STATE OF CALIFORNIA Edmund G. Brown Jr., *Governor*

PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

November 20, 2013 **Advice Letter 3349-G/4158-E**

Brian K. Cherry
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SUBJECT: Revisions to PG&E's Gas and Electric Tariffs Per D.11-07-056, D.12-08-045, and Res. E-4535

Dear Mr. Cherry,

Advice Letter 3349-G/4158-E is effective as of September 19, 2013, per Resolution E-4599.

Sincerely,

Edward Randolph

Edward F. Randolph, Director
Energy Division

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ENERGY DIVISION **RESOLUTION E-4599**
September 19, 2013

R E S O L U T I O N

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

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

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

ESTIMATED COST: None.

By SDG&E Advice Letter 2428-E/2157-G (U 902-E). Filed on December 5, 2012.
By SCE Advice Letter 2819-E (U 338-E). Filed on December 5, 2012.
By SoCal Gas Advice Letter 4433-G (U 904-G). Filed on December 5, 2012.
By PG&E Advice Letter 3349-G/4158-E (U 39-E). Filed on December 5, 2012.

SUMMARY

This Resolution addresses San Diego Gas & Electric Co. (SDG&E) Advice Letter 2428-E/2157-G, Southern California Edison Co. (SCE) Advice Letter 2819, Southern California Gas Company (SoCal Gas) Advice Letter 4433, and Pacific Gas and Electric Co. (PG&E) Advice Letter 3349-G/4158-E seeking approval of

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

BACKGROUND

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

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

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

On September 27, 2012, the Commission rejected the October 27, 2011 Advice Letter filings of SDG&E, SCE, and PG&E in Resolution E-4535. E-4535 directed SDG&E, SCE, and PG&E to "coordinate and implement a consistent set of privacy and security rules, and related customer information request forms."[2] Additionally, E-4535 directed SDG&E, SCE, and PG&E to participate in a workshop "to develop a coordinated and consistent implementation of the

[1] D.11-07-056 at Ordering Paragraph 2.

[2] E-4535 at 2.

privacy and security rules.[3] E-4535 directed the utilities to file their revised tariff sheets in conjunction with the Advice Letters required in D.12-08-045.

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

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

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

SDG&E proposes to modify their existing Rule 9, proposes a new Rule 33, and proposes a new Gas/Electric Form 180-100. SDG&E's proposed revision to Rule 9 adds a reference to their proposed Rule 33.[4] SDG&E's proposed Rule 33 is based on Attachment D of D.11-07-056 and Attachment A of D.12-08-045, with some additional language "added for clarification."[5] SDG&E's proposed Form 180-100 allows for a customer to authorize the sharing of their usage information with a third party. SDG&E states that it attempted to revise their existing form "Authorization to: Receive Customer Information or Act on a Customer's Behalf,"[6] but SDG&E notes that using that existing form for usage authorization was "unworkable."[7] For information beyond usage, the customer would also need to complete the "Authorization to Receive Customer Information or Act on a Customer's Behalf," which provides for access to additional customer information such as billing records. SDG&E states the proposed Form 180-100 can be used for both electric and gas customers.[8] The proposed new Rule 23 and proposed new Form 180-100 would apply to both gas and electric usage data.

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[3] *Id.* This workshop was scheduled pursuant to D.12-08-045.

[4] SDG&E AL 2428-E/2157-G at 3.

[5] Id.

[6] All three electric utilities have a similar Customer Information Standardized Request (CISR) authorization form. For ease of reference, these forms are collectively referred to as "CISR."

[7] *Id.* at 4.

[8] *Id.*

B) SCE Advice Letter 2819-E

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

C) SoCal Gas Advice Letter 4433-G

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

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[9] *SCE AL 2819-E at 3.*

[10] *Id.*

[11] *Id.*

[12] SoCal Gas AL 4433-G at 2.

[13] Id.

[14] Id.

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

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

NOTICE

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

PROTESTS

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

SUMMARY OF PROTESTS

AReM protests both the subject filings and other advice letters filed in response to other orders in D.12-08-45.[16] AReM argues that the CISR forms proposed by the utilities are inconsistent and creates confusion by requiring the customer to

[15] PG&E AL 3349-G/4158-E at 2.

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

sign two CISR forms: one for usage and one for billing and meter data.[17] AReM also argues that the CISR forms do not "clearly establish an indefinite term as the default" for the duration of customer consent.[18] Furthermore, AReM states that the CISR forms are not uniform enough across the three utilities, nor did the utilities provide for one authorization form that would apply across the utilities.[19] In addition, AReM notes that SoCal Gas failed to submit a CISR form, so it is unable to determine to what extent SoCal Gas has a CISR form and whether it is consistent with the others. AReM requests a technical change to the proposed Rules; specifically, AReM requests that the rules be modified to explicitly state that the rules are not applicable to Electric Service Providers (ESP).[20] AReM also requests the Commission to "encourage on-line authorization by customers" to release data to authorized third parties.[21] Finally, AReM requests a revision to the utilities' ESP rules regarding the definition of "small commercial customers," although this protest is actually made with respect to other advice letters that are not the subject of this Resolution.[22]

EnerNOC protests the filings and states that the utilities introduced new language regarding "Usage Information" that is not defined in Attachment D or D.11-07-056 or D.12-08-045.[23] EnerNOC also protests language in the rules regarding termination of data access as it "does not provide a process by which the customer complaint is received and the customer's request to rescind data access to the third party is effectuated."[24] EnerNOC is concerned that without an identified process, "allegations of wrong doing by an authorized third party can be made without support, without notice and without an opportunity for the

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

[18] Id. at 3.

[19] Id.

[20] Id. at 4-5.

[21] *Id.* at 5.

[22] *See supra footnote 16.*

[23] *Protest of EnerNOC at 2.*

[24] *Id. at 3.*

third party to respond and address the charge."[25] Finally, EnerNOC also protests the proposed CISR forms as being confusing and inefficient to implement. EnerNOC argues that having one CISR form for customer usage information and another CISR form for billing information may be "confusing and frustrating for customers." EnerNOC, instead, suggests the CISR forms be combined, and the Commission should consider how to encourage the use of electronic access and electronic signatures.[26]

City of San Francisco protests PG&E's Advice Letter and argues that PG&E inappropriately expands the proposed rule to limit its liability beyond that expected by the Commission.[27] According to the City of San Francisco, PG&E's revised section 9(f) adds to its liability protection due to "legal process," which was not included in the Attachment D of D.11-07-056. In addition, City of San Francisco argues that edits to section 9(f) further protects PG&E from "liability when PG&E is providing energy usage data to third parties in response to legal process or even when PG&E has been grossly negligent."[28] Finally, City of San Francisco states that PG&E's proposed new Form 79-1147 also provides PG&E extra liability protection that was not authorized by the Commission.[29] City of San Francisco argues that "PG&E is attempting to use [Form 79-1147] to require those customers to both release and indemnify PG&E for PG&E's own wrongful conduct when acting pursuant to that consent or revocation."[30] City of San Francisco requests that the Commission reject PG&E's Advice Letters or PG&E agrees to remove section 9(f) and related indemnification language from its rule and proposed Form 79-1147.[31]

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[25] *Id.*

[26] *Id. at 4.*

[27] *Protest of the City and County of San Francisco at 3.*

[28] *Id.*

[29] *Id. at 4.*

[30] *Id.*

[31] *Id.*

SUMMARY OF UTILITY RESPONSES

SDG&E's replies that its new Form 180-100 CISR is for instances where the customer merely wants to share usage information, and notes that this form only requires the signature of the customer, whereas the longer CISR form requires signatures from both the customer and third party.[32] Additionally, the longer CISR form can also be used to authorize the sharing of usage information and billing data; Form 180-100 is for usage only. SDG&E also states that the duration of consent language was reached as a result of discussions held in an October 2012 workshop, and adequately represents the consensus reached in that workshop.[33] SDG&E further responds that its pending application (A.12-03-003) to authorize access to utility backhaul data will address several concerns regarding electronic authorization, termination of third party access, and ability to choose multiple third parties at once.[34] SDG&E also responds that its use of "personal information" and "personal electricity usage data" because "these terms add clarity and are required for SDG&E's overall privacy policies and procedures," and is "more meaningful to customers."[35] SDG&E notes that D.11-07-056 is not the only privacy laws to which it is bound. Finally, SDG&E notes that D.12-08-045 also applies to ESPs, and it would be "wrong for SDG&E to state in its proposed Rule 33 that ESPs are not covered entities included in the data privacy rules"[36]; however, SDG&E does agree to modify its Electric Rule 25 regarding a definition of "Small Commercial Customer" upon Commission adoption of the definition in R.07-05-025.[37]

In its reply, SCE also states that the new Form 14-929 is for instances where the customer authorizes access only to usage information; should the customer authorize access to usage and other information, such as billing data, the customer can authorize the existing CISR Form 14-796.[38] Regarding the duration

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

[33] *Id. at 2.*

[34] *Id.* at 3-5.

