CALIFORNIA
ENERGY
COMMISSION

STAFF-PROPOSED CHANGES TO THE CALIFORNIA ENERGY COMMISSION'S REGULATIONS ON DATA COLLECTION AND RELATED MATTERS

STAFF REPORT

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Staff-Proposed Changes
to the
California Energy Commission's Regulations
On Data Collection and Related Matters

Introduction

This document includes staff'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 staff is proposing changes to the Energy Commission's regulations implementing the Public Records Act. (*See* Cal. Code Regs., tit. 20, § 2505(a)(5).)

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 Energy Policy Report Committee (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, § 2), SB 1037 (Stats. 2005, ch. 366, §§ 3, 4, 6), AB 380 (Stats. 2005, ch. 367, § 2), and the California Public Records Act (Gov. Code, § 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, § 25301.) As part of this process, the Energy Commission is to produce an Integrated Energy Policy Report every two years. (Pub. Resources Code, § 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, § 25320.) As part of this rulemaking, at the direction of the Committee, the staff has reviewed the existing data collection regulations and has developed proposed changes 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 1. RULES OF PRACTICE AND PROCEDURE (Regulations, Chapter 2)

Article 4. Complaints and Investigations

§ 1230. Scope.

No changes

§ 1231. Complaints and Requests for Investigation; Filing.

The changes proposed for this section correct typographical errors.

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.

The changes to this section would incorporate requirements that are imposed by the Administrative Procedure Act (APA), but which are not currently identified in our regulations. The Committee is also considering adding a section referencing the APA itself, so that it is clear that all APA administrative adjudication requirements apply to complaint proceedings. The changes also provide for Commission service by certified mail of the complaint or request, and allow the Commission to request a staff filing.

(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.

(c) 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(b)(2) within 7 days of service of the answer.

~~(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.

These revisions shorten the time for an answer.

(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.

§ 1234. Notice and Hearing.

This section consists of language moved out of section 1232, which should make the timelines clearer, and also provides shorter timelines for the hearing process.

(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(b) 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.

The changes to this section make it clear that no proposed decision is required.

~~(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.**~~

The language from this section is now found in new section 1236.5 below.

~~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.

The changes to this section make it clear that no proposed decision is required, and provide a timeline for the final 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 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.

This change makes it clear that the Commission has the discretion to grant or deny intervention status.

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 2. DATA COLLECTION
(Regulations, Chapter 3)

Article 1. Quarterly Fuel And Energy Reports

§ 1301. Title.

No changes

§ 1302. Rules of Construction and Definitions.

Proposed changes to this section would ensure that the Commission has appropriately identified those entities that are subject to reporting requirements under this Article. In addition, there are a number of "clean-up" changes, to bring the definitions up to date.

(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:

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

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

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

(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 Systems 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 revenue meter, or an active billed account, of an electric utility or a gas utility.

(7) “Customer Classification Code” means ~~SIC code before January 1, 2003 and~~ NAICS code and the following codes:~~beginning January 1, 2003.~~

(A) RE0000 for residential service;

(B) 925190 for streetlighting service;

(B) 221311 for water supply service; and

(D) 221312 for irrigation system service.

(8) ~~"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~~:

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

(B) commercial building customer sector: NAICS codes 115, 2331, 2372, 326212, 42, 44-45, 48841, 493, 512, 514, 516, 518, 519, 52-55, 561, 61, 62 (excluding 62191), 71, 72, 81 (excluding ~~81293~~ 81411), and 92 (excluding 92811);

(C) other commercial customer sector: NAICS codes 221 (excluding 22131) , 48, 49, 513, 515, 517, 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;~~

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

(E) other industry customer sector: NAICS codes 21 and 23 (excluding 22131, 2331, and 2372);

(F) agriculture customer sector: NAICS codes 111, 112, 113, and 114; water pumping customer sector: NAICS code 22131;

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

(H) unclassified customer sector: NAICS code 99.

(9) “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.

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

(11) “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.

(12) “Electric rate” means a rate schedule that is used by an electric retailer and is broadly available to a class of end-users.

(13) “Electricity sales” means the amount of electricity sold by an Electric Retailer to a customer.

