

STATE OF CALIFORNIA

**STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION**

IN THE MATTER OF:

ENERGY DATA COLLECTION - PHASE 2

Docket No. 18-OIR-01

[PROPOSED] RESOLUTION
ADOPTING REGULATIONS

WHEREAS, on June 17, 2021, the State Energy Resources Conservation and Development Commission (“California Energy Commission” or CEC) mailed and posted on the CEC’s website a Notice of Proposed Action (NOPA) formally notifying the public of the CEC’s intent to adopt proposed regulations for the Energy Data Collection – Phase 2 rulemaking, the Express Terms of the proposed regulations, an Initial Statement of Reasons (ISOR) describing the rationale for the proposal, and the fiscal and economic impact analysis; and

WHEREAS, on June 18, 2021, the NOPA was published in the California Regulatory Notice Register, delivered to the Secretary of the California Natural Resources Agency, and mailed to a representative number of small business enterprises or their representatives that are likely to be affected by the proposed action; and

WHEREAS, each of these documents and notices was provided to every person on the CEC’s Energy Data list serve, the CEC’s Rulemaking list serve, and to every person who had requested notice of such matters, and was posted to the Commission’s website; and

WHEREAS, on August 2, 2021, the 45-day written comment period established by the NOPA closed; and

WHEREAS, on August 6, 2021, the Lead Commissioner for the rulemaking held a public hearing, as noticed in the NOPA, to receive oral comments on the proposed regulations; and

WHEREAS, on October 1, 2021, the CEC provided notice designating October 13, 2021 as the date for the hearing to consider adoption of the proposed amendments; and

WHEREAS, on October 13, 2021, the CEC held a public hearing to consider adoption of the regulations and did so adopt the regulations.

THEREFORE, THE CALIFORNIA ENERGY COMMISSION FINDS:

With regard to the California Environmental Quality Act:

- The CEC has considered the application of the California Environmental Quality Act (CEQA) to the proposed regulations and concluded that the proposed regulations do not meet the definition of a “project” under Public Resources Code section 21065 because they are not an activity that is capable of causing a direct or reasonably foreseeable indirect physical change in the environment.

With regard to the Administrative Procedure Act:

- The proposed regulations will not result in the creation of new businesses or elimination of existing businesses, will not result in the expansion of businesses currently doing business in California, and will not result in a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states; and
- The proposed regulations will impose no direct costs or savings, or direct or indirect requirements or mandates, on state agencies, local agencies, or school districts, including but not limited to costs that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code; and
- The proposed regulations will not result in the creation or elimination of jobs within California; and
- The proposed regulations will result in no costs or savings in federal funding to the State of California; and
- The proposed regulations will result in marginal costs to the CEC for implementation, but no costs or savings to any other state agency; and
- The proposed regulations will result in no nondiscretionary costs or savings to local agencies or school districts; and
- The proposed regulations will have no impact on housing costs; and
- The proposed regulations will result in no cost impacts to representative private persons or businesses in reasonable compliance with the regulations; and
- The proposed regulations will not adversely impact the health and welfare of California residents, worker safety, or the state’s environment; and

- The proposed regulations have no alternatives that would be more effective in carrying out the purposes of the statutes for which it is proposed, that would be as effective and less burdensome to affected private persons in carrying out those purposes, or that would be more cost effective to affected private persons and equally effective in implementing those purposes; and
- The proposed regulations will not have a significant adverse economic impact on small business and no alternatives were proposed that would lessen any adverse economic impact on small business; and
- The proposed regulations will require new reports, and that minimal additional information be added to existing reports, that are required to be submitted to the CEC. It is necessary for the health, safety, and welfare of the people of the state that these regulations apply to business. It is also necessary for the CEC to have a detailed understanding of energy supply and demand as the state undertakes its aggressive decarbonization goals; and
- None of the comments received during the comment period, at the public hearing, or at the public adoption hearing, and nothing else in the record, justify any changes to the proposed regulations as published on June 17, 2021.

THEREFORE BE IT RESOLVED, additionally, after considering all comments received and the staff's responses, and based on the entire record of this proceeding, the CEC hereby adopts the Energy Data Collection – Phase 2 regulations, as set forth in the express terms that were published on June 17, 2021.

The CEC takes this action under the authority of Sections 25213, 25218(e), and 25320 of the Public Resources Code, which mandate and authorize that the CEC adopt rules and regulations, as necessary, to manage a data collection system for obtaining information necessary to develop the policy reports and analysis required by statute.

FURTHER BE IT RESOLVED, that documents and other materials that constitute the rulemaking record can be found at the Warren-Alquist State Energy Building, 715 P Street, Sacramento, California, 95814 in the custody of the Docket Unit and online at <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=18-OIR-01>; and

FURTHER BE IT RESOLVED, the CEC delegates the authority and directs CEC staff to take, on behalf of the CEC, all actions reasonably necessary to have the proposed regulations go into effect, including but not limited to making any appropriate nonsubstantive or nonsubstantial changes to the regulations; preparing all appropriate documents, such as the Final Statement of Reasons; compiling and submitting the rulemaking file to the Office of Administrative Law (OAL); and making any changes to the rulemaking file required by OAL.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on October 13, 2021.

AYE:

NAY:

ABSENT:

ABSTAIN:

Original Signed by:

Liza Lopez
Secretariat
California Energy Commission

TITLE 20. PUBLIC UTILITIES AND ENERGY
DIVISION 2. STATE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION

CHAPTER 3. DATA COLLECTION

ARTICLES 1, 2, 3, 4

AND

CHAPTER 7. ADMINISTRATION

ARTICLE 2. DISCLOSURE OF CONFIDENTIAL RECORDS

EXPRESS TERMS:

Chapter 3. Data Collection

Article 1. Quarterly Fuel and Energy Reports

§ 1301. Title. No Changes

§ 1302. Rules of Construction and Definitions.

(a) Rules of Construction.

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

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

- (1) “Base gas” means the volume of gas needed to maintain adequate reservoir pressures and deliverability rates throughout the withdrawal season. Base gas usually is not withdrawn, and remains in the reservoir.
- ~~(1)~~(2) “California offshore lands” means all lands under California state jurisdiction pursuant to subdivision (a)(2) of 43 U.S.C. Section 1301.
- ~~(2)~~(3) “Cogenerator” means a power plant that produces (1) electricity; and (2) useful thermal output for industrial, commercial, heating, or cooling purposes.
- (4) “Community Choice Aggregator or “CCA” has the meaning set forth in Public Utilities Code section 331.1.

~~(3)~~(5) “Company” means any person, firm, association, organization, partnership, business trust, corporation, or public entity, or any subsidiary, parent, affiliate, department, or agency thereof.

~~(4)~~(6) “Control area” means an electric system or systems, bounded by interconnection metering and telemetry, capable of controlling generation to maintain its interchange schedule with other Control Areas and contributing to frequency regulation of the Western Electricity Coordinating Council.

(7) “Control Area Operator” means the entity responsible for the operation of a control area. Also referred to as a Balancing Authority.

~~(5)~~(8) “Core customer” means a natural gas customer that consumes less than 20,800 therms of natural gas per month.

~~(6)~~(9) “Customer” means an active billed account, of a UDC, an LSE, or a gas utility.

(A) “Bundled customer” means an end-user who receives generation services from the same LSE from which it receives distribution services.

(B) “Unbundled customer” means an end-user who receives generation services from one LSE and distribution services from a UDC that is a separate entity from that LSE.

~~(7)~~(10) “Customer Classification Code” means NAICS codes and the following codes:

(A) RE0000 for residential service;

(B) 925190 for streetlighting service;

~~(B)~~(C) 221311 for water supply service;

(D) 221312 for irrigation system service; and

(E) 999999 for unclassified service.

~~(8)~~(11) “Customer sector” means the following:

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

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

(C) other commercial customer sector: NAICS codes 221 (excluding 22131), 48 (excluding 48841), 49 (excluding 493), 515, 517, 562, 62191, and 92811;

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

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

(F) agriculture customer sector: NAICS codes 111, 112, 113 (excluding 11331), and 114;

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

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

~~(9)~~(12) “Customer group” means the following:

- (A) residential: customers consuming electricity for residential purposes;
- (B) commercial: customers consuming electricity for commercial purposes;
- (C) industrial: customers consuming electricity for industrial purposes; and
- (D) other: customers consuming electricity for other purposes.

~~(40)~~(13) “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.

~~(41)~~(14) “Distribution service” means those services provided by a UDC when it constructs, maintains, and utilizes power lines and substations to transmit electrical energy within its distribution service area to end-users.

~~(42)~~(15) “Distribution service area” or “UDC service area” means the geographic area where a UDC distributes, or has distributed during an applicable reporting period, electricity to consumers.

~~(43)~~(16) “EIA” means the Energy Information Administration of the United States Department of Energy.

