

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE

SAN FRANCISCO, CA 94102-3298



November 25, 2013

Advice Letter 4170-E-A

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

SUBJECT: Supplemental Filing: Revision to Electric Rule 22, Direct Access, In Compliance w/D.12-08-045

Dear Mr. Cherry,

Supplemental Advice Letter 4170-E-A is effective as of October 20, 2013.

Sincerely,

A handwritten signature in cursive script that reads "Edward F. Randolph".

Edward F. Randolph, Director
Energy Division



Brian K. Cherry
Vice President
Regulatory Relations

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

Fax: 415-973-7226

September 20, 2013

Advice 4170-E-A

(Pacific Gas and Electric Company ID U 39 E)

Public Utilities Commission of the State of California

Subject: Supplemental Filing - Revisions to Electric Rule 22, Direct Access, In Compliance With Decision 12-08-045

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

This supplemental advice letter replaces the original advice letter in its entirety.

Purpose

This advice filing modifies Section C, *Customer Inquiries And Data Accessibility*, of PG&E's Electric Rule 22, *Direct Access*, in compliance with Ordering Paragraph ("OP") 13 of Decision ("D.") 12-08-045.

Background

On August 23, 2012, the California Public Utilities Commission (Commission or CPUC) issued D.12-08-045, which established protections concerning customer usage data for PG&E gas customers and extended the privacy protections previously adopted in D.11-07-056 ("Privacy Decision") to the customers of Community Choice Aggregators ("CCAs") and Residential and Small Commercial customers of Electric Service Providers ("ESPs"). PG&E filed Advice 4121-E on October 3, 2012 to add the necessary provisions to PG&E's Community Choice Aggregator Non-Disclosure Agreement ("Electric Form 79-1031").

On December 24, 2012, PG&E filed Advice 4170-E to modify Electric Rule No. 22 - Direct Access - to incorporate the consumer protection provisions concerning subsequent disclosure and use of customer information contained in Attachment B of D.12-08-045 to ESPs serving residential and small commercial customers that are unaffiliated with larger customer accounts and who obtain advanced metering infrastructure data from PG&E.

On December, 26, 2012, the Alliance for Retail Energy Markets (“AReM”), Direct Access Customer Coalition (“DACC”), and School Project for Utility Rate Reduction (“SPURR”). AReM, DACC, and SPURR (“Joint Protestors”) filed a protest to PG&E’s Advice Letters 3349-G/4158-E and 4170-E, San Diego Gas and Electric Company’s (“SDG&E”) Advice Letters 2157-G/2428-E and 2434-E, Southern California Edison’s (“SCE”) Advice Letters 2819-E and 2830-E, and Southern California Gas Company’s Advice Letter 4433. In the protest, the Joint Protestors requested that PG&E, SDG&E and SCE (“Utilities”) revise the language filed in their respective advice letters to clarify that the proposed privacy provision applies only to Electric Service Providers (“ESPs”) serving residential and small commercial customers that are unaffiliated with larger customer accounts and who obtain advanced metering infrastructure data from PG&E and that the Utilities include the small commercial customer definition that was adopted in Rulemaking (“R”.) 07-05-025.

On January 10, 2013, PG&E responded to the Protesting Parties’ protest recommending rejection of their request that the Utilities’ add references to and revisions to the tariffs and rules directly governing ESPs and CCAs as it is outside the scope and applicability of the utility’s privacy tariffs, which by their terms apply the verbatim rules adopted by the Commission for utilities.

On June 18, 2013 the Energy Division (“Staff”) facilitated a conference call to discuss Staff’s proposal to have the Utilities either supplement or withdraw the subject advice letters and file new advice letters with Staff’s proposed language that may satisfy the Protesting Parties and Utilities concerns relating to the part of the Protesting Parties’ joint protest to require further clarification on which specific ESPs the Direct Access privacy rules apply. Following that initial discussion, the Protesting Parties and Utilities engaged in further discussions and reached agreement on common language.