[35] *Id. at 4.*

[36] *Id. at 5.*

[37] *Id.*

[38] *Reply of Southern California Edison Company to Protests at 2.*

of authorization, SCE notes that its language is consistent with the consensus reached in the October 2012 workshop and that customers should retain the option for either a specific authorization period or an indefinite authorization period.[39] SCE disagrees with AReM that its rules should not identify ESPs as being covered under the privacy rules as inconsistent with D.12-08-045.[40] SCE defends the use of the terms "Usage Information," "Personal Information," and "Personal Electricity Usage Data" as more appropriate terms considering the other rules in place regarding data and data privacy, and the historical use of terms in existing Forms and rules.[41] Additionally, SCE argues that its clarification will "be more meaningful to most customers" rather that the use of other technical terms.[42] Finally, SCE agrees with EnerNOC that a third party would want to be aware of allegations of misuse, but it is not appropriate to include such mechanisms in Rule 25; rather, SCE notes that similar discussions are underway in the backhaul data applications proceeding (A.12-03-002, et al.) and proposes that a separate workshop on revocation of access could be useful in developing a common protocol for revocation of third party access.[43]

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

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[39] *Id.*

[40] *Id. at 3.*

[41] *Id. at 4-5.*

[42] *Id. at 5.*

[43] *Id. at 6.*

[44] *Reply to Protest of SoCal Gas at 2.*

[45] *Id.*

[46] *Id.*

"Small Commercial Customer" to its Rule 42 as that is also related to electric utility tariffs, not gas.[47]

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

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[47] *Id. at 3.*

[48] *Pacific Gas and Electric Company's Response to Protests of Advice Letters 3349-G/4158-E at 2.*

[49] *Id.*

[50] *Id. at 3.*

[51] *Id.*

[52] *Id.*

[53] *Id. at 4.*

[54] *Id.*

[55] *Id.*

DISCUSSION

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

A) Utility Tariffs

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

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

This Resolution rejects the requests of City of San Francisco regarding PG&E's indemnification language. This Resolution agrees with PG&E that the Commission's Privacy Rules provide for the requisite protection regarding utility liability. As PG&E notes, the adopted Privacy Rules already provide PG&E with a measure of liability protection from misuse of data by third parties (be they authorized by the customer or directed by the Commission), unless the utility

[56] See supra footnote 16.

acts "recklessly."[57] PG&E section 9(f) of their Rule 27 does not change PG&E's requirement to abide by the Privacy Rules; rather, 9(f) provides for clarifying language where a third party misuses customer usage information, and that third party obtained information pursuant to customer direction or at the direction of the Commission.

B) CISR Forms

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

This Resolution also rejects the argument of EnerNOC that a "paper trail" is needed to follow the authorization process. As the utilities all note, the tariff itself provides for the rights granted to the customer regarding his/her ability to revoke authorization for transmitting usage data to a third party. In addition, the on-going proceeding regarding third party access to backhaul data is addressing the issue of process for handling complaints or privacy violations[58]; as stated in the Joint IOU report in that proceeding, the parties proposed several options for notification and process regarding the revocation of third party access.[59] This Resolution finds that the request of EnerNOC to provide for a process here is outside the scope of this proceeding, and more appropriately addressed in the backhaul data access proceeding (A.12-03-002, et al.).

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[57] See Privacy Rules Section 6(c)(4).

[58] A.12-03-002, et al.

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

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

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

C) SoCal Gas

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

This Resolution agrees with AReM, however, that SoCal Gas should submit a CISR form to allow for third party access to customer usage information, consistent with the forms submitted by SDG&E, SCE, and PG&E, and adopted in this Resolution. SoCal Gas' arguments against this request are not persuasive. Upon reviewing both D.10-04-027 and D.12-08-045, it is clear that the Commission directed SoCal Gas to allow customers to authorize a third party to access their usage information. D.10-04-027 directed SoCal Gas to make access to customer usage information available to authorized third parties "concurrently with meter installation," but also to "utilize any resulting direction [from R.08-12-009] to meet the target we set here to ensure meter data can be made available to authorized third parties as meters are installed"[61] (italics added). D.12-08-045 did not alter the time frame for making third party access available, and SoCal Gas' Advice Letter filing made no showing or argument for not

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

[61] D.10-04-027 at 43-44.

including a CISR form for third party access to customer usage information. SoCal Gas' defense in their Reply is not persuasive; as D.10-04-027 states, third party access to data should be done concurrently with AMI installation, not upon full deployment. This Resolution directs SoCal Gas to file a Tier 1 advice letter within 15 days of approval of this Resolution submitting a CISR form allowing third party access to customer usage information, consistent with the CISR forms approved in this Resolution.

COMMENTS

Public Utilities Code section 311(g)(1) provides that this resolution must be served on all parties and subject to at least 30 days public review and comment prior to a vote of the CPUC. Section 311(g)(2) provides that this 30-day period may be reduced or waived upon the stipulation of all parties in the proceeding.

The 30-day comment period for the draft of this resolution was neither waived nor reduced. Accordingly, this draft resolution was mailed to parties for comments on August 6, 2013, and was placed on the CPUC's agenda no earlier than 30 days from the mail date.

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

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

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

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

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

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

AReM/DACC/SPURR (AReM) assert that the Draft Resolution errs in rejecting its request for modification in the proposed tariff language to clarify that ESPs "are not 'covered entities'" under the proposed tariff, arguing that D.12-08-045

"implemented separate privacy" rules for ESPs. The protest is based on references to Attachment B of D.12-08-045 that describes privacy rules applicable to ESPs & CCAs and is thus rejected as out of scope by this Resolution. The Resolution is focused on reviewing tariffs filed pursuant to Commission orders in D.11-07-056 (OP #2) and D.12-08-045 (OP #1, 4, & 6), which explicitly direct the utilities to file tariffs to implement privacy rules applicable to the electric and gas utilities in Attachment D of D.11-07-056 and Attachment A of D.12-08-045 and make no allowance for modifying the specified language in these Attachments to include an exception based on a reference to Attachment B of D.12-08-045 as proposed by AReM.[62]

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

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

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

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

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

FINDINGS AND CONCLUSIONS

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

THEREFORE IT IS ORDERED THAT:

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

This Resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed and adopted at a conference of the Public Utilities Commission of the State of California held on September 19, 2013; the following Commissioners voting favorably thereon:

/s/___*Paul Clanon*_____
PAUL CLANON
Executive Director

MICHAEL R. PEEVEY
President
MICHEL PETER FLORIO
CATHERINE J.K. SANDOVAL
MARK J. FERRON
CARLA J. PETERMAN
Commissioners

Pacific Gas and Electric Company

Brian K. Cherry
Vice President
Regulatory Relations

Pacific Gas and Electric Company
Mail Code B10C
P.O. Box 770000
San Francisco, CA 94177

Fax: 415.973.7226

December 5, 2012

Advice 3349-G/4158- E
(Pacific Gas and Electric Company ID U 39 M)

Public Utilities Commission of the State of California

Subject: **Revisions to PG&E's Gas and Electric Tariffs Per Decision 11-07-056, Decision 12-08-045, and Resolution E-4535**

Pacific Gas and Electric Company ("PG&E") hereby submits for filing revisions to its gas and electric tariffs. The affected tariff sheets are listed on the enclosed Attachment 1.

