CALIFORNIA
ENERGY
COMMISSION

INTEGRATED ENERGY POLICY REPORT COMMITTEE DRAFT PROPOSED CHANGES TO THE CALIFORNIA ENERGY COMMISSION'S REGULATIONS ON DATA COLLECTION AND RELATED MATTERS

COMMITTEE REPORT

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Arnold Schwarzenegger, *Governor*

CALIFORNIA ENERGY COMMISSION

Integrated Energy Policy Report Committee

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DISCLAIMER

This report was prepared by the California Energy Commission's Integrated Energy Policy Report Committee as part of the Order Instituting Rulemaking (05-1019-18) regarding Proposed Adoption, Amendment, and Repeal of Regulations Governing the Commission's Data Collection System for the Integrated Energy Policy Report and Regulations Governing Disclosure of Commission Records - docket # 05-DATA-01. The report will be considered for adoption by the full Energy Commission at a future Business Meeting. The views and recommendations contained in this document are not official policy of the Energy Commission until the report is adopted.

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Integrated Energy Policy Report Committee
Proposed Changes
to the
California Energy Commission's Regulations
On Data Collection and Related Matters

Introduction

This document includes the Integrated Energy Policy Report Committee's proposed changes to the California Energy Commission's regulations governing data collection for the Energy Policy Report (Title 20, California Code of Regulations, Section 1301 et seq. and 1340 et seq.), regulations implementing the Energy Commission's complaint and investigation process (Title 20, California Code of Regulations, Section 1230 et seq.), and regulations governing the disclosure of Energy Commission records Title 20, California Code of Regulations, section 2501 et seq.). Similarly, in light of the prominence of confidentiality issues during the 2005 Integrated Energy Policy Report cycle, the Committee is proposing changes to the Energy Commission's regulations implementing the Public Records Act. (*See* Cal. Code Regs., Tit. 20, Section 2505(a)(5).) The Committee's proposed changes are based on staff proposed changes to the Energy Commission's data collection regulations and written and oral comments received on staff's proposals, which were discussed at workshops on 5/2/06, 5/25/06, and 7/10/06, and during a three-hour staff conference call on 7/19/06.

On October 19, 2005, the Energy Commission, pursuant to Public Resources Code Sections 25210 and 25213 and Title 20, California Code of Regulations, Section 1222(a), instituted a proceeding, under the direction of the Committee, to consider changes to regulations governing the Energy Commission's data collection system for integrated energy policy reporting, the complaint and investigation process, and the disclosure of Energy Commission records.

The data collection regulations addressed in this rulemaking are found at Title 20, California Code of Regulations, Section 1301 et seq. and Section 1340 et seq.; the regulations governing the complaint and investigation process are found at Title 20, California Code of Regulations, Section 1230 et seq.; and the regulations governing disclosure of Energy Commission records are found at Title 20, California Code of Regulations, Section 2501 et seq. This rulemaking implements the requirements of SB 1389 (Stats. 2002, ch. 568, Section 2), SB 1037 (Stats. 2005, ch. 366, Sections 3, 4, 6), AB 380 (Stats. 2005, ch. 367, Section 2), and the California Public Records Act (Gov. Code, Section 6250 et seq.)

SB 1389 directs the Energy Commission "to conduct assessments and forecasts of all aspects of energy industry supply, production, transportation, delivery and distribution, demand and prices." (Pub. Resources Code, Section 25301.) As part of this process, the Energy Commission is to produce an Integrated Energy Policy Report every two years. (Pub. Resources Code, Section 25302.) In carrying out its responsibilities, the Energy Commission is required to "manage a data collection system for obtaining the information necessary to develop the policy reports and analyses required by [SB 1389]." (Pub. Resources Code, Section 25320.) As part of this rulemaking, at the direction of the Committee, the staff has reviewed the existing data collection regulations and developed proposed changes for the Committee's consideration to update them consistent with the requirements of SB 1389 and the recently-adopted provisions of Public Utilities Code Sections 454.55, 454.56, 9615, and 9620.

Chapter 2.
Rules of Practice and Procedure

Article 1.
Commission Meetings
[no changes]

Article 2.
All Commission Proceedings

§§ 1200 – 1202
[no changes]

§ 1203. Powers of the Chair~~man~~.

In addition to all other powers conferred by this article, the chair~~man~~ or presiding member designated pursuant to Section 1204 shall have the power to:

(a) Request and secure such information as is relevant and necessary in carrying out the purposes of the proceeding.

(b) Issue subpoenas and subpoenas duces tecum at the direction of the commission, on his or her motion, or upon application of any party. The application of a party shall be supported by a declaration of good cause.

(c) – (f)
[no changes]

§§1204 – 1215
[*no changes]*

§ 1216. ~~Ex Parte Contacts.~~ Administrative Adjudication Provisions.

The provisions of Chapter 4.5 of Part 1 of Division 3 of Title 2 of the Government Code shall apply to all adjudicative proceedings conducted by the commission. ~~Commissioners and assigned hearing officer(s) shall avoid any oral or written communication with a representative of any party to an adjudicatory proceeding pending before the commission including those members of the commission staff who have been involved or are likely to be involved as principals in case management or who have participated or are likely to participate in the preparation or presentation of staff testimony, documentary evidence, or cross-examination concerning any substantive issue involved in the proceeding; provided, however, that communications contained in the formal record at a commission hearing shall not be prohibited.~~
~~(a) If such a communication occurs, the commissioners or hearing officer shall include a description of the substance of the discussion in the public file on the proceeding to permit rebuttal of the matter on the record by any party affected.~~

~~(b) All of the written communications received by a commissioner or hearing officer which relate to substantive issues raised in an adjudicatory proceeding before the commission shall be included in the public file on the proceeding and shall be subject to rebuttal on the record by any party affected.~~

~~(c) An adviser to a commissioner or any other member of a commissioner's own staff shall not be used in any manner that would circumvent the purposes and intent of this section.~~

§§ 1217 – 1219
[*no changes]*

Article 3. Rulemaking and Informational Hearings
[no changes]

Article 4. Complaints and Investigations

§ 1230. Scope.
[no changes]

§ 1231. Complaints and Requests for Investigation; Filing.

Any person, including but not limited to, the commission staff or the owner or operator of a power plant or transmission line, may file a complaint alleging a violation of a statute, regulation, order, program, or decision adopted, administered, or enforced by the commission. Any complaints alleging noncompliance with a commission decision adopted pursuant to Public Resources Code section 25500 and following must be filed solely in accordance with section 1237. Any person may also file a request for investigation, including a request for a jurisdictional determination regarding a proposed or existing site and related facilities.

(a) A complaint or request for investigation shall be filed with the General Counsel of the commission.

(b) The complaint or request for investigation shall include:

(1) the name, address, and telephone number of the person filing the complaint (complainant) or request for investigation (petitioner);

(2) the name, address, and telephone number of the person allegedly violating the statute, regulation, order, or decision (respondent) or, in the case of a request for a jurisdictional investigation, the name, address, and telephone number of the person owning or operating, or proposing to own or operate, the project which is the subject of the request for investigation (respondent);

(3) a statement of the facts upon which the complaint or request for investigation is based;

(4) a statement indicating the statute, regulation, order, or decision upon which the complaint or request for investigation is based;

(5) the action the complainant or petitioner desires the commission to take;

(6) the authority under which the commission may take the action requested; and

(7) a statement by the complainant or petitioner specifically listing the names and addresses of any other individuals, organizations, and businesses which the complainant or petitioner knows or has reason to believe would be affected by the relief sought.; and

(8) a declaration under penalty of perjury by the complainant or petitioner attesting to the truth and accuracy of any factual allegations contained in

the complaint or request for investigation. If any of the applicants are corporations or business associations, the declaration shall be dated, signed, and attested to by an officer thereof. Where a declaration is filed on behalf of a joint venture or proposed joint venture, all members of the joint venture or proposed joint venture shall date, sign, and attest to the declaration.

§ 1232. ~~Hearing and Notice Procedures.~~ Complaints and Requests for Investigation; Commission Response.

(a) Within 30 days after the receipt by the General Counsel of a complaint or request for investigation, the committee, or if none has been assigned, the chair~~man~~, shall:

(1) dismiss the matter upon a determination of insufficiency or lack of merit of the pleadings, specifying whether the dismissal is with or without prejudice; or

(2) serve the complaint or request for investigation by certified mail, return receipt requested, upon the respondent. ~~and a~~All other persons identified in Section 1231(b)(7) shall be served by first class mail.~~and schedule a hearing upon the complaint or request for investigation.~~ In addition, the committee, or if none has been assigned, the chair, may take additional steps to notify other individuals, organizations, and businesses which the committee or the chair has reason to believe would be adversely affected by a decision. ~~The hearing shall be scheduled to commence within 90 days after the receipt by the General Counsel of the complaint or request for investigation. The hearing may be scheduled before the full commission, the committee, or a hearing officer assigned by the chairman at the request of the committee as provided in Section 1205.~~When serving the complaint, the committee, or if none has been assigned, the chair, shall also provide a copy of the commission's governing procedure, including a statement whether the provisions of Government Code section 11400 et seq. are applicable to the proceeding.

(b) The committee, or if none has been assigned, the chair, may at any time during the proceeding, establish requirements for electronic filing of documents, and may shorten or lengthen the time requirements specified in this Article.

~~(b) Notice, by certified mail, return receipt requested, of complaint or investigatory proceedings shall be given to all petitioners, respondents and persons identified in Section 1231(b)(7) no fewer than 21 days before the first hearing on the matter. In addition, the committee, or if none has been assigned the chairman, may take additional steps to notify other individuals, organizations,~~

~~and businesses which the committee or the chairman has reason to believe would be adversely affected by a decision.~~

~~(c) The notice shall contain:~~

> ~~(1) the names and addresses of all named complainants, petitioners, and respondents;~~
>
> ~~(2) a statement concerning the nature of the complaint or request for investigation, with an identification of the statute, regulation, order, or decision at issue;~~
>
> ~~(3) an explanation of the action the commission may take;~~
>
> ~~(4) the date, place, and time of any hearing in the matter; and~~
>
> ~~(5) a statement concerning the availability of the public adviser.~~

§ 1233. Answers to Complaints and Requests for Investigation.

(a) The respondent shall file and serve an answer with the complainant or petitioner, the commission, and all persons identified in Sections 1231(b)(7) ~~or~~and 1232(~~b~~a)(2) within ~~30~~21 days after service of the complaint or request for investigation pursuant to Section 1232(a)(2).

(b) The answer shall include:

> (1) an admission or denial of each material allegation;
>
> (2) an explanation of any defenses raised by the respondent; and
>
> (3) a declaration as provided in Section 1231(b)(8).

(c) Where the petitioner seeks clarification of the jurisdictional status of its own project, no answer shall be required.

§ 1233.5. Staff Assessment.

If the entity filing the complaint or request for investigation is other than the commission staff, the committee, or if none has been assigned, the chair, may direct commission staff to prepare a written assessment of the complaint or request for investigation and the answer. The staff assessment shall be filed and served by first class mail on complainant or petitioner, the commission, and all

persons identified in Sections 1231(b)(7) and 1232(a)(2) within 7 days of service of the answer provided pursuant to Section 1233.

§ 1234. Notice and Hearing.

(a) The hearing shall be scheduled to commence no sooner than 21 days after receipt of the answer and no later than 90 days after the receipt by the General Counsel of the complaint or request for investigation. The hearing may be scheduled before the full commission, a committee designated by the commission, or a hearing officer assigned by the chair at the request of the committee as provided in Section 1205.

(b) The commission shall provide written notice by first class mail to all petitioners, respondents and persons identified in Sections 1231(b)(7) and 1232(a)(2) no fewer than 14 days before the first hearing on the matter. The notice shall contain:

(1) the names and addresses of all named complainants, petitioners, and respondents;

(2) a statement concerning the nature of the complaint or request for investigation, with an identification of the statute, regulation, order, or decision at issue;

(3) an explanation of the action the commission may take;

(4) the date, place, and time of any hearing in the matter; and

(5) a statement concerning the availability of the public adviser.

§ 1234~~5~~. Proposed Decision.

~~(a)~~ If the matter is heard before an assigned committee or hearing officer, appointed pursuant to Section 1205, the committee or hearing officer shall make its recommendation to the full commission in the form of a written proposed decision within 21 days following the close of hearings held pursuant to Section 1234.

~~(b) To the extent reasonably possible, the proposed decision shall be made available within 14 days following the close of hearings held pursuant to Section 1232.~~

~~(c) The proposed decision shall contain an explanation and analysis of the facts and issues involved in the case, and recommendations for disposition by the full~~

~~commission. The committee or hearing officer shall serve a copy of the proposed decision upon all parties to the hearings on the matter and shall schedule the matter for consideration by the full commission at the earliest reasonable date, but in no event sooner than 10 days after service of the proposed decision.~~

~~§ 1235. Public Participation and Intervention.~~

~~To the extent deemed relevant by the presiding member, any person may testify or comment during a complaint or investigatory hearing. A person may become a formal party by intervening pursuant to Section 1207.~~

§ 1236. Commission Decision.

(a) Upon consideration of a proposed decision from a committee or hearing officer, the commission shall, to the extent reasonably possible, prepare a decision within 21 days of the filing of the proposed decision that:

(1) adopts, modify, or reject the proposed decision; or

(2) remands the matter to the committee or hearing officer for further hearings; or

(3) reopens the evidentiary record and itself conduct further hearings.

(b) When considering a proposed decision from a committee or hearing officer, the commission may limit presentations by all participants to written and oral submissions based upon the existing evidentiary record.

(c) In cases where the commission, rather than a committee or hearing officer hears the case, to the extent reasonably possible, the commission shall make a decision within 21 days following the close of hearings.

§ 1236.5. Public Participation and Intervention.

To the extent deemed relevant by the presiding member, any person may testify or comment during a complaint or investigatory hearing. A person may request to become a formal party by intervening by following the procedures identified in Section 1207.

CHAPTER 3. DATA COLLECTION

Article 1. Quarterly Fuel And Energy Reports

§ 1301. Title.
[no changes]

§ 1302. Rules of Construction and Definitions.

(a) Rules of Construction.

(1) Where the context requires, the singular includes the plural and the plural includes the singular.

(2) The use of “and” in a conjunctive position means that all elements in the provision must be complied with, or must exist to make the provision applicable. Where compliance with one or more elements suffices, or where existence of one or more elements make the provision applicable, “or” (rather than “and/or”) is used.

