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March 18, 2014

Advice 4378-E
(Pacific Gas and Electric Company ID U 39 E)

Public Utilities Commission of the State of California

Subject: **Establishment of the Customer Data Access Program for Release of Customer Interval Usage Data to Third Parties and the Associated Electric Rule 25, *Release of Customer Data to Third Parties***

In compliance with Decision (D.) 13-09-025, Ordering Paragraph (OP) 18 and 19, Pacific Gas and Electric Company (PG&E) hereby submits for filing its Electric Rule 25, *Release of Customer Data to Third Parties*. The tariff sheets are listed on Attachment 1 and are attached hereto.

Purpose

Pursuant to D.13-09-025, OPs 18 and 19, this Tier 1 advice filing establishes PG&E's service offering to allow third parties access to PG&E customers' interval usage data through the Customer Data Access (CDA) program consistent with PG&E's Rule 27, *Privacy and Security Protections for Energy Usage Data* (Data Privacy Rule).

Background

In D.11-07-056, rules were adopted to protect the privacy and security of customer usage data obtained by the California investor-owned electric utilities' (IOUs) Advanced Metering Infrastructure (AMI) systems, as required by Senate Bill (SB) 1476 (Chapter 497). On March 5, 2012, in compliance with D.11-07-56, OP 8, PG&E filed Application 12-03-002 proposing a CDA Program that third parties could use, consistent with the Data Privacy Rules, to access PG&E customers' interval usage data. As part of this Application, PG&E proposed a new Form 79-1147, *Authorization or Revocation of Authorization to Receive Customer Usage Information*, for use in this context. On September 19, 2013, D.13-09-025 was issued establishing guidelines for adoption of the CDA program and ordered the IOUs to file this advice letter seeking approval of tariff offering customer data access services to third parties. The service offering and related tariff is discussed herein.

THE CUSTOMER DATA ACCESS PROGRAM

The IOUs have collaborated extensively to ensure a consistent CDA solution, to enhance customer experience, to mitigate risk, and to ensure consistency of experience for third parties and customers alike through the entire CDA implementation and program process. Furthermore, the IOUs collaborated and coordinated to provide similar standards, data platforms, data types, and similar procedures for access of data by third parties and methods of interacting with customers to make their experience as seamless as possible across the state. The IOUs business processes were assessed to ensure alignment wherever possible. Finally, a WebEx workshop was held on March 6, 2014 with the IOUs and participating vendors where the IOUs presented to these entities the basic construct of the CDA program and answered questions.

The following describes the service offering, third party eligibility requirements, customer authorization, data request fulfillment and security, third party revocation, customer interaction, and the implementation timeline as agreed upon by the IOUs.

Customer Data Access Service Offering: Third Parties Access to Customer Interval Usage Data

The IOUs' service offering, the CDA program, will allow third parties access to customer interval usage data through the CDA platform using the Energy Service Provider Interface (ESPI) standard. The ESPI system is a technology platform which provides customer-authorized release of interval usage data to third parties. The transfer of this data will be supported in a secure, automated manner, consistent with the ESPI standard adopted by the North American Energy Standards Board (NAESB)[1]. Details regarding this automation and security will be found in the following sections detailing those components.

Third parties may request access of customer interval usage data by going online at the IOU's website. Once the third parties' online request has been approved by the IOU, the third parties will be eligible to receive customer interval usage data on a next-day basis. However, they cannot gain access to any customer data until they are authorized to do so by individual customers. Third party access to online customer data will commence one to five days after the customer's online authorization request has been received by the IOU.

At this point in time, the data released through the CDA program will be limited to electric interval usage data and be provided the next-day – which is consistent with national NAESB standards. It is possible that after stabilization of the CDA system, and in accordance with user adoption and regulatory demands, additional data elements may be available in the future.