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

(15) “~~Electric p~~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.

(16) ~~“Electric retailer”~~“Load-serving entity” or “LSE” means any company that (a) sells or provides 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.

(17) "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.

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

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

(20) “Firm capacity” means noninterruptible electric capacity received or delivered.

(21) “Firm energy” means noninterruptible electricity received or delivered.

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

(23) “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~~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.

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

(25) “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.

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

(27) “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.

(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 megawatts.

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

(31) “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.

(32) “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.

(33) “Liquefied natural gas” or “LNG” means imported natural gas which is cooled to a condensed, liquid state for purpose of delivery to, or storage or transportation by, an interstate or intratstate pipeline, or for direct sale to an end user.

(34) "LNG terminal" means all terminals located onshore or offshore California that are used to receive, unload, load, store, transport, gasify, liquefy, or process natural gas that is imported to California in a liquid state from a foreign country by waterborne vessel, but does not include:

(A) waterborne vessels used to deliver LNG to or from any such facility, or

(B) any pipeline or storage facility subject to the jurisdiction of the Federal Regulatory Commission under section 7 of the Natural Gas Act (15 U.S.C.A. § 717 et seq.)

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

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

(36) “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.

(37) “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 ~~assembly~~ industry customer sector, ~~process 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.

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

(39) “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.

(40) “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.

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

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

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

(44) “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~~ 2002 (Executive Office of the President, Office of Management and Budget, Washington, D.C.)

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

(46) “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.

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

(48) “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.

(49) “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.

(50) “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.

(51) ~~"Sector hourly demand"~~"Hourly sector data" means the hourly load or demand of customer sectors measured at customer meters. ~~Sector hourly demand~~ Hourly sector data 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.)~~

(52) "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.

(53) "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).

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

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

(56) "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.

This section has been slightly modified to apply requirements regarding the accuracy of customer classification coding to quarterly gas utility reports. In addition, two delegation provisions that have proven to be not useful have been eliminated.

(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~~ company subject to reporting requirements identified in Section 1304 –

1311 shall submit to the Commission all of the applicable data and reports listed in this Section and in Sections 1304-131~~0~~1, 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 1304-131~~0~~1, 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 1304-131~~0~~1, be required to contain data on a month-by-month or quarter-by-quarter basis.

(f) Extension of Deadlines Specified in Sections 1303-131~~0~~1. 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 1303-131~~0~~1. 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 - 131~~0~~1 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 - 131~~0~~1 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 1304-131~~0~~1 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 Sections1304-131~~0~~1; 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 1304-131~~0~~1, 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 1304-131~~0~~1 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.~~e.g., power plant owner, electric utility, ~~electric retailer~~LSE, UDC, 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), (b)(1)(A) ~~and~~,1307(a)(1)(A), and 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), or 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 an electric utility, LSE, gas utility, or gas retailer is not accurately classified by Customer Classification code, he or she may require the appropriate UDC or ~~LDC~~ gas utility to conduct an audit or comparable study to verify the accuracy of the Customer Classification coding of the data submitted to the Commission.

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

The proposed changes to these sections would require fuel use for electricity generation and steam generation to be specifically called out and would also require that the annual reporting requirements applicable to power plants between 1 – 10 MW include monthly data.

This is also the section in which the environmental data would be identified. The proposal includes: emission factors and pollution control device inventories for facilities 1 MW and greater, water supply and wastewater information for facilities 20 MW and greater, and information about habitat loss due to construction, operational effects on protected species, once-through cooling impacts, inventories of wildlife protection devices, and notices of violations related to environmental issues for power plants 1 MW and greater. A small amount of socio-economic data would be required for power plants 1 MW and greater.

(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~~ <u>an identification of the</u> 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. 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 annual 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, with the most recent fuel composition analysis and an estimate of the energy content of the fuel;

~~5~~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;

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

7. monthly sales to end users, classified by Customer Classification code, in megawatt hours.

