

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14R-0394EG

IN THE MATTER OF THE PROPOSED RULES RELATING TO DATA ACCESS AND PRIVACY FOR ELECTRIC UTILITIES, 4 CODE OF COLORADO REGULATIONS 723-3 AND DATA ACCESS AND PRIVACY RULES FOR GAS UTILITIES, 4 CODE OF COLORADO REGULATIONS 723-4.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
G. HARRIS ADAMS
SCHEDULING AN ADDITIONAL HEARING DATE**

Mailed Date: July 3, 2014

I. STATEMENT

1. On May 6, 2014, the Public Utilities Commission issued the Notice of Proposed Rulemaking that commenced this proceeding. *See* Decision No. C14-0461. That decision also scheduled the first day of hearing in the matter for July 1, 2014.

2. At the scheduled time and place the hearing was convened. An initial discussion occurred regarding prefiled written comments in addition to supplemental oral comments. The undersigned Administrative Law Judge (ALJ) identified several issues and invited additional comment regarding the following:

- a) If Commission rules required an annual community report, what is the appropriate geographic scope (*e.g.* county, city, zip code, census track level)?
- b) Should there be a base level community annual report with pre-defined options for custom modifications at a cost to the requester?

- c) Are property owners a unique group of interested persons justifying different access to customer data within the building owned than other third parties? If so, what level of data? What privacy protection is afforded to that data? Is a lesser standard of protection appropriate for the level of data made available to building owners?
- d) Should the rules governing data access and privacy include tiers based upon size of utility, or some other criteria? Should the rules for a lower tier be purely permissive and the higher tier be obligatory? Where should that line be drawn?
- e) Have appropriate use cases been provided in comment? What other particular cases should be included?
- f) Should the rules include criteria to limit multiple, overlapping data requests by a single requestor? How should rules define overlapping requests?
- g) Benchmarking and portfolio manager as well as integration with Green Button Connect My Data.
- h) Does the phrase “unique identifier,” as proposed in Public Service’s comments require definition? If so, what should that be?
- i) If natural gas transportation customers operating under LOAs affected by limitations upon access to customer data, what modifications are necessary to coordinate or exempt the effect?
- j) Does the term “premises” as proposed in the definition of customer data require definition? If so, what should that be?

3. During the course of the hearing, reference was made to Decision 14-05-016 issued by the Public Utilities Commission of the State of California on May 5, 2014. Without incorporation, endorsement, or adoption at this time, a copy of the decision is attached hereto as Appendix A for inclusion in the record of this proceeding.

4. Based upon the initial day of hearing, the ALJ finds that continuing the hearing in this proceeding will be helpful to consideration of proposed rules. By this Decision, the ALJ schedules a continued hearing date. The ALJ announced this additional date at the hearing held on July 1, 2014.

5. Interested parties are strongly encouraged to undertake a collaborative approach to reaching agreement to jointly file comments proposing modifications to the form customers use to consent to disclosing customer information to third parties as well as what content might be required in an annual report of energy usage over a geographic territory.

6. Comments in the form of, or supported by, proposed rules are strongly encouraged.

7. In order to provide an opportunity for collaboration and to gain additional comment and proposed rule language in areas identified, additional comment will be requested as ordered below. By a separate decision, the undersigned will issue redlined modifications to the proposed electric rules on or about August 20, 2014.¹

8. Interested persons who wish to do so will have an opportunity to make oral presentations. The undersigned anticipates proceeding by addressing comments in order by rule and will generally be limited to the electric rules at issue. Rules affecting natural gas utilities will be addressed later in the proceeding.

II. ORDER

A. **It Is Ordered That:**

1. Interested persons are requested to provide supplemental written comments addressed above on or before July 31, 2014.

2. Interested persons are requested to provide any written comments in response to the redline of the rules referenced above on or before September 3, 2014.

¹ The deadline for response to this document will be established by a separate decision, but is anticipated to be September 16, 2014.

3. The hearing in this matter is continued and shall be conducted at the following time and date:

DATE: September 30, 2014
TIME: 9:00 a.m.
PLACE: Commission Hearing Room
1560 Broadway, Suite 250
Denver, Colorado

4. The participants shall follow the procedures set out above.
5. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

G. HARRIS ADAMS

Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,
Director