[1] REQ. 21.3.1 General Practices for Energy Services Provider Interface (ESPI)

This service offering is at no cost to the third parties for basic machine-to-machine connectivity between the IOU and third parties systems in order to ensure technical capability and to receive data, as specified in PG&E's Electric Rule 25.[2] In the event third parties require technical consultation from the IOU which goes beyond basic machine-to-machine connectivity or if third parties request data beyond the provisions of PG&E's Electric Rule 25, the IOUs may charge a fee for those requests under other Commission-approved tariffs (e.g., Schedule E-CCAINFO).

Third Party Eligibility Requirements

For third parties to be eligible for CDA, they must meet four requirements:

1. Submission of basic company information (e.g. name, contact, Federal tax ID numbers)
2. Acknowledgment of receipt of applicable utility tariff governing customer usage data privacy and the automated transmission of usage data to customer authorized third parties
3. Demonstrated technical eligibility criteria (subject to change at utility's discretion and consistent with national standards)
4. Not be on the California Public Utilities Commission (Commission or CPUC) ineligibility list

Technical eligibility criteria are not yet formally documented, but will likely include elements such as a connectivity test (machine-to-machine) and ensured third parties connectivity. These criteria will be published and displayed on the IOU websites once they are confirmed. Given that they are eligible, third parties will go through a registration process to initiate their participation in the CDA program. The third party registration process includes the following:

1. Third parties ability to register via web portal: third parties are invited to a portal to enter their information, confirm the key corporate contacts, and begin the connectivity process.
2. Acknowledgement of the IOU's Tariff Rules, Terms and Conditions: third parties are provided the applicable tariff rules, as well as standard terms and conditions to read during the registration process, to which they are required to acknowledge and agree prior to advancing through the process.
3. Third parties validation (e.g. valid email, not on ineligible list): an automated system checks the existing CPUC ineligibility list and validates the third parties email to ensure that the contact information and eligibility requirements are met.
4. Third parties / utility connectivity test: Third parties receive instructions to ensure that the machine-to-machine connectivity and communication is secured and that their systems are capable of accessing the customer interval usage data.

[2] Designation of the Rule number differs across the IOUs.

Customer Authorization

The CDA program is designed to allow customers to release their interval usage data to a third party through an online authorization process. The process includes the following six steps:

1. Customer selects a third party from an approved list
2. Customer enters release of data information (e.g. timeframe, account IDs)
3. Customer agrees to terms and conditions
4. Customer accesses the landing page on third parties website to authorize release of interval usage data by service account
5. Customer accesses the IOU's portal to complete authorization
6. Data will be available to the third parties within one to five days after the online request has been accepted by the IOU (for initial requests, the third parties will be provided 13 months of historical data)

Terms and conditions are facilitated through the PG&E website in "My Energy"[3]. My Energy also permits users to select from displayed account IDs versus needing to enter the account ID information. When customers select a timeframe, they may select a start-date and duration or, if they would like to keep the selection open-ended, they may select "indefinite." Customers will also have the option to submit a hard copy authorization form for participation in the CDA program.

Data Request Fulfillment and Security

Data request fulfillment utilizes a unique ID that connects the customer's service account, the third parties, and the IOU's back-end system. The unique ID (specific to a third party) is used in place of a service account and allows third parties to match data to identify the customer while protecting service account data and ensuring protection of customer data. In addition, data privacy rules must be adhered to by the third parties and acknowledged by the third parties upon registration.

The third parties access and portal are secured through the ESPI standard platform. The ESPI platform facilitates a secure gate to the data through an authorized provisioned token. The ESPI platform ensures that third parties never directly access an IOU server; rather they access a middle server to acquire the secured data.

Third Party Revocation

Revocation of third parties access to customer interval usage data can occur through three different triggers: customer, third parties, or CPUC invoked. Customer revocation is processed through a revocation request. Following such request, both the customer and the third party are notified. Third party invoked revocation could occur under any

[3] This terms varies across the IOUs

circumstance in which the third party willingly revokes their own access (going out of business, etc.). CPUC invoked revocation can be the result of an investigation of misuse of data, or at the discretion of the CPUC. Under all of these triggers, there will be immediate system revocation of access to future-dated data.