~~(44)~~(17) “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.

(18) “Electric Service Provider” or “ESP” has the meaning set forth in Public Utilities Code section 394.

~~(45)~~(19) “Electric transmission system owner” means an entity, or where there is more than one owner, the majority of plurality owners or the managing partner, that owns an interconnected group of lines and associated equipment for the movement or transfer of electric energy between points of supply and points at which it is transformed for delivery to customers or is delivered to other electric systems.

~~(46)~~(20) “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.

~~(47)~~(21) “End user” means any company that consumes electricity or natural gas for its own use and not for resale.

~~(48)~~(22) “Energy storage system” means commercially available technology that is capable of absorbing energy, storing, and dispatching the energy.

- ~~(19)~~(23) “Executive Director” means the Executive Director of the Commission, or his or her designee.
- ~~(20)~~(24) “Fuel cost” means the delivered cost of fuel consumed by an electric generator, expressed in dollars.
- ~~(21)~~(25) “Fuel use” means the amount of fuel, expressed in both physical units such as cubic foot, barrel, or ton, and in heat content such as Btus, used for gross generation, or for any other purpose related to the operation of an electric generator including without limitation providing spinning reserve, start-up, or flame stabilization.
- ~~(22)~~(26) “Gas processor” means any company that extracts, in California, natural gas liquids from natural gas produced from California reservoirs.
- ~~(23)~~(27) “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.
- ~~(24)~~(28) “Gas service area” means the geographic area where a gas utility distributes, or has distributed during an applicable reporting period, natural gas to customers.
- ~~(25)~~(29) “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.
- ~~(26)~~(30) “Generation service” means those services provided by an LSE when it procures electrical energy for consumption by its end-user customers.
- ~~(27)~~(31) “Gross generation” means the total amount of electricity produced by an electric generator.
- ~~(28)~~(32) “Hourly demand” means demand integrated over a single clock hour, measured in megawatt hours.
- ~~(29)~~(33) “Hourly load” means the chronological sequence of hourly demands for a specified subset of, or for all customers of, an LSE for a specified interval of time.
- ~~(30)~~(34) “Hourly sector load” means the hourly load of customer sectors measured at customer meters. Hourly sector data does not include losses.
- ~~(31)~~(35) “Hourly system load” means the hourly load of a UDC or a control area, measured at power plants and at interconnections. Hourly system load includes losses.
- ~~(36)~~ “Hub height” means the height above ground surface (in meters) of the center of the wind turbine hub.
- ~~(37)~~ “Injections” means the volume of gas injected into the underground gas storage project each day.

- ~~(32)~~(38) "Interchange" means electric power or energy that flows from one control area to another control area.
- ~~(33)~~(39) "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.
- ~~(34)~~(40) "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.
- ~~(35)~~(41) "Interval meter" means any energy meter capable of collecting and transmitting demand data at intervals of an hour or less.
- ~~(36)~~(42) "Interval meter data" means demand data collected and transmitted by interval meter.
- ~~(37)~~(43) "Load-serving entity" or "LSE" means any company that (a) sells or provides electricity to end users located in California, or (b) generates electricity at one site and consumes electricity at another site that is in California and that is owned or controlled by the company. LSE does not include the owner or operator of a cogenerator.
- ~~(38)~~(44) "Local publicly-owned electric utility" or "local publicly owned electric utility" has the same definition as provided in Public Utilities Code section ~~9604~~224.3.
- ~~(39)~~(45) "Losses" means electricity that is lost, primarily as waste heat, as a natural part of the process of transmitting electricity from power plants to end-users.
- ~~(40)~~(46) "Major customer sector" means the following:
- (A) "residential major customer sector," which means residential customer sector;
 - (B) "commercial major customer sector," which means commercial building customer sector;
 - (C) "industrial major customer sector", which means the sum of industry customer sector, and other industry customer sector; and
 - (D) "other major customer sector", which means the sum of agriculture customer sector, other commercial customer sector, street lighting customer sector, and water pumping customer sector.
- ~~(41)~~(47) "Meter identification number" means the unique number assigned by a utility to an individual meter for purposes of tracking demand and providing billing services.
- ~~(42)~~(48) "Monthly system peak demand" means the highest system hourly demand in a calendar month.
- ~~(43)~~(49) "Nameplate capacity" means the full-load continuous rating of an electric generator or a power plant under specific conditions as designated by the manufacturer.

- ~~(44)~~(50) "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.
- ~~(45)~~(51) "Natural gas sales" means the amount of natural gas sold by a Gas Retailer to a customer.
- ~~(46)~~(52) "Net generation" means gross generation less plant use by an electric generator for auxiliary equipment.
- ~~(47)~~(53) "Noncore customer" means a natural gas customer that is not a core customer.
- ~~(48)~~(54) "North American Industry Classification System" or "NAICS" means the system of classification for business establishments set forth in the most recent version of the North American Industry Classification System United States Manual (Executive Office of the President, Office of Management and Budget, Washington, D.C.), and as revised thereafter in the Federal Register.
- ~~(49)~~(55) "NAICS Code" means the applicable 6-digit (unless otherwise specified) code in the NAICS for the entity being classified.
- ~~(50)~~(56) "Outer continental shelf" means all submerged lands lying seaward and outside of the area of lands beneath navigable waters, as defined in 43 U.S.C. Section 1301, and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.
- ~~(51)~~(57) "Peak demand" means the highest integrated net energy for load within a certain period (e.g., in a month, a season, or a year).
- (A) For a UDC, peak demand is the sum of all net energy for load, within a specific operating hour, for all LSEs providing generation services within a UDC's service area.
- (B) For each LSE, peak demand is the sum of all net energy for load, including assignable losses, within a specific operating hour for the specific customers to which the LSE provides generation services.
- (C) "Net energy for load" means generation energy injected into a specific electrical system, plus energy received from other systems less energy delivered to other systems through interchange. It includes losses, but excludes energy required to operate storage facilities or plant use by a generator.
- ~~(52)~~(58) "Person" means an individual human being.
- ~~(53)~~(59) "Plant use" means the electricity used in the operation of an electric generator, or the electricity used for pumping at pumped storage power plants. Plant use is also known as station use.
- ~~(54)~~(60) "Power plant" means a plant located in California or a California control area that contains one or more prime movers, or one or more electric generators, and appropriate auxiliary equipment.

- ~~(55)~~(61) "Power plant owner" means any company that owns a power plant, or, where there is more than one owner, the majority or plurality owner or the managing partner.
- ~~(56)~~(62) "Premise identification number" means the unique identification number assigned by a utility to a collection of buildings and/or meters serving an individual customer at a contiguous location.
- ~~(57)~~(63) "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.
- ~~(58)~~(64) "PV" means flat-plate non-concentrating photovoltaic modules.
- ~~(59)~~(65) "Rate schedule" means the alphanumeric designation for the utility service customer agreement including all service rates and charges and all classifications, practices, rules, or regulations which in any manner affect or relate to the utility services, rates, and charges.
- (66) "Rated wind speed" means the wind speed in meters per second (m/s) that applies to the rating of the nameplate capacity.
- (67) "Rotor area" means the rotor swept area in square meters for each turbine model.
- ~~(60)~~(68) "Secure electronic method" means any method of data transmission that uses end-to-end encryption such that information is encrypted at its origin and decrypted at its intended destination without intermediate decryption.
- ~~(61)~~(69) "Service account number" means the unique identification number assigned by a utility to an account to track demand and provide billing services.
- ~~(62)~~(70) "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.
- ~~(63)~~(71) "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 and 1342.
- ~~(64)~~(72) "Therm" means a unit of heat equal to 100,000 British thermal units (1.054 x 10⁸ joules).
- ~~(65)~~(73) "Tolling Agreement" means a contractual arrangement whereby the buyer of electricity agrees to provide specified amounts of natural gas to a power plant for conversion to specified amounts of electric energy over a specified period of time.
- (74) "Underground gas storage project" means a project for the injection and withdrawal of natural gas into an underground reservoir for the purpose of storage.

An underground gas storage project includes the reservoir used for storage, the confining strata, gas storage wells, observation wells, and any other wells approved for use in the project. An underground gas storage project also includes the wellheads and, to the extent that they are subject to regulation by the Division of Geologic Energy Management, attendant facilities, and other appurtenances.

~~(66)~~(75) "Useful thermal output" means the thermal energy made available in a cogeneration system for use in any industrial or commercial process, heating or cooling application, or delivered to other end users, i.e., total thermal energy made available for processes and applications other than electrical generation.

~~(67)~~(76) "Utility distribution company" or "UDC" means an electric utility, or a business unit of an electric utility, that distributes electricity to customers.

~~(68)~~(77) "Waste heat" means the thermal energy produced during electrical generation but not utilized for a useful purpose as defined in "useful thermal output," i.e., the total heat content of the fuel used to generate electricity minus the energy content of the useful thermal output and electricity production.