Tariff Revisions

PG&E is proposing to modify its electric Rule 22, Section C.3.e, *Access to Customer Usage Data*, as originally filed in Advice 4170-E. The revised Section C.3.e now reads as follows:

ESPs serving residential and small commercial customers that are unaffiliated with a large customer and who obtain advanced metering infrastructure data shall comply with the rules regarding privacy and security protections set forth in Attachment B to D.12-08-045. For purposes of D.12-08-045, a small commercial customer, as described in D.13-01-021, is defined as a commercial service customer whose demand was less than twenty (20) kW for three (3) consecutive months that is not affiliated with a large customer (a large customer being one with demands of twenty (20) kW or more). The term “affiliated” refers to a customer service account that is, as explained in D.99-05-034 (p. 76), part of an ESP’s contract to serve a medium to large commercial or industrial customer with electricity.

Protests

Anyone wishing to protest this filing may do so by letter sent via U.S. mail, by facsimile or electronically, any of which must be received no later than October 10, 2013, which is 20 days from the date of this filing. Protests should be mailed 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 also should be mailed to the attention of the Director, Energy Division, Room 4004, at the address shown above.

The protest also should be sent via U.S. Mail (and by facsimile and electronically, if possible) to PG&E 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).

Effective Date

PG&E requests that this Tier 2 advice filing become effective on regular notice, **October 20, 2013**, which is 30 calendar days after the date of 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 Rulemaking ("R.") 08-12-009, R.08-12-009 Phase 2, and R. 07-05-025. Address changes to the General Order 96-B service list and all electronic approvals should be directed to 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. Advice letter filings can also be accessed electronically at <http://www.pge.com/tariffs>.

A handwritten signature in cursive script that reads "Brian Cherry /s/w".

Vice President – Regulatory Relations

cc: Service Lists R.08-12-009, R.08-12-009 Phase 2, and R. 07-05-025
Sue Mara, RTO Advisors, L.L.C. (Protesting Parties)

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 E)**

Utility type:

ELC GAS
 PLC HEAT WATER

Contact Person: **Shirley Wong**

Phone #: **(415) 972-5505**

E-mail: **slwb@pge.com and PGETariffs@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) #: **4170-E-A**

Tier: **2**

Subject of AL: **Supplemental Filing - Revisions to Electric Rule 22, Direct Access, In Compliance With Decision 12-08-045**

Keywords (choose from CPUC listing): **Rules, Direct Access, Compliance**

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

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

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: **October 20, 2013**

No. of tariff sheets: **6**

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: **Electric Rule 22 - Direct Access**

Service affected and changes proposed: **Add consumer protections per D.12-08-045.**

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
E-mail: 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

**ATTACHMENT 1
Advice 4170-E-A**

Cal P.U.C. Sheet No.	Title of Sheet	Cancelling Cal P.U.C. Sheet No.
32992-E	ELECTRIC RULE NO. 22 DIRECT ACCESS Sheet 13	30875-E
32993-E	ELECTRIC RULE NO. 22 DIRECT ACCESS Sheet 14	32809-E
32994-E	ELECTRIC RULE NO. 22 DIRECT ACCESS Sheet 15	30877-E
32995-E	ELECTRIC RULE NO. 22 DIRECT ACCESS Sheet 16	30878-E
32996-E	ELECTRIC TABLE OF CONTENTS Sheet 1	32782-E
32997-E	ELECTRIC TABLE OF CONTENTS RULES Sheet 21	32819-E



ELECTRIC RULE NO. 22
DIRECT ACCESS

Sheet 14

C. CUSTOMER INQUIRIES AND DATA ACCESSIBILITY (Cont'd.)

5. Customer Inquiries Related to Emergency Situations and Outages (Cont'd.)

- b. It may be necessary for PG&E to shed or curtail customer load at the request of the ISO, or as otherwise provided by Commission tariffs. In such cases, PG&E will give both the affected customer and ESP as much notice as reasonably possible. (L)
- c. PG&E will notify the customer and ESP of planned distribution system outages for maintenance work prior to commencement of such outages if feasible. (L)
- d. PG&E will be responsible for implementing Commission-approved load curtailment programs, including providing notification to participating "non-firm" customers who are the Direct Access customers of the ESP.
- e. The ESP will be responsible for notifying its Scheduling Coordinator of any notice received from PG&E under Section C5.