If a customer suspects a third party is misusing their data, it may submit a misuse of data form electronically to the IOU or contact the IOU's customer contact center. The customer may also file a complaint directly with the CPUC. Upon form submission, the IOU will enter a 21 day resolution period during which the third party continues to receive data. Within the 21 days, the IOU is responsible to investigate the claim and its validity. If the IOU reasonably expects that a violation has occurred, the IOU may escalate the complaint to the CPUC via a Tier 2 advice letter. Upon receiving the escalation, the CPUC can request additional analysis, make a revocation decision, or postpone their decision. In the case of a revocation decision, the CPUC will provide direct notification to all IOUs regarding third parties revocations, and the third parties will be automatically added to the CPUC ineligible list to prevent future access of data.

For reporting, the current internal ad hoc reporting and annual authorization (Authorization to Receive Customer Information or Act Upon a Customer's Behalf, Form 79-1095 (CISR)) reports sent to CPUC will be continued and will include the CDA enabled CISRs.

Customer Interaction

PG&E representatives will address program activities, in particular the concerns and interactions with customers and third parties. These representatives will be trained and capable of handling the nuances of the CDA program, and related registration, account management, etc. PG&E is committed to provide technical customer support during registration, processing manual authorizations (CISR forms), responding to program inquiries, and managing misuse of data complaints.

Existing IOU customer contact centers will assist in this support, and will be available for third parties and customers. When appropriate, they will forward on customers and third parties to the CDA program administrators.

Implementation Timeline

PG&E will follow a staggered approach for implementation. Initially, PG&E will implement a "soft launch", partnering with a third party to test stability and user experience. This soft launch will take place in the fourth quarter of 2014.

Following the soft launch and upon system stabilization, PG&E will continue to add third parties, with anticipated "full launch" by end of first quarter of 2015.

For active CISRs pre-CDA implementation, third parties will not be automatically transferred to the CDA platform. Authorization and successful connectivity tests are required for entry. Customers will not be automatically transferred to the CDA platform, as doing so could compromise customer security by aversion of the OAuth process (the creation of the unique ID that allows third parties, PG&E and the customer to share information without revealing the service account number or other sensitive information), required for data privacy and security, as well as data management.

PROPOSED TARIFF MODIFICATIONS

PG&E proposes to establish Rule 25 (Release of Customer Data to Third Parties) to support the implementation of the CDA program. Rule 25 covers the following:

Applicability – includes a definition of "Customer Data," a reference to the Form 79-1147 titled "Authorization or Revocation of Authorization to Receive Customer Interval Usage Information" that will be used to initiate the process, and reference to a section in Rule 27 as it pertains to third parties.

Customer Authorization/Revocation – includes (a) information regarding the customer authorization process and when the data will be available after the application is processed, (b) customer revocation request processing once PG&E receives the request, and (c) other means of revocation of authorization.

Service Offering – includes (a) timeline when the data will be made available and how long it will be available once the request is processed, (b) type of data that will be offered, (c) how often the data will be updated, and (d) if there are any costs involved in providing such data,

Third Party Eligibility Requirements – includes (a) the basic information a third party must provide in order to register, (b) the requirements necessary for a third party to be able to receive customer data in a secure manner consistent with the NAESB ESPI standards, (c) acknowledgement of receipt of PG&E's Rule 25 and 27 and terms and conditions, (d) the requirement that third parties provide a clear notice of transparency regarding the data they are collecting, storing, and using, and (e) the requirement of a third parties to provide a Federal Tax ID as a unique identifier to track its registration in CDA across the state IOUs.

Third Party Ineligibility by order of the Commission – includes (a) discussion of the list of ineligible third parties which is posted on the CPUC website, (b) PG&E's actions with respect to Commission's list with regards to addressing a violations by the third parties, (c) Commission's authority to extend, or shorten the resolution period to address a third party violation, and (d) customer's authorization to release its information to a third party once they have successfully registered.