(78) "Wind turbine" means an electric generator driven by wind power.

(79) "Wind turbine group" means a group of wind turbines within one wind power plant of the same manufacturer, model, rotor area, hub height, and capacity.

(80) "Withdrawals" means the volume of gas withdrawn from the underground gas storage project each day.

(81) "Working gas" means the volume of daily natural gas in an underground gas storage project available to be withdrawn, not including base gas.

(82) "Working gas capacity" means the total storage capacity of the underground gas storage project minus base gas.

Note: Authority cited: Sections 25213, 25218(e) and 25320, Public Resources Code. Reference: Sections 25005.5, 25100-25141, 25216, 25216.5, 25300, 25301, 25302, 25302.5, 25303, 25305, 25305.1, 25310, 25324, 25330 et seq., 25401, 25401.2, 25403, 25403.5 and 25602, Public Resources Code; and Sections 9615 and 9620, Public Utilities Code.

§ 1303. General Rules for All Reports.

(a)-(e) *no changes*

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

(1) – (2) **no changes**

(g)-(h) **no changes**

(i) Submittal of Alternative Data, Reports, or Format.

~~(1) The company responsible (or delegated the responsibility under Section 1303(g)) for submitting data or a report under this Article may submit in lieu of that report or data, another filing made with a public agency and publicly available that contains the same information required by the Commission regulation (“alternative filing”) and an attestation made under penalty of perjury that includes: 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 alternative filing application and of the entity to which the alternative filing 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 alternative filing data or report, who should be contacted with questions about the alternative filing application;~~

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

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

~~(DE) the reasons why the company believes that the alternative filing collection of data meets each applicable requirement of this Section and all other sections in this Article; and~~

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

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

~~(E)2. a statement that the person executing the attestation declaration is authorized to do so and to submit the application on behalf of the company and~~

~~3. that the matters contained in the alternative filing and attestation 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) If the Executive Director determines that the alternative filing does not contain the information required by the Commission regulation identified in Section 1303(i)(1), he or she may notify the company responsible for submitting data or a report under this Article, and the company shall provide the information required by the regulation within 45 days. 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)-(l) no changes~~

~~(m) Accuracy of Customer Classification Coding.~~

~~(1) Electricity and natural gas sales data reported pursuant to Sections 1306(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) 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 4-digit Customer Classification code level.~~

~~(2) If the Executive Director believes that sales data provided by a UDC or gas utility is not accurately classified by Customer Classification code, he or she may require the appropriate UDC or gas utility to conduct a study of the UDC or gas utility's records to verify the accuracy of the Customer Classification coding of the~~

~~data submitted to the Commission. The study shall be provided to the Commission within three months of the date of the Executive Director's notification of the requirement for a study. If the study reveals that the accuracy requirements contained in subdivision (m)(1) of this section are not being met, the UDC or gas utility shall submit a plan to correct the Customer Classification Coding to allow it to meet those accuracy requirements. Such plan shall be submitted within six months of the date of the Executive Director's notification of the requirement for a study and shall contain the following:~~

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

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

Note: Authority cited: Sections 25213, 25218(e) and 25320, Public Resources Code. Reference: Sections 25005.5, 25216, 25216.5, 25300-25303, 25401, 25401.2, 25403, 25403.5, 25602 and 25604, Public Resources Code; and Sections 9615 and 9620, Public Utilities Code.

§ 1304. Power Plant Reports.

(a) Reports by Power Plant Owners. Each power plant owner shall submit all of the data and reports required by this subsection for each 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 power plant shall be collectively considered as one single electric generator.~~

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

(A) name of the power plant;

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

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

(D) the name of the control area operator;

(E) the electric generator identification code assigned by the Western Renewable Energy Generation Information System, if applicable;

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

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

(~~F~~H) nameplate capacity of the power plant; For wind power plants, provide hub height, rotor area, rated speed, number of turbines, and the capacity for those wind turbines that were operable in the reporting period. Wind power plant capacity does not include capacity of those wind turbines that were permanently out of service, on indefinite shutdown, retired, or decommissioned;

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

(~~H~~J) if the 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~~

(~~H~~K) for each electric generator in the 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 turbines reflected in the nameplate capacity;~~ For wind turbines, provide the hub height, rotor area, rated speed, number of turbines, and the combined capacity for each wind turbine group in the power plant, including only those wind turbines that were operable in the reporting period. Wind turbine group capacity does not include capacity of those wind turbines that were permanently out of service, on indefinite shutdown, retired, or decommissioned;
3. any capacity changes for electric generators and wind turbine groups. Calculated pursuant to subdivision (a)(1)(H) during the previous year and the date of any such changes;

~~34.~~ the date electricity was first generated by the electric generator;

~~5.~~ the date the plant owner began selling electricity to a company;

~~46.~~ 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;

~~57.~~ if the electric generator was retired during the reporting period, the retirement date;

~~68.~~ an identification of the prime mover that drives the electric generator; ~~and~~

~~79.~~ an indication whether the prime mover is part of a combined-cycle unit;

10. the manufacturer of the generator; and

11. the model number of the generator.

(2) Generation and Fuel Use Data.

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

1. gross generation of each electric generator, or wind turbine group, in megawatt hours;
2. net generation of each electric generator, or wind turbine group, in megawatt hours;
3. fuel use, by fuel type, of each electric generator;
4. fuel use, by fuel type, for useful thermal output and electricity generation of each cogenerator;
5. electricity in megawatt hours, consumed on site by the power plant owner, other than for plant use, classified by Customer Classification Code;
6. sales for resale, in megawatt hours;

7. for cogenerators providing useful thermal output to commercial or industrial end-users, sales of electricity to those end users, classified by Customer Classification Code, in megawatt hours, excluding sales to the wholesale market or LSEs;
8. for cogenerators, useful thermal output provided by each cogenerator to each recipient, in million British thermal units, classified by Customer Classification Code; ~~and~~
9. for cogenerators, waste heat of each electric generator, in million British thermal units-

(B) For 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, or wind turbine group, in megawatt hours;
2. monthly net generation of each electric generator, or wind turbine group, in megawatt hours;
3. monthly fuel use, by fuel type, of each electric generator;
4. monthly fuel use, by fuel type, for useful thermal output and electricity generation of each cogenerator;
5. monthly electricity in megawatt hours, consumed on site by the power plant owner, other than for plant use, classified by Customer Classification Code;
6. monthly sales for resale, in megawatt hours;
7. for cogenerators providing useful thermal output to commercial or industrial end-users, monthly sales of electricity to those end-users, classified by Customer Classification Code, in megawatt hours, excluding sales to the wholesale market or LSEs;
8. for cogenerators, monthly useful thermal output provided by each cogenerator to each recipient, in million British thermal units, classified by Customer Classification Code; and
9. for cogenerators, monthly waste heat of each electric generator, in million British thermal units.

(C) For 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, or wind turbine group, in megawatt hours;
2. monthly net generation of each electric generator, or wind turbine group, in megawatt hours;
3. monthly fuel use, by fuel type, of each electric generator;
4. monthly fuel use, by fuel type, for useful thermal output and electricity generation of each cogenerator;
5. monthly electricity in megawatt hours, consumed on site by the power plant owner, other than for plant use, classified by Customer Classification Code;
6. monthly sales for resale, in megawatt hours;
7. for cogenerators providing useful thermal output to commercial or industrial end-users, monthly sales of electricity to those end-users, classified by Customer Classification Code, in megawatt hours, excluding sales to the wholesale market or LSEs;
8. for cogenerators, monthly useful thermal output provided by each cogenerator to each recipient, in million British thermal units, classified by Customer Classification Code;
9. for cogenerators, monthly waste heat of each electric generator, in million British thermal units; and
10. monthly fuel cost by fuel type of each electric generator, except for the cost of fuel provided to the generator through a tolling agreement. If fuel is provided to the generator through a tolling agreement, indicate the portion of the fuel use identified in subdivision (a)(2)(C)(4) that is provided to the generator through the tolling agreement.