Purpose

The purpose of these revised tariffs is to comply with: (1) Ordering Paragraph 2 of Decision ("D.") 11-07-056, which requires PG&E to file a Tier 2 advice letter including whatever tariff changes are necessary to conform its corporate policies concerning customer usage data to the Rules Regarding Privacy and Security Protections for Energy Usage Data in Attachment D to D.11-07-056, (2) Ordering Paragraph 2 of D.12-08-045, which requires PG&E to file a Tier 2 advice letter with tariffs that conform to the privacy rules adopted in this decision within 90 days of the effective date of this decision, and (3) Ordering Paragraph 2 of Resolution E-4535, which requires PG&E to file a Tier 2 advice letter by November 21, 2012 with confirming changes to their tariffs implementing the privacy rules adopted in D. 11-07-056. San Diego Gas & Electric, on behalf of PG&E, Southern California Edison, and Southern California Gas Company requested and was granted an extension by the California Public Utilities Commission's ("CPUC" or "Commission") Executive Director to file this advice letter by December 5, 2012.

Background

In D.11-07-056, the CPUC adopted new and updated rules requiring privacy and security protections for energy usage data collected by the utilities and third parties from utility customers. Among other things, this decision requires the utilities, including PG&E, to review their tariffs and file an advice letter revising the tariffs as necessary to conform the utilities' corporate policies concerning customer usage data to the Commission's new and updated privacy rules. By its terms, D.11-07-056 applies only to

electric corporations. On October 27, 2011, PG&E filed Advice Letter 3251-G/3934-E in compliance with this decision.

In Resolution E-4535, the Commission rejected PG&E's Advice Letter 3251-G/3934-E, which was filed in compliance with D.11-07-056, based on the inconsistent implementation of D.11-07-056 and the inconsistent treatment of rules and requirements across the utilities.

In D.12-08-045, the Commission adopted privacy protections concerning customer usage data for gas customers, which are similar to those established in D.11-07-056. In addition, this decision extends the privacy protections adopted in D.11-07-056 to customers of Community Choice Aggregators (CCA) and to the residential and small commercial customers of electric service providers (ESP).

Therefore, in accordance with D.11-07-056, Resolution E-4535, and D.12-08-045, PG&E proposes the following additions to its gas and electric tariffs and sample forms in this advice letter:

(1) Add PG&E Electric Rule 27, "PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA"
(2) Add PG&E Gas Rule 27, "PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA"
(3) Add PG&E Gas Form 79-1147, "AUTHORIZATION OR REVOCATION OF AUTHORIZATION TO RECEIVE CUSTOMER USAGE INFORMATION"
(4) Add PG&E Electric Form 79-1147, "AUTHORIZATION OR REVOCATION OF AUTHORIZATION TO RECEIVE CUSTOMER USAGE INFORMATION"[1]

PG&E participated in workshops held by Commission staff to ensure a common approach to the drafting of these tariff provisions.

[1] PG&E will file Spanish versions of the PG&E Gas and Electric Forms 79-1147 as a supplement to this advice letter.

Protests

Anyone wishing to protest this filing may do so by letter sent via U.S. mail, facsimile or E-mail, no later than **December 26, 2012**, which is 21 days[2] after the date of this filing. Protests must be submitted to:

CPUC Energy Division
ED Tariff Unit
505 Van Ness Avenue, 4th Floor
San Francisco, California 94102

Facsimile: (415) 703-2200
E-mail: EDTariffUnit@cpuc.ca.gov

Copies of protests also should be mailed to the attention of the Director, Energy Division, Room 4004, at the address shown above.

The protest shall also be sent to PG&E either via E-mail or U.S. mail (and by facsimile, if possible) at the address shown below on the same date it is mailed or delivered to the Commission:

Brian K. Cherry
Vice President, Regulatory Relations
Pacific Gas and Electric Company
77 Beale Street, Mail Code B10C
P.O. Box 770000
San Francisco, California 94177

Facsimile: (415) 973-7226
E-mail: PGETariffs@pge.com

Any person (including individuals, groups, or organizations) may protest or respond to an advice letter (General Order 96-B, Rule 7.4). The protest shall contain the following information: specification of the advice letter protested; grounds for the protest; supporting factual information or legal argument; name, telephone number, postal address, and (where appropriate) e-mail address of the protestant; and statement that the protest was sent to the utility no later than the day on which the protest was submitted to the reviewing Industry Division (General Order 96-B, Rule 3.11).

[2] The 20 day protest period concludes on a holiday. PG&E hereby moves this date to the following business day, consistent with the provisions in G.O. 96-B, Section 1.5.

Effective Date

PG&E requests that this Tier 2 advice filing, upon Energy Division approval, become effective on regular notice, **January 4, 2013**, which is 30 calendar days after the date of this filing.

Notice

In accordance with General Order 96-B, Section IV, a copy of this advice letter is being sent electronically and via U.S. mail to parties shown on the attached list and the service lists for R.08-12-009 and R.08-12-009 Phase 2. Address changes to the General Order 96-B service list should be directed to PG&E at e-mail address PGETariffs@pge.com. For changes to any other service list, please contact the Commission's Process Office at (415) 703-2021 or at Process_Office@cpuc.ca.gov. Send all electronic approvals to PGETariffs@pge.com. Advice letter filings can also be accessed electronically at: http://www.pge.com/tariffs/.

Brian Cherry /slw

Vice President, Regulatory Relations

cc: Service Lists R.08-12-009 and R.08-12-009 Phase 2

Attachments

CALIFORNIA PUBLIC UTILITIES COMMISSION

ADVICE LETTER FILING SUMMARY
ENERGY UTILITY

MUST BE COMPLETED BY UTILITY (Attach additional pages as needed)

Company name/CPUC Utility No. **Pacific Gas and Electric Company (ID U39 M)**

Utility type:	Contact Person: **Shirley Wong**
☑ ELC ☑ GAS	Phone #: **(415) 972-5505**
☐ PLC ☐ HEAT ☐ WATER	E-mail: **slwb@pge.com**

EXPLANATION OF UTILITY TYPE

ELC = Electric GAS = Gas ☐
PLC = Pipeline HEAT = Heat WATER = Water

(Date Filed/ Received Stamp by CPUC)

Advice Letter (AL) #: **3349-G/4158-E** **Tier: 2**

Subject of AL: **Revisions to PG&E's Gas and Electric Tariffs Per Decision 11-07-056, Decision 12-08-045, and Resolution E-4535**

Keywords (choose from CPUC listing): Compliance, Forms, Rules

AL filing type: ☐ Monthly ☐ Quarterly ☐ Annual ☑ One-Time ☐ Other _____

If AL filed in compliance with a Commission order, indicate relevant Decision/Resolution #: **D.11-07-056, D.12-08-045, and Resolution E-4535**

Does AL replace a withdrawn or rejected AL? If so, identify the prior AL: No

Summarize differences between the AL and the prior withdrawn or rejected AL:

Is AL requesting confidential treatment? If so, what information is the utility seeking confidential treatment for: No

Confidential information will be made available to those who have executed a nondisclosure agreement: N/A

Name(s) and contact information of the person(s) who will provide the nondisclosure agreement and access to the confidential information: _____

Resolution Required? ☐ Yes ☑No

Requested effective date: **January 4, 2013** No. of tariff sheets: **42**

Estimated system annual revenue effect (%): N/A

Estimated system average rate effect (%): N/A

When rates are affected by AL, include attachment in AL showing average rate effects on customer classes (residential, small commercial, large C/I, agricultural, lighting).