Limitations of Liability – includes a discussion on limitations of liability.

No cost information is required for this advice filing.

This advice filing will not increase any rate or charge, cause the withdrawal of service, or conflict with any other schedule or rule.

Protests

Anyone wishing to protest this filing may do so by letter sent via U.S. mail, facsimile or E-mail, no later than April 7, 2014, which is 20 days after the date of this filing. Protests must be submitted to:

CPUC Energy Division
ED Tariff Unit
505 Van Ness Avenue, 4th Floor
San Francisco, California 94102

Facsimile: (415) 703-2200
E-mail: EDTariffUnit@cpuc.ca.gov

Copies of protests also should be mailed to the attention of the Director, Energy Division, Room 4004, at the address shown above.

The protest shall also be sent to PG&E either via E-mail or U.S. mail (and by facsimile, if possible) at the address shown below on the same date it is mailed or delivered to the Commission:

Brian K. Cherry
Vice President, Regulatory Relations
Pacific Gas and Electric Company
77 Beale Street, Mail Code B10C
P.O. Box 770000
San Francisco, California 94177

Facsimile: (415) 973-7226
E-mail: PGETariffs@pge.com

Any person (including individuals, groups, or organizations) may protest or respond to an advice letter (General Order 96-B, Section 7.4). The protest shall contain the following information: specification of the advice letter protested; grounds for the protest; supporting factual information or legal argument; name, telephone number, postal address, and (where appropriate) e-mail address of the protestant; and statement that the protest was sent to the utility no later than the day on which the protest was submitted to the reviewing Industry Division (General Order 96-B, Section 3.11).

Effective Date

PG&E requests that this Tier 1 advice filing become effective on regular notice, **April 17, 2014**, which is 30 calendar days after the date of filing.

Notice

In accordance with General Order 96-B, Section IV, a copy of this advice letter is being sent electronically and via U.S. mail to parties shown on the attached list and the parties on the service lists for A.12-03-002, R.08-12-009, and R.08-12-009 Phase 2. Address changes to the General Order 96-B service list should be directed to PG&E at email address PGETariffs@pge.com. For changes to any other service list, please contact the Commission's Process Office at (415) 703-2021 or at Process_Office@cpuc.ca.gov. Send all electronic approvals to PGETariffs@pge.com. Advice letter filings can also be accessed electronically at: http://www.pge.com/tariffs

Brian Cherry /KHC

Vice President, Regulatory Relations

Attachments

cc: Service Lists A.12-03-002, R.08-12-009, and R.08-12-009 Phase 2

CALIFORNIA PUBLIC UTILITIES COMMISSION

ADVICE LETTER FILING SUMMARY
ENERGY UTILITY

MUST BE COMPLETED BY UTILITY (Attach additional pages as needed)

Company name/CPUC Utility No. **Pacific Gas and Electric Company (ID U39 E)**

Utility type:	Contact Person: Kingsley Cheng
☑ ELC ☐ GAS	Phone #: (415) 973-5265
☐ PLC ☐ HEAT ☐ WATER	E-mail: k2c0@pge.com and PGETariffs@pge.com

EXPLANATION OF UTILITY TYPE

ELC = Electric GAS = Gas
PLC = Pipeline HEAT = Heat WATER = Water

(Date Filed/ Received Stamp by CPUC)

Advice Letter (AL) #: **4378-E** **Tier: 1**

Subject of AL: **Establishment of the Customer Data Access Program for Release of Customer Interval Usage Data to Third Parties and the Associated Electric Rule 25, Release of Customer Data to Third Parties**

Keywords (choose from CPUC listing): Compliance, Establish Service, Rules

AL filing type: ☐ Monthly ☐ Quarterly ☐ Annual ☑ One-Time ☐ Other _____

If AL filed in compliance with a Commission order, indicate relevant Decision/Resolution #: D.13-09-025