(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, with the most recent fuel composition analysis and an estimate of the energy content of the fuel;

4. monthly fuel use, by fuel type, for useful thermal energy production and electricity generation of each cogenerator, and the gas price paid as an average monthly amount per thousand cubic feet of natural gas used;

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

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

7. monthly sales to end users, classified by Customer Classification code, in megawatt hours.

(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, with the most recent fuel composition analysis and an estimate of the energy content of the fuel;

4. monthly fuel use, by fuel type, for useful thermal energy production and electricity generation of each cogenerator, and the fuel price paid as an average monthly amount per thousand cubic feet of natural gas used;

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

6. monthly sales for resale, in megawatt hours;

7. monthly sales to end users, classified by Customer Classification code, in megawatt hours; and

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).~~

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

(A) Environmental information related to emissions.

1. Emissions Factors. Owners of power plants with a generating capacity of one megawatt and greater shall submit emission factors associated with each prime mover for oxides of nitrogen, oxides of sulfur, non-methane non-ethane volatile organic compounds, carbon monoxide, particulate mater that is less than 10 microns in diameter, particulate mater that is less than 2.5 microns in diameter and carbon dioxide in units of pounds of emission per million British thermal units of fuel burned. All emission factors must be based on the most recent source test available and include the source test reference method or, in the absence of a source test, must be based on the permitted limit or, in the absence of a permitted limit, be based on an identified, reasonably representative published general emission factor.

2. Inventory of pollution control devices. Owners of power plants with a generating capacity of one megawatt and greater shall identify the emissions-related pollution control devices installed on each prime mover.

3. For purposes of subdivision (a)(3)(A) of section 1302, the following definitions shall apply:

a. CO is carbon monoxide as defined by the California Code of Regulations, title 17, section 70100(h).

b. SO_2 is sulfur dioxide as defined by the California Code of Regulations, title 17, section 70100(i).

c. PM10 is particulate matter less than 10 microns in diameter as defined by the California Code of Regulations, title 17, section 70100(j).

d. PM2.5 is particulate mater less than 2.5 microns in diameter as defined by the California Code of Regulations, title 17, section 70100(k).

e. NO_2 is nitrogen dioxide as defined by the California Code of Regulations, title 17, section 70100(n).

f. VOC ***[staff is looking for a California definition for this.]***

g. CO_2 ***[staff is looking for a California definition for this.]***

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

1. Owners of power plants with a generating capacity of 20 megawatts and greater shall submit the following data on water supplies:

a. 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. If multiple water supply sources are used, provide the requested information for each water source;

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

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

d. 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); and

e. a description of the type of cooling technology being used for each existing prime mover within a power plant, even if the prime mover is not currently in operation. Provide the

year in which the cooling technology was installed. If hybrid cooling systems are used, provide the percentage attributed to wet-cooled and to dry-cooled technology.

2. Owners of power plants with a generating capacity of 20 megawatts and greater shall submit the following data on water and waste water discharges:

a. 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;

b. 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;

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

e. Provide the daily average and daily maximum waste water discharge volumes in gallons; and

f. copies of any reports, submitted to the State Water Resources Control Board, Regional Water Quality Control boards, or other water quality agency, that describe the physical and chemical characteristics of the source water or the wastewater discharge. Specifically, power plant owners should supply any data reports that were 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.

3. For the purposes of subdivision (a)(3)(B) of this section, the following definitions apply:

a. "water used" means the total water supplied to the power plant that was used on the premises during a given time period. Uses include creating process water, filling cooling towers, potable uses including faucets and toilets, and for occasional uses such as washing down equipment and dust control.

b. “cooling technology” means the mechanical system that is used to remove heat from the generation of electricity, excluding co-generation processes that may be located on-site.

(C) Environmental information related to biological resources.

