the Energy Data Access Committee (EDAC) at the April 13, 2017 meeting by Amy Reardon. It recognized that local governments are entitled to consistent, comprehensive and publishable consumption data for Climate Action Plans (CAPs.) EDAC members voted in favor of pursuing a recommendation that specifically addressed the needs of access to data in the industrial and commercial sectors:

1. *If there are three or fewer customers in a given sector, this data will be combined with another sector;[[1]](#footnote-1)*
2. *If there are a minimum of four customers in a given sector, the anonymized data shall be provided in its entirety, with no omissions, regardless of the customers’ relative portions of load.*
3. *The results of the CAP, including aggregated data, may be published in public reports as provided by the utility;*
4. *If there are accounts excluded under the rules, then the local government may obtain the omitted data under a Non-Disclosusre Agreement for the purpose of verifying that publicly reported emissions trends are representative of the trend in total emissions. And*
5. *Local Governments may request historical data to fix inconsistencies created under the D.14-08-016 rules.*

*The Local Government members of the EDAC support and urge adoption of this proposal as a productive answer to the chronic problems with access to verifiable and disclosable data for CAP implementation, including, Greenhouse Gas (GHG) Emissions Inventory reporting. Local Governments request the IOUs to provide analysis demonstrating the application of this approach to data, to confirm it does in-fact alleviate the barriers for the majority of jurisdictions throughout the state.*

**Discussion:**

Additional legislation and State plans introduced since the Decision, including Senate Bills 32 and 350, and the California Air Resources Board (CARB) draft scoping plan update[[2]](#footnote-2), add new requirements for local governments to inventory GHG emissions within their jurisdictions. The Decision anticipated this to some extent where it identified Use Case 1 (Section 7.1) to make available the necessary energy usage data by directing “utilities to fulfill requests by local, city, and county governments and regional governmental entities for aggregated or anonymized energy data”. In addition, the Decision assumed the need to revise the rules as experience was gathered. [[3]](#footnote-3)While the aggregation thresholds defined by the Decision (Findings of Fact 28-33) improved data access, local governments continue to encounter obstacles to fulfilling their public service obligations. Additionally, the Privacy Rules[[4]](#footnote-4), which effectively obscure GHG emissions data for large energy consumers and emitters, should be reexamined in light of the State’s greater disclosure mandates for GHG emitting activities, particularly energy use.

Since the Decision, AB802 and Cap-and-Trade[[5]](#footnote-5) reporting have increasingly required emitters to publicly disclose their activities. Even those covered by mandatory public disclosure rules continue to be omitted from utility reporting due to the Privacy Rules – in part because the Privacy Rules prevent utilities from identifying specific sites that are omitted. However, it is clear that a significant portion of data restricted from disclosure under the CPUC rules is now subject to public disclosure.

While Local Government EDAC members have worked to document the data gap, Pacific Gas & Electric Company (PG&E) provided an example representative of California’s utilities at the Energy Data Access Committee on April 13, 2017. In reviewing reports provided to local governments for climate action planning based on 2014, 2015, and 2016 consumption data for 289 jurisdictions in PG&E territory, they found:

* Under the Privacy Rules, PG&E only provided full jurisdiction-level gas and electric data to 78 jurisdictions. PG&E provided incomplete energy usage data to 73% of communities for greenhouse gas inventories.
* Incomplete data – while compliant with the Privacy Rules in a process that is arithmetically correct – is fundamentally *incorrect.* The 211 jurisdictions where data that received partial data account for 77% of gas usage, and 23% of electric usage.

If those communities requested the same data via the Energy Data Request Program (EDRP) process, 117 jurisdictions would receive complete electric and gas data – 60% would receive partial data.

The standard GHG inventory protocols for local government are the Global Protocols for Communities (GPC)[[6]](#footnote-6) referenced by international agreements and the U.S. Community Protocol referenced by the CARB’s Scoping Plan Update and designed to align with the GPC. These protocols define accounting and reporting principles and objectives of 1) relevance to inform policy and actions; 2) completeness, accounting for all emission sources; 3) consistency/comparability over time and across jurisdictions; 4) transparency to the public; and 5) accuracy.