Tariff schedules affected: **Gas and Electric Rules 27 and Forms 79-1147**

Service affected and changes proposed:

Protests, dispositions, and all other correspondence regarding this AL are due no later than 20 days after the date of this filing, unless otherwise authorized by the Commission, and shall be sent to:

CPUC, Energy Division
ED Tariff Unit
505 Van Ness Ave., 4th Floor
San Francisco, CA 94102
EDTariffUnit@cpuc.ca.gov

Pacific Gas and Electric Company
Attn: Brian K. Cherry, Vice President, Regulatory Relations
77 Beale Street, Mail Code B10C
P.O. Box 770000
San Francisco, CA 94177
E-mail: PGETariffs@pge.com

Cal P.U.C. Sheet No.	Title of Sheet	Cancelling Cal P.U.C. Sheet No.
30095-G	GAS RULE NO. 27 PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA Sheet 1	
30096-G	GAS RULE NO. 27 PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA Sheet 2	
30097-G	GAS RULE NO. 27 PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA Sheet 3	
30098-G	GAS RULE NO. 27 PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA Sheet 4	
30099-G	GAS RULE NO. 27 PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA Sheet 5	
30100-G	GAS RULE NO. 27 PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA Sheet 6	
30101-G	GAS RULE NO. 27 PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA Sheet 7	
30102-G	GAS RULE NO. 27 PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA Sheet 8	
30103-G	GAS RULE NO. 27 PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA Sheet 9	

Cal P.U.C. Sheet No.	Title of Sheet	Cancelling Cal P.U.C. Sheet No.
30104-G	GAS RULE NO. 27 PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA Sheet 10	
30105-G	GAS RULE NO. 27 PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA Sheet 11	
30106-G	GAS RULE NO. 27 PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA Sheet 12	
30107-G	GAS RULE NO. 27 PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA Sheet 13	
30108-G	GAS RULE NO. 27 PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA Sheet 14	
30109-G	GAS RULE NO. 27 PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA Sheet 15	
30110-G	GAS RULE NO. 27 PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA Sheet 16	
30111-G	GAS RULE NO. 27 PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA Sheet 17	
30112-G	Gas Sample Form No. 79-1147 AUTHORIZATION OR REVOCATION OF AUTHORIZATION TO RECEIVE CUSTOMER USAGE INFORMATION Sheet 1	

Cal P.U.C. Sheet No.	Title of Sheet	Cancelling Cal P.U.C. Sheet No.
30113-G	GAS TABLE OF CONTENTS Sheet 1	30045-G
30114-G	GAS TABLE OF CONTENTS Sheet 6	29791-G
30115-G	GAS TABLE OF CONTENTS Sheet 11	30049-G

GAS RULE NO. 27 Sheet 1 (N)
PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA (N)

The following rule conforms Pacific Gas and Electric Company's policies concerning customer energy usage data to the Rules Regarding Privacy and Security Protections for Energy Usage Data adopted by the California Public Utilities Commission as Attachment A to Decision (D.) 12-08-045. (N)

1. DEFINITIONS

(a) Covered Entity. A "covered entity" is (1) PG&E and its contractors and vendors, (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 PG&E, 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 PG&E.[1]

(b) Covered Information. "Covered information" is any usage information obtained through the use of PG&E's Advanced Metering Infrastructure (AMI), which includes PG&E's SmartMeters™, 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 customers cannot reasonably be identified or re-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 gas,

[1] 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. (N)

(Continued)

GAS RULE NO. 27 Sheet 2 (N)
PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA (N)

1. DEFINITIONS (CONT'D.) (N)

(c) Primary Purposes. The "primary purposes" for the collection, storage, use or disclosure of covered information are to: (Cont'd.)

(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 PG&E, under contract with the Commission , or as part of a Commission authorized program conducted by a governmental entity under the supervision of the Commission.

(d) Secondary Purpose. "Secondary purpose" means any purpose that is not a primary purpose.

(e) Usage Information. Any consumption information for a customer service account obtained through a PG&E AMI system.

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 PG&E are not required to provide notice separate from that provided by PG&E. (N)

(Continued)

GAS RULE NO. 27 Sheet 3 (N)
PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA (N)

2. TRANSPARENCY (NOTICE) (CONT'D.) (N)

(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 UsageInformation"* 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. (N)

(Continued)

GAS RULE NO. 27 Sheet 4 (N)
PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA (N)

3. PURPOSE SPECIFICATION (N)

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. (N)

(Continued)

GAS RULE NO. 27 Sheet 5 (N)
PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA (N)

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

(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. (N)

(Continued)

GAS RULE NO. 27 Sheet 6 (N)
PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA (N)

4. INDIVIDUAL PARTICIPATION (ACCESS AND CONTROL) (CONT'D.) (N)

(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. (N)

(Continued)

GAS RULE NO. 27 Sheet 7 (N)
PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA (N)

4. INDIVIDUAL PARTICIPATION (ACCESS AND CONTROL) (CONT'D.) (N)

(c) Disclosure Pursuant to Legal Process. (Cont'd.)

(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. (N)

(Continued)

GAS RULE NO. 27 Sheet 8 (N)
PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA (N)

5. DATA MINIMIZATION (CONT'D.) (N)

(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. PG&E, 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. (N)

(Continued)

GAS RULE NO. 27 Sheet 9 (N)
PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA (N)

6. USE AND DISCLOSURE LIMITATION (CONT'D.) (N)

(c) Disclosures to Third Parties.

(1) Initial Disclosure by PG&E. PG&E 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 that specifically directs PG&E to disclose customer-specific usage information or other confidential information to the governmental entity. PG&E 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 PG&E;

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. (N)

(Continued)

GAS RULE NO. 27 Sheet 10 (N)
PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA (N)

6. USE AND DISCLOSURE LIMITATION (CONT'D.) (N)

(c) Disclosures to Third Parties. (Cont'd.)

(2) Subsequent Disclosures. Any entity that receives covered information derived initially from PG&E 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. (N)

(Continued)

GAS RULE NO. 27 Sheet 11 (N)
PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA (N)

6. USE AND DISCLOSURE LIMITATION ((CONT'D.) (N)

(c) Disclosures to Third Parties. (Cont'd.)

(3) Terminating Disclosures to Entities Failing to Comply With Their Privacy Assurances. (Cont'd.)

- 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. (N)

(Continued)

GAS RULE NO. 27 Sheet 12 (N)
PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA (N)

6. USE AND DISCLOSURE LIMITATION (CONT'D.) (N)

(c) Disclosures to Third Parties. (Cont'd.)

(4) Nothing in this section shall be construed to impose any liability on PG&E 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 PG&E. After a secure transfer, PG&E 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. (N)

(Continued)

GAS RULE NO. 27 Sheet 13 (N)
PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA (N)

6. USE AND DISCLOSURE LIMITATION (CONT'D.) (N)

(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. PG&E may 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. (N)

(Continued)

GAS RULE NO. 27 Sheet 14 (N)
PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA (N)

7. DATA QUALITY AND INTEGRITY (N)

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 PG&E within one week of the detection of a breach of PG&E's customers' covered information. Upon a breach affecting 1,000 or more of PG&E's customers, whether by PG&E or by a covered third party, PG&E 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, PG&E shall notify the Commission's Executive Director of security breaches of covered information.

(c) **Annual Report of Breaches.** In addition, PG&E 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 PG&E or by a third party. (N)

(Continued)

GAS RULE NO. 27 Sheet 15 (N)
PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA (N)

9. ACCOUNTABILITY AND AUDITING (N)

(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. PG&E's customers can dispute the accuracy or completeness of their covered information by following the procedure set forth in PG&E's Rule 10. (N)

(Continued)

GAS RULE NO. 27 Sheet 16 (N)
PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA (N)

9. ACCOUNTABILITY AND AUDITING (CONT'D.) (N)

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

(d) **Audits.** PG&E 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 PG&E shall report the findings to the Commission as part of the utility's general rate case filing.

(e) **Reporting Requirements.** On an annual basis, PG&E 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. (N)

(Continued)

GAS RULE NO. 27 Sheet 17 (N)
PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA (N)

9. ACCOUNTABILITY AND AUDITING (CONT'D.) (N)

(f) **Limitation of Liability**. PG&E shall not be liable for any claims, demands, causes of actions, damages, or expenses arising from or resulting from any release of Covered Information or other confidential customer information pursuant to a customer's written authorization, legal process or the Commission's order; the unauthorized use of Covered Information or other confidential customer information by a third party receiving such information from PG&E pursuant to a customer's written authorization, legal process, the Commission's order, or as part of a Commission authorized program conducted by a governmental entity under the supervision of the Commission; or any actions taken by a customer-authorized third party. After PG&E makes a secure and authorized transfer of Covered Information to a third party pursuant to customer authorization, legal process, the Commission's order, or as part of a Commission authorized program conducted by a governmental entity under the supervision of the Commission, PG&E shall not be responsible for the security of the Covered Information or data or its use or misuse by a third party. (N)

(Continued)

Gas Sample Form No. 79-1147 Sheet 1 (N)
AUTHORIZATION OR REVOCATION OF AUTHORIZATION TO RECEIVE (N)
CUSTOMER USAGE INFORMATION

Please Refer to Attached Sample Form

AUTHORIZATION OR REVOCATION OF AUTHORIZATION TO RECEIVE CUSTOMER USAGE INFORMATION

IMPORTANT INFORMATION FOR CUSTOMERS – BE SURE TO READ FIRST
THIS IS A LEGALLY BINDING CONTRACT – READ IT CAREFULLY
Under Pacific Gas and Electric Company's (PG&E's) privacy policies, which can be found at [www.pge.com/about/company/privacy/customer], PG&E generally does not sell or disclose personal information about you, such as your name, address, phone number, or electric or gas account and billing information, to third parties unless you expressly authorize us to do so. The purpose of this form is to allow you, the customer, to exercise your right to choose whether to disclose your personal electricity and/or natural gas usage data to a third party. Once you authorize a third party to access personal information about you, you are responsible for ensuring that the third party safeguards the personal information from further disclosure without your consent.