(b) Definitions. In this Article, the following definitions apply unless the context clearly requires otherwise:

~~“California offshore lands” means all tidal waters under California state jurisdiction pursuant to 43 U.S.C. Section 1311.~~

~~“Company” means any person, firm, association, organization, partnership, business trust, corporation, or public entity, or any subsidiary, parent, affiliate, department, or agency thereof.~~

~~“Cogenerator” means an electric power plant that produces (1) electricity; and (2) useful thermal energy for industrial, commercial, heating, or cooling purposes.~~

~~“Control area” means an electric system or systems, bounded by interconnection metering and telemetry, capable of controlling generation to maintain its interchange schedule with other Control Areas and contributing to frequency regulation of the Western Systems Coordinating Council.~~

~~“Core customer” means a natural gas customer that consumes less than 20,800 therms of natural gas per month.~~

~~“Customer” means an active revenue meter, or an active billed account, of an electric utility or a gas utility.~~

~~"Customer Classification Code" means SIC code before January 1, 2003 and NAICS code beginning January 1, 2003.~~

~~"Customer sector" means the following before January 1, 2003:~~

~~residential customer sector: private households, including single and multiple family dwellings, plus SIC 88;~~

~~commercial building customer sector: SIC codes 07, 4214, 422, 50-87, 89-91, 9211-9229, 93-96, and 972;~~

~~other commercial customer sector: SIC codes 40-41, 4210-4213, 4215, 4230-4939, 4949-4969, 4980-4988, 9225-9227, 9250-9259, and 9700-9711;~~

~~process industry customer sector: SIC codes 203, 206, 24, 260-263, 28-29, 320-324;~~

~~assembly industry customer sector: SIC codes 20-39 less process industry;~~

~~other industry customer sector: SIC codes 10-17;~~

~~agriculture customer sector: SIC codes 01-02, 08-09;~~

~~water pumping customer sector: SIC codes 4940-4941, 4970-4971;~~

~~street lighting customer sector: lighting of streets, highways, other public thoroughfares,~~

~~other outdoor area lighting, and traffic control lighting;~~

~~and unclassified customer sector: SIC code 99.~~

~~"Customer sector" means the following beginning January 1, 2003:~~

> ~~residential customer sector: private households, including single and multiple family dwellings, plus NAICS code 81411;~~
>
> ~~commercial building customer sector: NAICS codes 115, 2331, 326212, 42, 44-45, 48841, 493, 512, 514, 52-55, 561, 61, 62 (excluding 62191), 71, 72, 81 (excluding 81293), and 92 (excluding 92811);~~

~~other commercial customer sector: NAICS codes 221, 48, 49, 513, 562, 62191, and 92811; process industry customer sector: NAICS codes 11331, 3113, 3114, 321, 3221, 324, 3272, and 32731; assembly industry customer sector: NAICS codes 31-33 (excluding process industry customer sector and 326212), 511, and 54171;~~

~~industry customer sector: NAICS codes 11331, 31-33, 511, and 54171;~~

~~other industry customer sector: NAICS codes 21 and 23 (excluding 22131);~~

~~agriculture customer sector: NAICS codes 111, 112, 113, and 114;~~

~~water pumping customer sector: NAICS code 22131;~~

~~street lighting customer sector: lighting of streets, highways, other public thoroughfares, other outdoor area lighting, and traffic control lighting; and~~

~~unclassified customer sector: NAICS code 99.~~

~~"Demand" means the rate at which electricity is delivered by generation, transmission, and distribution systems, measured in units of watts or standard multiples thereof, (e.g., 1,000 Watts = 1 kilowatt, 1000 kilowatt = 1 megawatt).~~

~~"EIA" means the Energy Information Administration of the United States Department of Energy.~~

~~"Electric generator" means a machine that converts mechanical energy into electrical energy; or a device that converts non-mechanical energy to electricity directly, including without limitation photovoltaic solar cells and fuel cells.~~

~~"Electricity sales" means the amount of electricity sold by an Electric Retailer to a customer.~~

~~"Electric service area" means the geographic area where a UDC distributes, or has distributed during an applicable reporting period, electricity to consumers.~~

~~"Electric power plant" means a plant located in California or a California control area that contains one or more prime movers, one or more electric generators, and appropriate auxiliary equipment.~~

~~“Electric retailer” means any company that (a) sells electricity to end users or customers located in California, (b) generates and consumes electricity on-site in California (except for electricity consumed for electric power plant operations), or (c) generates electricity at one site and consumes electricity at another site that is in California and that is owned or controlled by the company.~~

~~"Electric utility” means any company engaged in, or authorized to engage in, generating, transmitting, or distributing electric power by any facilities, including, but not limited to, any such company subject to regulation of the Public Utilities Commission.~~

~~“End user” means any company that consumes electricity or natural gas for its own use and not for resale.~~

~~“Executive Director” means the Executive Director of the Commission, or his or her designee.~~

~~“Firm capacity” means noninterruptible electric capacity received or delivered.~~

~~“Firm energy” means noninterruptible electricity received or delivered.~~

~~“Fuel cost” means the delivered cost of fuel used for fuel use by an electric generator, expressed in dollars.~~

~~“Fuel use” means the amount of fuel, expressed in both physical units such as cubic foot, barrel, or ton, and in heat content such as BTUs, used for gross generation, or for any other purpose related to the operation of an electric generator including without limitation providing spinning reserve, start-up, or flame stabilization.~~

~~“Gas processor” means any company that extracts, in California, natural gas liquids from natural gas produced from California reservoirs.~~

~~“Gas retailer” means any company that (a) sells natural gas to end users or customers located in California, (b) produces and consumes natural gas on-site in California (except for gas consumed for gathering, processing, or compressing purposes), or (c) produces natural gas at one site and consumes natural gas at another site that is in California and that is owned or controlled by the company.~~

~~“Gas service area” means the geographic area where an LDC distributes, or has distributed during an applicable reporting period, natural gas to customers.~~

~~"Gas utility" means any company that is (a) engaged in, or authorized to engage in, distributing or transporting natural gas or natural gas liquids, and that is (b) either owned or operated by a governmental public entity or regulated by the California Public Utilities Commission.~~

~~"Gross generation" means the total amount of electricity produced by an electric generator.~~

~~"Hourly demand" means demand integrated over a single clock hour, measured in megawatts.~~

~~"Interchange" means electric power or energy that flows from one control area to another control area.~~

~~"Interstate pipeline" means any pipeline that crosses a state border and that is under the regulatory authority of the Federal Energy Regulatory Commission or its successors.~~

~~"Interstate pipeline company" means a company that owns or operates an interstate pipeline that delivers natural gas to California at the state's border or inside California's borders.~~

~~"Local distribution company" or "LDC" means a gas utility, or a business unit of a gas utility, that distributes natural gas to customers.~~

~~"Losses" means electricity that is lost, primarily as waste heat, as a natural part of the process of transmitting electricity from electric power plants to customers.~~

~~"Major customer sector" means the following:~~

> ~~"residential major customer sector," which means residential customer sector;~~
>
> ~~"commercial major customer sector," which means commercial building customer sector;~~
>
> ~~"industrial major customer sector" means the sum of assembly industry customer sector, process industry customer sector, and other industry customer sector; and~~
>
> ~~"other major customer sector" means the sum of agriculture customer sector, other commercial customer sector, street lighting customer sector, and water pumping customer sector.~~

~~“Monthly system peak demand” means the highest system hourly demand in a calendar month.~~

~~“Nameplate capacity” means the full-load continuous rating of an electric generator or an electric power plant under specific conditions as designated by the manufacturer.~~

~~“Natural gas liquids” means liquid products that are produced at natural gas processing facilities and that are gaseous at reservoir temperatures and pressures but are recoverable by condensation or absorption.~~

~~“Natural gas sales” means the amount of natural gas sold by a Gas Retailer to a customer.~~

~~“Net generation” means gross generation less plant use by an electric generator for auxiliary equipment.~~

~~“Noncore customer” means a natural gas customer that is not a core customer.~~

~~“North American Industry Classification System” or “NAICS” means the system of classification for business establishments set forth in the North American Industry Classification System United States Manual of 1997 (Executive Office of the President, Office of Management and Budget, Washington, D.C.)~~

~~“NAICS Code” means the applicable 6-digit (unless otherwise specified) code in the NAICS for the entity being classified.~~

~~“Outer continental shelf” means all submerged lands lying seaward and outside of the area of lands beneath navigable waters, as defined in Section 2 of the Submerged Land Act (43 U.S.C. Section 1301), and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.~~

~~“Person” means an individual human being.~~

~~“Plant use” means the electricity used in the operation of an electric generator, or the electricity used for pumping at pumped storage electric power plants.~~

~~“Power plant owner” means the owner of an electric power plant, or, where there is more than one owner, the majority or plurality owner or the managing partner.~~

~~"Prime mover" means the engine, turbine, water wheel, or other machine that produces the mechanical energy that drives an electric generator; or a device that converts non-mechanical energy to electricity directly, including without limitation photovoltaic solar cells and fuel cells.~~

~~"Sector hourly demand" means the hourly demand of customer sectors measured at customer meters. Sector hourly demand does not include losses.~~

~~"Standard Industrial Classification (SIC) system" means the system of classification for business establishments set forth in the Standard Industrial Classification Manual of 1987 (Executive Office of the President, Office of Management and Budget, Washington, D.C.)~~

~~"Stocks" means quantities of oil, natural gas, or natural gas liquids representing actual measured inventories corrected to 60 degrees Fahrenheit less basic sediment and water where an actual physical measurement is possible. Stocks include domestic and foreign quantities held at facility and in transit thereto, except those in transit by a pipeline.~~

~~"Submitted" means, with regard to data, a report, or an application that must be submitted by a specified date, that the data is received at the Commission by that date and that the data, report, or application is complete, accurate, and in compliance with the applicable requirements of this Article and with the forms and instructions specified under Section 1303(b).~~

~~"System hourly demand" means the hourly demand of an electric utility or a control area, measured at electric power plants and at interconnections. System hourly demand includes losses.~~

~~"Utility distribution company" or "UDC" means an electric utility, or a business unit of an electric utility, that distributes electricity to customers.~~

(1) "California offshore lands" means all lands under California state jurisdiction pursuant to 43 U.S.C. Section 1311.

(2) "Cogenerator" means a power plant that produces (1) electricity; and (2) useful thermal energy for industrial, commercial, heating, or cooling purposes.

(3) "Company" means any person, firm, association, organization, partnership, business trust, corporation, or public entity, or any subsidiary, parent, affiliate, department, or agency thereof.

(4) “Control area” means an electric system or systems, bounded by interconnection metering and telemetry, capable of controlling generation to maintain its interchange schedule with other Control Areas and contributing to frequency regulation of the Western Electricity Coordinating Council.

(5) “Core customer” means a natural gas customer that consumes less than 20,800 therms of natural gas per month.

(6) “Customer” means an active billed account, of a UDC, an LSE, or a gas utility.

(A) “Bundled customer” means an end-user who receives all electricity services (generation, transmission, and distribution) from a single electric utility.

(B) “Unbundled customer” means an end-user who receives generation services from one LSE and transmission and distribution services from a separately regulated UDC.

(7) “Customer class” means a grouping of several distinct rate tariffs based upon common features, e.g. customer size, voltage level of service provided, nature of the business activity conducted by end-users with such rate tariffs, etc.

(8) “Customer Classification Code” means NAICS codes and the following codes:

(A) RE0000 for residential service;

(B) 925190 for streetlighting service;

(B) 221311 for water supply service;

(D) 221312 for irrigation system service; and

(E) 999999 for unclassified service.

(9) “Customer sector” means the following:

(A) residential customer sector: private households, including single and multiple family dwellings, plus NAICS code 81411;

(B) commercial building customer sector: NAICS codes 115, 2372, 326212, 42, 44-45, 48841, 493, 512, 516, 518, 519, 52-55, 561, 61,

62 (excluding 62191), 71, 72, 81 (excluding 81411), and 92 (excluding 92811);

(C) other commercial customer sector: NAICS codes 221 (excluding 22131), 48, 49, 515, 517, 562, 62191, and 92811;

(D) industry customer sector: NAICS codes 11331, 31-33, 511, and 54171;

(E) other industry customer sector: NAICS codes 21 and 23 (excluding 22131 and 2372);

(F) agriculture customer sector: NAICS codes 111, 112, 113, and 114;

(G) water pumping customer sector: NAICS code 22131;

(H) street lighting customer sector: lighting of streets, highways, other public thoroughfares, other outdoor area lighting, and traffic control lighting; and

(I) unclassified customer sector: NAICS code 99.

(10) “Demand” means the rate at which electricity is delivered by generation, transmission, and distribution systems, measured in units of watts or standard multiples thereof, (e.g., 1,000 Watts = 1 kilowatt, 1000 kilowatt = 1 megawatt) or the rate at which natural gas, measured as million cubic feet per day, is consumed by the customer.

(11) “Distribution service” means those activities associated with construction, maintenance, and utilization of power lines and substations to provide electricity interconnection between the transmission system and end-users.

(12) “EIA” means the Energy Information Administration of the United States Department of Energy.

(13) “Electric generator” means a machine that converts mechanical energy into electrical energy; or a device that converts non-mechanical energy to electricity directly, including without limitation photovoltaic solar cells and fuel cells.

(14) “Electric generator owner” or “owner of an electric generator” means any company that owns an electric generator, or, where there is more than one owner, the majority or plurality owner or the managing partner.

(15) “Electricity sales” means the amount of electricity sold by an LSE to a customer.

(16) “Electric service area” means the geographic area where a UDC distributes, or has distributed during an applicable reporting period, electricity to consumers.

(17) "Electric transmission system owner" means an entity, or where there is more than one owner, the majority of plurality owners or the managing partner, that owns electric transmission lines and associated facilities forming part of the transmission network, including radial lines.

(18) "Electric utility” means any company engaged in, or authorized to engage in, generating, transmitting, or distributing electric power by any facilities, including, but not limited to, any such company subject to regulation of the Public Utilities Commission.

(19) “End user” means any company that consumes electricity or natural gas for its own use and not for resale.

(20) “Executive Director” means the Executive Director of the Commission, or his or her designee.

(21) “Fuel cost” means the delivered cost of fuel consumed by an electric generator, expressed in dollars.

(22) “Fuel use” means the amount of fuel, expressed in both physical units such as cubic foot, barrel, or ton, and in heat content such as Btus, used for gross generation, or for any other purpose related to the operation of an electric generator including without limitation providing spinning reserve, start-up, or flame stabilization.

(23) “Gas processor” means any company that extracts, in California, natural gas liquids from natural gas produced from California reservoirs.

(24) “Gas retailer” means any company that (a) sells natural gas to end users or customers located in California, (b) produces and consumes natural gas on-site in California (except for gas consumed for gathering, processing, or compressing purposes), or (c) produces natural gas at one site and consumes natural gas at another site that is in California and that is owned or controlled by the company.

(25) “Gas service area” means the geographic area where a gas utility distributes, or has distributed during an applicable reporting period, natural gas to customers.

(26) “Gas utility” means any company that is (a) engaged in, or authorized to engage in, distributing or transporting natural gas or natural gas liquids, and that is (b) either owned or operated by a governmental public entity or regulated by the California Public Utilities Commission.

(27) “Generation service” means those activities associated with providing energy into, and making necessary reserves available to, the transmission or distribution system for the benefit of specific end-users.

(28) “Gross generation” means the total amount of electricity produced by an electric generator.

(29) “Hourly demand” means demand integrated over a single clock hour, measured in megawatt hours.

(30) “Hourly load” means the chronological sequence of hourly demands for a specified subset of, or for all customers of, an LSE for a specified interval of time.

(31) “Hourly sector data” means the hourly load or demand of customer sectors measured at customer meters. Hourly sector data does not include losses.

(32) “Hourly system load” means the hourly load or demand of a UDC or a control area, measured at power plants and at interconnections. Hourly system load includes losses.

(33) “Interchange” means electric power or energy that flows from one control area to another control area.

(34) “Interstate pipeline” means any pipeline that crosses a state border and that is under the regulatory authority of the Federal Energy Regulatory Commission or its successors.

(35) “Interstate pipeline company” means a company that owns or operates an interstate pipeline that delivers natural gas to California at the state’s border or inside California’s borders.

(36) “Load-serving entity” or “LSE” means any company that (a) sells or provides electricity to end users located in California, or (b) generates electricity at one site and consumes electricity at another site that is in California and that is owned or controlled by the company. LSE does not include the owner or operator of a cogenerator.

(37) “Local publicly-owned electric utility” means a “local publicly owned electric utility” as defined in Public Utilities Code section 9604.

(38) “Losses” means electricity that is lost, primarily as waste heat, as a natural part of the process of transmitting electricity from power plants to end-users.

(39) “Major customer sector” means the following:

(A) “residential major customer sector,” which means residential customer sector;

(B) “commercial major customer sector,” which means commercial building customer sector;

(C) “industrial major customer sector”, which means the sum of industry customer sector, and other industry customer sector; and

(D) “other major customer sector”, which means the sum of agriculture customer sector, other commercial customer sector, street lighting customer sector, and water pumping customer sector.

(40) “Monthly system peak demand” means the highest system hourly demand in a calendar month.

(41) “Nameplate capacity” means the full-load continuous rating of an electric generator or a power plant under specific conditions as designated by the manufacturer.

(42) “Natural gas liquids” means liquid products that are produced at natural gas processing facilities and that are gaseous at reservoir temperatures and pressures but are recoverable by condensation or absorption.

(43) “Natural gas sales” means the amount of natural gas sold by a Gas Retailer to a customer.

(44) “Net generation” means gross generation less plant use by an electric generator for auxiliary equipment.

(45) “Noncore customer” means a natural gas customer that is not a core customer.

(46) “North American Industry Classification System” or “NAICS” means the system of classification for business establishments set forth in the North American Industry Classification System United States Manual of

2002 (Executive Office of the President, Office of Management and Budget, Washington, D.C.)