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

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

1. Water Supplies: Owners of natural gas and solar power plants with a generating nameplate capacity of 20–50 megawatts and greater and of all geothermal power plants shall submit the following information for the previous calendar year: copies of reports or filings required by regulations, permit, or contract conditions that identify any of the following information for the previous calendar year:

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

~~ab. the name of the If a water supplier(s) is under contract to provide water to the power plant, if applicable, identify the name of the supplier(s), and whether the supply is potable, recycled, degraded, or raw untreated water; or the name of the water source as assigned by the U.S. Geological Survey on its 7.5-minute map series.~~

b. If there is no water supply under contract, identify whether the water source is from groundwater or the diversion of surface water. Or, if well If ground water is used, provide the well identification number(s) and location(s) as specified in the California Department of Water Resources, Water Facts, Issue No. 7, "Numbering Water Wells in California," June 2000. If the power plant owner diverts surface water, provide the water rights permit number(s) issued by the State Water Resources Control Board. Where a water rights permit is not required, provide a description of the diversion location(s);

c. Provide a description of any other water supply not identified above;

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

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

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

2. Wastewater Discharges: Owners of power plants with a nameplate generating capacity of 20–50 megawatts and greater and

~~of all geothermal power plants shall submit the following information: copies of reports or filings required by regulations, permit, or contract conditions that identify any of the following information for the previous calendar year:~~

~~a description of the physical and chemical characteristics of the source water or the wastewater discharge, including any information prepared with the approved test methodology and detection limits specified by the U.S. Environmental Protection Agency in 40 CFR s136.3 for analyzing the constituents in wastewater.~~

~~b. the wastewater disposal system(s) used at the power plant for discharges related to power plant cooling and operations, the manufacturer(s), and the year of installation;~~

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

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

~~eb. Specify the monthly and annual totals amounts of wastewater that are created from discharged as a result of power plant operations in acre-foot gallons; and~~

~~c. Specify the destination of all wastewater discharged from the power plant, whether onsite or offsite.~~

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

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

~~1. documentation of the "take" of terrestrial, avian and aquatic wildlife subject to legal protection under California Fish & G. Code s 2050 et seq., 16 U.S.C.A. s 1371 et seq., 16 U.S.C.A. s 1531 et seq., and 16 U.S.C. A. s 668 et seq. that occurred as a result of operation of the power plant.~~

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

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

(b) Reports by UDCs. Each UDC shall report the following data for each power plant and energy storage system located in the UDC's service area and for which data is collected. The report shall be submitted on January 31 and July 31 each year, but if information for an existing plant has already been provided pursuant to this section, and is unchanged, the filing need only identify the date on which the information was previously provided.

(1)-(2) ***no changes***

(3) all power plants and energy storage systems:

(A)-(F) ***no changes***

(G) rate schedule

(GH) if the power plant or energy storage system is connected to that part of the customer's electrical system not owned by UDC, provide the those UDCs who also report pursuant to Section 1353 shall report the following;

1. service account number;
2. premise identification number; and
3. meter identification number; ~~and~~
4. ~~rate schedule.~~

Note: Authority cited: Sections 25213, 25218(e) and 25320, Public Resources Code. Reference: Sections 25005.5, 25216, 25216.5, 25300-25303, 25305, 25305.1, 25310, 25401, 25401.2, 25403, 25403.5, 25601, and 25602, Public Resources Code.

§ 1305. Control Area Operator Reports. No Changes

§ 1306. LSE and UDC Reports, and Customer Classification Reports.

(a) Quarterly UDC Reports.

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

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

(B) deliveries to unbundled customers classified by county, retail rate class, and customer classification code, and for unbundled customers, whether the LSE for whom distribution services are being provided is an ESP or a CCA.

(2) – (4) **no changes**

(5) After February 15, ~~2020~~2022, the requirements of subdivisions 1 through 4 of subdivision (a) of this Section shall not apply to UDCs reporting under Section 1353 (b).

(b) **no changes**

Note: Authority cited: Sections 25213, 25218(e) and 25320, Public Resources Code. Reference: Sections 25005.5, 25216, 25216.5, 25300-25303, 25401, 25401.2, 25403, 25403.5 and 25602, Public Resources Code.

§ 1307. Gas Utility and Gas Retailer Reports and Customer Classification Reports.

(a)-(b) **no changes**

(c) after 2022, the requirements of subdivisions (1) – (3) of subdivision (b) of this section shall not apply to gas utilities reporting under subdivision (c) of Section 1353.

Note: Authority cited: Sections 25213, 25218(e) and 25320, Public Resources Code. Reference: Sections 25005.5, 25216, 25216.5, 25300-25303, 25401, 25401.2, 25403, 25403.5, 25602 and 25604, Public Resources Code.

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

(a) – (b) **no changes**

(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~~ customer classification code;

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

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

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

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

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

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

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

(2) ***no changes***

(3) After February 15, ~~2020~~2022, the requirements of subdivisions 1 and 2 of subdivision (c) of this Section shall not apply to gas utilities reporting under Section 1353 (c).

(d) ***no changes***

Note: Authority cited: Sections 25213, 25218(e) and 25320, Public Resources Code.
Reference: Sections 25005.5, 25216, 25216.5, 25300-25303, 25401, 25401.2, 25403, 25403.5 and 25602, Public Resources Code.

§ 1309. Quarterly Interstate Pipeline Company Reports. No Changes

§ 1310. Natural Gas Processor Reports. No Changes

§ 1311. Energy Efficiency Program Data Collection from Local Publicly-Owned Utilities.

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

~~(a) for electric energy efficiency programs:~~

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

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

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

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

~~(b) for demand reduction programs:~~

~~(1) a description of each program;~~

~~(2) expenditures associated with each program;~~

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

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

Each publicly owned utility shall provide the report required by Public Utilities Code section 9505 in accordance with the requirements of that section.

Note: Authority cited: Sections 25213, 25218(e) and 25320, Public Resources Code. Reference: Sections 25005.5, 25216, 25216.5 and 25300-25303, Public Resources Code; and Section 9615, Public Utilities Code.

§ 1312. Energy Efficiency Program Data Collection from Non-Utility PACE Programs

(a) Beginning in 2022, and every year thereafter, each PACE program administrator shall report no later than September 15 to the Commission its annual investments in energy efficiency programs for the previous fiscal year. The report shall include:

- (1) Program name: title or name of the PACE program (Example: mPower);
- (2) Sector Indicator: The sector(s) that the program targets (“R” for residential and “NR” for non-residential);
- (3) Project ID: a unique ID for each project implemented under the program;
- (4) Assessor’s parcel number (APN): The county name and assessor’s parcel number (APN) of the site at which the project was implemented;
- (5) Project Address: street address of the PACE project;
- (6) Project Start Date: the date the project implementation was started in the mm/dd/yyyy format;
- (7) Project Completion Date: the date the project implementation was completed in the mm/dd/yyyy format;
- (8) Measure Types: the efficiency measure implemented, including but not limited to a) Lighting, b) Heating, Ventilation, and Air Conditioning (HVAC), c) Domestic Hot water, d) Enclosure (walls, windows, roof), and e) Self Generation including roof top PV ; and
- (9) Renewable Energy (Self-Generation) Indicator: indicate whether the project included investments in self-generation projects.

(b) For purposes of this section, PACE program has the same definition as in California Financial Code section 22016.

(c) For purposes of this section, PACE program administrator includes any person identified under California Financial Code section 22018; any person administering a commercial PACE program within California on behalf of, and with the written consent of, a public agency; any person meeting both conditions of California Financial Code section 22018, subd. (b); and any public agency that administers its own PACE program.

Note: Authority cited: Sections 25213, 25216.5, 25218, Public Resources Code.
Reference: Sections 25301, 25302, 25305.2, 25305, 25320(d), and 25700 through 25705, Public Resources Code; Sections 22016 and 22018, Financial Code.

§ 1314 Natural Gas System Analysis

(a) – (b) *no changes*

(c) Current identification information and current project characteristics for underground gas storage projects. Owners of underground gas storage projects are required to submit the following project identification information and project characteristic information to the California Energy Commission on a quarterly basis. Owners of underground gas storage projects are to express working gas capacity and total storage capacity in thousand cubic feet (Mcf) and maximum deliverability in Mcf/day.

- (1) Storage Field Name
- (2) Reservoir Name
- (3) Location County
- (4) Type of Facility – Aquifer, Depleted Field, or Salt Formation
- (5) Field Status – either Active or Inactive
- (6) Company Name
- (7) Contact First and Last Name
- (8) Phone Number
- (9) Company Address
- (10) Company Email Address
- (11) Working Gas Capacity (Mcf)
- (12) Total Storage Field Capacity (Mcf)
- (13) Maximum Deliverability (Mcf/day)

(d) Daily underground gas storage project information. Owners of underground gas storage projects are required to submit information on base gas, working gas, total gas in storage, withdrawal, and injection for each calendar day. Volumes shall be expressed in Mcf. If the volumes submitted require true-up, provide notation for any true-ups required. Owners of underground gas storage projects are required to submit the following information for each calendar day on a quarterly basis:

- (1) Report Day (Month, Day, and Year)
- (2) Base Gas (Mcf)
- (3) Working Gas (Mcf)
- (4) Total Gas in Storage, which is the sum of base and working gas
- (5) Injections (Mcf)
- (6) Withdrawals (Mcf)

Note: Authority cited: Sections 25213, 25218(e) and 25320, Public Resources Code.
Reference: Sections 25005.5, 25216, 25216.5, 25300-25303, 25303.5, 25305, 25400, 25401, 25401.2, 25403 and 25602, Public Resources Code.