This form authorizes the third party of the customer's choosing to access the customer's electricity and/or natural gas meter usage data only. If customer intends to authorize a third party to receive additional billing records or billing information and/or allow a third party to act as an agent of the customer for purposes of the customer's account and services with PG&E, then the customer must complete the "Authorization To: Receive Customer Information or Act on a Customer's Behalf" Form (Form 79-1095) which can be accessed here www.pge.com/tariffs.

I,

_____
NAME TITLE (IF APPLICABLE)

of _____ **(Customer) have the following mailing address**
NAME OF CUSTOMER RECORD

_____**, and do hereby authorize**
MAILING ADDRESS CITY STATE ZIP

_____ **of** _____
NAME OF THIRD PARTY MAILING ADDRESS

_____
CITY STATE ZIP

To access electricity and/or natural gas meter usage data for the listed account(s) indicated below:

ACCOUNTS INCLUDED IN THIS ☐ AUTHORIZATION OR ☐ REVOCATION (Please check one)

1. _____ _____
SERVICE ADDRESS SERVICE ACCOUNT NUMBER

2. _____ _____
SERVICE ADDRESS SERVICE ACCOUNT NUMBER

3. _____ _____
SERVICE ADDRESS SERVICE ACCOUNT NUMBER

(For more than three accounts, please list additional accounts on a separate sheet and attach it to this form)

If authorization is being revoked, please continue to the last section "Customer Authorization For Revocation" for your signature. To grant your authorization, please continue to complete the section below.

INFORMATION, ACTS AND FUNCTIONS AUTHORIZED – This authorization provides authority to the third party to request and receive electricity and/or natural gas meter usage data for the account(s) specified above. Requests for information may be limited to the most recent 12 month period.

Pacific Gas and Electric Company®

AUTHORIZATION OR REVOCATION OF AUTHORIZATION TO RECEIVE CUSTOMER USAGE INFORMATION

I (CUSTOMER) AUTHORIZE THE RELEASE OF MY ELECTRICITY AND/OR NATURAL GAS METER USAGE DATA TO THE THIRD PARTY INDICATED HEREIN FOR THE FOLLOWING PERIOD OF TIME (IF INDEFINITE, THIS AUTHORIZATION WILL ONLY BECOME INVALID WHEN A REVOCATION REQUEST IS SUBMITTED TO PG&E OR THE ACCOUNT(S) ARE CLOSED):

[ ] Beginning _____ and continuing until _____.
[Date] [Date]

OR

[ ] Indefinite until I revoke this authorization or my account(s) are closed.

RELEASE OF ACCOUNT INFORMATION:

PG&E will provide the information requested above, to the extent available, via any one of the following. The preferred format is (check all that apply):

☐ Hard copy via US Mail (if applicable): _____.
☐ Facsimile at this telephone number: _____
☐ Electronic format (if via electronic mail, send to this e-mail address):_____.

CUSTOMER AUTHORIZATION TO RELEASE INFORMATION

I (Customer), _____(print name of authorized signatory), declare under penalty of perjury under the laws of the State of California that I am authorized to execute this document on behalf of the Customer of Record listed at the top of this form and that I have authority to financially bind the Customer of Record. I understand PG&E reserves the right to verify any authorization request submitted before releasing information or taking any action on my behalf. I authorize PG&E to release the requested information on my account or facilities to the above designated Third Party I hereby release, hold harmless, and indemnify PG&E from any liability, claims, demands, causes of action, damages, or expenses resulting from: 1) any release of information to my Third Party pursuant to this Authorization; 2) the unauthorized use of this information by my Third Party; and 3) from any actions taken by my Third Party pursuant to this Authorization. I understand that I may cancel this authorization at any time by submitting a written request.

_____ _____
AUTHORIZED CUSTOMER SIGNATURE TELEPHONE NUMBER

Executed this _____ **day of** _____ _____ **at** _____
MONTH YEAR CITY AND STATE WHERE EXECUTED

CUSTOMER AUTHORIZATION FOR REVOCATION

I (Customer), _____(print name of authorized signatory), declare under penalty of perjury under the laws of the State of California that I am authorized to execute this document on behalf of the Customer of Record listed at the top of this form and that I have authority to financially bind the Customer of Record. I hereby revoke my authorization to release information to the above designated Third Party. I hereby release, hold harmless, and indemnify PG&E from any liability, claims, demands, causes of action, damages, or expenses resulting from: (1) any negligent conduct relating to this revocation, (2) from any refusal to release information to the above designated Third Party pursuant to this revocation: (3) for any conduct by my previously designated Third Party in connection with his revocation.

_____ _____
AUTHORIZED CUSTOMER SIGNATURE TELEPHONE NUMBER

Executed this _____ **day of** _____ _____ **at** _____
MONTH YEAR CITY AND STATE WHERE EXECUTED

GAS TABLE OF CONTENTS

TITLE OF SHEET	CAL P.U.C. SHEET NO.	
Title Page	**30113-G**	(T)
Rate Schedules	29977,29968-G	
Preliminary Statements	29969,29619-G	
Rules	**30114-G**	(T)
Maps, Contracts and Deviations	29288-G	
Sample Forms	30046-33048,**30115**,29290*,30050-G	(T)

(Continued)

GAS TABLE OF CONTENTS

RULE	TITLE OF SHEET	CAL P.U.C. SHEET NO.
	Rules	
Rule 01	Definitions	27880,26782,25123,18197,26823,26824,24120,18200, 22924,29263, 29264,29265,29266,29267,29268,29269,29270-G
Rule 02	Description of Service	23062-23066,26825-G
Rule 03	Application for Service	27248,27249-G
Rule 04	Contracts	17051-G
Rule 05	Special Information Required on Forms	17641,13348-13349-G
Rule 06	Establishment and Reestablishment of Credit	22126-22127,28653-G
Rule 07	Deposits	28654,28655-G
Rule 08	Notices	21928,17580,21929,17581,15728-G
Rule 09	Rendering and Payment of Bills	24128-24129,27941,23518,29061, 27345,27346, 28562-G
Rule 10	Disputed Bills	18214-18216-G
Rule 11	Discontinuance and Restoration of Service	18217-18220,27251,23520, 18223-18227,27252,24860,19710-G
Rule 12	Rates and Optional Rates	18229,27253,24132,21981-21982,24474-G
Rule 13	Temporary Service	22832-G
Rule 14	Capacity Allocation and Constraint of Natural Gas Service	18231-18235,28274, 28275-28283, 28923, 29785, 28286, 29786, 29787, 28289-28292 -G
Rule 15	Gas Main Extensions	21543,18802-18803,27503,20350,29271,29272,26827,21544, 21545,22376,22377-22379,26828,26829,18814-G
Rule 16	Gas Service Extensions	21546,18816,17728,17161,18817,18818,18819,18820,18821, 18822,29273,18824,18825,17737,18826,18827-G
Rule 17	Meter Tests and Adjustment of Bills for Meter Error	14450,28656,28764,28770,28771, 28772,28773,28774-G
Rule 17.1	Adjustment of Bills for Billing Error	22936,28657,29274-G
Rule 17.2	Adjustment of Bills for Unauthorized Use	22937,14460,14461-G
Rule 18	Supply to Separate Premises and Submetering of Gas	22790,17796,13401-G
Rule 19	Medical Baseline Quantities	21119,21120,21121-G
Rule 19.1	California Alternate Rates for Energy for Individual Customers and Submetered Tenants of Master-Metered Customers	24135,29710,28209,28210-G
Rule 19.2	California Alternate Rates for Energy for Nonprofit Group-Living Facilities	24609,29711,17035,28212,27255-G
Rule 19.3	California Alternate Rates for Energy for Qualified Agricultural Employee Housing Facilities	24138,29712,28214,27256-G
Rule 21	Transportation of Natural Gas	27591,29192,29193,23786,23194,23195,21845,23196- 23199,22086,22087,24444,24445,22735,22736,22737-G
Rule 21.1	Use of Pacific Gas and Electric Company's Firm Interstate Rights	20461,18260,18261-G
Rule 23	Gas Aggregation Service for Core Transport Customers	29275,18263,26664,18265, 26665-26666,24825,24826,24827,24828,29276,29277,26667,24832-24833, 24849,29278,-29279,18272-G,29248,29249,29250,29251,29252,29253,29254, 29255,29256-G
Rule 25	Gas Services-Customer Creditworthiness and Payment Terms	28816-28828-G
Rule 26	Standards of Conduct and Procedures Related to Transactions with Intracompany Departments, Reports of Negotiated Transactions, and Complaint Procedures	18284,18285,18633,20462-G
Rule 27	Privacy and Security Protections for Energy Usage Data	**30095-30111-G** (N)