(47) “NAICS Code” means the applicable 6-digit (unless otherwise specified) code in the NAICS for the entity being classified.”

(48) “Outer continental shelf” means all submerged lands lying seaward and outside of the area of lands beneath navigable waters, as defined in 43 U.S.C. Section 1301, and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

(49) “Peak demand” means the highest hourly integrated net energy for load within a certain period (e.g., in a month, a season, or a year).

> (A) For an electric distribution system, Peak Demand is the net energy for load for all LSEs providing generation services within the system operated by a UDC.
>
> (B) For each Load-Serving Entity, Peak Demand is the sum of all net energy for load, including assignable losses, within a specific operating hour for the specific customers to which the LSE provides generation services.
>
> (C) “Net energy for load” means generation energy injected into a specific electrical system, plus energy received from other systems less energy delivered to other systems through interchange. It includes losses, but excludes energy required to operate storage facilities or plant use by a generator.

(50) “Person” means an individual human being.

(51) “Plant use” means the electricity used in the operation of an electric generator, or the electricity used for pumping at pumped storage power plants.

(52) “Power plant” means a plant located in California or a California control area that contains one or more prime movers, one or more electric generators, and appropriate auxiliary equipment.

(53) “Power plant owner” means any company that owns a power plant, or, where there is more than one owner, the majority or plurality owner or the managing partner.

(54) “Prime mover” means the engine, gas turbine, steam turbine, water wheel, or other machine that produces the mechanical energy that drives an electric generator; or a device that converts non-mechanical energy to

electricity directly, including without limitation photovoltaic solar cells and fuel cells.

(55) “Stocks” means quantities of oil, natural gas, or natural gas liquids representing actual measured inventories corrected to 60 degrees Fahrenheit less basic sediment and water where an actual physical measurement is possible. Stocks include domestic and foreign quantities held at facility and in transit thereto, except those in transit by a pipeline.

(56) “Submitted” means, with regard to data, a report, or an application that must be submitted by a specified date, that the data is received at the Commission by that date and that the data, report, or application is complete, accurate, and in compliance with the applicable requirements of this Article and with the forms and instructions specified under Section 1303.

(57) “Tolling Agreement” means a contractual arrangement whereby the buyer of electricity agrees to provide specified amounts of natural gas to a power plant for conversion to specified amounts of electric energy over a specified period of time.

(58) “Transmission service” means those activities associated with construction, maintenance, and utilization of high voltage systems for delivery of electricity from the point of generation to the distribution system.

(59) “Utility distribution company” or “UDC” means an electric utility, or a business unit of an electric utility, that distributes electricity to customers.

§ 1303. General Rules for All Reports.

(a) Submittal of Reports. Each ~~electric utility, electric retailer, gas utility, gas retailer, gas processor, interstate pipeline company, UDC, LDC, control area operator, and power plant owner~~ entity subject to reporting requirements identified in this Article shall also submit to the Commission all of the applicable data and reports listed in this Section ~~and in Sections 1304-1310, as required by this Article~~.

(b) Forms and Instructions. The data and reports shall be submitted on forms, and in accordance with instructions for the forms, specified by the Executive Director, which may include without limitation a requirement that the data or reports be submitted in electronic format generally or in a specific electronic format. The Executive Director shall consult with interested companies before ~~changing~~ specifying forms and instructions ~~adopted by the Energy Commission in December 1990~~.

(c) Monthly Reports and Data. Unless provided otherwise, ~~D~~data or reports referred to as “monthly” shall be submitted for the previous month on the 15th day of each month.

(d) Quarterly Reports and Data. Unless provided otherwise, ~~D~~data or reports referred to as “quarterly” shall be submitted for the previous calendar quarter on the 15th day of February, May, August, and November. Quarterly data or reports may, as specified in ~~Sections 1304-1310~~this Article, be required to contain data on a month-by-month basis.

(e) Annual Reports and Data. Unless provided otherwise, ~~D~~data or reports referred to as “annual” or “annually” shall be submitted for the previous calendar year on the 15th day of February. Annual data or reports may, as specified in ~~Sections 1304-1310~~this Article, be required to contain data on a month-by-month or quarter-by-quarter basis. Publicly-owned utilities that operate on a fiscal year basis may chose to provide annual reports containing financial information and data submissions containing financial information within 75 days of the close of the fiscal year in lieu of providing those reports and data on the 15th day of February.

(f) Extension of Deadlines Specified in ~~Sections 1304-1310~~this Article. The company responsible (or delegated the responsibility under Section 1303(g)) for submitting data, a report, or an application may apply for and receive from the Executive Director an extension of the deadlines established in ~~Sections 1304-1310~~this Article. The Executive Director shall act on an application within five business days after it is received at the Commission. The Executive Director’s decision may be appealed to the full Commission; the Commission shall act on an appeal within 14 days after the appeal is received; the Commission may summarily deny an appeal without a hearing. An extension, which shall be no more than 30 days, shall be granted if:

(1) The company submits and the Commission receives, no later than 15 days before the data, report, or application is due an application that includes:

(A) the full legal name, address of the principal place of business, telephone number, fax number, e-mail address, and website address of the company submitting the application;

(B) the name, address of the principal place of business, telephone number, fax number, and e-mail address of the person employed by the company submitting the application, who should be contacted with questions about the application;

(C) the name of the report and the Sections of these regulations applicable to the data, report, or application;

(D) the reasons why the company believes the data, report, or application cannot be, or may not be able to be, submitted on time;

(E) the measures the company is taking to complete the data, report, or application on time or as soon thereafter as possible;~~ and~~

(F) the date the company believes the data, report, or application will be submitted; and

(G) a declaration executed under penalty of perjury of the laws of the State of California stating:

1. the full legal name, address of the principal place of business, telephone number, fax number, and e-mail address of both the person executing the declaration and the company submitting the application, and the title of the person;

2. that the person executing the declaration is authorized to do so and to submit the application on behalf of the company; and

3. that the matters contained in the application are, to the best of the person's knowledge and belief and based on diligent investigation, true, accurate, complete, and in compliance with these regulations.

(2) the Executive Director finds that there is good cause for an extension and that the data, report, or application is likely to be submitted by the extended due date.

(g) ~~Delegation.(1) In general. The~~ Any company designated in ~~Sections 1304-1310~~this Article as required to submit data or a report may delegate to another company the submittal of the data or report if the delegatee agrees, but in any event the company designated in ~~Sections 1304-1310~~this Article shall be responsible for the timely, accurate, and complete submittal of the data or report and an authorized employee thereof shall execute the declaration required by Section 1303(l)(8).

~~(2) Electric retailers. An electric retailer may delegate the submittal of the data and reports required by Section 1306 only to the UDC or UDCs that provide electric distribution service to the electric retailer's customers, and only if:~~

~~(A) the electric retailer is an ESP; and~~

~~(B) all of the UDCs serving the electric retailer's customers agree to submit the required data as the electric retailer's delegatees.~~

~~(3) Gas retailers. A gas retailer may delegate the submittal of the data or reports required by Section 1307 only to the LDC or LDCs that provide gas distribution service to the gas retailer's customers, and only if:~~

~~(A) the gas retailer operates solely under the California Public Utilities Commission's core aggregation program, as defined in Decision 91-02-040, Appendix A; and~~

~~(B) all of the LDCs serving the gas retailer's customers agree to submit the required data as the gas retailer's delegatees.~~

(h) Previously-submitted data or reports. If any of the data required to be included in a report is exactly the same as the data included in a previous report submitted by the same company, the current report need not contain that data if it refers to the previously-submitted data in sufficient specificity to allow the data to be found and retrieved easily.

(i) Submittal of Alternative Data, Reports, or Format. The company responsible (or delegated the responsibility under Section 1303(g)) for submitting data or a report under ~~Sections 1304-1310~~this Article may apply for and receive from the Executive Director authorization to submit, in lieu of the required data or report, another collection of data assembled and prepared by the company for a purpose other than compliance with this Article, or to submit data not in accordance with the forms and instructions specified under Section 1303(b). The Executive Director shall act on an application within 20 days after it is received by the Commission. If the application is granted, then the company may submit updated alternative data for each subsequent report without the need for a subsequent application. The Executive Director's decision may be appealed to the full Commission; the Commission shall act on an appeal within 14 days after the appeal is received; the Commission may summarily deny an appeal without a hearing. The Executive Director may revoke authorization at any time for any reason. An application shall be granted if:

(1) The company submits and the Commission receives, no later than 30 days before the data or report is due, an application that includes:

(A) the full legal name, address of the principal place of business, telephone number, fax number, e-mail address, and website address of the company submitting the application and of the entity to which the alternative collection of data was or will be submitted;

(B) the name, address of the principal place of business, telephone number, fax number, and e-mail address of the person employed by the company submitting the data or report, who should be contacted with questions about the application;

(C) the name of the report and the Sections of these regulations applicable to the data or report;

(D) the name, date, and if applicable publication number of the alternative collection of data;

(E) the reasons why the company believes that the alternative collection of data meets each applicable requirement of this Section and ~~Sections 1304-1310~~all other sections in this Article and

(F) a declaration executed under penalty of perjury of the laws of the State of California stating:

1. the full legal name, address of the principal place of business, telephone number, fax number, and e-mail address of both the person executing the declaration and the company submitting the application, and the title of the person;

2. that the person executing the declaration is authorized to do so and to submit the application on behalf of the company; and

3. that the matters contained in the application are, to the best of the person's knowledge and belief and based on diligent investigation, true, accurate, complete, and in compliance with these regulations.

2) the Executive Director finds that compliance with these regulations and the needs of the Commission, other entities, and the public will not be harmed by granting of the application.

(j) Parents, Subsidiaries, and Affiliates. Except to the extent allowed by Section1303(g), if a company required to submit data or a report is a parent, subsidiary, or affiliate of another company, the former company shall submit the data or report only for its own activities and not for the activities of the parent, subsidiary, or affiliate.

(k) Multiple Reports. A company may submit under one cover data or reports required by more than one section in ~~Sections 1304-1310~~this Article, if the data

or report required by each section is identified in a table of contents and in the document and the data or report is clearly separated from data or reports required by other sections.

(l) Data Required in All Reports. Each report required by ~~Sections 1304-1310~~this Article shall include, in addition to the data specified in those sections, the following:

(1) the full legal name, address of the principal place of business, telephone number, fax number, e-mail address, and website address of the company submitting the report;

(2) the name, address of the principal place of business, telephone number, fax number, and e-mail address of the person employed by the company submitting the report, who should be contacted with questions about the report;

(3) the full legal name, address of the principal place of business, telephone number, fax number, e-mail address, and website address of the company responsible for submitting the data or report;

(4) the date on which the report is being submitted;

(5) the time period or periods that the report covers;

(6) an indication of the status of the company responsible for submitting the report: i.e., power plant owner, ~~electric utility, electric retailer~~LSE, UDC, control area operator, gas utility, gas retailer, gas processor, or interstate pipeline company;

(7) the sections of this Article applicable to the report; and

(8) a declaration that is executed under penalty of perjury of the laws of the State of California, and that is executed by an authorized employee of the company responsible for submitting the report, stating:

(A) the name, address of the principal place of business, telephone number, fax number, and e-mail address of both the person executing the declaration and the company responsible for submitting the report, and the title of the person;

(B) that the person executing the declaration is authorized to do so and submit the report on behalf of the company responsible for submitting the report; and that the matters contained in the report are, to the best of the person's knowledge and belief and based on

diligent investigation, true, accurate, complete, and in compliance with these regulations.

(m) Accuracy of Customer Classification Coding.

(1) Electricity and natural gas sales data reported pursuant to Sections1306(a)~~(1)(A)~~ and ~~1307(a)(1)(A)~~1308(c) shall be accurately classified by Customer Classification code. Data shall be deemed accurately classified if, based on a random sample comparing (I) the Customer Classification code used for classification under Section 1306(a)~~(1)(A)~~ or ~~1307(a)(1)(A)~~1308(c) used for general customer record keeping to (II) an independently-derived Customer Classification code known to be accurate for each non-residential establishment in the sample, 99% of customer accounts, weighted by energy, are correctly classified at the major customer sector level and 90% of customer accounts, weighted by energy, are correctly classified at the ~~3~~4-digit Customer Classification code level.

(2) If the Executive Director believes that sales data provided by a UDC or gas utility ~~retailer~~ is not accurately classified by Customer Classification code, he or she may require the appropriate UDC or ~~LDC~~ gas utility to conduct a~~n audit or comparable~~ study of the UDC or gas utility's records to verify the accuracy of the Customer Classification coding of the data submitted to the Commission. If the study reveals that the accuracy requirements contained in subdivision (m)(1) of this section are not being met, the UDC or gas utility shall submit a plan to correct the Customer Classification Coding to allow it to meet those accuracy requirements. Such report shall be submitted within six months of the date of the Executive Director's notification of the requirement for a study and shall contain the following:

(A) an identification of the measures needed to ensure that the accuracy requirements contained in subdivision (m)(1) of this section are met; and

(B) a commitment to implement the measures identified in subdivision (m)(2)(A) above no later than one year from the date of the Executive Director's notification of the requirement for a study.

§ 1304. ~~Electric~~ Power Plant Reports.

(a) Reports by Power Plant Owners. Each power plant owner shall submit all of the data and reports required by this subsection for each ~~electric~~ power plant that has a nameplate capacity of one megawatt or more, and that it owns or owned during the reporting period. For the purposes of this subsection, all of the wind

turbines in an ~~electric~~ power plant shall be collectively considered as one single electric generator.

(1) Each Report: ~~Electric~~ Power Plant Identification. The following data shall be submitted for each ~~electric~~ power plant with every ~~monthly,~~ quarterly, or annual report:

(A) name of the ~~electric~~ power plant;

(B) identification number of the ~~electric~~ power plant assigned by the Commission;

(C) facility code of the ~~electric~~ power plant assigned by the EIA;

(D) address where the ~~electric~~ power plant is physically located: street address, city, county, state and zip code;

(E) if the power plant operator is not the power plant owner, the power plant operator's full legal name and address of principal place of business including the street address, city, state, and zip code;

(F) nameplate capacity of the ~~electric~~ power plant;

(G) if the ~~electric~~ power plant is a cogenerator, the Customer Classification code of the entity to which the ~~electric~~ power plant supplies waste heat;

(H) if the ~~electric~~ power plant supplies electricity directly to an entity on site, the Customer Classification code of the entity;

(I) if the ~~electric~~ power plant was sold during the reporting period;

1. the settlement date of the power plant sale;

2. the buyer's and the seller's full legal names and addresses including street address, city, state, and zip code; and

3. the name, address including street address, city state, and zip code, and telephone number of the contact persons for the buyer and seller; and

J) for each electric generator in the ~~electric~~ power plant:

1. the identification number assigned by the power plant owner;

2. nameplate capacity of the electric generator and, if the prime mover is a wind turbine, the total number of the turbines reflected in the nameplate capacity;

3. the date electricity was first generated by the electric generator;

4. the operating status of the electric generator during the reporting period, such as operating, standby, cold standby, on test, maintenance, out of service, indefinite shutdown, or retired;

5. if the electric generator was retired during the reporting period, the retirement date;

6. ~~the type of~~ an identification of the prime mover~~(s)~~ that drives the electric generator~~, such as combustion turbine, steam turbine, internal combustion engine, wind turbine, solar, hydraulic turbine, geothermal binary, or other (specify)~~; and

7. an indication whether the primer mover is part of a combined-cycle unit.

(2) Generation and Fuel Use Data.

(A) For ~~electric~~ power plants with nameplate capacity of one megawatt or more and less than ten megawatts, the following data shall be submitted annually:

1. gross generation of each electric generator, in megawatt hours;

2. net generation of each electric generator, in megawatt hours;

~~3. available capacity, in kilowatts, of each electric generator at the time of the annual peak demand of the control area in which the electric power plant is located;~~

~~4~~3. fuel use, by fuel type, of each electric generator;

~~5~~4. fuel use, by fuel type, for useful thermal energy production and electricity generation of each cogenerator;

5. electricity in megawatt hours, consumed on site by the power plant owner, other than for plant use, classified by Customer Classification Code;

6. sales for resale, in megawatt hours; and

7. for cogenerators providing thermal energy to commercial end users or industrial end-users, sales of electricity to those end users, classified by Customer Classification Code, in megawatt hours, excluding sales to the wholesale market or LSEs.

