

Decision No. C11-1144-E2

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 10R-799E

IN THE MATTER OF THE PROPOSED RULES RELATED TO SMART GRID DATA
PRIVACY FOR ELECTRIC UTILITIES, 4 CODE OF COLORADO REGULATIONS 723-3.

SECOND ERRATA NOTICE

ORDER ON EXCEPTIONS

Second Errata Notice mailed: November 4, 2011
original Decision No. C11-1144 mailed: October 26, 2011

1. The original Errata Notice for Decision No. C11-1144 removed some rule sections which were inadvertently left in Attachment A which referenced the data freeze concept, but not all such references were removed by that errata notice. This Second Errata Notice corrects the adopted rules attached as Attachment A to Decision No. C11-1144 by removing additional sections which were inadvertently left in Attachment A which reference the data freeze concept. These corrections are made pursuant to the statement in the Decision at ¶ I.C.11. which reads:

11. In promulgating the smart grid data privacy rules, we must balance both customer privacy and development of new smart grid technologies. We note that the incremental value of the data freeze concept appears to be minimal, because the default position is that customer data is not shared without consent. We therefore agree with the Utilities and TechNet that customer data freeze is unnecessary. Hence, we will strike Rule 3032 in its entirety and **have any sections which reference the data freeze concept removed.**

(Emphasis added.)

2. Correct rule 3027 on page 6 of Attachment A of Decision No. C11-1144, by removing rule 3027(c)(XI) and renumbering rule 3027(c)(XII) as rule (XI), and connecting rules (X) and new rule (XI) with "and", so that rules 3027(c)(X) through (XI) read (in redline) as follows:

(X) Be printed in English and any specific language or languages other than English where the utility's service territory contains a population of at least 30 percent who speak a specific language other than English as their primary language as determined by the Commission using the latest U.S. Census information; and

(XI) Provide a customer service phone number and web address where customers can direct additional questions or obtain additional information regarding their customer data, the disclosure of customer data or aggregated data, or the utility's privacy policies and procedures with respect to customer data or aggregated data.

3. The Second Errata Notice also clarifies the conditions in rule 3028(c) for completing/providing a Customer Consent Form. Correct rule 3028(c) on page 8 of Attachment A of Decision No. C11-1144, as follows - corrections shown in redline and strikeout:

(c) A utility may make available an in-person consent process for disclosure of customer data to a third party that authenticates the customer identity. ~~If a~~A customer of a utility ~~completes~~shall complete a Customer Consent Form at an office of the utility and the customer ~~provides~~shall provide adequate identification, including but not limited to, a valid picture identification and customer account information ~~then the customer will not be required to provide a notarized signature.~~

so that new rule 3028(c) reads in redline as:

(c) A utility may make available an in-person consent process for disclosure of customer data to a third party that authenticates the customer identity. A customer of a utility shall complete a Customer Consent Form at an office of the utility and the customer shall provide adequate identification, including but not limited to, a valid picture identification and customer account information.

4. For reference, the corrected pages 6 and 8 of Attachment A are enclosed with this Errata Notice.

(S E A L)



ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

A handwritten signature in cursive script that reads 'Doug Dean'.

Doug Dean, Director
Dated at Denver, Colorado this
4th day of November, 2011.

- (IV) Explain that customers can access their standard customer data, as identified by the utility's tariff, without additional charge;
- (V) Explain that, with the exception of the data disclosures provided in rule 3026(b), customers have an expectation of privacy for their customer data.
- (VI) Describe the utility's policies regarding how customers can authorize access and disclosure of their customer data to third-parties not falling within the exceptions outlined in paragraph 3026(b). With regard to such third party data disclosure, the notice shall:
 - (A) Inform customers that declining a request for disclosure of customer data to a third-party will not affect the provision of utility service that the customer receives from the utility; and
 - (B) Explain that any customer consent for access to, disclosure of, or use of a customer's customer data by a third-party may be terminated or limited by the customer of record at any time and inform the customers of the process for doing so.
- (VII) Inform customers that customer data may be used to create aggregated data, and that the utility may provide aggregated data to third-parties, subject to its obligation under paragraph 3031(b);
- (VIII) Be viewable on-line and printed in 12 point or larger font;
- (IX) Be sent either separately or included as an insert in a regular monthly bill conspicuously marked and stating clearly that important information on the utility's privacy practices is contained therein;
- (X) Be printed in English and any specific language or languages other than English where the utility's service territory contains a population of at least 30 percent who speak a specific language other than English as their primary language as determined by the Commission using the latest U.S. Census information; and
- (XI) Provide a customer service phone number and web address where customers can direct additional questions or obtain additional information regarding their customer data, the disclosure of customer data or aggregated data, or the utility's privacy policies and procedures with respect to customer data or aggregated data.

(VI) State the description of the data disclosed;

(VII) State that the consent is valid until terminated;

(VIII) State that the customer must notify the utility service provider in writing (electronically or nonelectronically) to terminate the consent including appropriate utility contact information;

(IX) State any additional terms except an inducement for the customer's disclosure;

(X) Provide notice to the customer that the utility shall not be responsible for monitoring or taking any steps to ensure that the third-party to whom the data is disclosed is maintaining the confidentiality of the data or using the data as intended by the customer; and

(b) A utility may make available an electronic customer consent process for disclosure of customer data to a third-party (e.g. a utility controlled web portal) that authenticates the customer identity. The contents of the electronic consent process must generally follow the format of the model consent to disclose customer data form, be clear, and include the elements to be provided pursuant to paragraph (a) of this rule. Such process may not include an inducement for disclosure by the customer.

(c) A utility may make available an in-person consent process for disclosure of customer data to a third party that authenticates the customer identity. A customer of a utility shall complete a Customer Consent Form at an office of the utility and the customer shall provide adequate identification, including but not limited to, a valid picture identification and customer account information.

(d) The consent to disclose customer data form may be submitted to the utility through paper or electronic methods.

3029. Contracted Agent Access to Customer Data from a Utility.

(a) A utility may disclose customer data to a contracted agent provided that the contract meets the following minimum requirements:

(I) Implement and maintain reasonable data security procedures and practices appropriate to the private nature of the information to protect the customer data from unauthorized access, destruction, use, modification, or disclosure. These data security procedures and practices shall be equal to or greater than the data privacy and security policies and procedures used by the utility internally to protect customer data;

(II) Use customer data solely for the purpose of the contract, and prohibit the use of customer data for a secondary commercial purpose not related to the purpose of the contract without first obtaining the customer's consent as provided for in these rules;

(III) Destroy any customer data that is no longer necessary for the purpose for which it was transferred; and