(1) Owners of power plants constructed or expanded since 1966 and which have a generating capacity of one megawatt and greater shall submit the following information about the construction effects on wildlife habitats, and state and federally-listed wildlife and plant species:

a. a description of the terrestrial wildlife habitats and aquatic fish habitats affected by the construction or expansion of the power plant, using the vegetation classifications described in “A Guide to Wildlife Habitats of California”, 1988, edited by Kenneth E. Mayer and William F. Laudenslayer, Jr., California Department of Fish and Game, Sacramento, CA for terrestrial and aquatic habitats. For marine and estuarine habitats, use the classifications found in “Revision To Marine And Estuarine Habitats Of The California Wildlife Habitat Relationship System”, 2002, Kevin Shaffer, California Department of Fish and Game Sacramento, CA.

b. a description of the acres of habitat used by state and federally listed threatened and endangered species, State of California Special Status Species, and species protected by the Bald Eagle Protection Act, that have been affected by the construction or expansion of the power plant; and

c. the number of acres and name of endangered species habitat area affected by power plant construction or expansion, including, critical habitats designated pursuant to 7 U.S.C.A. § 136, 16 U.S.C.A. § 469 et seq. California Fish & G. Code § 2800 et seq.

2. Owners of power plants with a generating capacity of one megawatt or greater shall submit the following information about the effects of power plant operations on wildlife:

a. an annual report of mortality 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.

b. An annual report identifying the biomass (by weight) and species composition of aquatic organisms, fishes and marine mammals killed by impingement on the intake screens of each once-through cooling system;

c. a description of measures taken and devices installed to protect or reduce impacts to wildlife; and

d. a summary of notices of violation received related to environmental, public health or natural resource issues. The summary shall enumerate the notices of violation, including citation numbers and issuing agencies, and provide a brief description of each.

(D) Socioeconomic Information Related to Power Plant Operations. Every owner of a power plant with a generating capacity of one megawatt and greater shall submit the following community resource information on an annual basis: Description of employment, payroll, taxes, fees and transfer payments made related to electricity generation. For cogenerators, power plant owners shall provide reasonable estimates of staff resources and expenditures related to the production of electricity.

(b) Reports by UDCs. Each UDC shall report quarterly ~~semiannually~~ the following data for each ~~electric~~ power plant located in the UDC's electric service area. ~~Notwithstanding Section 1303(e), t~~The report shall be submitted on January 31, April 30, ~~and~~ July 31, and October 31 each year.

(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, demand side management, premium power, 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., Rule 21 interconnection agreement, net energy metering agreement, other); and

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

§ 1305. Control Area Operator Reports.

The proposed changes to this section would require quarterly submittals to include monthly data.

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) Annual Reports: hourly loads for all of the electricity consumption and losses in the control area.

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

The proposed changes to this section would require electric utilities to provide electric rate information and that reports be submitted quarterly.

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

(1) Electricity Sales~~.~~:

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

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

(C) monthly revenue, which is the total cost customers pay for electricity, including all charges detailed in the rate schedule used by the electric utility;

(D) The information provided in subdivisions (a)(1)(A), (a)(1)(B), and (a)(1)(C) above shall be ~~each~~ classified by county, month, electric rate, and customer classification code. ~~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.~~ An electronic file with a list of electric rates provided in (a)(1)(D) above, including the full name of the tariff for each electric rate.

(b) Quarterly LSE Reports. Each LSE that does not report pursuant to subdivision (a) of this section shall report quarterly the following:

(1) Electricity sales:

(A) monthly electricity sales expressed in kilowatt hours; and

(B) monthly number of customers.

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

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

(~~b~~c) ~~Annual~~ Quarterly UDC Reports. ~~to the Commission and to ESPs~~ Each UDC shall ~~annually~~ report quarterly 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:~~ Each UDC that provides distribution services for other LSEs shall report to the Commission:

(A) name of ~~the ESP~~ each LSE;

(B) business address of ~~the UDC~~each LSE; and

(C) sales of electricity, expressed in megawatt hours, ~~to customers~~ by each LSE in the UDC's service area.~~; and~~

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

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

The changes to this section are designed to limit reporting to gas retailers that are not required to report under Section 1308 (c). In addition, the requirement for quarterly price estimates is changed to require monthly estimates provided quarterly.

(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 customer classification code.

(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~~ Gas Utility Reports to the Commission and to Gas Retailers. Each ~~LDC~~ Gas Utility 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:

(A) name of the gas retailer;

(B) business address of the gas retailer; and

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

§ 1308. Quarterly Gas Utility Reports.