Does AL replace a withdrawn or rejected AL? If so, identify the prior AL: No

Summarize differences between the AL and the prior withdrawn or rejected AL: _____

Is AL requesting confidential treatment? If so, what information is the utility seeking confidential treatment for: No

Confidential information will be made available to those who have executed a nondisclosure agreement: N/A

Name(s) and contact information of the person(s) who will provide the nondisclosure agreement and access to the confidential information: _____

Resolution Required? ☐Yes ☑No

Requested effective date: **April 17, 2014** No. of tariff sheets: 7

Estimated system annual revenue effect (%): N/A

Estimated system average rate effect (%): N/A

When rates are affected by AL, include attachment in AL showing average rate effects on customer classes (residential, small commercial, large C/I, agricultural, lighting).

Tariff schedules affected: New Electric Rule 25 - *Release Of Customer Data To Third Parties*

Service affected and changes proposed: N/A

Pending advice letters that revise the same tariff sheets: N/A

Protests, dispositions, and all other correspondence regarding this AL are due no later than 20 days after the date of this filing, unless otherwise authorized by the Commission, and shall be sent to:

California Public Utilities Commission
Energy Division
EDTariffUnit
505 Van Ness Ave., 4th Flr.
San Francisco, CA 94102
E-mail: EDTariffUnit@cpuc.ca.gov

Pacific Gas and Electric Company
Attn: Brian K. Cherry
Vice President, Regulatory Relations
77 Beale Street, Mail Code B10C
P.O. Box 770000
San Francisco, CA 94177
E-mail: PGETariffs@pge.com

Cal P.U.C. Sheet No.	Title of Sheet	Cancelling Cal P.U.C. Sheet No.
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33662-E	ELECTRIC RULE NO. 25 RELEASE OF CUSTOMER DATA TO THIRD PARTIES Sheet 2	
33663-E	ELECTRIC RULE NO. 25 RELEASE OF CUSTOMER DATA TO THIRD PARTIES Sheet 3	
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ELECTRIC RULE NO. 25

Sheet 1 (N)

RELEASE OF CUSTOMER DATA TO THIRD PARTIES (N)

I. **APPLICABILITY** (N)

The following rules apply to PG&E's automated, ongoing provisioning of interval usage data,[1] henceforth referred to as "Customer Data," to customer-authorized third-parties using an electronic platform known as the Customer Data Access (CDA) platform. The data available through this platform is specifically identified in PG&E's customer release form (79-1147), titled "Authorization or Revocation of Authorization to Receive Customer Interval Usage Information" (CISR-CDA). This tariff rule governs PG&E and the following parties:

1. PG&E customers with open service accounts and where advanced metering is installed; and

2. Third parties authorized by PG&E customers in a customer information release form (as designated on Form 79-1147) to receive Customer Data provided that the third parties comply with PG&E's Electric Rule 27 and are eligible pursuant to Section III below. A copy of Rule 27 may be found at PG&E.com.

II. **CUSTOMER AUTHORIZATION/REVOCATION**

A. **Customer Authorization:** Upon receipt of a completed, executed online customer information release form (Form 79-1147) and third party adherence to this Rule, PG&E shall make Customer Data available to eligible customer-authorized third parties within one to five days.

B. **Customer-Initiated Revocation of Authorization:** Customers may revoke a third party's authorization to receive Customer Data at any time. Upon receiving the revocation request, PG&E shall cease transmission of the customer's data and shall notify the third party via electronic notification provided by the Third Party within one business day of the customer's revocation of authorization.

C. **Other Means of Revocation of Authorization:** Authorization for a third party to receive Customer Data may also be revoked automatically by the Commission pursuant to Section V below, or if a third party otherwise becomes ineligible for failure to meet the other requirements of Section V below.