(Continued)

GAS TABLE OF CONTENTS

FORM	TITLE OF SHEET	CAL P.U.C. SHEET NO.	
	Sample Forms Non-Residential		
79-1089	Independent Storage Providers (ISP) – PG&E Exchange Agreement	30036-G	
79-1090	G-ESISP Service Agreement	30037-G	
79-1091	G-ESISP Service Relocation Agreement	30038-G	
	Sample Forms Miscellaneous		
62-0562	Gas and Electric Facilities Transfer Agreement	18418-G	
62-0579	Design / Construction Change Order Request	29981-G	
62-4501	Absolving Service Agreement	29989-G	
62-4527	Agreement to Perform Tariff Schedule Related Work	29990-G	
62-4778	Cancellation of Contract	13137-G	
79-861	Electronic Data Interchange Trading Partner Agreement	18294-G	
79-936	Deed of Conveyance	13639-G	
79-937	Assignment Agreement	29281-G	
79-967	Electronic Billing Customer Agreement	30024-G	
79-1039	Agricultural, Commercial, Residential Rate Schedule Selection Customer Agreement	24081-G	
79-1040	Non-Disclosure and Use of Information Agreement	23183-G	
79-1041	Notice of Bill Guarantee Termination	30033-G	
79-1042	APS/Auto Pay Customer Application	23185-G	
79-1043	Irrevocable Standby Letter of Credit	30034-G	
79-1095	Authorization to Receive Customer Information or Act Upon a Customer's Behalf	24840-G	
79-1096	Authorization to Receive Customer Information or Act Upon a Customer's Behalf (Spanish)	24841-G	
79-1097	Request Change of Mailing Address to a Third-Party Change of Address	24842-G	
79-1099	Property Manager Authorization to Receive Owner Information or Act on an Owner's Behalf	25054-G	
79-1104	Billing Calculation Service Agreement	26570-G	
79-1118	General On-Bill Financing Agreement	28309-G	
79-1126	Off-Bill and On-Bill Financing Loan Agreement for Self-Installed Projects	28602-G	
79-1128	Customer Affidavit Form for the Self-Certification of Small Business Customers Under Government Code Section 14837	28659-G	
79-1139	Notice of Payment Default	30043-G	
79-1140	CTA Unrecovered Capacity Cost Invoice	30044-G	
79-1147	Authorization or Revocation of Authorization to Receive Customer Usage Information	**30112-G**	(N)

(Continued)

Cal P.U.C. Sheet No.	Title of Sheet	Cancelling Cal P.U.C. Sheet No.
32189-E	ELECTRIC RULE NO. 27 PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA Sheet 1	
32190-E	ELECTRIC RULE NO. 27 PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA Sheet 2	
32191-E	ELECTRIC RULE NO. 27 PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA Sheet 3	
32192-E	ELECTRIC RULE NO. 27 PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA Sheet 4	
32193-E	ELECTRIC RULE NO. 27 PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA Sheet 5	
32194-E	ELECTRIC RULE NO. 27 PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA Sheet 6	
32195-E	ELECTRIC RULE NO. 27 PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA Sheet 7	
32196-E	ELECTRIC RULE NO. 27 PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA Sheet 8	
32197-E	ELECTRIC RULE NO. 27 PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA Sheet 9	

Cal P.U.C. Sheet No.	Title of Sheet	Cancelling Cal P.U.C. Sheet No.
32198-E	ELECTRIC RULE NO. 27 PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA Sheet 10	
32199-E	ELECTRIC RULE NO. 27 PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA Sheet 11	
32200-E	ELECTRIC RULE NO. 27 PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA Sheet 12	
32201-E	ELECTRIC RULE NO. 27 PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA Sheet 13	
32202-E	ELECTRIC RULE NO. 27 PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA Sheet 14	
32203-E	ELECTRIC RULE NO. 27 PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA Sheet 15	
32204-E	ELECTRIC RULE NO. 27 PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA Sheet 16	
32205-E	ELECTRIC RULE NO. 27 PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA Sheet 17	
32206-E	Electric Sample Form No. 79-1147 AUTHORIZATION OR REVOCATION OF AUTHORIZATION TO RECEIVE CUSTOMER USAGE INFORMATION Sheet 1	

Cal P.U.C. Sheet No.	Title of Sheet	Cancelling Cal P.U.C. Sheet No.
32207-E	ELECTRIC TABLE OF CONTENTS Sheet 1	32151-E
32208-E	ELECTRIC TABLE OF CONTENTS RULES Sheet 20	32054-E*
32209-E	ELECTRIC TABLE OF CONTENTS SAMPLE FORMS Sheet 29	32157-E

ELECTRIC RULE NO. 27 Sheet 1 (N)
PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA (N)

The following rule conforms Pacific Gas and Electric Company's policies concerning customer energy usage data to the Rules Regarding Privacy and Security Protections for Energy Usage Data adopted by the California Public Utilities Commission as Attachment D to Decision (D.) 11-07-056. (N)

1. DEFINITIONS

(a) **Covered Entity**. A "covered entity" is (1) PG&E and its contractors and vendors, (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 PG&E, 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 PG&E.[1]

(b) **Covered Information**. "Covered information" is any usage information obtained through the use of PG&E's Advanced Metering Infrastructure (AMI), which includes PG&E's SmartMeters™, 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 nonresidential customer cannot reasonably be identified or re-identified. Covered information, however, does not include information provided to the Commission pursuant to its oversight responsibilities.

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1. 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. (N)

(Continued)

ELECTRIC RULE NO. 27 Sheet 2 (N)
PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA (N)

1. DEFINITIONS (CONT'D.) (N)

(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 PG&E, under contract with the Commission, or as part of a Commission authorized program conducted by a governmental entity under the supervision of the Commission.

(d) Secondary Purpose. "Secondary purpose" means any purpose that is not a primary purpose.

(e) Usage Information. Any consumption information for a customer service account obtained through a PG&E AMI system.

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 PG&E are not required to provide notice separate from that provided by PG&E. (N)

(Continued)

ELECTRIC RULE NO. 27 Sheet 3 (N)
PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA (N)

2. TRANSPARENCY (NOTICE) CONT'D.) (N)

(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 (N)

(Continued)

ELECTRIC RULE NO. 27 Sheet 4 (N)
PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA (N)

2. TRANSPARENCY (NOTICE) (CONT'D.) (N)

(d) Content. The notice and the posted privacy policy shall state clearly: (Cont'd.)

(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; (N)

(Continued)

ELECTRIC RULE NO. 27 Sheet 5 (N)
PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA (N)

3. PURPOSE SPECIFICATION (CONT'D.) (N)

(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. (N)

(Continued)

ELECTRIC RULE NO. 27 Sheet 6 (N)
PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA (N)

4. INDIVIDUAL PARTICIPATION (ACCESS AND CONTROL) (CONT'D.) (N)

(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. (N)

(Continued)

ELECTRIC RULE NO. 27 Sheet 7 (N)
PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA (N)

4. INDIVIDUAL PARTICIPATION (ACCESS AND CONTROL) (CONT'D.) (N)

(c) Disclosure Pursuant to Legal Process. (Cont'd.)