Changes to this section would require quarterly reporting of monthly deliveries, classified by number of customers, revenue and volume for 8 different market segments.

~~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) of Section 1308, sales and transport shall be expressed in dollars 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.~~

§ 1309. Quarterly Reports: Interstate Natural Gas Pipeline Company and Liquefied Natural Gas Terminal Reports.

This change would add LNG facilities and to require monthly rather than annual reporting.

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

(a) ~~Natural Gas Receipts.~~ Each interstate natural gas 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~~MMBtu; 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) Liquefied Natural Gas regasification facility, identified by name, ownership, with the country of origin of the LNG identified; and

(~~6~~7) Other (designate)

(b) ~~Natural Gas Deliveries to California Customers~~ Each interstate natural gas 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:

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

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

(c) ~~Natural Gas Deliveries to Interstate Pipelines and Gas Utilities.~~Each interstate natural gas 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~~MMBtu, 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)

(d) Each owner of a Liquefied Natural Gas terminal located offshore or onshore California shall report for each month during the previous quarter:

(1) the aggregate monthly quantity of Liquefied Natural Gas received at the terminal, the number of shipments received at the terminal (by date), the country of origin for each shipment, the quantity of Liquefied Natural Gas received in each shipment (expressed as cubic meters, barrels, or MMBtu equivalent), the heat content of Liquefied Natural Gas received in each shipment (expressed in therms per cubic foot or MMBtu per cubic foot, and the Wobbie number (the quotient of the saturated Btu value divided by the square root of the specific gravity of the gas) of Liquefied Natural Gas received in each shipment;

(2) the average day and peak day inventory of Liquefied Natural Gas received at the terminal and maintained in storage (expressed as cubic meters, barrels, or MMBtu equivalent);

(3) the average and peak day delivery from the terminal of regasified Liquefied Natural Gas, by customer (expressed in thousand cubic feet or MMBtu); and

(4) the average thermal content of regasified Liquefied Natural Gas delivered from the terminal (expressed in therms per cubic foot).

§ 1310. Natural Gas Processor and LNG Terminal Reports.

Staff proposes to add LNG facilities and the reporting of methane.

Each natural gas processor and each owner of a Liquefied Natural Gas terminal 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.

This section would allow us to collect the energy efficiency program data required by SB 1037.

Beginning in 2008, and every year thereafter, each local publicly-owned utility shall report no later than September 15 to the Commission its annual investments in energy efficiency and demand response 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) the cost-effectiveness of each program, using the total resource cost test as identified in the *California Standard Practice Manual: Economic Analysis of Demand Side Programs and Projects*, October, 2001.

(b) for gas 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 demand savings in therms by program category; and

(4) the cost-effectiveness of each program, using the total resource cost test as identified in the *California Standard Practice Manual: Economic Analysis of Demand Side Programs and Projects*, October, 2001.

Article 2. Forecast And Assessment Of Energy Loads And Resources

~~§ 1340. Scope.~~

This section is deleted, as the description of who files is included in each of the regulations identifying specific reporting requirements.

~~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 specific definitions in this section are deleted, as the description of who files is included in each of the regulations identifying specific reporting requirements.

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 Survey and Load Metering Reports.

The changes to this section would delete the reporting data for biennial reports (there are none), and would specify that information needs to be provided to the Commission itself, not an office within the Commission.

(a) Reports Must Be Submitted. Each company subject to reporting requirements identified in Sections 1343 - 1351 ~~owner of an electric utility or gas utility~~ shall conduct the applicable plans and surveys, and shall submit to the Commission the applicable data, as set forth in this Section as well as Sections 1343 through 134~~8~~51.

(b) Forms and Instructions. The data shall be submitted according to instructions for forms specified by the Executive Director, unless other wised 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 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 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 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 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 30days 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 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 grating of the application.

(i~~h~~) Information Required in All Reports. Each report required by 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 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.

(k~~j~~) Techniques Required; Replicable Results. All data submitted under 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.

The change to this section would delete a reference to SIC codes, as NAICS codes are now used exclusively. In addition, modifications reflect the changes in who is responsible for making various filings.