(B) For ~~electric~~ power plants with nameplate capacity of ten megawatts or more and less than fifty megawatts, the following data shall be submitted quarterly:

1. monthly gross generation of each electric generator, in megawatt hours;

2. monthly net generation of each electric generator, in megawatt hours;

~~3. available capacity, in kilowatts, of each electric generator at the time of the monthly peak demand of the control area in which the electric power plant is located;~~

~~4~~3. monthly fuel use, by fuel type, of each electric generator;

4. monthly fuel use, by fuel type, for useful thermal energy production and electricity generation of each cogenerator;

5. monthly electricity in megawatt hours, consumed on site by the power plant owner, other than for plant use, classified by Customer Classification Code; ~~and~~

6. monthly sales for resale, in megawatt hours; and

7. for cogenerators providing thermal energy to commercial end users or industrial end-users, monthly sales of electricity to those end users, classified by Customer Classification Code, in megawatt hours, excluding sales to the wholesale market or LSEs.

(C) For ~~electric~~ power plants with nameplate capacity of fifty megawatts or more, the following data shall be submitted quarterly:

1. monthly gross generation of each electric generator, in megawatt hours;

2. monthly net generation of each electric generator, in megawatt hours;

~~3. available capacity, in kilowatts, of each electric generator at the time of the monthly peak demand of the control area in which the electric power plant is located;~~

~~4~~3. monthly fuel use, by fuel type, of each electric generator;

4. monthly fuel use, by fuel type, for useful thermal energy production and electricity generation of each cogenerator;

5. monthly electricity in megawatt hours, consumed on site by the power plant owner, other than for plant use, classified by Customer Classification Code;

6. monthly sales for resale, in megawatt hours;

7. for cogenerators providing thermal energy to commercial end users or industrial end-users, monthly sales of electricity to those end users, classified by Customer Classification Code, in megawatt hours, excluding sales to the wholesale market or LSEs.

8. monthly fuel cost by fuel type of each electric generator ~~provided, however, that such data shall be submitted one quarter later than is required by Section 1303(d).~~, except for the cost of fuel provided to the generator though a tolling agreement. If fuel is provided to the generator through a tolling agreement, indicate the portion of the fuel use identified in subdivision (a)(2)(C)(4) that is provided to the generator through the tolling agreement.

(3) The following environmental information related to power plant operations shall be reported annually:

(A) Environmental information related to water supply and water / wastewater discharge.

1. Water Supplies: Owners of power plants with a generating capacity of 20 megawatts and greater shall submit copies of all reports or filings required by regulations, permit, or contract conditions that identify any of the following information for the previous calendar year:

a. a description of the type of cooling technology being used for each unit within a power plant;

b. the name of the water supplier(s) under contract to provide water to the power plant, if applicable, or the name of the water source as assigned by the U.S. Geological Survey on its 7.5-minute map series. Or, if well water is used, provide the well identification number and location as specified in the California Department of Water Resources, Water Facts, Issue No. 7, "Numbering Water Wells in California", June 2000.

c. the daily average and daily maximum water use volumes in gallons for all power plant purposes;

d. the monthly and annual amounts of water used for all power plant purposes in acre-feet; and

e. the metering technology used to measure and track water use at the power plant and the frequency at which meter readings are recorded (hourly, daily, weekly, monthly or annually).

2. Wastewater Discharges: Owners of power plants with a generating capacity of 20 megawatts and greater shall submit copies of all reports or filings required by regulations, permit, or contract conditions that identify any of the following information for the previous calendar year:

a. a description of the physical and chemical characteristics of the source water or the wastewater discharge, including any information prepared with the approved test methodology and detection limits specified by the U.S. Environmental Protection Agency in 40 CFR §136.3 for analyzing the constituents in wastewater.

b. the wastewater disposal system(s) used at the power plant for discharges related to power plant

cooling and operations, the manufacturer(s), and the year of installation;

c. the measures taken, and the devices installed on the wastewater disposal system's outfall, to control pollution discharges to municipal systems, receiving waters or land;

c. the name of the utility or organization receiving the wastewater discharge, if applicable, or the name of the receiving water as assigned by the U.S. Geological Survey on its 7.5-minute map series;

e. the monthly and annual totals of wastewater that are created from power plant operations in acre-feet; and

f. the daily average and daily maximum waste water discharge volumes in gallons.

(B) Environmental information related to biological resources: Owners of power plants with a generating capacity of one megawatt or greater shall submit copies of all reports or filings required by regulations, permit, or contract conditions that identify any of the following information for the previous calendar year:

1. documentation of the "take" of terrestrial, avian and aquatic wildlife subject to legal protection under California Fish & G. Code § 2050 et seq., 7 U.S.C. A. § 136, 16 U.S.C. A. § 460 et seq., and 16 U.S.C. A. § 668 et seq. that occurred as a result of operation of the power plant.

2. documentation and identification of the biomass (by weight) and species composition of fishes and marine mammals killed by impingement on the intake screens of each once-through cooling system;

(C) Copies of any written notification provided by any state or federal regulatory agency to the owner of a power plant with a generating capacity of one megawatt or more that operation of the power plant has created a violation of an applicable statute, regulation, or permit condition related to environmental quality or public health during the previous calendar year, or that there is an ongoing investigation regarding a potential violation at the time that the data identified in this subdivision is required to be filed with the commission.

(b) Reports by UDCs. Each UDC shall report ~~semiannually~~ the following data for each ~~electric~~ power plant that has a generating capacity of 100 kilowatts or more, located in the UDC's electric service area. ~~Notwithstanding Section 1303(e), t~~The report shall be submitted on January 31 and July 31 each year, but if information for an existing plant has already been provided pursuant to this section, and is unchanged, the filing need only identify the date on which the information was previously provided.

(1) name;

(2) facility code assigned by the EIA;

(3) nameplate capacity in megawatts;

(4) voltage at which the ~~electric~~ power plant is interconnected with the UDC system or transmission grid;

(5) address where the ~~electric~~ power plant is physically located, including the street address, city, state, and zip code;

(6) power plant owner's full legal name and address of principal place of business, including the street address, city, state, and zip code; ~~and~~

(7) longitude and latitude, expressed to the nearest degree, if available; ~~.~~

(8) operating mode (e.g., independent power producer, cogeneration, dispatched as part of a demand side management program, parallel operation with utility deliveries in order to achieve premium power reliability, customer-dispatched to reduce delivered energy charges, peak shaving, emergency/backup/interruptible, other);

(9) technology type (e.g., combined cycle, combustion turbine, microturbine, internal combustion engine, photovoltaic, wind turbine, fuel cell, other);

(10) interconnection agreement type (e.g., interconnection agreements required by interconnection standards adopted in California Public Utilities Commission D.00-12-037 and in modifications to that decision, net energy metering agreement, other); and

(11) fuel type (e.g., natural gas, biogas, diesel, solar, wind, other.)

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§ 1305. Control Area Operator Reports.

Each control area operator with California end users inside its control area, including without limitation the California Independent System operator, shall submit the following data:

(a) Monthly Reports on Monthly System Peak Demand: monthly system peak demand in the control area, and the date and hour of the monthly system peak demand~~;~~.

(b) Quarterly Reports on Interconnections:

(1) the names of all other control areas with which the control area is interconnected;

(2) the names of all interconnections with other control areas; and

(3) the operating voltages of all such interconnections expressed in kilovolts~~;~~.

(c) Quarterly Reports on Interchanges:

(1) the name of each control area with which the control area operator scheduled interchanges;

(2) for each month, electricity, expressed in megawatt hours that was scheduled to be delivered from each control area identified in Section 1305(b)(1) into the control area operator's control area;

(3) for each month, electricity, expressed in megawatt hours that was scheduled to be delivered from the control area operator's control area to each control area identified in Section 1305(b)(1);

(4) for each month, electricity, expressed in megawatt hours that was delivered from each control area identified in Section 1305(b)(1) into the control area operator's control area; and

(5) for each month, electricity, expressed in megawatt hours that was delivered from the control area operator's control area to each control area identified in Section 1305(b)(1).

(d) UDCs Operating within a Control Area. Each year, each control area operator shall provide the following information for the prior calendar year:

(1) a list of the UDCs providing distribution services within the control area as of the December 31 of the prior calendar year;

(2) mail and e-mail address for each UDC identified in subdivision (d)(1) of this section;

(3) a list of the UDCs that began or ceased providing distribution services within the control area, and the date on which those changes occurred; and

(4) for each control area that reported changes pursuant to subdivision (d)(3) of this section, the following information shall be provided:

(A) updates to data series reported to the commission pursuant to Article 1 and Article 2 of this Chapter that are necessary to ensure that the commission possesses a continuous series for that data for the three previous calendar years for the control area as defined at the close of the prior calendar year, and

(B) copies of all data submitted by the control area operator to WECC as part of WECC's Control Area Certification Procedure, adopted September 11, 2003.

(e) Annual Reports:

(1) hourly loads for all of the electricity consumption and losses in the control area; and

(2) if the definition of control area changed during the previous year, provide the date of the change, describe the nature of the change, and explain how this change affected the identification of hourly loads in subdivision (e)(1) of this section.

§ 1306. ~~Electric Retailer~~ LSE and UDC Reports, and Customer Classification Reports.~~Coding by UDCs~~.

~~(a) Quarterly Electric Retailer Reports. Each electric retailer, or UDC pursuant to Section 1303(g), shall report quarterly the following:~~

~~(1) Electricity Sales.~~

~~(A) monthly electricity sales expressed in megawatt hours; and~~

~~(B) monthly number of customers;~~

~~each classified by county, month, and customer group (residential customers, and each group of non-residential customers and end users that have the same Customer Classification code).~~

~~(2) Commodity Price Estimates. For each of the major customer sectors, an unbiased, good faith estimate of the electric retailer's average commodity electricity price paid by customers, expressed in dollars per kilowatt-hour.~~

(a) Quarterly UDC Reports.

(1) Each UDC shall report the number of customers, revenue expressed in dollars, volume expressed in kWh for all electricity sold or delivered by the UDC during each of the previous three months as follows:

(A) sales to bundled customers classified by county, retail rate class, and NAICS code; and

(B) deliveries to unbundled customers classified by county, retail rate class, and NAICS code.

(2) for purposes of complying with subdivision (a)(1) of Section 1306, the following requirements shall apply:

(A) revenue for bundled customers is the aggregation of generation and non-generation costs, and excludes city or local taxes;

(B) revenue for unbundled customers is the aggregation of all non-generation costs, and excludes city or local taxes; and

(C) retail rate class is the general level of rate class used by UDC. Any rate schedule excluded from retail rate classes shall be reported as an aggregated amount classified by county and NAICS code.

(3) each UDC shall provide an electronic file with a list of the retail rate classes provided in subdivision (a)(1) of this section, including a description of each retail rate class.

(b) Quarterly LSE Reports. LSEs not reporting under 1306(a), shall report the following:

(1) number of customers during each of the previous three months, classified by UDC, county, and major customer sector or customer class;

(2) revenue, defined as the aggregation of all generation costs, and expressed in dollars during each of the previous three months, classified by UDC, county, and major customer sector or customer class; and

(3) volume expressed in kWh, for all electricity sold by the LSE during each of the previous three months, classified by UDC, county, and major customer sector or customer class.

~~(b) Annual UDC Reports to the Commission and to ESPs~~

~~Each UDC shall annually report the following:~~

~~(1) ESP Information to the Commission. For each ESP that sells electricity to customers in the UDC electric service area, the UDC shall report to the Commission:~~

~~name of the ESP;~~

~~business address of the UDC~~

~~sales of electricity, expressed in megawatt hours, to customers in the UDC's service area; and~~

~~(2) Customer Classification Codes to Electric Retailers. The UDC shall report quarterly, to each electric retailer that sells electric energy to customers in the UDC's service area, the Customer Classification Code of each customer to which the electric retailer sells electric energy during the previous three months.~~

(c) Quarterly UDC Reports. Each UDC that provides distribution services for other LSEs shall report quarterly to the Commission the following information:

(1) name of each LSE;

(2) business address of each LSE; and

(3) sales of electricity, expressed in kilowatt hours, by each LSE in the UDC's service area for each month of the preceding quarter.

§ 1307. Gas Utility and Gas Retailer Reports and Customer Classification Reports~~Coding by LDCs~~

(a) Quarterly Gas Retailer Reports. Each gas retailer that does not report pursuant to 1308(c), ~~or LDC pursuant to Section1303(g),~~ shall report quarterly the following:

(1) Natural Gas Sales.

(A) monthly natural gas sales expressed in millions of therms; and

(B) monthly number of customers.~~; each classified by county, month, and customer group (residential customers, and each group of non-residential customers and end users that have the same Customer Classification code).~~

(C) The information provided in subdivisions (a)(1)(A) and (B) above shall be classified by county, month, and major customer sector.

(2) Commodity Price Estimates. For each of the major customer sectors, an unbiased, good faith estimate of the gas retailer's average monthly commodity natural gas price paid by customers, expressed in dollars per million ~~BTU~~Btu.

(b) ~~Annual LDC Reports to the Commission and to Gas Retailers. Each LDC shall annually report the following:~~

~~(1)~~ Gas Retailer Information to the Commission. For each gas retailer that sells natural gas to customers in the ~~LDC's~~ gas utility's gas service area, the ~~LDC~~ gas utility shall report annually to the Commission:

(1) name of the gas retailer;

(2) business address of the gas retailer; and

(3) sales of natural gas, expressed in thousand cubic feet or therms, to customers in the ~~LDC's~~ gas utility's service area; ~~and~~

~~(2) Customer Classification Codes to Gas Retailers. The LDC shall report~~ provide ~~quarterly, to each gas retailer that sells natural gas to customers in the LDC's service area, the Customer Classification Code of each customer to which the gas retailer sells natural gas during the previous three months.~~

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§ 1308. Quarterly Gas Utility and Electric Generator Tolling Agreement Reports.

~~Each gas utility shall report the following data quarterly:~~

(a) ~~Natural Gas Receipts~~Monthly natural gas receipts. Each gas utility shall report quarterly all ~~All~~ natural gas received by the gas utility for each of the previous three months, expressed in thousand cubic feet or therms; and the average heat content of the natural gas received, expressed in Btu per cubic feet; each classified by all of the following:

(1) How received: purchased, transported for others, or withdrawn from storage;

(2) Where and from whom the natural gas was received, according to the following entities and locations:

(A) Pipeline locations at the California Border

1. El Paso Natural Gas at Topock

2. El Paso Natural Gas at Blythe

3. Transwestern Pipeline at Needles

4. PG&E Gas Transmission – Northwest at Malin

5. Other California Border Receipt Points (Designate)

(B) Instate locations

1. Kern River Gas Transmission/Mojave Pipeline at Kern River Station

2. Kern River Gas Transmission /Mojave Pipeline at Wheeler Ridge

3. Kern River Gas Transmission/Mojave Pipeline at Hector Road

4. PG&E at Wheeler Ridge

5. California Production at Wheeler Ridge

6. Kern River Gas Transmission at Daggett

7. Rainbow compression station

8. Dana Point compression station

9. Other interconnect points

(C) California Production

1. California onshore production received into the gas utility system

2. California offshore lands production received into the gas utility system

3. California outer continental shelf production received into the gas utility system.

(b) Monthly Natural Gas Sendout. Each gas utility shall report all ~~All~~ natural gas delivered by the gas utility for each of the previous three months, expressed in thousand cubic feet or therms; and the average heat content of the natural gas delivered, expressed in Btu per cubic feet; each classified by all of the following:

(1) Core Customer Deliveries.

(A) Each Major Customer Sector (designate)

(B) Natural gas used to generate electricity when waste heat is used for industrial or commercial processes.

(C) Natural gas used to generate electricity when waste heat is used for industrial or commercial processes other than enhanced oil recovery.

(D) Natural gas used to generate electricity when waste heat is not used for industrial or commercial processes.