Article 2. Forecast and Assessment of Energy Loads and Resources

§ 1341. Rules of Construction and Definitions. No Changes

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

(a) – (b) *no changes*

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

(1) – (2) *no changes*

(d) – (f) *no changes*

(g) Submittal of Alternative Data, Reports, or Format.

~~(1) The company responsible (or delegated the responsibility in this Article) for submitting data or a report may submit in lieu of that report or data, another filing made with a public agency and publicly available that contains the same information or data required by the Commission regulations ("alternative filing") and an attestation made under penalty of perjury that includes apply for and receive from the Executive Director authorization to submit, in lieu of the required data or report: another collection of data assembled and prepared for a purpose other than compliance with this Article, or submit data not in accordance with the forms and instructions specified in this Article.~~

~~(1) The Executive Director shall act on an application for the submission of alternative data within 20 days after it is received by the Commission.~~

~~(2) If the application is granted for the submission of alternative data, then the company may submit the alternative data for each report required in this Article without the need for a subsequent application, if the alternative data contains all of~~

~~the data required by this Article as applicable and is current for the time period or periods specified in those sections.~~

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

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

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

~~(A)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 filing data;~~

~~(B)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 filing data;~~

~~(C)3. the name of the report and the sections of these regulations applicable to the report;~~

~~(D)4. the reasons why the alternative filing collection of data meets each applicable requirement of this Article; and~~

~~5. a declaration executed under penalty of perjury under 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;~~

~~(E)b. a statement that the person executing the declaration attestation is authorized to submit the application on behalf of the company; and that the matters contained in the alternative filing and attestation application are, to the best of the person's knowledge and belief and based on diligent investigation, true, accurate, complete, and in compliance with these regulations.~~

~~(B) The Executive Director finds that good cause exists for granting the application to submit alternative data. That determination shall include a~~

~~finding that compliance with these regulations and the needs of the Commission, other entities and the public will not be harmed by the granting of the application.~~

(2) If the Executive Director determines that the alternative filing does not contain the information required by the Commission regulation identified in Section 1342(g)(1), he or she may notify the company responsible for submitting data or a report under this Article, and the company shall provide the information required by the regulation within 45 days.

(h) – (i) ***no changes***

Note: Authority cited: Sections 25213, 25218(e) and 25320, Public Resources Code. Reference: Sections 25005.5, 25216, 25216.5, 25300, 25301, 25302, 25302.5, 25303, 25324 and 25330 et seq., Public Resources Code; and Section 9620, Public Utilities Code.

§ 1343. Energy End User Data: Survey Plans, Surveys, and Reports. No Changes

§ 1344. Load Metering Reports. No Changes

§ 1345. Demand Forecasts. No Changes

§ 1346. Electricity Resource Adequacy. No Changes

§ 1347. Resource Plans. No Changes

§ 1348. Pricing and Financial Information. No Changes

§ 1349. Electric Transmission System Plan and Corridor Information. No Changes

§ 1350. Exemptions. No Changes

§ 1351. Requests for Information. No Changes

§ 1353. Disaggregated Demand Data

(a) Disaggregated Demand Data Reporting. Each entity subject to requirements identified in this Section shall submit the required data via secure electronic method and shall adhere to the reporting requirements identified in Section 1342, with the exception of Section 1342 (h)(8)(C). Instead of the declaration specified by Section 1342 (h)(8)(C), disaggregated demand data reported under Section 1353 shall be accompanied by a declaration executed by an authorized employee stating that, to the best of the person's

knowledge and belief, the data being submitted is complete and in compliance with these regulations.

(1) Quarterly Reports and Data. Unless provided otherwise, 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.~~ 90 days following the end of each calendar quarter (i.e., July 1, October 1, January 2, and April 1). UDCs and gas utilities subject to quarterly filing requirements may file the required data more frequently than quarterly, but in no event shall they file data sooner than 90 days following the day it was collected.

(2) No entity subject to reporting requirements pursuant to this Section shall be required to provide data or reports that it does not collect in the regular course of business; however, if the entity begins to collect some or all of the data not previously collected, it must submit the data in accordance with the requirements of this section.

(3) All interval meter data provided pursuant to this Section may be submitted at the interval collected.

(4) A detailed explanation of any methods used by utility to estimate missing, misread, or non-metered data shall be provided with each quarterly filing.

(b) Electricity Demand and Billing Data. Each UDC that has experienced a peak electricity demand of 1000 MW or more in both of the two calendar years preceding the required data filing date, shall on a quarterly basis provide:

(1) For each non-interval meter:

(A) the street address, city, and zip+4 code, county, and state, broken out by individual address component if possible, where service is provided;

(B) service account number (also known as service account identification);

(C) service point identification number, defined as the number or code a UDC uses to uniquely identify the point at which electricity delivered to a customer passes through the UDC meter;

(~~C~~D) premise identification number(s);

(~~E~~D) monthly charge in dollars (positive or negative); For each billing period, total energy sales and transport charges, in dollars (positive or negative), incurred for UDC services provided during the billing period to the service account associated with the meter (if more than one meter is associated with a service account, the UDC shall provide the total for all meters).

Provide an indication if the service account utilizes levelized payments or if the charges include an adjustment for net energy metering;

~~(FE)~~ start and end dates of billing cycle;

~~(F)~~ number of days in billing cycle;

~~(G)~~ customer participation in a UDC energy efficiency program;

~~(GH)~~ rate schedule; including name, unique identifier, description, and participation in any of the following rate programs: net energy metering, electric vehicle, medical, and low income (including which specific low-income program);

~~(H)~~ NAICS customer classification code;

~~(J)~~ whether there is interconnected PV associated with the premise identification number;

~~(K)~~ whether there are energy storage systems associated with the premise identification number;

~~(L)~~ meter identification number;

~~(J)~~ for meters associated with an account for an unbundled customer, the LSE name and type (including but not limited to energy service provider, community choice aggregator);

~~(KM)~~ For each billing period, monthly volume of electricity sold or delivered in kWhs, and whether the volume is an estimate. If this volume is included in the reporting of a parent meter, provide the meter identification number for the parent meter. Indicate if this meter is connected only to an electrical generator. If the volume reported includes a credit for virtual net metering generation, provide the following: identifier for the electric generator providing the credit and the amount credited; and

~~(LN)~~ any information identified in (b)(1)(A) - (MK) for 2018, 2019, and 2020 that has not already been provided for 2018.

(2) For each interval meter:

(A) all information from subdivision (b)(1)(A) through (LJ);

~~(B) in 2018, monthly volume of electricity sold or delivered in kWhs, including volumes for months in 2018 that have not already been provided~~

all information identified in subdivision (b)(2)(C)(i)-(iii) for 2018, 2019, and 2020 that has not already been provided;

(C) beginning in 2019, the following information:

(i) ~~start~~end of interval;

(ii) duration of interval; and

(iii) volume of electricity ~~sold or delivered~~ and returned over the interval in kWh and whether those volumes are estimates. If these volumes are included in the reporting of a parent meter, provide the meter identification number for the parent meter. Indicate if this meter is connected to an electrical generator but not to customer load. If the volume reported includes a credit for virtual net metering generation, provide the following: identifier for the electric generator providing the credit and the amount credited.; ~~and~~

(iv) ~~interval peak demand (kW);~~

(3) For all remaining consumption which is not associated with a meter:

(A) ~~A~~all information from subdivision (b)(1)(A) through (JK);

(B) ~~A~~an estimate of the monthly volume of electricity sold or delivered in kWh; and

(C) ~~An estimate of the monthly peak demand (kW, day, and hour); and~~

(~~DC~~) ~~A~~any information identified in (b)(3)(A)-(BG) for 2018, 2019, and 2020 that has not already been provided.

(c) Natural Gas Demand and Billing Data. Each gas utility with annual natural gas deliveries of 200 million therms or more in both of the two calendar years preceding the required data filing date, shall on a quarterly basis provide for each meter:

(1) ~~S~~service address of account number, including the street address, city, ~~and~~ zip+4 code, county, and state, broken out by individual address component if possible, where service is provided;

(2) ~~S~~service account number;

(3) service point identification number;

(~~24~~) ~~P~~premise identification number;

(35) Mmeter identification number;

(46) for each billing period, monthly volume of natural gas sold or delivered in therms, and whether the volume is an estimate. If this volume is included in the reporting of a parent meter, provide the meter identification number for the parent meter;

(7) for meters associated with an account for which the utility delivers gas to a customer on behalf of a gas retailer, the name of the gas retailer;

(58) Monthly charge in dollars (positive or negative), aggregate revenues 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; For each billing period, total energy sales and transport charges, in dollars (positive or negative), incurred for utility services provided during the billing period to the service account associated with the meter (if more than one meter is associated with a service account, the utility shall provide the total for all meters). Provide an indication if the service account utilizes levelized payments;

(69) NAICS customer classification code;

(7) Energy efficiency program participation identification;

(810) Rrate schedule, including name, unique identifier, description, and an indication of all of the following for each billing period: whether the delivery is a transportation-only delivery, whether the delivery is for electric generation, and whether the delivery is to a core customer; and

(911) Aany information identified in (c)(1)-(810) for 2018, 2019, and 2020 that has not already been provided.