(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. (N)

(Continued)

ELECTRIC RULE NO. 27 Sheet 8 (N)
PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA (N)

4. INDIVIDUAL PARTICIPATION (ACCESS AND CONTROL) (CONT'D.) (N)

(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. (N)

(Continued)

ELECTRIC RULE NO. 27 Sheet 9 (N)
PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA (N)

6. USE AND DISCLOSURE LIMITATION (N)

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

(b) **Primary Purposes**. PG&E, 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 PG&E**. PG&E 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 that specifically directs PG&E to disclose customer-specific usage information or other confidential information to the governmental entity. PG&E may disclose covered information to a third party without customer consent: (N)

(Continued)

ELECTRIC RULE NO. 27 Sheet 10 (N)
PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA (N)

6. USE AND DISCLOSURE LIMITATION (CONT'D.) (N)

(c) Disclosures to Third Parties. (Cont'd.)

(1) Initial Disclosure by an Electrical Corporation. (Cont'd.)

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 PG&E;

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 PG&E 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. (N)

(Continued)

ELECTRIC RULE NO. 27 Sheet 11 (N)
PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA (N)

6. USE AND DISCLOSURE LIMITATION (CONT'D.) (N)

(c) Disclosures to Third Parties. (Cont'd.)

(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. (N)

(Continued)

ELECTRIC RULE NO. 27 Sheet 12 (N)
PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA (N)

6. USE AND DISCLOSURE LIMITATION (CONT'D.) (N)

(c) Disclosures to Third Parties. (Cont'd.)

(4) Nothing in this section shall be construed to impose any liability on PG&E 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 PG&E. After a secure transfer, PG&E 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. (N)

(Continued)

ELECTRIC RULE NO. 27 Sheet 13 (N)
PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA (N)

6. USE AND DISCLOSURE LIMITATION (CONT'D.) (N)

(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**. PG&E may 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. (N)

(Continued)

ELECTRIC RULE NO. 27 Sheet 14 (N)
PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA (N)

7. DATA QUALITY AND INTEGRITY (N)

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 PG&E within one week of the detection of a breach of PG&E's customers' covered information. Upon a breach affecting 1,000 or more of PG&E's customers, whether by PG&E or by a covered third party, PG&E 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, PG&E shall notify the Commission's Executive Director of security breaches of covered information.

(c) **Annual Report of Breaches.** In addition, PG&E 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 PG&E or by a third party. (N)

(Continued)

ELECTRIC RULE NO. 27 Sheet 15 (N)
PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA (N)

9. ACCOUNTABILITY AND AUDITING (N)

(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. PG&E's customers can dispute the accuracy or completeness of their covered information by following the procedure set forth in PG&E's Rule 10. (N)

(Continued)

ELECTRIC RULE NO. 27 Sheet 16 (N)
PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA (N)

9. ACCOUNTABILITY AND AUDITING (CONT'D.) (N)

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

(d) **Audits**. PG&E 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 PG&E shall report the findings to the Commission as part of its general rate case application filing.

(e) **Reporting Requirements**. On an annual basis, PG&E 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. (N)

(Continued)

ELECTRIC RULE NO. 27 Sheet 17 (N)
PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA (N)

9. ACCOUNTABILITY AND AUDITING (CONT'D.) (N)

(f) **Limitation of Liability**. PG&E shall not be liable for any claims, demands, causes of actions, damages, or expenses arising from or resulting from any release of Covered Information or other confidential customer information pursuant to a customer's written authorization, legal process or the Commission's order; the unauthorized use of Covered Information or other confidential customer information by a third party receiving such information from PG&E pursuant to a customer's written authorization, legal process, the Commission's order, or as part of a Commission authorized program conducted by a governmental entity under the supervision of the Commission; or any actions taken by a customer-authorized third party. After PG&E makes a secure and authorized transfer of Covered Information to a third party pursuant to customer authorization, legal process, the Commission's order, or as part of a Commission authorized program conducted by a governmental entity under the supervision of the Commission, PG&E shall not be responsible for the security of the Covered Information or data or its use or misuse by a third party. (N)

(Continued)

Electric Sample Form No. 79-1147 Sheet 1 (N)
AUTHORIZATION OR REVOCATION OF AUTHORIZATION TO RECEIVE (N)
CUSTOMER USAGE INFORMATION

Please Refer to Attached Sample Form

AUTHORIZATION OR REVOCATION OF AUTHORIZATION TO RECEIVE CUSTOMER USAGE INFORMATION

IMPORTANT INFORMATION FOR CUSTOMERS – BE SURE TO READ FIRST
THIS IS A LEGALLY BINDING CONTRACT – READ IT CAREFULLY
Under Pacific Gas and Electric Company's (PG&E's) privacy policies, which can be found at [www.pge.com/about/company/privacy/customer], PG&E generally does not sell or disclose personal information about you, such as your name, address, phone number, or electric or gas account and billing information, to third parties unless you expressly authorize us to do so. The purpose of this form is to allow you, the customer, to exercise your right to choose whether to disclose your personal electricity and/or natural gas usage data to a third party. Once you authorize a third party to access personal information about you, you are responsible for ensuring that the third party safeguards the personal information from further disclosure without your consent.

This form authorizes the third party of the customer's choosing to access the customer's electricity and/or natural gas meter usage data only. If customer intends to authorize a third party to receive additional billing records or billing information and/or allow a third party to act as an agent of the customer for purposes of the customer's account and services with PG&E, then the customer must complete the "Authorization To: Receive Customer Information or Act on a Customer's Behalf" Form (Form 79-1095) which can be accessed here www.pge.com/tariffs.

I,

_____
NAME TITLE (IF APPLICABLE)

of _____ **(Customer) have the following mailing address**
NAME OF CUSTOMER RECORD

_____**, and do hereby authorize**
MAILING ADDRESS CITY STATE ZIP

_____ **of** _____
NAME OF THIRD PARTY MAILING ADDRESS

_____
CITY STATE ZIP

To access electricity and/or natural gas meter usage data for the listed account(s) indicated below:

ACCOUNTS INCLUDED IN THIS ☐ AUTHORIZATION OR ☐ REVOCATION (Please check one)

1. _____ _____
SERVICE ADDRESS SERVICE ACCOUNT NUMBER

2. _____ _____
SERVICE ADDRESS SERVICE ACCOUNT NUMBER

3. _____ _____
SERVICE ADDRESS SERVICE ACCOUNT NUMBER

(For more than three accounts, please list additional accounts on a separate sheet and attach it to this form)

If authorization is being revoked, please continue to the last section "Customer Authorization For Revocation" for your signature. To grant your authorization, please continue to complete the section below.

INFORMATION, ACTS AND FUNCTIONS AUTHORIZED – This authorization provides authority to the third party to request and receive electricity and/or natural gas meter usage data for the account(s) specified above. Requests for information may be limited to the most recent 12 month period.

Pacific Gas and Electric Company®

AUTHORIZATION OR REVOCATION OF AUTHORIZATION TO RECEIVE CUSTOMER USAGE INFORMATION

I (CUSTOMER) AUTHORIZE THE RELEASE OF MY ELECTRICITY AND/OR NATURAL GAS METER USAGE DATA TO THE THIRD PARTY INDICATED HEREIN FOR THE FOLLOWING PERIOD OF TIME (IF INDEFINITE, THIS AUTHORIZATION WILL ONLY BECOME INVALID WHEN A REVOCATION REQUEST IS SUBMITTED TO PG&E OR THE ACCOUNT(S) ARE CLOSED):

[ ] Beginning _____ and continuing until _____.
[Date] [Date]

OR

[ ] Indefinite until I revoke this authorization or my account(s) are closed.

RELEASE OF ACCOUNT INFORMATION:

PG&E will provide the information requested above, to the extent available, via any one of the following. The preferred format is (check all that apply):

☐ Hard copy via US Mail (if applicable): _____.
☐ Facsimile at this telephone number: _____
☐ Electronic format (if via electronic mail, send to this e-mail address):_____.