(E) Other (designate by Customer Classification code)

(2) Noncore Customer Deliveries

(A) Each Major Customer Sector (designate)

(B) Natural gas used to generate electricity when waste heat is used for industrial or commercial processes.

(C) Natural gas used to generate electricity when waste heat is used for industrial or commercial processes other than enhanced oil recovery.

(D) Natural gas used to generate electricity when waste heat is not used for industrial or commercial processes.

(E) Other (designate by Customer Classification code)

(3) Delivery to other utilities through the following delivery points:

(A) Kern River Station

(B) Wheeler Ridge

(C) Rainbow compression station

(D) Dana Point compression station

(E) Other points (designate)

(4) Delivery to Interstate Pipelines through the following delivery points:

(A) Kern River Station

(B) Wheeler Ridge

(C) Hector Road

(D) Daggett

(E) Other points (Designate)

(5) Delivery to International Pipelines

(A) Otay Mesa into Mexico

(B) Calexico into Mexico

(C) Other points (designate)

(6) For Storage Injection

(A) Gas utility-owned storage

(B) Non-gas utility-owned storage

(7) Losses and Unaccounted for

~~(c) Annual Natural Gas Deliveries. All natural gas delivered by the gas utility, expressed in thousand cubic feet or therms; and the average heat content of the natural gas delivered, expressed in Btu per cubic feet; each classified by:~~

~~(1) Residential; and~~

~~(2) Nonresidential, classified by Customer Classification code, and classified for each Customer Classification code by:~~

~~(A) Delivery to core customers, except for core cogeneration customers;~~

~~(B) Delivery to core cogeneration customers;~~

~~(C) Delivery to noncore customers, except for noncore cogeneration customers; and~~

~~(D) Delivery to noncore cogeneration customers.~~

(c) Monthly Natural Gas Delivery.

(1) Each gas utility shall report the number of customers, delivery revenue expressed in dollars, volume expressed in therms, and natural gas average heat content expressed in Btu per cubic feet, for all natural gas sold or transported by the gas utility during each of the previous three months as follows:

(A) sales to core customers, excluding cogeneration customers, by county and NAICS code;

(B) sales to core cogeneration customers by county and NAICS code;

(C) sales to noncore customers, excluding cogeneration customers, by county and NAICS code;

(D) sales to noncore cogeneration customers by county and NAICS code;

(E) transport to core customers, excluding cogeneration, by county and NAICS code;

(F) transport to core customers for cogeneration, by county and NAICS code;

(G) transport to noncore customers, excluding cogeneration, by county and NAICS code, and

(H) transport to noncore customers for cogeneration by county and NAICS code.

(2) For purposes of subdivision (c)(1) of Section 1308, revenue for both sales and transport shall be expressed in dollars, in aggregate, and shall include commodity costs and all non-commodity components of the utility's rates, including without limitation, costs of receiving, transporting, distributing, injecting to storage, recovering from storage, administration, regulatory, public purpose programs, energy market restructuring transition costs, and balancing accounts.

~~(d) Annual Natural Gas Delivery Revenues. All natural gas delivery revenues received by the gas utility, expressed in dollars. Delivery revenue shall include all non-commodity components of the utility's rates, including without limitation costs of receiving, transporting, distributing, injecting to storage, recovering from storage, administration, regulatory, public purpose programs, energy market restructuring transition costs, and balancing accounts. Delivery revenue shall be classified by:~~

~~(1) Residential; and~~

~~(2) Nonresidential, classified by Customer Classification code, and classified for each Customer Classification code by:~~

~~(A) Delivery to core customers, except for core cogeneration customers;~~

~~(B) Delivery to core cogeneration customers;~~

~~(C) Delivery to noncore customers, except for noncore cogeneration customers; and~~

~~(D) Delivery to noncore cogeneration customers.~~

(d) Natural Gas Tolling Agreements. Each LSE that has entered into a tolling agreement to provide natural gas to the owner or operator of an electric generator with a capacity of 50 MW or more for the operation of that generator

shall report the following for each of the previous three months and for each electric generator:

(1) amount of natural gas delivered expressed in therms;

(2) the price of the natural gas delivered pursuant to subdivision (d)(1) of this section; and

(3) the location of the delivery identified in subdivision (d)(1) of this section.

§ 1309. Quarterly Reports: Interstate Pipeline Company Reports.

~~Each interstate pipeline company shall report the following data annually:~~

(a) ~~Natural Gas Receipts.~~ Each interstate pipeline company shall report all ~~All~~ natural gas receipts from sources inside California's border for each month during the previous quarter, expressed in thousand cubic feet or therms; and for each source of such natural gas, the average heat content of the natural gas received, expressed in Btu per cubic foot; each classified by:

(1) California production

(2) Kern River Station

(3) Hector Road

(4) Daggett

(5) Wheeler Ridge

(6) Other (designate)

(b) ~~Natural Gas Deliveries to California Customers~~ Each interstate pipeline company shall report ~~annually~~ for each month during the previous quarter the following~~: F~~for residential customers~~,~~ and for each group of non-residential customers that have the same Customer Classification code, each further subdivided by county and for each ~~year~~month:

(~~A~~1) ~~annual~~ natural gas deliveries expressed in thousand cubic feet or therms; and

(~~B~~2) ~~annual~~ number of customers.

(c) ~~Natural Gas Deliveries to Interstate Pipelines and Gas Utilities.~~Each interstate pipeline shall report for each month during the previous quarter all ~~All~~ natural gas volumes delivered by ~~the interstate pipeline~~ such company to locations in California or at the California border, expressed in thousand cubic feet or therms, and the average heat content of the natural gas delivered, expressed in Btu per cubic foot; each classified by:

(1) Natural gas utilities (designate).

(2) Interstate Pipelines (designate).

(3) Delivery Points.

(A) Topock

(B) Needles

(C) Blythe

(D) Malin

(E) Wheeler Ridge

(F) Hector Road

(G) Daggett

(H) Kern River Station

(I) Other (Designate)

§ 1310. Natural Gas Processor Reports.

Each natural gas processor shall report quarterly:

(a) by month for each of the previous three months,

(b) by plant, and

(c) for each of the following products:

(1) Methane

(~~1~~2)Ethane

(~~2~~3) Propane

(~~3~~4) Normal Butane

(~~4~~5) Isobutane

(~~5~~6) Pentanes Plus

(d) the following data:

(1) stocks at the beginning of the month

(2) receipts during the month

(3) inputs during the month

(4) production during the month

(5) shipments during the month

(6) plant fuel use and losses for processing during the month

(7) stocks at the end of the month.

§1311. Energy Efficiency Program Data Collection From Local Publicly-owned Utilities.

Beginning in 2008, and every year thereafter, each local publicly-owned utility shall report no later than March 15 to the Commission its annual investments in energy efficiency and demand reduction programs for its previous fiscal year. The report shall include at least:

(a) for electric energy efficiency programs:

(1) a description of each program by category (residential, nonresidential, new construction, cross-customer, and other);

(2) expenditures by program category, identified as administrative costs, delivery costs, incentive and installation costs, and evaluation, measurement, and verification costs;

(3) expected and actual annual energy and peak demand savings by program category; and

(4) an explanation of how these energy efficiency programs were determined to be cost-effective.

(b) for demand reduction programs:

(1) a description of each program;

(2) expenditures associated with each program;

(3) expected demand reduction, and any actual reduction from the programs, and

(4) an explanation of how these demand reduction programs were determined to be cost-effective.

Article 2. Forecast And Assessment Of Energy Loads And Resources

~~§ 1340. Scope.~~

~~This Article applies to each medium size electric utility, medium size gas utility, large size electric utility, large size gas utility, owner (or, where there is more than one owner, the majority or plurality owner or the managing partner) of an electric power plant, owner (or, where there is more than one owner, the majority or plurality owner or the managing partner) of an electric transmission system, and owner (or, where there is more than one owner, the majority or plurality owner or the managing partner) of an electric distribution system.~~

§ 1341. Rules of Construction and Definitions.

The rules of construction and definitions in Section 1302 of Article 1 of this chapter~~, and the definitions set forth in this Section,~~ apply to this Article.

> ~~"Electric Distribution System Owner" means an entity that owns local electricity distribution facilities for the delivery of electrical energy to end users.~~
>
> ~~"Large Size Electric Utility" means an electric utility that: (a) has experienced a peak electricity demand of 1000 megawatts or more in both of the two calendar years preceding the required data filing date and (b) owned or operated by a public governmental entity or regulated by the California Public Utilities Commission.~~
>
> ~~"Large Size Gas Utility" means a natural gas utility that has delivered 100 billion cubic feet or more of gas per year in both of the two calendar years preceding the required data filing date.~~
>
> ~~"Medium Size Electric Utility" means an electric utility: (a) that experienced a peak electricity demand of more than 200 megawatts per year in both of the two calendar years preceding the required data filing date, and that has not experience a peak electricity demand of 1000 megawatts or more during both of the two calendar years preceding the required data filing date and (b) owned or operated by a public governmental entity or regulated by the California Public Utilities Commission.~~
>
> ~~"Medium Size Gas Utility" means a natural gas utility that has delivered to end-use customers more than 50 billion cubic feet of natural gas per year in both of the two calendar years preceding the required data filing date, and that has not delivered 100 billion cubic feet of natural gas per year in both of the two calendar years preceding the required data filing date.~~

~~"Report" means survey plan, survey data, survey documentation, survey documentation, data analysis, load metering data, or power plant data.~~

~~"Transmission System Owner" means an entity that owns transmission lines and associated facilities forming part of the transmission network, including radial lines and associated facilities interconnecting generation.~~

§ 1342. General Requirements for Preparation of Planning Reports and Supporting Survey and Load Metering Data Collection Requirements~~Reports~~.

(a) Reports Must Be Submitted. Each entity subject to reporting requirements identified in this Article~~owner of an electric utility or gas utility shall conduct the applicable plans and surveys, and~~ shall also submit to the Commission the applicable data~~, as~~ set forth in this Section~~ as well as Sections 1343 through 1348~~.

(b) Forms and Instructions. The data shall be submitted according to instructions for forms specified by the Executive Director, unless otherwise specified. The instructions may include without limitation a requirement that the data be submitted in electronic format generally or in a specific electronic format.

~~(c) Biennial Reports and Data. Data or reports referred to as "reported biennially" shall be submitted every two years beginning on June 15, 2002.~~

(~~d~~c) Extensions of deadlines specified in this Article ~~Sections 1343 through 1348~~. The person responsible (or delegated the responsibility in this Article) for submitting a report may apply for and receive from the Executive Director an extension of the deadlines established in this Article~~Sections 1343 through 1348~~. The Executive Director shall act on an application within five business days after it is received at the Commission. The Executive Director's decision may be appealed to the full Commission; the Commission shall act on an appeal within 14 days after the appeal is received; the Commission may summarily deny an appeal without a hearing. An extension shall be granted for no more than 30 days, if:

(1) The company submits and the Executive Director receives, no later than 15 days before the report is due, an application that includes:

(A) the full legal name, address of the principal place of business, telephone number, fax number, e-mail address, and website address of the company submitting the application for an extension;

(B) the name, address of the principal place of business, telephone number, fax number, and e-mail address of the person employed by the company submitting the report, who should be contacted with questions about the application for an extension;

(C) the name of the report and the sections of these regulations applicable to the report;

(D) the reasons why the report cannot be, or may not be able to be, submitted on time, and the date the report will be submitted;

(E) the measures the company is taking to complete the report on time or as soon thereafter as possible; and

(F) a declaration executed under penalty of perjury of the laws of the State of California stating:

1. the full legal name, address of the principal place of business, telephone number, fax number, and e-mail address of both the person executing the declaration and the company submitting the application;

2. that the person executing the declaration is authorized to do so and to submit the application on behalf of the company; and

3. that the matters contained in the application are, to the best of the person's knowledge and belief and based on diligent investigation, true, accurate, complete, and in compliance with these regulations.

(2) The Executive Director finds that good cause exists for an extension and that the report is likely to be submitted by the extended due date.

(d~~e~~) Date of "Submittal." A report under this Article~~Sections 1343 through 1348~~ is "submitted," for purposes of these regulations~~ and of Section 25322 of the Public Resources Code~~, when it is received at~~ the Energy Information and Analysis Division (or its successor) at~~ the Commission and it is complete, accurate, and in compliance with the applicable requirements and forms and instructions specified in this Article.

(e~~f~~) Delegation of Reporting Duty. The company designated in subsection (a) as required to submit a report may delegate to another company the submittal of the report if the delegatee agrees, but in any event the company designated in subsection (a) shall be responsible for the timely, accurate, and complete submittal of the report.

(f~~g~~) Submittal of Previous Report. If the data included in a report is exactly the same as the data contained in a previously submitted report from the same company, the current report need only reference the previously submitted data in sufficient detail to allow its easy retrieval.

(g~~h~~) Submittal of Alternative Data, Reports, or Format. The company responsible (or delegated the responsibility in this Article) for submitting data or a report may apply for and receive from the Executive Director authorization to submit, in lieu of the required data or report: another collection of data assembled and prepared for a purpose other than compliance with this Article, or submit data not in accordance with the forms and instructions specified in this Article.

(1)The executive director shall act on an application for the submission of alternative data within 20 days after it is received by the commission.

(2) If the application is granted for the submission of alternative data, then the company may submit the alternative data for each report required in this article without the need for a subsequent application, if the alternative data contains all of the data required by this Article ~~sections 1343 through 1348~~ as applicable and is current for the time period or periods specified in those sections.

(3) The executive director's decision may be appealed to the full commission; the commission shall act on an appeal within 14 days after the appeal is received; the commission may summarily deny an appeal without a hearing. The executive director may revoke authorization to submit alternative data at any time for any reason.

(4) An application for the submission of alternate data shall be granted if:

(A) The company submits and the Executive Director receives, no later than 30 days before the report is due, an application that includes:

1. the full legal name, address of the principal place of business, telephone number, fax number, e-mail address, and website address of the company submitting the application to provide alternative data;

2. the name, address of the principal place of business, telephone number, fax number, and e-mail address of a contact person who can answer questions about the application for submission of alternative data;

3. the name of the report and the sections of these regulations applicable to the report;

4. the reasons why the alternative collection of data meets each applicable requirement of this Article ~~Sections 1343 through 1348~~; and

5. a declaration executed under penalty of perjury of the laws of the State of California stating:

a. the full legal name, address of the principal place of business, telephone number, fax number, and e-mail address of both the person executing the declaration and the company submitting the application;

b. that the person executing the declaration is authorized to submit the application on behalf of the company; and

c. that the matters contained in the application are, to the best of the person's knowledge and belief and based on diligent investigation, true, accurate, complete, and in compliance with these regulations.

(B) The Executive Director finds that good cause exists for granting the application to submit alternative data. That determination shall include a finding that compliance with these regulations and the needs of the Commission, other entities and the public will not be harmed by the granting of the application.

(h~~i~~) Information Required in All Reports. Each report required by this Article ~~Sections 1343 through 1348~~, in addition to the data specified in the applicable section, must include the following:

(1) the name, address of the principal place of business, telephone number, fax number, e-mail address, and website address of the company submitting the report;

(2) the name, address of the principal place of business, telephone number, fax number, and e-mail address of a contact person who can answer questions about the report;

(3) the name, address of the principal place of business, telephone number, fax number, e-mail address, and website address of the person responsible for submitting the report;

(4) if the company submitting a report has divisions, departments, subsidiaries, or similar entities covered by the report, the report shall include the name of each entity and reflect the activities of each entity;

(5) the date the report is being submitted;

(6) the time period or periods that the report covers;

(7) the status of the company responsible for submitting the report: i.e., ~~medium size electric utility, medium size~~ UDC, LSE, electric transmission system owner, electric generator owner, interstate pipeline company, or gas utility, ~~large size electric utility, large size gas utility; electric power plant; electric transmission system; or electric distribution system~~ (if the company operates more than one type of entity, the report shall state the type of entity the report is being submitted for and list the other entities that the company represents);

(8) a declaration executed under penalty of perjury of the laws of the State of California, and that is executed by an authorized employee of the company responsible for submitting the report, stating:

(A) the full legal name, address of the principal place of business, telephone number, fax number, and e-mail address of both the person executing the declaration and the company responsible for submitting the report;

(B) that the person executing the declaration is authorized to submit the report on behalf of the company; and

(C) that the matters contained in the report are, to the best of the person's knowledge and belief and based on diligent investigation, true, accurate, complete, and in compliance with these regulations.