(d) Each UDC and gas utility reporting pursuant to subdivisions (a) – (c) above, shall also report the following for energy efficiency measures that are funded in part or in whole by UDC or gas utility funds, provided however, that UDCs and gas utilities that report to the California Public Utilities California Energy Data and Reporting System do not need to separately report the information identified below:

(1) service account number (also known as service account identification);

(2) premise identification number. If unavailable, provide full street address for the location of the installed measure;

(3) program name and description;

(4) measure name, description, and category;

(5) the date when an energy efficiency participant claimed participation for the corresponding energy efficiency measure; and

(6) completion date.

Note: Authority cited: Sections 25213, 25218(e) and 25320, Public Resources Code. Reference: Sections 25005.5, 25216, 25216.5, 25300, 25301, 25302, 25302.5, 25303, 25305, 25305.1 and 25310, Public Resources Code.

Article 3. Petroleum Information Reports

§ 1361. Title. No Changes

§ 1362. Definitions: General. No Changes

§ 1363.1. Definitions: Specific Petroleum and Non-Petroleum Products.

(a) – (h) ***no changes***

(i) “Finished Motor Gasoline” means a complex mixture of relatively volatile hydrocarbons with or without small quantities of additives having a boiling point between 122 and 158 degrees Fahrenheit at a ten percent recovery point, and 365 to 374 degrees Fahrenheit at a 90 percent recovery point. Finished Motor Gasoline includes conventional gasoline, all oxygenated gasoline, and all reformulated gasoline, but excludes aviation gasoline.

(1) “Conventional Gasoline” (not classified as oxygenated or reformulated gasoline) means types of finished gasoline that do not contain any oxygenates. These fuels include:

(A) "Arizona Conventional Gasoline" means finished motor gasoline formulated as identified in Arizona Administrative Code ~~R20-2-701.9~~, R3-7-701 (Last amended at 24 A.A.R. 2666, effective November 10, 2018.), which is incorporated herein by reference, for use in motor vehicles.

(B) ***no changes***

(C) ***no changes***

(2) “Oxygenated Gasoline” (not classified as reformulated gasoline outside of California, Arizona or Nevada) means finished motor gasoline that contains an oxygenate. This type of finished gasoline is primarily used during the winter months in regions of the United States that are not in compliance with carbon monoxide standards. These fuels include:

(A) *no changes*

(B) "Arizona Winter Gasoline" means a finished gasoline formulated as identified in Arizona Administrative Code ~~R20-2-701.3~~, R3-7-701 (Last amended at 24 A.A.R. 2666, effective November 10, 2018.), which is incorporated herein by reference, containing ten percent ethanol by volume. The unfinished base gasoline, prior to blending with ethanol, is referred to as Arizona Blendstock for Oxygenate Blending (AZRBOB).

(C) *no changes*

(3) *no changes*

(j) – (v) *no changes*

Note: Authority cited: Sections 25213 and 25218(e), Public Resources Code.
Reference: Section 25354, Public Resources Code.

§ 1363.2. Definitions: Specific Definitions for Purposes of Reporting Requirements. No Changes

§ 1364. Reporting Periods. No Changes

§ 1365.1. Information Requirements; General Reporting Requirements. No Changes

§ 1365.2. Information Requirements; Other Reporting Requirements. No Changes

§ 1366. Requirement to File. No Changes

Appendix A

Information Requirements for ~~Monthly~~ Weekly Reports

I. – IV. *no changes*

Note: Authority cited: Sections 25213, 25218(e) and 25354, Public Resources Code.
Reference: Section 25354(i), Public Resources Code.

~~Article 4. Wind Performance Reporting Systems~~

~~§ 1381. Title and Purpose.~~

~~The purpose of this article is to specify performance reporting requirements for operators of specified wind energy projects and for entities which purchase electricity from the projects and to identify requirements for the Commission to publish the information.~~

~~Note: Authority cited: Sections 25213 and 25218(e), Public Resources Code. Reference: Sections 25216.5(d), 25601(c) and 25605, Public Resources Code.~~

~~§ 1382. Definitions.~~

~~For the purposes of this article, the following definitions shall apply unless the Commission has clearly indicated otherwise in these regulations:~~

~~(a) — "Contingency Costs": the costs which may be paid by investors after the initial investment, but which are not paid out of project revenues. Contingency costs may include such costs as turbine repairs or annual insurance fees paid during the reporting year.~~

~~(b) — "Cumulative Number of Turbines Installed": the cumulative total number of turbines of a given model installed by the end of the reporting period.~~

~~(c) — "Electricity Produced (kWh)": the total kilowatt hours actually produced by all of the turbines of a particular turbine model contained within the wind project where the electricity is delivered to a wind power purchaser for sale during the reporting period.~~

~~(d) — "Name of Wind Project": the name used for the project in any prospectus, offering memorandum, or sales literature.~~

~~(e) — "Number of Turbines Installed During Reporting Period": the number of additional turbines installed during the calendar quarter of the reporting period.~~

~~(f) — "Project Cost": the total cost of the turbines installed during the reporting period. Project cost includes all debt and equity investment in the project (including non-recourse notes) and should be comparable to the project cost shown in the offering memorandum, prospectus or sales literature published by the developer.~~

~~(g) — "Projected Annual Production Per Turbine (kWh)": the annual average kWh production, by model, predicted by the developer in its prospectus, offering memorandum, or sales literature. This figure may be revised annually prior to the first reporting quarter of each year and shall be based upon average site specific wind distributions and the wind turbine power curves.~~

~~(h) — "Projected Quarterly Production Per Turbine (kWh)": the quarterly breakdown of the Projected Annual Production Per Turbine.~~

~~(i) — "Rotor (M²)": the rotor swept area in square meters for each turbine model.~~

~~(j) — "Size (kW)": the turbine manufacturer's published kW rating at a specific miles per hour (mph) with wind speed shown in parentheses.~~

~~(k) — "Turbine Model": the common or manufacturer's name for the turbine if that is a commonly used term for the model of a specific rotor (M²) and size (kW).~~

~~(l) — "Wind Power Purchaser": any electricity utility or other entity which purchases electricity from a wind project, as defined in this section.~~

~~(m) — "Wind project": one or more wind turbine generators installed in California with a combined rated capacity of 100 kW or more, the electricity from which is sold to another party.~~

~~(n) — "Wind Project Operator": any developer or operator who directly receives payments for electricity from the wind power purchaser.~~

~~Note: Authority cited: Sections 25213 and 25218(e), Public Resources Code. Reference: Sections 25216.5(d), 25601(c) and 25605, Public Resources Code.~~

~~§ 1383. — Reporting Period.~~

~~For the purposes of this article, and unless otherwise indicated, the reporting period shall be each calendar quarter, beginning with the first quarter following the effective date of this article. Quarterly reports filed pursuant to this article shall be submitted not later than the forty-fifth day following the close of each reporting period. Reports shall be deemed submitted as of the date of postmark, provided that the report is properly and legibly completed.~~

~~Note: Authority cited: Sections 25213 and 25218(e), Public Resources Code. Reference: Sections 25216.5(d), 25601(c) and 25605, Public Resources Code.~~

~~§ 1384. — Requirements to File.~~

~~The information required by this article shall be submitted to the Commission by wind project operators and wind power purchasers. Reports shall be made on forms prescribed by order of the Commission and according to instructions accompanying the forms. A copy of the wind project prospectus, offering memorandum, and other sales literature shall accompany the initial report. All reports must be verified by a responsible official of the firm filing the report. Requests for confidentiality may be filed pursuant to 20 Cal. Admin. Code Section 2501 et seq.~~

~~Note: Authority cited: Sections 25213 and 25218(e), Public Resources Code. Reference: Sections 25216.5(d), 25601(c) and 25605, Public Resources Code.~~

~~§ 1385. — Information Requirements: Wind Project Operators.~~

~~Each operator firm submitting information pursuant to the provisions of this article shall include the following:~~

- ~~(1) — Name of wind project~~
- ~~(2) — Name and address of operator~~
- ~~(3) — Name and phone number of contact person at operator's firm~~
- ~~(4) — Operator's name as shown on power purchase contract (if different~~

than 2 above)