(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 is required to perform under this Section, the utility must complete and submit to the Commission a plan for conducting the survey that is consistent with subsections (a) through (d) of this Section. This plan is due one year before survey data is due under subsection (c) 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, Article 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 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 shall notify the Commission in writing before those changes are implemented. If the Commission objects to the changes, it shall notify the utility 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 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). 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 shall provide to the Commission all data required by subsection(b), 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 shall submit, within six months after the residential sector survey data are due under subsection (c), 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 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) through (d) of this Section, a utility 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 in the amount determined by the Commission to be reasonably necessary to fulfill the data collection objectives of this Section; and

(B) will require participating utilities 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 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 shall be in compliance with the corresponding elements of subsections (a) through (d) of this Section for the customer sector identified by the Commission if it meets the following conditions:

(A) the utility 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 shall agree to comply with the Commission's participation requirements;

(B) the utility 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 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 request to use the compliance option within 30 days of its submission.

§ 1344. Load Metering Reports.

The changes proposed for this section: (1) expand the reporting of hourly system loads to include LSEs of 50 MW and above, and move up the due date, (2) eliminate the reporting of estimated sector peaks, and (3) require transmission system owners to provide historic hourly loads for major transmission subareas.

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

(a) Annual ~~System~~ Retail 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 in accordance with the following:

(1) Hourly system load data and analyses shall be developed and compiled from actual load metering, and 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 shall be submitted in two alternative formats: (1) loads at the customer meter for the composite of all customers for whom the LSE supplies electricity, and (2) format (1) expanded to include hourly distribution losses for each hour.

(b) Annual Distribution 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 and 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 alternative 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.~~

(c) Annual Electric Transmission System Load Data by hour and subarea. Beginning June 1, 2007, and every year thereafter, each Electric Transmission System Owner

shall submit its annual system load data by subarea 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;

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

(5) Definition***: staff is investigating several options for defining "subarea"; we welcome any comments or suggestions on this particular issue***.

§ 1345. Demand Forecasts.

These revisions would add more specificity about what is required, including identifying hourly loads, and departing load assumptions.

Each LSE ~~electric~~ or gas utility shall submit its 20-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 LSE or gas utility service area and, if different, the area for which the LSE or gas utility forecasts demand;

(b) 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 or gas utilities;

(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~~ LSEs forecasting energy, hourly loads, and peak demand~~,~~;

(2) Gas utilities forecasting annual and monthly energy demand and annual peak demand~~,~~; and

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

~~(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 LSE or gas utility and those proposed for future implementation; and

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

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

§1346. Electricity Resource Adequacy.

This is a new section that would be used to collect information from LSEs to assess resource adequacy by examining the availability of short-term contractual supplies.

Beginning in 2008, each LSE shall 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 for the four years following the year that the information is submitted. This information shall be provided to the Commission no more frequently than annually on September 30, and shall include, but is not limited to, the following:

(a) monthly energy and peak load forecasts;

(b) generation capacity owned, under the control of, or otherwise available to the LSE to meet monthly peak loads;

(c) estimated monthly capacity savings and adjustments to peak load forecasts that are expected from interruptible load programs, price-sensitive demand response programs, and distributed generation;

(d) the physical location (control area) of the generation capacity identified in subdivision (b) of this section;

(e) energy to which the LSE is entitled to under contract at the time of the LSE's peak load that is not unit-contingent, and the delivery point(s) for such energy;

(f) 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;

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

(h) 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:

> (1) terms of existing tariffs and agreements that identify the specific nature of resource adequacy requirements that an LSE must satisfy;
>
> (2) 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; and
>
> (3) 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.

§ 1347. Resource Plans.

These revisions would require more detailed information about electricity supply and costs, the criteria used to develop resource plans, and would move the transmission information into a new section (1349).

Each Load Serving Entity and electric utility 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 purchase costs, construction, ~~and~~ operation, and maintenance costs, fuel sources and costs, electric generator operating characteristics, including heat rate, ramp rate, and 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~~c) Description of capacity and energy achievable through improved system operating efficiency; and

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

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

§ 1348. Pricing and Financial Information.