(~~j~~i) Techniques Required; Replicable Results. All data submitted under this Article ~~Sections 1343 through 1348~~ shall be:

(1) gathered, organized, analyzed, and reported using standard, generally-accepted, and documented professional statistical, engineering, data-gathering, and other appropriate techniques;

(2) presented in sufficient detail to allow replication of the results by the Commission staff and by other experts in the field; and

(3) accompanied by the following:

(A) complete identifications of the sources of all data;

(B) complete descriptions of all assumptions used; and

(C) complete identifications and descriptions of all methodologies used.

§ 1343. Energy End User Data: Survey Plans, Surveys, and Reports.

(a) Each ~~large size electric utility and large size gas utility~~ UDC that has experienced a peak electricity demand of 1000 MW or more in both the two calendar years preceding the required data filing date, and each natural gas utility that has delivered 100 billion cubic feet of gas per year in both of the two calendar years preceding the required data filing date shall complete the survey plans, surveys, and reports described in this Section, unless exempt as described under the Compliance Option described under subsection (~~e~~f).

(~~a~~b) Survey Plans and Plan Approval.

(1) Submittal of Survey Plans. For each survey a ~~utility~~UDC is required to perform under this Section, the ~~utility~~UDC must complete and submit to the Commission a plan for conducting the survey that is consistent with subsections (~~a~~b) through (~~d~~e) of this Section. This plan is due one year before survey data is due under subsection (~~c~~d) and shall describe, at a minimum:

(A) the purpose, scope, and design of the survey project;

(B) the data to be collected, including all data required by subsection(b);

(C) the methods and schedules to be followed;

(D) the format for presenting the results;

(E) the use of contractors to assist in the project;

(F) the estimated cost of the project, nature of funding source, and regulatory authority to complete the study;

(G) what confidential data will be used in the study; how confidentiality will be maintained during the conduct of the survey; any special confidentiality protection needed for types of data not explicitly addressed by Chapter 7, Airticle 2 of this Division; and

(H) the means for ensuring that the data are representative of the entire end user population located within the utility distribution company service area. The Commission shall presume that the results are representative if the design satisfies all of the following requirements:

1. The survey is designed to achieve end-use saturation estimates accurate to within plus or minus 5 percent at a 95 percent confidence level;

2. The survey design includes methods to reduce non-response bias, including repeated contacts of non-respondents;

3. The survey design includes methods to ensure and verify that results are representative of the end user population; and

4. Survey methods (such as mail, telephone, or on-site data collection methods) are appropriate to the complexity and amount of data requested.

(2) Commission Approval of Plans. The Commission shall evaluate each survey plan in light of the requirements set forth in this Section, and shall approve any plan that meets the requirements of this Section. During this evaluation, the Commission staff may recommend improvements or amendments to enhance the value, reliability, or relevance of the survey results to energy demand forecasting and analysis. The Commission shall approve or disapprove a submitted plan, including a revised plan, within 60 days of its submission. If the Commission disapproves of a plan, it shall specify the plan's deficiencies in writing. Within 30 days of receiving survey plan disapproval, the ~~utility~~UDC shall submit to the Commission a revised plan correcting the specified deficiencies.

(3) The surveys shall be conducted in accordance with the approved survey plan. If changes to the survey plan become necessary, the ~~utility~~UDC shall notify the Commission in writing before those changes are implemented. If the Commission objects to the changes, it shall notify the ~~utility~~UDC within ten working days of its receipt of those changes. If the Commission does not respond, the amended plan will be accepted.

(~~b~~c) Data Collection Requirements. Each ~~utility~~UDC shall complete surveys of end-users in the residential, commercial, and industrial major customer sectors within its service area every four years, carried out in accordance with the plan approved under subsection (~~a~~b). Major customer sectors shall be defined pursuant to Section 1302 of this Chapter, except that ~~SIC code 29 and~~ NAICS

code 324 may be excluded from the industrial customer sector. The data collected by the surveys shall include, without limitation, all of the following:

(1) For all customers:

(A) presence and characteristics of energy-using equipment;

(B) installed energy efficiency measures;

(C) building management controls, and measures designed to shift load;

(D) presence and type of any metering and telemetry equipment used to meter energy use;

(E) presence, type, and characteristics of any energy-producing equipment or fuel supply;

(F) electric and gas retailer identification or type of provider;

(G) location of the building surveyed, identified by zip code;

(H) patterns of behavior and appliance and equipment operation affecting energy use and load profiles; and

(I) building characteristics, including wall construction, foundation, number of stories, square footage of the building, and characteristics of windows.

(2) For the residential customer sector:

(A) building type (single family, multifamily, or mobile home) and vintage of building, and

(B) demographic characteristics of occupants, including income, primary language spoken in the home, level of educational attainment, number of persons by age group, and race or ethnic group.

(3) For the commercial building customer sector:

(A) type of business identified by industrial classification code, and

(B) occupancy profile, including number of employees and hours of operation.

(4) For the assembly, process and other industrial customer sectors:

(A) type of industry identified by industrial classification code;

(B) number of employees;

(C) annual monetary value of shipments; and

(D) energy-using production processes used by the facility.

(5) Corollary data for all surveys:

(A) all accounting records, customer identifiers, and associated data that are necessary for analysis and development of weights to expand respondent data to the population;

(B) for interval metered accounts, 8760 hours of energy consumption data for each sampled premise. For other accounts, twelve months of energy consumption data for each sampled premise; and

(C) for each survey where the survey plan includes a load metering element, load metering data for each metered, sampled account.

(~~c~~d) Delivery of Data and Documentation. Each ~~utility~~UDC shall provide to the Commission all data required by subsection (~~b~~c), and a Survey Methodology Report, according to the schedule below. The Survey Methodology Report shall describe the procedures that were followed for the survey, including the survey instrument, sample design, sample selection and implementation process, coding procedures, how the survey as implemented differs from the survey plan, and all other information needed for subsequent analyses of the data.

(1) Residential customer sector: on or before July 1, 2003, and on or before July 1 of every fourth year thereafter.

(2) Commercial building customer sector: on or before July 1, 2004, and on or before July 1 of every fourth year thereafter.

(3) Assembly, process and other industrial customer sectors: On or before July 1, 2006, and on or before July 1 of every fourth year thereafter.

(~~d~~e) Data Analysis Reports

(1) Residential End Use and Saturation Reports. Each ~~utility~~UDC shall submit, within six months after the residential sector survey data are due

under subsection (~~c~~d), the following reports based on analysis of the survey data:

(A) the Residential End Use Report shall provide estimates of average energy consumption for each major end use by housing type and vintage. The estimates shall be derived from load metering, engineering or conditional demand analysis techniques, which shall be described in the report; and

(B) the Residential Saturation Report shall document the percentage of households using electricity, natural gas, or other type of energy for each appliance or end use, by housing type and vintage;

(2) Commercial Building Floor Space Stock and Saturation Reports. Each ~~utility~~UDC shall submit, within six months after the commercial building sector survey data are due, the following reports based on an analysis of the survey data:

(A) the Floor Space Stock Report shall provide estimates of current year commercial building floor space stock, measured in square footage, by building type and vintage; and

(B) the Commercial Saturation Report shall document the percentage of commercial floor space using electricity, natural gas, or other type of energy for each end use, by commercial building type and vintage.

(~~e~~f) Data Collection and Analyses Compliance Option. In lieu of the requirements contained in subsection (~~a~~b) through (~~d~~e) of this Section, a ~~utility~~UDC may participate in projects identified by the Commission as satisfying the corresponding data collection and analyses elements of this Section.

(1) Participation requirements:

(A) may include a funding contribution from each ~~utility~~UDC in the amount determined by the Commission to be reasonably necessary to fulfill the data collection objectives of this Section; and

(B) ~~will~~ shall require participating ~~utilities~~UDCs to provide certain data to the Commission, including, but not limited to, accounting records and geographic identifiers required for designing, selecting, and properly weighting the sample, individual energy consumption histories for sampled accounts, and load metering data that the Executive Director identifies as required for a given project.

(2) The Commission shall notify ~~utilities~~UDCs of project participation opportunities, including the applicable customer sector, schedule and participation requirements for the project. This notification shall occur at least eighteen months before compliance is due.

(3) A ~~utility~~UDC shall be in compliance with the corresponding elements of subsections (~~a~~b) through (~~d~~e) of this Section for the customer sector identified by the Commission if it meets the following conditions:

(A) the ~~utility~~UDC responds in writing to the Commission's notification of a project participation opportunity within 60 days, requesting to use the compliance option. In its response, the ~~utility~~UDC shall agree to comply with the Commission's participation requirements;

(B) the ~~utility~~UDC submits to the Commission, according to the Commission schedule, the information and data for conducting surveys and performing subsequent analyses identified by the Executive Director as necessary to conduct the survey; and

(C) the ~~utility~~UDC transfers funding to the Commission in the amount determined by the Commission to be reasonably necessary to fulfill the data collection objectives of this Section.

(4) The Commission shall approve or disapprove the ~~utility's~~UDC's request to use the compliance option within 30 days of its submission.

§ 1344. Load Metering Reports.

~~Each large- and medium-size electric utility shall conduct applicable load metering to satisfy:~~

(a) Annual ~~System~~ LSE Customer Load Data by Hour. Beginning March 15, 2007, ~~June 1, 2002,~~ and every year thereafter, each ~~large- and medium-size electric utility~~ LSE that has experienced a peak electricity demand of 50 megawatts or more in both of the two calendar years preceding the filing date shall submit ~~its~~ annual ~~system~~ load data for every hour of the previous calendar year for its customers to which it provides generation services, separated by UDC territory in accordance with the following:

(1) Hourly ~~system~~ load data and analyses shall be developed and compiled from actual load metering, or using valid statistical estimating techniques when actual measurements are infeasible;

(2) Load metering shall be conducted in an accurate and reliable manner;

(3) Hourly ~~system~~ load data shall be delivered to the Commission in electronic form ~~in EEI format~~.;

(4) Hourly loads, including distribution losses, shall be reported separately for each utility distribution service area in which the LSE serves customers.

(b) Annual Distribution System Load Data by Hour. Beginning March 15, 2007, and every year thereafter, each UDC that has experienced a peak electricity demand of 50 megawatts or more in both of the two calendar years preceding the filing date shall submit its annual distribution system load data for every hour of the previous calendar year in accordance with the following:

(1) Hourly system load data and analyses shall be developed and compiled from actual load metering or from valid statistical estimating techniques when actual measurements are infeasible;

(2) Load metering shall be conducted in an accurate and reliable manner;

(3) Hourly system load data shall be delivered to the Commission in electronic form;

(4) Hourly loads shall be submitted in two formats: (1) the composite of the hourly loads (the composite of customer loads plus distribution losses) for all LSEs supplying electricity in the UDC's distribution service area, and (2) format (1) expanded to include hourly transmission losses for each hour.

(~~b~~c) Hourly ~~Peak~~ Load Estimates by Customer Sector. Beginning September 1, 2007,~~June 1, 2002,~~ and every year thereafter, each ~~large size electric utility~~ UDC that has experienced a peak electricity demand of 1000 megawatts or more in both of the two calendar years preceding the filing date shall submit ~~data~~ its hourly load ~~regarding its~~ estimates ~~of~~ by customer sector~~al~~ for the previous calendar year ~~loads coincident with the system peak for the previous calendar year~~ in accordance with the following:

(1) The hourly sector load estimates shall, at a minimum, include identification of each of the following components: ~~The sectoral peak load estimates shall, at a minimum, be submitted for each of the following sectors:~~

(A) residential customer sector;

(B) commercial ~~building~~ customer sector (including commercial building customer sector and other commercial customer sector);

~~(C) other commercial customer;~~

(C~~D~~) industrial~~process industry~~ customer sector (including process industry customer sector, assembly industry customer sector, and other industry customer sector);

~~(E) assembly industry customer sector;~~

~~(F) other industry customer sector;~~

(D~~G~~) agriculture customer sector;

(E~~H~~) water pumping customer sector;

(F~~I~~) street lighting customer sector;~~ and~~

(G~~J~~) unclassified customer sector~~.~~; and

(H) losses.

(2) The samples used to develop hourly load estimates~~determine peak loads~~ for each sector shall be designed to insure that estimates are accurate to within ~~+~~±10 percent of the monthly sector load coincident with system peak, and with 90 percent confidence.

(3) The hourly sector load estimates shall be delivered to the Commission in electronic form.

~~(c) Hourly Load Estimates by Customer Sector. Beginning September 1, 2002, and every year thereafter, each large size electric utility shall submit data containing its hourly load estimates by customer sector for every hour of the previous calendar year in accordance with the following:~~

~~(1) The hourly sector load estimates shall include the contribution of each customer sector specified in subsection (b)(1) for every hour of the year;~~

~~(2) The samples used to develop hourly load estimates for each sector shall be designed to insure that estimates are accurate to within +10 percent of the monthly sectoral coincident peak, and with 90 percent confidence; and~~

~~(3) The hourly sector load estimates shall be delivered to the Commission in electronic form.~~

(d) Monthly Distribution System Load Data by Hour. Beginning March 15, 2007, and every month thereafter, each UDC that has experienced a peak electricity demand of 2000 megawatts or more in both of the two calendar years preceding the filing date shall submit its distribution system load data for every hour of the previous month in accordance with the following:

(1) Hourly system load data and analyses shall be developed and compiled from actual load metering or from valid statistical estimating techniques when actual measurements are infeasible;

(2) Load metering shall be conducted in an accurate and reliable manner;

(3) Hourly system load data shall be delivered to the Commission in electronic form;

(4) Hourly loads shall include all distribution and transmission system losses.

(e) Annual Electric Transmission System Peak Load Data by hour and subarea. Beginning June 1, 2007, and every year thereafter, each Electric Transmission System Owner that has experienced a peak electricity demand of 2000 megawatts or more in both of the two calendar years immediately preceding the filing date shall submit its hourly load data by subarea for every hour of the previous calendar year in accordance with the following:

(1) Hourly load data and analyses shall be developed and compiled from actual load metering or from valid statistical estimating techniques when actual measurements are infeasible;

(2) Load metering shall be conducted in an accurate and reliable manner;

(3) Hourly load data shall be delivered to the Commission in electronic form;

(4) An electronic file containing geographic identifiers of the subarea shall be included;

(5) Subareas are climate zones or geographic subdivisions of the transmission system area used by the transmission system owner for transmission system expansion plan studies, including studies of local deliverability of load, prepared for the control area operator or governing body.

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§ 1345. Demand Forecasts.

Each ~~electric or~~ LSE and gas utility shall submit its ~~20~~10-year demand forecast according to forms and instructions adopted by the Commission. ~~The demand forecast shall include at least:~~

~~(a) A description and map of the utility service area and, if different, the area for which the utility forecasts demand;~~

~~(b) Presentation of the demographic and economic assumptions that under-lie the forecast;~~

~~(c) Forecasted demand, accounting for conservation reasonably expected to occur, for each of the 20 years beginning with the year in which the forecast is submitted, with:~~

> ~~(1) Electric utilities forecasting energy, and peak demand,~~
>
> ~~(2) Gas utilities forecasting energy demand,~~
>
> ~~(3) The annual energy forecast and peak forecast presented by major customer sector. The residential sector forecast presented by major end-use categories and associated marginal and average unit energy consumptions and saturation rates, and~~
>
> ~~(4) The nonresidential sectors forecast presented by major end-use categories and associated marginal and average unit energy consumptions and saturation rates, if possible;~~

~~(d) Plausibility, sensitivity, and alternative economic scenario analyses;~~

~~(e) Estimation of the additional cost-effective conservation potential and the impact of possible methods to achieve this potential, and a description of each conservation activity carried out by the utility and those proposed for future implementation;~~

~~(f) The demand forecast related items required by Section 25300, Public Resources Code; and~~

~~(g) Additional information and analysis consistent with these regulations as required in the forms and instructions adopted by the Commission.~~

(a) UDC Electricity Demand Forecasts. Each UDC demand forecast shall include:

(1) A description and map of the UDC service area, including a discussion of any recent or expected changes to the service area;

(2) Presentation of the demographic and economic assumptions that under-lie the forecast, including assumptions about geographic changes in the service area or movement of customers to or from other LSEs;

(3) Forecasted demand for each year of the forecast, accounting for conservation reasonably expected to occur, beginning with the year in which the forecast is submitted, including:

(A) annual energy and peak demand;

(B) Hourly loads forecasted for specific years identified in the Forms and Instructions; and

(C) The annual energy demand forecast and peak demand forecast presented by major customer sector.