~~(5) — Name of wind power purchaser~~

~~(6) — Purchase contract number~~

~~(7) — Resource area and county~~

~~(8) — Dates of reporting period~~

~~(9) — Turbine model~~

~~(10) — Cumulative number of turbines installed~~

~~(11) — Number of turbines installed during reporting period~~

~~(12) — Rotor (M²)~~

~~(13) — Size (kW) at stated wind speed~~

~~(14) — Project cost~~

~~(15) — Additional project contingency costs for which investors may be responsible~~

~~(16) — Projected quarterly production per turbine (kWh)~~

~~(17) — Projected annual production per turbine (kWh)~~

~~(18) — Electricity produced (kWh)~~

~~(19) — Turbine manufacturer's name and address~~

~~(20) — Operator comments, if any.~~

~~Note: Authority cited: Sections 25213 and 25218(e), Public Resources Code. Reference: Sections 25216.5(d), 25601(c) and 25605, Public Resources Code.~~

~~§ 1386. Information Requirement: Wind Power Purchaser.~~

~~Each wind power purchaser submitting information pursuant to the provisions of this article shall include the following:~~

~~(1) — Name of purchaser's firm~~

~~(2) — Name and phone number of contact person at purchaser's firm~~

- ~~(3) — Date of report~~
- ~~(4) — Name of wind project operator~~
- ~~(5) — Number of contract with wind project operator~~
- ~~(6) — kWh's produced during reporting period~~
- ~~(7) — Dates of reporting period~~
- ~~(8) — The maximum MW's which the operator can deliver to the purchaser as specified in the power sales agreement.~~
- ~~(9) — Purchaser comments, if any.~~

~~Note: Authority cited: Sections 25213 and 25218(e), Public Resources Code. Reference: Sections 25216.5(d), 25601(c) and 25605, Public Resources Code.~~

~~**§ 1387. — Publication of Data.**~~

~~The Commission staff shall compile and distribute, on a quarterly basis, the information reported by wind project operators and purchasers. Cost data will be published by the Commission in an aggregated form to the extent necessary to assure confidentiality. The final publication of each year shall combine the performance data for that year. The publication shall designate the name of any wind project operator from whom performance data is not received.~~

~~Note: Authority cited: Sections 25213 and 25218(e), Public Resources Code. Reference: Sections 25216.5(d), 25601(c) and 25605, Public Resources Code.~~

~~**§ 1388. — Failure to Provide Information.**~~

~~The Commission may, after notifying any person of the failure to provide information pursuant to this article, take such action to secure the information as is authorized by any provision of law, including, but not limited to, Public Resources Code Section 25900.~~

~~Note: Authority cited: Sections 25213 and 25218(e), Public Resources Code. Reference: Sections 25216.5(d), 25601(c), 25605(e) and 25900, Public Resources Code.~~

~~**§ 1389. — Exemptions.**~~

~~Operators of wind projects of less than 100 kW rated capacity or operators who do not offer electricity for sale are exempt from this article.~~

~~Note: Authority cited: Sections 25213 and 25218(e), Public Resources Code. Reference:~~

~~Sections 25216.5(d), 25601(c) and 25605, Public Resources Code.~~

Article 4. Alternative Transportation Fuels

§ 1381. Title and Purpose.

The purpose of this article is to specify reporting requirements for operators of infrastructure pertaining to alternative energy sources for transportation.

Note: Authority cited: Sections 25213, 25216.5, 25218, Public Resources Code. Reference: 25301, 25302, 25304, 25305, 25320(d), and 25700 through 25705, Public Resources Code.

§ 1382 Definitions

In this Article, the following definitions apply unless the context clearly requires otherwise:

(a) "Hydrogen" means diatomic molecular hydrogen, the lightest of all gases.

(b) "Hydrogen fuel" means a fuel composed of molecular hydrogen sold for consumption in a surface vehicle or electricity production device with an internal combustion engine or fuel cell.

(c) "Hydrogen fueling station" means a facility that dispenses hydrogen fuel for the purposes of fueling hydrogen-based motor vehicles.

(d) "Hydrogen plant" means an industrial gas manufacturing facility (NAICS Code 325120) that produces on-purpose hydrogen.

(e) "Hydrogen producer" means a company as defined in Section 25321 (b), Public Resources Code that operates a major hydrogen plant.

(f) "Major hydrogen plant" means a hydrogen plant that produces more than 10,000 kilograms of on-purpose hydrogen during any month of the current or preceding calendar year.

(g) "On-purpose hydrogen" means molecular hydrogen in gaseous or liquid state produced as a result of process or processes dedicated to producing hydrogen (e.g.: steam reforming or electrolysis).

(h) "Renewable diesel" means a motor vehicle fuel or fuel additive that is all of the following: registered as a motor vehicle fuel or fuel additive under 40 C.F.R. Part 79; not a mono-alkyl ester; intended for use in engines that are designed to

run on conventional diesel fuel; and derived from nonpetroleum renewable resources.

Note: Authority cited: Sections 25213, 25216.5, 25218, Public Resources Code. Reference: 25301, 25302, 25304, 25305, 25320(d), and 25700 through 25705, Public Resources Code.

§ 1383 Hydrogen Plant Data

(a) Each major hydrogen producer, defined as a company that operates a major hydrogen plant that is located in California, shall file quarterly reports for the previous calendar quarter on the 15th day of February, May, August, and November. Quarterly reports shall contain the information identified in subdivision (b).

(b) Informational Requirements for Monthly Reports.

(1) Kilograms of on-purpose hydrogen and liquid hydrogen produced each month at the facility.

(2) Inventory levels of on-purpose hydrogen in kilograms at the beginning and end of each month.

(3) The type of chemical feedstock used to produce the hydrogen. Feedstock includes methane and water for steam methane reformation. For hydrogen produced by water electrolysis, feedstock is both water and electricity used.

(4) The amount of feedstock and inputs used to produce the hydrogen.

(5) The amount of on-purpose hydrogen in kilograms distributed to a petroleum refinery.

(6) The amount of on-purpose hydrogen in kilograms distributed to a hydrogen fueling station.

Note: Authority cited: Sections 25213, 25216.5, 25218, Public Resources Code. Reference: 25301, 25302, 25304, 25305, 25320(d), and 25700 through 25705, Public Resources Code.

§ 1384 Biodiesel and Renewable Diesel Production Data

(a) The owner or operator of each biodiesel plant, defined as any industrial plant that processes biomass feedstock and produces more than 84,000 gallons of biodiesel during any month of the current or preceding calendar year and that is located in

California, and each renewable diesel plant, defined as any industrial plant that processes feedstock and produces more than 84,000 gallons of renewable diesel during any month of the current or preceding calendar year and is located in California, shall file monthly reports containing all of the information specified in subdivision (b) below. Monthly reports are due no later than the 30th day following the end of the previous month.

(b) Informational Requirements for Monthly Reports

(1) California Biodiesel Plant Monthly Reports shall contain the following information:

(A) All of the information specified on Forms EIA-819 or EIA-22M published by the United States Department of Energy.

(B) The type and amount of feedstock and/or California Air Resources Board Low Carbon Fuel Standard pathway used to produce biodiesel.

(C) Volumes of biodiesel distributed in gallons, categorized by the level of distribution: direct sale, wholesale, or export outside of California.

(2) California Renewable Diesel Plant Monthly Reports shall contain the following information:

(A) All of the information specified on Form EIA-819 published by the United States Department of Energy.

(B) The type and amount of feedstock and/or California Air Resources Board Low Carbon Fuel Standard pathway used to produce renewable diesel.

(C) Volumes of renewable diesel distributed in gallons, categorized by the level of distribution: direct sale, wholesale, or export outside of California.

Note: Authority cited: Sections 25213, 25216.5, 25218, Public Resources Code. Reference: Sections 25301, 25302, 25304, 25305, 25320(d), and 25700 through 25705, Public Resources Code.

§ 1387 Form and Format of Reports.

The Executive Director of the CEC may specify the format for the various reports required by this Article. The Executive Director of the CEC may additionally provide forms or other instructions to facilitate the filing or analysis of the information required by this article. The Executive Director of the CEC shall provide thirty days notice prior to specifying or modifying any form or format.

Note: Authority cited: Sections 25213, 25216.5, 25218, Public Resources Code; and

section 11340.9, Government Code. Reference: Sections 25301, 25302, 25304, 25305, 25320(d), and 25700 through 25705, Public Resources Code.

Chapter 7. Administration

Article 2. Disclosure of Commission Records

§ 2501. Policy. No Changes

§ 2502. Scope.

(a) This Article applies to inspection and copying of all records. It applies to any person making any request to copy or inspect records. It applies to any request by any person for the Commission to keep a record confidential, including, but not limited to, requests pursuant to Section 25322 of the Public Resources Code.

(b) Nothing in this article shall be construed to require disclosure of a record that is exempt from disclosure under the California Public Records Act, Government Code sections 6250 et seq. This provision is declarative of existing law.