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[1] Additional data types may be available through this platform in the future. (N)

(Continued)

ELECTRIC RULE NO. 25 Sheet 2
RELEASE OF CUSTOMER DATA TO THIRD PARTIES

III. **SERVICE OFFERING** (N)

A. **Availability of Data:** Customer-authorized third parties must retrieve the Customer Data for a given day five days of it being made available by the data custodian after which time that data may be removed. PG&E reserves the right to charge fees for re-transmission of data that third parties failed to retrieve in a timely manner.

B. **Description of Data:** At the customer's election, authorized third parties meeting the eligibility criteria in Section IV below shall electronically receive Customer Data which shall at a minimum include, thirteen months of historical interval usage data, and, on an ongoing basis as needed, next-day, interval usage data, in a data format consistent with national standards codified by and maintained at the North American Energy Standards Board (NAESB) known as the NAESB Energy Service Provider Interface (ESPI) Standard. The applicable portion of the Customer Data governed by this Rule shall correspond to the interval usage data recorded by the customers' meters. PG&E shall update the data format available through the CDA platform to the extent the NAESB ESPI standards are modified from time to time. The "Reading Quality" flag as provided in the NAESB Energy Service Provider Interface (ESPI) Standard will be employed to indicate the quality of meter data provided through the CDA platform.[2]

C. **Data Updates:** PG&E will transmit Customer Data once per day at the end of each business day. Customer Data transmitted at the end of each day is the most current information at that time and includes any data updates throughout the day. PG&E bears no obligation to transmit Customer Data once a customer's authorization of the third party's right to receive the data has expired or is otherwise terminated, as referenced in Section IV, below.

D. **Cost:** PG&E shall make Customer Data available through the CDA platform free of charge to customer-authorized third parties provided that the data is retrieved timely under Section III.A. above. Nothing in this Rule is intended to modify, directly or indirectly, service or data fees established in other applicable tariff rules or schedules.

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[2] North American Energy Standards Board (NAESB) Energy Service Provider Interface (ESPI) Standard pgs. 25 and 28. (N)

(Continued)

ELECTRIC RULE NO. 25 Sheet 3
RELEASE OF CUSTOMER DATA TO THIRD PARTIES

IV. **THIRD-PARTY ELIGIBILITY REQUIREMENTS** (N)

Third Parties are subject to the following conditions in order to obtain and maintain access to Customer Data.

1. **Provide and Update Contact Information:** Third parties must input basic contact information at PG&E's CDA Third Party Registration Web Page, including company/entity's name, federal tax identification number, mailing address, and the names, telephone numbers, mailing addresses, and email addresses for any key business and technical contacts at the company/entity. Third parties are solely responsible for making timely updates to that information, as may be required from time to time.

2. **Technical Eligibility:** Third parties must demonstrate connectivity aptitude through the machine-to-machine verification of the third parties' technical feasibility to receive customer data securely from PG&E, to be described in more detail at PG&E's CDA Third Party Registration Web Page. PG&E shall work in good faith to resolve technical issues that may arise with third parties seeking technical eligibility. Such work will be limited to connectivity to the CDA platform and PG&E will put forth a reasonable effort to resolve technical issues regarding such connectivity. PG&E will not provide technical consulting to resolve any connectivity issues on the side of the third party. Technical eligibility criteria may change, from time to time, consistent with the NAESB ESPI Standard.

3. **Acknowledge Receipt of Applicable Tariff:** Upon determining that a third party is technically eligible to receive Customer Data as provided in Section IV.2, above, the third party must acknowledge receipt of and has read and understands the terms and conditions of PG&E's Rule 27 and this Rule.

4. **Transparency:** Third parties shall continue to provide customers with clear notice regarding their accessing, collection, storage, use, and disclosure of Customer Data.

5. **Identifier:** Third party shall provide PG&E with a Federal Tax ID number which can be used to track its registration in CDA across the state utilities.