(4) Plausibility, sensitivity, and alternative economic scenario analyses;

(5) Estimation of the additional cost-effective conservation potential and the impact of possible methods to achieve this potential, and a description of each conservation activity carried out by the UDC and those proposed for future implementation;

(6) UDCs that are also Electric Transmission System Owners shall provide forecast load data for transmission subareas, as defined in Section 1344 (e)(5), for specific years identified in the Forms and Instructions, and

(7) Additional information and analysis consistent with these regulations as required in the forms and instructions adopted by the Commission.

(b) Non-UDC LSE Electricity Demand Forecasts. The demand forecast for each LSE that is not a UDC shall include:

(1) Presentation of the demographic and economic assumptions that under-lie the forecast, including assumptions about movement of customers to or from other LSEs;

(2) Forecasted demand for each year of the forecast, accounting for conservation reasonably expected to occur, beginning with the year in which the forecast is submitted, by UDC distribution service area, including:

(A) Annual energy and peak demand;

(B) Hourly loads forecasted for years identified in the Forms and Instructions; and
(C) The annual energy demand forecast and peak demand forecast presented by major customer sector or customer class.

(3) Additional information and analysis consistent with these regulations as required in the forms and instructions adopted by the Commission.

(c) Each gas utility shall submit the following:

(1) A description and map of the gas utility service area and, if different, the area for which the gas utility forecasts demand;

(2) Presentation of the demographic and economic assumptions that under-lie the forecast, including assumptions about geographic changes in the service area or movement of customers to or from other utilities;

(3) Forecasted demand for each year of the forecast, accounting for conservation reasonably expected to occur, beginning with the year in which the forecast is submitted, including:

(A) Forecasts of annual and monthly energy demand, and annual peak demand; and

(B) The annual energy forecast and peak forecast presented by major customer sector.

(4) Plausibility, sensitivity, and alternative economic scenario analyses;

(5) Estimation of the additional cost-effective conservation potential and the impact of possible methods to achieve this potential, and a description of each conservation activity carried out by the gas utility and those proposed for future implementation; and

(6) Additional information and analysis consistent with these regulations as required in the forms and instructions adopted by the Commission.

§1346. Electricity Resource Adequacy.

Beginning in 2007, each LSE shall annually submit, according to forms and instructions adopted by the Commission, quantitative documentation of its load forecasts and resource plans, and narrative descriptions of its procurement activities that will enable it to have adequate electricity supplies to serve forecasted loads.

(a) LSEs under the jurisdiction of the California Public Utilities Commission for resource adequacy purposes pursuant to Public Utilities Code section 380 shall submit the following information for a period of one year following the year that the information is submitted:

(1) monthly energy and peak load forecasts segregated by investor-owned utility service area in which the LSE serves end-user customers, including:

(A) base forecast;

(B) customer count projections:

(C) estimated monthly capacity savings and adjustments to peak load forecasts that are expected from energy efficiency programs, interruptible load programs, price-sensitive demand response programs, and distributed generation program that have been classified as load reduction impacts;

(2) resources owned, under the control of, or otherwise available to the LSE to meet monthly peak loads. Include the following information:

(A) physical location (control area) of all generation capacity;

(B for contracts, specify whether or not the capacity or energy is unit-contingent;

(C) for imports into a control area in which the LSE provides generation services to end-users, the scheduling point(s) for such capacity or energy;

(D) for demand response program impacts, the nature of the program(s) expected to provide load reductions; and

(E) indication of whether the resource is intended to satisfy any local capacity requirements.

(3) deliverability and dispatchability restrictions on generating resources, including:

(A) any terms of deliverability that may limit the dependable capacity of the LSE's generation supplies, including firm transmission rights over interties between control areas at the time of its peak load; and

(B) the terms of ownership or dispatchability that limit the deliverability of generation supplies to serve the LSE's load under monthly peak conditions, including call options, non-firm energy, hydrological conditions, and emission limits.

(4) for the most recent year, for each month, historic peak demand and resource utilization to satisfy customer demand, operating reserves, and other planning obligations.

(b) LSEs not under the jurisdiction of the California Public Utilities Commission for resource adequacy purposes shall submit the following information for a period of one year following the year that the information is submitted:

(1) monthly energy and peak load forecasts, including:

(A) base forecast;

(B) customer count projections;

(C) adjustments to the base forecast from the impacts of all demand side management, demand response programs, and customer generation programs and other programmatic activities affecting demand;

(2) resources, under the control of, or otherwise available to the LSE to meet monthly peak loads described by their attributes, including but not limited to the following:

(A) the physical location of all generation capacity;

(B) for contracts whether or not the product is unit contingent;

(C) for imports into a UDC service area, the scheduling point(s) of the energy and any transmission rights applicable to the capacity or energy; and

(D) for demand response program impacts, the nature of the program(s) expected to provide load reductions;

(3) for the most recent year, historic hourly loads, and for each month: monthly peak demand and resource utilization to satisfy customer demand, operating reserves, and other planning obligations of that month;

(4) a detailed description of all adequacy and long-term reliability requirements that control area operators or planning entities have identified as applicable to the LSE, including, but not limited to:

(A) terms of existing tariffs and agreements that identify the specific nature of resource adequacy requirements that an LSE must satisfy;

(B) planning margins for capacity or energy, or other elements of standardized evaluations of the balance between loads and reserve requirements, and resources, established by the Western Electricity Coordinating Council for resource adequacy purposes;

(C) any unit commitment and dispatch obligations that generation owned or controlled by the LSE uses to satisfy to requirements imposed by control area operators or other entities operating interconnected electric transmission systems;

(D) deliverability restrictions, dispatchability provisions, or transmission contingencies that affect the LSE's ability to rely upon specific resources that might affect reliability of service; and

(E) the strategy that the LSE intends to pursue in order to achieve, and once accomplished maintain, the level of resource adequacy appropriate to its customers.

§ 1347. Resource Plans.

Each ~~electric utility~~ LSE shall submit its ~~20-year~~ resource plan for meeting forecasted demand according to forms and instructions adopted by the Commission. ~~The resource plan shall include:~~

~~(a) A tabulation of forecasted demand and expected supply resources for each of the 20 years beginning with the year in which the resource plan is submitted;~~

~~(b) A description of existing and projected sources of supply, including generating projects and purchases from other utilities or elsewhere, specifying construction and operation costs, fuel sources and costs, capacity factors, water consumption, and environmental impacts and mitigation measures;~~

~~(c) Description and maps of existing and projected electric transmission lines, including load capabilities, construction and operation costs, and environmental impacts and mitigation measures;~~

~~(d) Description of capacity and energy achievable through improved system operating efficiency;~~

~~(e) The resource related items required by Public Resources Code Section 25301; and~~

~~(f) Additional information and analyses consistent with these regulations, including alternative resource plans, as required in the forms and instructions adopted by the Commission.~~

(a) Resource Plans from LSEs that are UDCs. The resource plan shall demonstrate how the LSE shall meet the forecasted demand documented according to the requirements of §1345(a) and shall include:

> (1) A tabulation of forecasted demand and expected supply resources for each year of the forecast beginning with the year in which the resource plan is submitted;
>
> (2) A description of existing and projected sources of supply, including generating projects and purchases from other utilities or elsewhere, specifying construction and operation costs, fuel sources and costs, capacity factors, water consumption, and environmental impacts and mitigation measures; and
>
> (3) Additional information and analyses consistent with these regulations, including narrative descriptions of the criteria used to develop the resource plan, alternative resource plans, and resource mix preferences, as required in the forms and instructions adopted by the Commission.

(b) Resource Plans from LSEs that are not UDCs. The resource plan shall demonstrate how the LSE shall meet the forecasted demand documented according to the requirements of §1345(b) and shall include:

> (1) A tabulation of forecasted demand and expected supply resources for each year of the forecast beginning with the year in which the resource plan is submitted;
>
> (2) A description of existing and projected sources of supply, including generating projects and purchases from other utilities or elsewhere, specifying construction and operation costs, fuel sources and costs, capacity factors, water consumption, and environmental impacts and mitigation measures; and

(3) Additional information and analyses consistent with these regulations, including narrative descriptions of the criteria used to develop the resource plan, alternative resource plans, and resource mix preferences, as required in the forms and instructions adopted by the Commission.

§ 1348. Pricing and Financial Information.

Each ~~electric or~~ LSE, interstate pipeline company, and gas utility shall submit, according to forms and instructions adopted by the Commission, a 10-year forecast of energy prices. ~~which corresponds correspond to the utility's demand forecast and resource plan. Each electric utility shall also submit a forecast of utility financial variables consistent with the forecast and plan.~~

(a) Each LSE that is not a UDC shall submit a forecast of retail electricity prices.

(b) Each LSE that is also a UDC shall submit a forecast of retail electricity prices. These LSEs must also submit the financial variables and assumptions used to derive their forecast.

(c) Each gas utility company and interstate pipeline company shall submit a forecast of retail gas prices.

§1349. Electric Transmission System Plan and Corridor Information.

(a) Each electric transmission system owner shall submit a description of its existing electric transmission system, and its most recent transmission expansion plan and documentation of all input assumptions on which the plan is based. The electric transmission system description and transmission expansion plan shall include:

(1) The transfer capabilities of transmission lines or transmission paths within and into the transmission owner's service area.

(A) An identification of the planned upgrades to transmission lines or paths into the transmission owner's service area, including:

1. Descriptions of the upgrade, including costs, benefits, schedules, maps, and the impact of the upgrade on transfer capabilities;

2. Descriptions of the alternatives considered in developing the transmission expansion plan.

(B) An identification of maintenance activities or construction that could have a significant impact on transfer capabilities (i.e., a major reduction in transfer capability or an extended period of outage or derating) affecting the transmission owner's service area.

(2) Operational or other transmission constraints within the transmission owner's service area.

(A) Descriptions of the operational or other constraints and the causes thereof;

(B) An identification of planned upgrades within the transmission owner's service area to relieve operational or other transmission constraints, including:

1. Descriptions of the upgrades, including costs, benefits, schedules, maps, and the impact of the upgrades on transfer capabilities;

2. Descriptions of the alternatives considered in developing the transmission expansion plan.

(C) An identification of maintenance activities or construction that could have a significant impact on transfer capabilities (i.e., a major reduction in transfer capability or an extended period of outage or derating) affecting the transmission owner's service area.

(b) Each electric transmission system owner shall submit an identification of its transmission corridor needs, including maps and descriptions of existing or proposed corridors, that is consistent with its current transmission expansion plan, along with an identification of future corridor needs that have been identified beyond the timeframes of the current expansion plan up to 20 years in the future.

(c) For purposes of this section, the following definitions apply:

(1) Transmission constraint means a limitation on one or more components of the electric transmission system that may be reached during normal or contingency system operations.

(2) Transfer capability means the measure of the ability of interconnected electric systems to move or transfer power in a reliable manner from one area to another over transmission lines (or paths), consistent with any existing procedures developed by the Western Electricity Coordinating Council and the North American Electric Reliability Council.

(3) Transmission corridor means the geographic area necessary to accommodate the construction and operation of one or more high-voltage electric transmission lines.

(4) Transmission path means an individual transmission line or a set of parallel transmission lines that is between control areas, internal to a control area, or a combination of both.

1350. Exemptions.

(a) A small ~~electric~~ LSE or small gas utility need not comply with the ~~full CFM~~ reporting requirements identified in §§ 1343, 1344, 1345, 1347, 1348 and 1349 of this Article if it provides the information required by §1346. ~~if it notifies the Commission at least 60 days prior to the deadline. The Commission may by order:~~

~~(a) Exempt other utilities from these requirements; and~~

~~(b) Establish abbreviated reporting requirements for small utilities and others exempted from complying with the full CFM requirements.~~

(b) For purposes of this section, the following definitions apply:

(1) “Small LSE” means an LSE that has experienced a peak electricity demand of 200 MW or less in both of the two calendar years preceding the required filing date.

(2) “Small gas utility” means a gas utility that has delivered 50 billion cubic feet of natural gas or less to end use customers in both of the two calendar years preceding the required filing date.

§ 1351. Requests for Information.
[no changes]

CHAPTER 7. ADMINISTRATION

Article 2. Disclosure of Commission Records

§ 2501. Policy.
[no changes]

§ 2502. Scope.
[no changes]

§ 2503. Construction and Definitions.

(a)
[*no changes]*

(b) For purposes of this Article, the definitions in the California Public Records Act, the definitions in Section 1302 of Article 1 of Chapter 3, ~~the definitions in Section 1341 of Article 2 of Chapter 3,~~ and the following definitions shall apply:

(1) "private third party" means any person other than a federal, state, regional, or local governmental body or person under contract to such body except that for purposes of data submitted pursuant to Chapter 3 and Chapter 5 of this Division, a federal, state, regional, or local governmental body or person shall be deemed to be a private third party.

(2) – (7)
[no changes]

~~(8) "Large UDC" means any UDC that has experienced a peak demand of 1000 megawatts or more in the each of the two calendar years preceding the applicable filing date.~~

~~(9) "Small UDC" means any UDC not included in the definition of Large UDC.~~

~~(10) "Large LDC" means any LDC that has delivered 100 billion cubic feet of natural gas per year in each of the two calendar years preceding the applicable filing date.~~

~~(11) "Small LDC" means any LDC not included in the definition of Large LDC.~~

(~~12~~8) "Survey Response" means the answers to survey questions provided by persons or companies.

(~~13~~9) "Aggregated" means that data is summed, averaged, or otherwise combined to limit the risk of disclosure of confidential information.

(~~14~~10) "Freedom of Information Act" is contained at Title 5 United States Code Section 552.

§ 2504. Inspection and Copying.
[no changes]

§2505. Designation of Confidential Records.

(a) Third Parties.

(1) – (2)
[no changes]

(3) Executive Director's Determination.

(A) The Executive Director shall, after consulting with the Chief Counsel, determine if an application for confidential designation should be granted. An application shall be granted if the applicant makes a reasonable claim that the Public Records Act or other provision of law authorizes the Commission to keep the record confidential. The Executive Director's determination shall be in writing and shall be issued no later than thirty days after receipt of a complete application. The Executive Director or the Chief Counsel may, within fourteen days after receipt of an application for confidential designation, require the applicant to submit any information that is missing from the application. If the missing information is not submitted within fourteen days of receipt of the request by the Executive Director or Chief Counsel, the Executive Director may deny the application.

~~(B) An appeal of a decision to deny the application shall be filed within fourteen days of the Executive Director's decision, and the Commission shall issue a decision on the appeal within four weeks of the filing of the appeal.~~

(B) After an application is denied by the Executive Director, the applicant shall have fourteen days to request that the Commission prohibit the release of the information. If the applicant makes such a request, the Commission shall conduct a proceeding pursuant to the provisions of Section 2508.

(C) After an application ~~or appeal~~ has been denied, the information sought to be designated confidential shall not be available for inspection or copying for a period of fourteen days.

(4) Repeated Applications for Confidential Designation. If an applicant is seeking a confidential designation for information that is substantially similar to information that was previously deemed confidential by the Commission pursuant to Section 2508, or for which an application for confidential designation was granted by the Executive Director pursuant to subdivision (a)(3)(A) of this section, the new application need only contain a certification, pursuant to Section 2505(a)(1)(G) of this Article. That certification shall state that the information submitted is substantially similar to the previously submitted information and that all the facts and circumstances remain unchanged. An application meeting this criteria will be approved.