These proposed changes would require forecasts of both wholesale and retail prices, as well as historical financial variables.

Each ~~electric~~ Load Serving Entity and gas utility shall submit, according to forms and instructions adopted by the Commission, a forecast of wholesale and retail energy prices which corresponds correspond to the LSE and gas utility's demand forecast and resource plan. Each ~~electric utility~~ LSE shall also submit ~~a~~ historical and forecasted ~~of utility~~ financial variables consistent with the forecast and plan.

§ 1349. Electric Transmission System Plan and Corridor Information.

This proposal would allow the Commission to collect more detailed transmission system 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 or construction that could temporarily reduce transfer capabilities into 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) Identification and discussion of maintenance or construction schedules that could impact transfer capabilities within the transmission owners' 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.

The changes to this section qualify the availability of the exemption, in light of our mandate to assess resource adequacy.

An ~~small electric or gas utility~~ LSE that has experienced a peak electricity demand of 100 MW or more in both the two calendar years preceding the required data filing date, or a 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 need not comply with the full~~CFM~~ reporting requirements of Section 1345, 1347 or 1348 if it notifies the Commission at least 60 days prior to the deadline. The Commission may by order:

(a) Exempt other LSEs and gas utilities from these requirements; and

(b) Establish abbreviated reporting requirements for ~~small~~ LSEs and gas utilities ~~and others~~ exempted from complying with the full ~~CFM~~ requirements of Section 1345, 1347, or 1348.

§ 1351. Requests for Information.

No changes

CHAPTER 3. ADMINISTRATION
(Regulations, Chapter 7)

Article 2. Disclosure of Commission Records

Amendments to this section address the standard of review for confidentiality determinations. The changes would establish that the anytime the Commission addresses a confidentiality claim, it would determine whether the applicant had met its burden of proof to establish confidentiality under the PRA. The Commission believes that use of this standard is required by the PRA itself. In

addition, the changes state that a PRA request for data already deemed confidential after a Commission confidentiality hearing stay confidential unless the filer demonstrates changed circumstances or that even with due diligence, he or she was deprived of notice.

§ 2501. Policy.

unchanged

§ 2502. Scope.

unchanged

§ 2503. Construction and Definitions.

(a) *unchanged*

(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 or organization other than a federal, state, regional, or local governmental body or person under contract to such body.

(3) – (14) *unchanged*

§ 2504. Inspection and Copying.

unchanged

§ 2505. Designation of Confidential Records.

(a) Third Parties.

(1) *unchanged*

(2) *unchanged*

(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 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 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.

4. Fuel cost data provided for individual electric generators under Section 1304 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.

(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 include a statement signed by petitioner under penalty of perjury that since the time of that decision, new information has become available or changed circumstances have occurred that materially affected the previous determination. The information or changed circumstances shall be specifically identified in the Petition.

(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~~, and shall be decided by the Commission within four weeks of the filing of the request~~.

(6) Records that are the subject of a Chief Counsel's decision to grant a petition for inspection or copying of records shall not be available for inspection or copying for a period of fourteen days from the date of the decision to grant the petition.

(4~~7~~) *unchanged*

(c) *unchanged*

§ 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) 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) and (a)(2), Section 1307(a)(1), 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 aggregated at the statewide level by major customer sector.

2. For an individual gas retailer for whom gas is delivered by one or more UDCs, data aggregated at the statewide level by 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 100 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 100 billion cubic feet or more 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 of the sum of all LSEs or the total sales of the sum of all natural gas utilities and gas retailers, data 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 end users (total sales by LSES or utilities and gas 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 December 2005 Current Employment Statistics survey county reports.

(B) Commodity energy price data provided pursuant to Section 1306(b)(2) or Section 1307(a)(2) 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, of this subsection (4) 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. If the filer makes such a request, the Commission shall conduct a proceeding pursuant to the provisions of Section 2508. After a petition has been denied, the records sought to be designated confidential shall not be available for inspection or copying for a period of fourteen days. ~~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) On its own motion, a motion by Commission staff, or 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 hold a hearing to determine the confidentiality of Commission records.

(b) A Commission decision on the confidentiality of records 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 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.