Note: Authority cited: Sections 25213 and 25218(e), Public Resources Code; and Section 6253(a), Government Code. Reference: Sections 25223, 25322 and 25366, Public Resources Code.

§ 2503. Construction and Definitions. No Changes

§ 2504. ~~Inspection and Copying.~~

~~(a) — This section applies to all records, except records deemed confidential, which are subject to the provisions of Section 2506.~~

~~(b) — A request to inspect or copy a record shall be made orally or in writing to the Office of Chief Counsel. The Public Adviser will assist persons in requesting records. A request shall describe the record sought in sufficient detail so that it can be identified and found by a Commission employee.~~

~~(c) — Time and Place. A request to inspect or copy a readily identifiable and available record shall be satisfied within ten days of receipt of the request unless the need to complete processing or filing of the record, the use of the record by another person or a Commission employee, the volume of requests, the unavailability of Commission employees, or other unusual circumstances renders such a response impracticable, in which case the Commission will notify the person making the request of the need for an extension within ten days of the request. Such extension shall not exceed ten working days. All records except records determined to be confidential pursuant to Section 2505, Section 2506, or Section 2508 shall be made available for inspection and copying Monday through Friday, generally between 8 a.m. and 5 p.m. at the Commission's offices. The~~

~~Executive Director shall make reasonable efforts to provide facilities for inspection of records, including a desk for notetaking.~~

~~(d) — Protection of Records. Records may be inspected or copied only at Commission offices. The Executive Director may designate a particular place for the public to inspect or copy records. He or she may establish procedures for responding in a fair and orderly manner to numerous requests, including, when strictly necessary to prevent disruption of Commission functions, establishing a specific time each day for inspection and copying. He or she may require a Commission employee to be present at the time of inspection or copying, but such employee shall not disturb a person inspecting or copying records. Where necessary, copies of records rather than originals may be provided for inspection.~~

~~(e) — Computer Records. Inspection and copying of computer records and other records whose form makes inspection or copying difficult or impracticable shall be in a manner determined by the Executive Director. If providing an exact copy is impracticable, some type of copy shall nevertheless be provided.~~

~~(f) — Copies. Except for records determined to be confidential pursuant to Section 2505 or Section 2506, copies and certified copies of all records are available to any person for a fee which shall be paid at the time a request is made. The fee for providing a copy or a certified copy shall be no higher than the actual cost of providing the copy, or the prescribed statutory fee, whichever is less.~~

~~Note: Authority cited: Sections 25213 and 25218(e), Public Resources Code; and Section 6253(a), Government Code. Reference: Sections 25223, 25322 and 25366, Public Resources Code; and Sections 6253(a), 6256 and 6257, Government Code.~~

§ 2505. Designation of Confidential Records.

(a) - (b) *no changes*

(c) Commission Generated Information

~~(1) — The Executive Director in consultation with the Chief Counsel, may designate information generated by Commission staff as confidential under the Public Records Act. A confidential designation made in this manner shall be summarized in the agenda for the next Commission Business Meeting. Any private third party or public entity may request to inspect or copy these confidential records by filing a petition pursuant to Section 2506 of this Article.~~

~~(2)~~(1) Contracts and Proposals

(A) Information received by the Commission in response to a solicitation shall be kept confidential by the Commission and its evaluators before posting of the notice of the proposed award. The solicitation document shall specify what confidential information

the proposal may contain and how that confidential information will be handled after the posting of the notice of the proposed award.

(B) The Executive Director, in consultation with the Chief Counsel, may designate certain information submitted under a contract as confidential in accordance with the Public Records Act or other provisions of law. The designation and its basis shall be in writing and contained in the contract governing the submittal of the information or in a separate statement. The contract or written statement shall also state exactly what information shall be designated confidential, how long it shall remain confidential, the procedures for handling the information, and all other matters pertinent to the confidential designation of the information.

~~(32)~~ All data generated by the Commission that is the same type as the data described in Section 2505(a)(5)(B) of this Article shall be kept confidential by the Commission.

(d) All documents designated confidential pursuant to this Section shall be treated as confidential by the Commission except as provided in Section 2507.

~~(e) Every three months, the Executive Director shall prepare a list of data designated confidential pursuant to this Section during the previous three months. The Executive Director shall give the list to each Commissioner. The list shall also be made available to the public upon request.~~

Note: Authority cited: Sections 25213 and 25218(e), Public Resources Code; and Section 6253(a), Government Code. Reference: Sections 25223, 25322, 25364 and 25366, Public Resources Code; and *Bakersfield City School District v. Superior Court* (2004) 118 Cal.App.4th 1041.

§ 2506. Petition for Inspection or Copying of Confidential Records; Chief Counsel Decision. No Changes

§ 2507. Disclosure of Confidential Records.

(a)-(d) *no changes*

(e) Unless an application for confidentiality is granted under section 2505(a)(3) specifying a different confidentiality term, data subject to an automatic confidentiality designation under section 2505(a)(5) will remain confidential in accordance with the following timelines:

(1) Load forecasts and supporting customer projections by UDC distribution service area submitted pursuant to subdivision (b) of Section 1345 of Article 2 of Chapter 3 may be released no sooner than 3 years from the date of submittal.

(2) Retail electricity price forecasts submitted pursuant to subdivision (a) of Section 1348 of Article 2 of Chapter 3 may be released no sooner than 3 years from the date of submittal.

(3) Fuel price data provided pursuant to subdivision (d) of Section 1308 of Article 1 of Chapter 3 may be released no sooner than 5 years from the data of submittal.

(4) Electric power plant-specific hourly generation data may be released no sooner than 5 years from the date of submittal.

(5) LSE and UDC reports submitted pursuant to Sections 1306, 1307, or 1308(c) of Article 1 of Chapter 3 may be released no sooner than 5 years from the date of submittal.

~~(e)~~(f) 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 at the as-levels described below in subdivisions (A)-(DC)

(A) Data provided pursuant to Sections 1306(a)(1), 1306(a)(4), 1306(b), Section 1307(a), and Section 1308(c)(1) of Article 1 of Chapter 3 may be disclosed at the following levels of aggregation or higher:

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

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

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

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

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

7. For the total sales by county:

a. sum accounts, kWh, and revenue reported by all UDCs, aggregated at the county level by the subsector (3-digit) code level identified in the NAICS as defined in subdivision (b)(55) of Section 1302~~economic industry groupings used by the California Employment Development Department in its September 2005 Current Employment Statistics survey county reports.~~

b. sum accounts, therms, and revenue reported by all gas utilities, aggregated at the county level by the subsector (3-digit) code level identified in the NAICS as defined in subdivision (b)(55) of Section 1302~~economic industry groupings used by the California Employment Development Department in its September 2005 Current Employment Statistics survey county reports.~~

8. For total consumption by county:

a. sum electricity deliveries (kWh) reported by all UDCs and electric generation consumed on site (other than for plant use) reported by power plants, aggregated at the county level by the subsector (3-digit) code level identified in the NAICS as defined in subdivision (b)(55) or Section 1302~~economic industry groupings used by the California Employment Development Department in its September 2005 Current Employment Statistics survey county reports.~~

b. the sum of natural gas deliveries (therms) as reported by all gas utilities, and natural gas that is produced and consumed on site as reported by gas retailers, with the sum aggregated at the county level by the subsector (3-digit) code level identified in the NAICS as defined in subdivision (b)(55) of Section 1302~~economic industry groupings used by the California Employment Development Department in its September 2005 Current Employment Statistics survey county reports.~~

(B) 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.

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

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

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

~~(2) where information designated as confidential that is other than that identified in subdivision (e)(1) above has been masked or aggregated to the point necessary to protect confidentiality. When the Executive Director plans to release masked or aggregated confidential data, he or she shall provide notice to the filer of the information, who may, within fourteen days, request that the Commission prohibit the release of the information. During that time, the records shall not be available for inspection or copying. If the filer makes such a request, the Commission shall conduct a proceeding pursuant to the provisions of Section 2508. Any other situation in which records that have that have been designated as confidential are masked, aggregated, or anonymized to the extent necessary to ensure confidentiality.~~

~~(fg)~~ 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) where the data has been publicly released either by the filer or by another governmental agency; or

~~(23)~~ 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 may, within fourteen days, request that the Commission prohibit the release of the information. During that time, the records shall not be available for inspection or copying. If the filer makes such a request, the Commission shall conduct a proceeding pursuant to the provisions of Section 2508.

Note: Authority cited: Sections 25213 and 25218(e), Public Resources Code; and Section 6253(a), Government Code. Reference: Sections 25223, 25322 and 25366, Public Resources Code.

§ 2508. Commission Hearing on Confidentiality of Records. No Changes

§ 2509. Security of Confidential Records. No Changes

§ 2510. Delegation of Authority and Responsibilities. No Changes