D. ESP SERVICE ESTABLISHMENT

The ESP must satisfy the following requirements before an ESP can provide Direct Access services in PG&E 's service territory:

1. All ESPs must submit an executed standard Electric Service Provider (ESP) Agreement (ESP Service Agreement - Form No. 79-948).
2. The ESP must warrant to PG&E that the ESP has registered with the CPUC and has selected an Independent Verification Agent (IVA) for all transactions for which independent verification is required by law.
3. The ESP will provide PG&E with the CPUC certification that the ESP has posted a bond or demonstrated insurance sufficient to cover the ESP financial security requirements specified in Section Q.1.
4. The ESP must satisfy PG&E credit-worthiness requirements as specified in Section P, Credit Requirements.

(L)

(Continued)



ELECTRIC RULE NO. 22
DIRECT ACCESS

Sheet 15

D. ESP SERVICE ESTABLISHMENT (Cont'd.)

- 5. The ESP must satisfy applicable CPUC Electronic Data Exchange requirements, including: (L)
 - a. ESP must complete all necessary electronic interfaces for the ESP and PG&E to communicate for DASRs, general communications and if providing Metering and Data Management Agent (MDMA) services, to satisfy meter reading communications including communicating to and from MDMA Servers for sharing of meter reading and usage data.
 - b. The ESP must have the capability to exchange data with PG&E via the Internet. Alternative arrangements may be allowed if mutual agreement is made between PG&E and the ESP. (L)
 - c. The ESP must have the capability to perform Electronic Data Interchange (EDI), and enter into appropriate agreements related thereto, if the ESP will be offering ESP Bill Ready Consolidated Billing Services.
- 6. If the ESP will be offering Consolidated ESP Billing services, Meter Services or MDMA Services, the ESP must demonstrate the ability to perform the functions required by this Rule. PG&E will continue to provide those service until compliance testing has been completed. The ESP's failure to complete such compliance testing shall not affect its ability to provide electric power to customers.

E DIRECT ACCESS SERVICE REQUEST (DASR)

- 1. Direct Access Service Requests (DASRs), in the form attached hereto as Attachment A, must be submitted electronically (unless PG&E has also approved of some alternative means of submittal) to PG&E by the customer's authorized ESP, or the customer if it is acting as its own ESP. The DASR process described herein is used for customer Direct Access elections, customer-initiated returns to default PG&E service and ESP-initiated termination of a customer agreement. ESPs must execute the ESP Service Agreement before submitting DASRs.
- 2. A separate DASR must be submitted for each service account. Upon request, PG&E will provide timely updates on the status of the DASR processing to the submitting ESP and customer.
- 3. DASRs must identify the service account participating in Direct Access, including its billing and meter service elections. A DASR that does not contain this information is materially incomplete. (L)

(Continued)



