

Decision No. R14-1001-I

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
ISSUING HEARING EXHIBIT 2
AND REQUESTING COMMENT**

Mailed Date: August 20, 2014

I. STATEMENT

1. By Decision No. R14-0759-I issued July 3, 2014, the hearing in this matter was continued. The undersigned also informed participants that redlined modifications to the proposed electric rules would be issued by separate order after participants had an opportunity for further collaboration.

2. After only preliminary consideration of the Commission's notice and the comments to date, proposed rules redlined to Attachment B to Decision No. C14-0461 issued May 6, 2014, are attached hereto as Attachment A. Attachment A will be utilized at hearing as Hearing Exhibit 2. Interested parties are invited to provide additional comment in response to Hearing Exhibit 2.

3. Additional specific comment is requested regarding the consideration of providing building owner access to monthly whole-building data for purposes of benchmarking. It is not clear what granularity of information is required for contemplated benchmarking.

Initially reviewing the Portfolio Manager® Quick Start Guide, a copy of which is attached as Attachment B, it appears that information is needed by meter. Is whole-building monthly data sufficient for benchmarking a building? If so, by what standard or program? What is the definition of benchmarking?

4. Further comment is expressly requested regarding application of Rule 3131(g) included in Attachment A, in addition to comments regarding language.

5. A representative of the City of Boulder has advised the Commission that Dr. Alyson Shupe, Chief of the Health Statistics and Evaluation Branch of the Colorado Department of Public Health & Environment (Department), provides assistance to other state agencies in dealing with data requests. Further, she may be available to comment in this proceeding regarding the Department's statistical non-disclosure practices and related issues. Assistance through comment at the hearing scheduled to occur on September 30, 2014 would be appreciated. Of particular interest would be the Department's practices as to multiple overlapping requests.

6. Rule 3030(c) is included for comment. Discussion will occur at hearing regarding necessity for the provision and proposed language.

7. Comment is requested as to the burden, cost, and feasibility of proposed Rule 3032(c) included in Attachment A.

8. Commenters are encouraged to include proposed or alternate rule language, as necessary, with their comments. While written comments in advance of hearing are preferred and encouraged, interested persons who wish to do so will have an opportunity to make oral presentations. The undersigned anticipates accepting comments at hearing in order by rule.

II. ORDER

A. It Is Ordered That:

1. Interested persons are requested to provide any written comments in response to Hearing Exhibit 2 attached hereto as Attachment A on or before September 16, 2014.
2. This Decision is effective upon its Mailed Date.

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

G. HARRIS ADAMS

Administrative Law Judge