These principles collectively require that local governments be able to **publicly report the kWh and therm usage for each sector: Residential, commercial, industrial, and agricultural.** The current privacy rules prevent California local governments from meeting these objectives. Data provided by PG&E affirm that the Privacy Rules cause data to be redacted for more than 65% of jurisdictions in PG&E territory, and the terms of service requirement under Section 8 prohibits governments from publicly reporting this data – even though it is aggregated and anonymized. The variability of how these rules affect jurisdictions also results in an inconsistent mix of sectors and combinations of sectors reported across jurisdictions and across inventory years. This disables trend analyses and comparison. Without complete data, local governments must resort to developing their own proxies to estimate the omitted usage by using past year averages or regional ratios, resulting in very low accuracy that threatens to undermine meaningful decision-making. Jurisdictions are mandated indirectly by the state, and in some cases by local ordinances or voter resolutions to track and report their GHG emissions. In addition, local governments need accurate data to justify budgetary requests to support climate action and energy efficiency programs and policy development.

The appropriate remedy is to **set the minimum aggregation requirement to be the annualized jurisdictional level, without a minimum number of customers or energy usage percentages.** Data that is aggregated at the jurisdiction level *is* a reasonable approach:

* Residential sector-level aggregate annual electricity and therm usage meets the current Privacy Rules in all jurisdictions in California. (All incorporated cities and unincorporated areas of counties contain far more than 15 residents.) Therefore, the more practical approach we request will not change of information provided for the residential sector.
* Industrial sector-level data is systematically problematic under the current Privacy Rules – particularly annual natural gas use. However, large emitters already publicly disclose annual usage via CARB – so California has already determined that the public interest in climate mitigation supersedes even facility-level disclosure of annual energy usage, and the Privacy Rules are merely serving to degrade the ability of local governments to effectively support climate change mitigation.
* Commercial sector-level annual electricity and natural gas usually do not trigger the Privacy Rules, and to our knowledge all jurisdictions contain multiple commercial customers, so commercial sector-level annualized information is reasonably aggregated.

GHG emissions caused by energy consumption have real and significant public health and cost implications as AB802 and CARB regulations implementing SB32 and 350 have explicitly recognized. State and local government agencies, representing the public interest, have a responsibility to pursue disclosure of activities in their jurisdictions that will result in direct or indirect costs and damages to their constituents. Under new AB802 regulations, building specific energy usage will be disclosable specifically to incentivize increased energy efficiency practices and achieve the state’s ambitious goals for 2030. Overall, the State is moving toward greater disclosure as a public responsibility, and the requested modification would fulfill that goal.

1. For example, if the industrial sector does not have a minimum of four customers, then the largest commercial customers from that jurisdictional area will be added to the industrial data set until a minimum of four customers of combined large commercial/industrial sectors is reached. [↑](#footnote-ref-1)
2. 2017 Climate Change Scoping Plan Update, January 20, 2017 California Air Resources Board (CARB), pages 130-141 and Appendix B *Local Action*. “…recommended local government goals of six metric tons CO2e per capita by 2030 and no more than two metric tons CO2e per capita by 2050 are intended to provide consistency with the 2030 Target Scoping Plan and the State’s long term goals…Per the community protocol, a local government should focus on those emissions that the jurisdiction controls, while disclosing emissions within its geographical boundary but for which the local government does not have regulatory authority.” *Id.*, at page 134. [↑](#footnote-ref-2)
3. D.14-05-016, pp. 35-36. [↑](#footnote-ref-3)
4. CPUC Privacy Rules, D.11-07-056. [↑](#footnote-ref-4)
5. See, for example, Title 17 California Code of Regulations Section 95800, et seq and Section 95103 for GHG Reporting Requirements. “Mandatory Reporting of Greenhouse Gas Emissions.” [↑](#footnote-ref-5)
6. WRI, C40, ICLEI (2014) Global Protocol for Community-Scale Emissions Inventories http://www.wri.org/publication/global-protocol-community-scale-greenhouse-gas-emission-inventories [↑](#footnote-ref-6)