ELECTRIC RULE NO. 22
DIRECT ACCESS

Sheet 16

E. DIRECT ACCESS SERVICE REQUEST (Cont'd.)

- 4. DASR forms will be available through electronic means (e.g., PG&E's website). (L)
- 5. An ESP which is providing meter services must satisfy and specify in the DASR process for each service account, the meter and data communications provisions that are contained on the DASR form attached hereto as Attachment A. (L)
- 6. a. For a residential or small commercial customer, a DASR shall not be submitted to PG&E by the ESP until after midnight of the third business day after the verification required under Public Utilities Code Section 366.5 has been completed, or until after midnight of the fifth business day after the mailing or provisioning of the Public Utilities Code Section 394.5 notice, whichever is later. It is the responsibility of the ESP to ensure that the requests of the residential and small commercial customers to cancel service pursuant to public Utilities Code Section 395 are honored.
- 6. b. If a customer cancels an agreement pursuant to Public Utilities Code Section 395, a DASR shall not be submitted for that customer. If a DASR has already been submitted, the submitting party shall, within twenty-four (24) hours direct PG&E to cancel the DASR.
- 7. PG&E will provide an acknowledgment of its receipt of the DASR to the ESP within two (2) working days of its receipt. PG&E will exercise best efforts to provide, within three (3) working days thereafter (and no later than five (5) working days), the ESP and the customer with a DASR status notification informing them as to whether the DASR has been accepted, rejected or deemed pending further information. As of July 1998, PG&E will provide this DASR status notification within three (3) working days. If accepted, the switch date determined in accordance with paragraphs 12 or 13 of this section, will be sent to the ESP, the former ESP, if applicable, and the customer. If a DASR is rejected, PG&E will provide the reason for the rejection. If a DASR is held pending further information, it shall be rejected if the DASR is not completed within eleven (11) working days following the status notification.
- 8. In accordance with the provision of Rule 3, PG&E has the right to deny the ESP's request for service if the information provided by the applicant is false, incomplete, or inaccurate in any material respect.
- 9. PG&E will begin accepting requests for Direct Access no later than November 9, 1997.
- 10. If a submitted DASR complies with the DASR requirements, the DASR will be accepted and scheduled for Direct Access Implementation.

(Continued)



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Sheet 1

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Advice Letter No: 4170-E-A
 Decision No. 12-08-045

Issued by
Brian K. Cherry
 Vice President
 Regulatory Relations

Date Filed September 20, 2013
 Effective _____
 Resolution No. _____



**ELECTRIC TABLE OF CONTENTS
 RULES**

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(Continued)

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

1st Light Energy	Division of Ratepayer Advocates	Occidental Energy Marketing, Inc.
AT&T	Douglass & Liddell	OnGrid Solar
Alcantar & Kahl LLP	Downey & Brand	Pacific Gas and Electric Company
Anderson & Poole	Ellison Schneider & Harris LLP	Praxair
BART	G. A. Krause & Assoc.	Regulatory & Cogeneration Service, Inc.
Barkovich & Yap, Inc.	GenOn Energy Inc.	SCD Energy Solutions
Bartle Wells Associates	GenOn Energy, Inc.	SCE
Bear Valley Electric Service	Goodin, MacBride, Squeri, Schlotz & Ritchie	SDG&E and SoCalGas
Braun Blaising McLaughlin, P.C.	Green Power Institute	SPURR
CENERGY POWER	Hanna & Morton	San Francisco Public Utilities Commission
California Cotton Ginners & Growers Assn	In House Energy	Seattle City Light
California Energy Commission	International Power Technology	Sempra Utilities
California Public Utilities Commission	Intestate Gas Services, Inc.	SoCalGas
California State Association of Counties	Kelly Group	Southern California Edison Company
Calpine	Linde	Spark Energy
Casner, Steve	Los Angeles Dept of Water & Power	Sun Light & Power
Center for Biological Diversity	MAC Lighting Consulting	Sunshine Design
City of Palo Alto	MRW & Associates	Tecogen, Inc.
City of San Jose	Manatt Phelps Phillips	Tiger Natural Gas, Inc.
Clean Power	Marin Energy Authority	TransCanada
Coast Economic Consulting	McKenna Long & Aldridge LLP	Utility Cost Management
Commercial Energy	McKenzie & Associates	Utility Power Solutions
County of Tehama - Department of Public Works	Modesto Irrigation District	Utility Specialists
Crossborder Energy	Morgan Stanley	Verizon
Davis Wright Tremaine LLP	NLine Energy, Inc.	Water and Energy Consulting
Day Carter Murphy	NRG Solar	Wellhead Electric Company
Defense Energy Support Center	Nexant, Inc.	Western Manufactured Housing Communities Association (WMA)
Dept of General Services	North America Power Partners	