CUSTOMER AUTHORIZATION TO RELEASE INFORMATION

I (Customer), _____(print name of authorized signatory), declare under penalty of perjury under the laws of the State of California that I am authorized to execute this document on behalf of the Customer of Record listed at the top of this form and that I have authority to financially bind the Customer of Record. I understand PG&E reserves the right to verify any authorization request submitted before releasing information or taking any action on my behalf. I authorize PG&E to release the requested information on my account or facilities to the above designated Third Party I hereby release, hold harmless, and indemnify PG&E from any liability, claims, demands, causes of action, damages, or expenses resulting from: 1) any release of information to my Third Party pursuant to this Authorization; 2) the unauthorized use of this information by my Third Party; and 3) from any actions taken by my Third Party pursuant to this Authorization. I understand that I may cancel this authorization at any time by submitting a written request.

_____ _____
AUTHORIZED CUSTOMER SIGNATURE TELEPHONE NUMBER

Executed this _____ **day of** _____ _____ **at** _____
MONTH YEAR CITY AND STATE WHERE EXECUTED

CUSTOMER AUTHORIZATION FOR REVOCATION

I (Customer), _____(print name of authorized signatory), declare under penalty of perjury under the laws of the State of California that I am authorized to execute this document on behalf of the Customer of Record listed at the top of this form and that I have authority to financially bind the Customer of Record. I hereby revoke my authorization to release information to the above designated Third Party. I hereby release, hold harmless, and indemnify PG&E from any liability, claims, demands, causes of action, damages, or expenses resulting from: (1) any negligent conduct relating to this revocation, (2) from any refusal to release information to the above designated Third Party pursuant to this revocation: (3) for any conduct by my previously designated Third Party in connection with his revocation.

_____ _____
AUTHORIZED CUSTOMER SIGNATURE TELEPHONE NUMBER

Executed this _____ **day of** _____ _____ **at** _____
MONTH YEAR CITY AND STATE WHERE EXECUTED

ELECTRIC TABLE OF CONTENTS

Sheet 1

TABLE OF CONTENTS

SCHEDULE	TITLE OF SHEET	CAL P.U.C. SHEET NO.	
	Title Page	**32207E**	(T)
	Rate Schedules	31846, 31847, 31858, 31849 ,32101, 31851,31852, 31541, 31853-E	
	Preliminary Statements	31854,29900,30376,31855,31139,30846,32063-E	
	Rules	30402, 32079, **32208-E**	(T)
	Maps, Contracts and Deviations	29909-E	
	Sample Forms	32152,31610,32153,32154,31611,32155-32156,**32209**,32158-32160,29921-E	(T)

(Continued)

ELECTRIC TABLE OF CONTENTS
RULES

RULE	TITLE OF SHEET	CAL P.U.C. SHEET NO.
	Rules (Cont'd)	
Rule 20	Replacement of Overhead with Underground Electric Facilities	30474,11240, 11241,19013,16665,15611,19014-E
Rule 21	Generating Facility Interconnections…	31865*-31871*,31872,31873*-31875*,31876-31877,31878*,31879*,31880-31896,31897*,31898-31901,31902*,31903,31904,31905*-31907*31908-31912,31913*,31914*,31915-31919,31920*-31922*,31923-31927,31928*,31929-31933,31934*,31935*,31936,31937*,31938,31939,31940*,31941,31942*,31943-31945,31946*,31947-31952,31953*,31954,31955*,31956*,31957-31962,31963*-31970*,31971,31972,31973*-31979*,31980,31981*,31982*,31983-31988,31989*,31990-31998,31999*,32000-32012,32013*,32014-32019,32020*,32021-32036-E
Rule 22	Direct Access Service	14888, 29165-29171,14896-14901,16448,14903, 14904,16449,16235-16243,14913,16244-16245,16384,14917,15833-15836, 14920-14921,15568,14923,15569,14925-14926,15190-15191,14929-14930, 16385-16386,14933,16387,14935-14936,15192,14938-14946-E
Rule 22.1	Direct Access Service Switching Exemption Rules……	31145-31147,20999,31148**,** 29178,29179,29464,29181,29182, 29183**,**29465,29466,29186-29190-E
Rule 23	Community Choice Aggregation……	25527-25535, 29202, 25537,25538,29471,25540-25544,29472,27268,29473,29474,29475,2550-2551, ……..29634, 25553-25574-E
Rule 23.2	Community Choice Aggregation Open Season	25575-25577,27270,27271-E
Rule 27	Privacy and Security Protections for Energy Usage Data	**32189-32205-E** (N)

(Continued)

ELECTRIC TABLE OF CONTENTS

SAMPLE FORMS

FORM	TITLE OF SHEET	CAL P.U.C. SHEET NO.
	Sample Forms Miscellaneous	
62-0562	Gas and Electric Facilities Transfer Agreement	14806-E
62-0579	Design / Construction Change Order Request	32102-E
62-4501	Absolving Service Agreement	32110-E
62-4527	Agreement to Perform Tariff Schedule Related Work	32111-E
62-4778	Cancellation of Contract	11047-E
79-847	Transmission Load Operating Agreement	32116-E
79-861	Electric Data Interchange Trading Partner Agreement	14148-E
79-862	Interim Competition Transition Charge Agreement	14233-E
79-936	Deed of Conveyance	11566-E
79-937	Assignment Agreement	30668-E
79-954	Departing Load Competition Transition Charge Agreement	14974-E
79-955	Amendment to Pacific Gas and Electric Company's Departing Load Competition Transition Charge Agreement for Subsequently Obtained CTC Exemption	14975-E
79-957	Electric Distribution Service Line Lease Agreement	32119-E
79-960	Meter Replacement Agreement	16194-E
79-961	Dual Socket Metering Agreement	16195-E
79-1147	Authorization or Revocation of Authorization to Receive Customer Usage Information	**32206-E** (N)

(Continued)

PG&E Gas and Electric
Advice Filing List
General Order 96-B, Section IV

1st Light Energy
AT&T
Alcantar & Kahl LLP
Ameresco
Anderson & Poole
BART
Barkovich & Yap, Inc.
Bartle Wells Associates
Bloomberg
Bloomberg New Energy Finance
Boston Properties
Braun Blaising McLaughlin, P.C.
Brookfield Renewable Power
CA Bldg Industry Association
CLECA Law Office
California Cotton Ginners & Growers Assn
California Energy Commission
California League of Food Processors
California Public Utilities Commission
Calpine
Casner, Steve
Cenergy Power
Center for Biological Diversity
Chris, King
City of Palo Alto
City of Palo Alto Utilities
City of San Jose
City of Santa Rosa
Clean Energy Fuels
Clean Power
Coast Economic Consulting
Commercial Energy
Consumer Federation of California
Crossborder Energy
Davis Wright Tremaine LLP
Day Carter Murphy
Defense Energy Support Center
Department of General Services
Department of Water Resources
Dept of General Services
Douglass & Liddell
Downey & Brand
Duke Energy
Economic Sciences Corporation
Ellison Schneider & Harris LLP
Foster Farms
G. A. Krause & Assoc.
GLJ Publications
GenOn Energy Inc.
GenOn Energy, Inc.
Goodin, MacBride, Squeri, Schlotz & Ritchie
Green Power Institute
Hanna & Morton
Hitachi
In House Energy
International Power Technology
Intestate Gas Services, Inc.
Lawrence Berkeley National Lab
Los Angeles County Office of Education
Los Angeles Dept of Water & Power
MAC Lighting Consulting
MRW & Associates
Manatt Phelps Phillips
Marin Energy Authority
McKenna Long & Aldridge LLP
McKenzie & Associates
Merced Irrigation District
Modesto Irrigation District
Morgan Stanley
Morrison & Foerster
Morrison & Foerster LLP
NLine Energy, Inc.
NRG West
NaturEner
Norris & Wong Associates
North America Power Partners
North Coast SolarResources
Occidental Energy Marketing, Inc.
OnGrid Solar
PG&E
Praxair
R. W. Beck & Associates
RCS, Inc.
SCD Energy Solutions
SCE
SMUD
SPURR
San Francisco Public Utilities Commission
Seattle City Light
Sempra Utilities
Sierra Pacific Power Company
Silicon Valley Power
Silo Energy LLC
Southern California Edison Company
Spark Energy, L.P.
Sun Light & Power
Sunrun Inc.
Sunshine Design
Sutherland, Asbill & Brennan
Tecogen, Inc.
Tiger Natural Gas, Inc.
TransCanada
Turlock Irrigation District
United Cogen
Utility Cost Management
Utility Specialists
Verizon
Wellhead Electric Company
Western Manufactured Housing Communities Association (WMA)
eMeter Corporation