(5) Automatic Designation. Information submitted by a private third party shall be designated confidential without an application for confidentiality if the requirements of subsections (a)(5)(A) and (B) of this Section are met. Failure to meet these requirements shall result in the Executive Director returning the submittal to the entity.

(A) The entity submitting the information shall label each individual item of the submittal that is entitled to be designated confidential.

(B) The entity submitting the information shall attest under penalty of perjury, that the information submitted has not been previously released and that it falls within one of the following categories:

1. Information that is derived from energy consumption metering, energy load metering research projects, or energy surveys provided ~~by utilities, natural gas retailers, or electric service providers under~~ pursuant to Section 1343 or 1344 of Article 2 of Chapter 3, and that is one or more of the following:

a. for the residential customer sector and the commercial customer sector - customer identifiers, energy consumption, and any other information that could allow a third party to uniquely identify a specific respondent;

b. industrial major customer sector - all information;

c. survey design information - all information used to design a survey, stratify billing records, devise a sample scheme, select a sample, sample specific end-users for participation in a survey or a pre-test of a questionnaire or interview form.

2. Energy sales data provided ~~by utilities, natural gas retailers, or electric service providers, under~~ pursuant to Section 1306, ~~or~~ 1307, or 1308(c) of Article 1 of Chapter 3, if the data is at the greatest level of disaggregation required therein.

3. ~~Average commodity energy price data provided by utilities, natural gas retailers, or electric service providers, under pursuant to Section 1306 or 1307 of Article 1 of Chapter 3, if the data is at the greatest level of disaggregation required therein~~. Information submitted by each LSE that is not a UDC that consists of:

a. Load forecasts and supporting customer projections by UDC distribution service area submitted pursuant to subdivision (b) of Section 1345 of this Article.

b. Retail electricity price forecasts submitted pursuant to subdivision (a) of Section 1348 of this Article.

4. Fuel cost data provided for individual electric generators under Section 1304 and fuel price data provided pursuant to subdivision (d) of Section 1308 of Article 1 of Chapter 3.

5. Records of Native American graves, cemeteries, and sacred places maintained by the Native American Heritage Commission.

6. Electric power plant-specific hourly generation data.

7. Electric power plant name, nameplate capacity, voltage at which the power plant is interconnected with a UDC system or transmission grid, address where the power plant is physically located, power plant owner's full legal name and address or longitude and latitude, if power plant is privately owned and its identity as a power plant is not public knowledge, (e.g., backup generator or solar installation at residence or business) under Section 1304 of Article 1 of Chapter 3.

8. Information the release of which is prohibited pursuant to the Information Practices Act (Civil Code Section 1798 et seq.)

(6) Failure to request confidentiality at the time a record is submitted to the Commission does not waive the right to request confidentiality later; however, once a record has been released to the public, the record can no longer be deemed confidential. Although a record designated as confidential shall remain confidential during the application and appeal process, subject to the provisions of Section 2507(b) of this Article, the application itself is a public document and can be released.

(b) - (e) *unchanged*

§ 2506. Petition for Inspection or Copying of Confidential Records; Chief Counsel Decision.

(a) Form of Petition. A petition for inspection or copying of any confidential record shall be written, and shall be served on the Chief Counsel. It shall state the facts supporting a conclusion that the Commission should disclose the confidential record. If the request is for inspection or copying of records deemed confidential after a Commission decision issued pursuant to Section 2508, the petition shall identify new information that has become available or changed circumstances that have occurred that materially affected the previous determination.

(b) Delegation of Commission decision to the Chief Counsel

(1) The decision of the Commission on a petition for inspection or copying of confidential records is delegated to the Chief Counsel.

(2) If the petition is for inspection or copying of a record received from a private third party, a person under contract to the Commission, or another government agency, the Chief Counsel shall, within one day of service of the petition, provide both a copy of the petition to the person or entity that submitted the information and a written request for written approval of the release of the record. Any party not wishing to give permission for the record's release may supplement the initial application for confidential designation, if any, or provide any additional information within five working days of receipt of the request for permission. Failure to respond to the Chief Counsel's request to release the record shall not be deemed consent for release. Within five working days of receipt of a petition, the Chief Counsel shall provide the petitioner with a written justification for the confidential determination and a copy of the commission's regulations governing the disclosure of Commission records.

(3) The Chief Counsel shall issue a decision on the petition within ten days of its service on the Chief Counsel, unless unusual circumstances renders such a decision impossible, in which case the Commission will notify the petitioner of the need for an extension within ten days of the filing of the petition. Such extension shall not exceed ~~ten working~~ fourteen days.

(4) The Chief Counsel shall base his or her decision on whether the entity seeking to maintain the confidentiality of the record has met its burden of proof in demonstrating that confidentiality is warranted under the California Public Records Act.

(5) Any party may request that the full Commission reconsider the Chief's Counsel's decision, in which case, the Commission shall conduct a proceeding pursuant to the provisions of Section 2508. Any such request shall be filed within fourteen days of the issuance of the Chief Counsel's decision, during which time the records shall not be made available for inspection or copying ~~and shall be decided by the Commission within four weeks of the filing of the request~~.

(~~4~~6) *unchanged*

(c) *unchanged*
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§ 2507. Disclosure of Confidential Records.

(a) No confidential record shall be disclosed except as provided in this Section, ~~or~~ Section 2506, or Section 2508, unless disclosure is ordered by a court of competent jurisdiction.

(b) No record that is the subject of a pending ~~application or appeal shall be disclosed except as provided by this Section or Section 2506 and any request to copy or inspect a document that is this subject of appending application shall be subject to the requirements of Section 2506.~~ request for confidentiality pursuant to subdivision (a) of Section 2505, a pending petition for inspection or copying of confidential records pursuant to Section 2506, or a pending request pursuant to subdivision (e)(2) and (f)(2) of this section shall be disclosed except as provided except as provided in this section, unless disclosure is ordered by a court of competent jurisdiction.

(c) The Executive Director may disclose records ~~determined~~ previously designated as confidential ~~pursuant to Section 2505 or Section 2506~~ to:

(1) Commission employees whose Commission work requires inspection of the records;

(2) Persons under contract to the Commission whose work for the Commission requires inspection of the records and who agree in a contract to keep the records confidential; and

(3) Other governmental bodies and state-created private entities, such as the California Independent System Operator, that need the records to perform their official functions and that agree to keep the records confidential and to disclose the records only to those employees or contractors whose agency work requires inspection of the records.

(~~4~~d) The Executive Director may disclose data ~~Data~~ collected in association with customer surveys of the type described in Section 1343 of Article 2 of Chapter 3 and that are not masked or aggregated ~~may be disclosed~~ to the following entities:

(~~A~~1) Demand side management program administrators, funded through the Energy Efficiency Public Goods Charge (EEPGC) established in Public Utilities Code Section 381(c), which need the survey responses to perform their official functions and that agree to keep the records confidential and to disclose the records only to those employees, and contractors, who need that data for EEPGC program evaluation and planning.

(~~B~~2) Utilities that opt into collaborative surveys funded by the Commission, or that contribute funds for the implementation of a survey coordinated by the Commission, pursuant to Section 1343(~~e~~f) of Article 2 of Chapter 3, may have access to that portion of survey responses by customers included within their

service area provided they agree to keep the records confidential and to disclose the records only to those employees, and contractors, who need the data for distribution system planning.

~~(d) The Executive Director may release records designated as confidential if the information has been masked or aggregated to the point necessary to protect confidentiality. Information described in paragraphs (1)-(4) of this subsection is deemed masked or aggregated to the point necessary to protect confidentiality.~~

~~(1) Data provided pursuant to Sections 1306(a)(1) or 1307(a)(1) of Article 1 of Chapter 3 may be disclosed at the following levels of aggregation or higher:~~

~~(A) For individual gas retailers or electric service providers, data aggregated at the statewide level by major customer sector;~~

~~(B) For the sum of all natural gas retailers or electric service providers, (1) data aggregated at the county level by residential and non-residential groups and (2) data aggregated at the service area, planning area, or statewide levels by major customer sector;~~

~~(C) For small UDCs and small LDCs, data aggregated at the service area, planning area, or statewide level by customer sector;~~

~~(D) For large UDCs and large LDCs, (1) data aggregated at the county level by residential and non-residential groups and (2) data aggregated at the service area, planning area, or statewide level by customer sector;~~

~~(E) For the total sales of the sum of all electric retailers, or the total sales of the sum of all natural gas retailers, data aggregated at the county level by the economic industry groupings used by the California Employment Development Department in its June 2000 Current Employment Statistics survey county reports.~~

~~(F) For total consumption by end users (total sales by retailers plus energy generated or produced onsite) data aggregated at the county level by the economic industry groupings used by the California Employment Development Department in its June 2000 Current Employment Statistics survey county reports.~~

~~(2) Commodity energy price data provided pursuant to Sections 1306(a)(2) or 1307(a)(2) of Article 1 of Chapter 3 may be disclosed by major customer sector at the following levels of aggregation or higher:~~

~~(A) the sum of all non-utility retailers;~~

~~(B) the sum of utility retailers; and~~

~~(C) the sum of all retailers.~~

~~(3) Electric generator fuel cost data provided pursuant to Section 1304(a)(2)(C) and electric generator fuel price data computed from fuel cost and fuel use data reported pursuant to Section 1304(a)(2)(C), may be disclosed if aggregated by fuel type and gas service area or higher, and if the disclosure is made six months after the end of the month for which prices were reported.~~

~~(4) Data of the type described in Section 1343 of Chapter 3, Article 2 and collected in association with customer surveys that are begun after December 8, 2000, of this subsection (4) may be disclosed in the following manner:~~

~~(A) Residential customer sector and commercial customer sector survey responses from persons or companies may be released after name, address, and other respondent identifiers have been removed, and usage data and responses to specific survey questions that could allow a third party to uniquely identify a respondent have been masked;~~

~~(B) Industrial major customer sector responses from companies may not be released. Tabulations of industrial major customer sector survey data may be released only after the data has been aggregated to ensure that information about respondents will not be disclosed.~~

(e) The Executive Director may release records previously designated as confidential in either of the following circumstances:

(1) where the confidential information has been masked or aggregated as described below in subdivisions (A) – (D).

(A) Data provided pursuant to Section 1306(a)(1), 1306(b), Section 1307(a), and Section 1308(c)(1) of Article 1 of Chapter 3 may be disclosed at the following levels of aggregation or higher:

1. For an individual LSE for whom electricity is delivered by one or more UDCs, data for each LSE aggregated at the statewide level by year and major customer sector.

2. For an individual gas retailer for whom gas is delivered by one or more gas utilities, data for each gas retailer aggregated at the statewide level by year and major customer sector.

3. For the sum of all LSEs for whom electricity is delivered by one or more UDCs (1) data aggregated at the county level by residential and non-residential groups, and (2) data aggregated at the service area, planning area, or statewide level by major customer sector.

4. For the sum of all gas retailers for whom gas is delivered by gas utilities (1) data aggregated at the county level by residential and non-residential groups, and 2) data aggregated at the service area, planning area, or statewide level by major customer sector.

5. For a UDC with a peak load of less than 200 MW during both of the previous two years or a gas utility with deliveries of less than 50 billion cubic feet per year during both of the previous two years, data aggregated at the service area, planning area, or statewide level by major customer sector.

6. For a UDC with a peak load of 200 MW or more during both of the previous two years or a gas utility with deliveries of 50 billion cubic feet or less during both of the previous two years, (1) data aggregated at the county level by residential and non-residential groups, and (2) data aggregated at the service area, planning area, or statewide level by major customer sector.

7. For the total sales by county:

a. sum accounts, kWh, and revenue reported by all UDCs, aggregated at the county level by the economic industry groupings used by the California Employment Development Department in its September 2005 Current Employment Statistics survey county reports.

b. sum accounts, therms, and revenue reported by all gas utilities, aggregated at the county level by the economic industry groupings used by the California Employment Development Department in its September 2005 Current Employment Statistics survey county reports.

8. For total consumption by county:

a. sum electricity deliveries (kWh) reported by all UDCs and electric generation consumed on site (other than for plant use) reported by power plants, aggregated at the county level by the economic industry groupings used by the California Employment Development Department in its September 2005 Current Employment Statistics survey county reports.

b. the sum of natural gas deliveries (therms) as reported by all gas utilities, and natural gas that is produced and consumed on site as reported by gas retailers, with the sum

aggregated at the county level by the economic industry groupings used by the California Employment Development Department in its September 2005 Current Employment Statistics survey county reports.

(B) Commodity energy price that can be calculated using sales (kWh or therms) and revenue provided pursuant to Section 1306(b) or Section 1307(b) of Article 1 of Chapter 3 may be disclosed by major customer sector at the following levels of aggregation or higher:

1. The sum of all LSEs for whom electricity is delivered by UDCs.

2. The sum of all gas retailers for whom gas is delivered by gas utilities.

(C) Electric generator fuel cost data provided pursuant to Section 1304(a)(2)(C) and electric generator fuel price data computed from fuel cost and fuel use data reported pursuant to Section 1304(a)(2)(C), may be disclosed if aggregated by fuel type and gas service area or higher, and if the disclosure is made six months after the end of the month for which prices were reported.

(D) Data of the type described in Section 1343 of Chapter 3, Article 2 and collected in association with customer surveys that are begun after December 8, 2000, may be disclosed in the following manner:

1. Residential customer sector and commercial customer sector survey responses from persons or companies may be released after name, address, and other respondent identifiers have been removed, and usage data and responses to specific survey questions that could allow a third party to uniquely identify a respondent have been masked;

2. Industrial major customer sector responses from companies may not be released. Tabulations of industrial major customer sector survey data may be released only after the data has been aggregated to ensure that information about respondents will not be disclosed.

(2) where information designated as confidential that is other than that identified in subdivision (e)(1) above has been masked or aggregated to the point necessary to protect confidentiality. When the Executive Director plans to release masked or aggregated confidential data, he or she shall provide notice to the filer of the information, who may, within fourteen days, request that the Commission prohibit the release of the information. If the filer makes such a request, the Commission shall conduct a proceeding pursuant to the provisions of Section

2508, and the records sought to be designated confidential shall not be available for inspection or copying for a period of fourteen days.

(~~e~~f) The Executive Director may release records previously designated as confidential in either of the following circumstances:

(1) upon written permission by all entities who have the right to maintain the information as confidential; or

(2) under any other circumstance where the information is no longer entitled to confidential treatment. When the Executive Director plans to release such information, he or she shall provide notice to the filer of the information, who shall have fourteen days to request that the Commission prohibit the release of the information, during which time the records sought to be designated confidential shall not be available for inspection or copying. If the filer makes such a request, the Commission shall conduct a proceeding pursuant to the provisions of Section 2508 and the records sought to be maintained as confidential shall not be available except as provided in Section 2508. ~~In this case, the Executive Director shall provide notice of the Commission's intent to release the information to the entity who originally submitted the information. An appeal of the decision to release the information may be filed with the Commission within fourteen days of this notice. The Commission shall issue a decision on this appeal within four weeks of its filing.~~

~~(f) The Executive Director shall consult with the private third party to whom the confidential designation applies about disclosure under subsections (c) and (d) of this Section.~~

§ 2508. Commission Hearing on Confidentiality of Records.

(a) The Commission shall hold a hearing to determine the confidentiality of Commission records in response to a request pursuant to subdivision (a)(3)(B) of Section 2505, subdivision (b)(5) of Section 2506, or subdivisions (e) (2) or (f)(2) of Section 2507. The Commission may also hold a hearing to determine the confidentiality of Commission records on its own motion or on a motion by Commission staff.

(b) A Commission decision on the confidentiality of records pursuant to this section shall be based on whether the entity seeking to maintain the confidentiality of the record has met its burden of proof in demonstrating that confidentiality is warranted under the California Public Records Act.

(c) If the Commission has already held a hearing pursuant to this section to determine the confidentiality of a Commission record, it need not hold an additional hearing on the confidentiality of that record unless the entity seeking the additional hearing has

demonstrated that there is new information or changed circumstances that materially affects the Commission's previous determination.

(d) If the Commission determines, pursuant to this section, that a record is not entitled to confidentiality, the record that is the subject of the hearing shall not be available for inspection or copying for a period of fourteen days after such determination.