Currently authorized third party agents can be found at PG&E's website. (N)

(Continued)

ELECTRIC RULE NO. 25 Sheet 4
RELEASE OF CUSTOMER DATA TO THIRD PARTIES

V. **THIRD PARTY INELIGIBILITY BY ORDER OF THE COMMISSION** (N)

A. **Commission's List of Prohibited Third Parties:** Pursuant to D.13-09-025, the Commission may create and maintain a list of third parties whom the Commission has determined are not eligible to receive customer usage data, even when authorized by the customer, under the CDA platform. The list shall be posted on the Commission's website at www.cpuc.ca.gov. Should a third party be included on this list, PG&E will deem the list to be an order by the Commission declaring the party ineligible to participate on the CDA platform unless and until either (a) the party's name is lifted from the Commission's list of entities prohibited from receiving customer usage data; or (b) the Commission's order has been stayed or enjoined by the appropriate court or agency. The Commission will also provide direct notification to the PG&E regarding any changes to the list. PG&E is not responsible for creating maintaining or continuously monitoring the Commission's list.

B. **PG&E's Actions With Respect To Commission List:** Customers will have access to a "potential violation" form on PG&E's website which they can electronically submit to PG&E if they suspect third party mishandling of data or non-compliance with this Rule or Rule 27. Customers may also call PG&E Call Center Line to report these suspicious activities. After reviewing case, and in the event that PG&E reasonably suspects that a third party has violated state law or the Commissions' privacy rules, it shall serve the third party and the Commission's Energy Division with a notice of the suspected tariff violation along with any information regarding possible wrongdoing. PG&E shall seek to resolve the suspected tariff violations with the third party during a 21-day resolution period, during which time PG&E will continue transmission of data unless otherwise requested by the customer. At its discretion, the Energy Division staff may facilitate resolution of the issues between PG&E and the third party, and may grant an additional 21-day period for resolving the issue. If the matter is not resolved during the period set for resolution, PG&E shall file a Tier 2 advice letter seeking to move the third party to the list of entities ineligible to receive customer data via the CDA platform. PG&E shall provide notice of this filing to all customers who have selected that third party to receive their Customer Data. Until Commission action resolves the matter, PG&E will continue to transmit data, unless otherwise requested by the customer.

C. **Commission Authority and Discretion:** The Commission has authority to reduce or eliminate the 21-day resolution period referenced in the immediately preceding sub-section. The Commission also has the authority to address the advice letter referenced in Section V.B above in an expedited manner, the authority to investigate the issue on its own motion, the authority to address a complaint filed at the Commission by the customer concerning the rules and obligations under this tariff or Rule 27, and the authority to determine the appropriate remedy, if necessary, for any tariff violation.

D. **Customer Authorization:** Successful and valid "registration" with PG&E, pursuant to Sections II.A through V.C above, are necessary but not sufficient conditions before a third party can receive interval usage data under this Rule. Valid and current customer authorization pursuant to Section II is required for data release under this tariff. (N)

(Continued)

ELECTRIC RULE NO. 25 Sheet 5
RELEASE OF CUSTOMER DATA TO THIRD PARTIES

VI. **LIMITATIONS OF LIABILITY** (N)

A. PG&E shall not be deemed to have transmitted Customer Data recklessly provided that it follows the requirements of D.13-09-025 as incorporated in this Rule and Rule 27.

B. The limitation of liability included in Section 9.f. of Rule 27 is incorporated herein as follows: "PG&E shall not be liable for any claims, demands, causes of actions, damages, or expenses arising from or resulting from any release of Covered Information or other confidential customer information pursuant to a customer's written authorization, legal process or the Commission's order; the unauthorized use of Covered Information or other confidential customer information by a third party receiving such information from PG&E pursuant to a customer's written authorization, legal process or the Commission's order; or any actions taken by a customer-authorized third party. After PG&E makes a secure and authorized transfer of Covered Information to a third party pursuant to customer authorization or Commission order, PG&E shall not be responsible for the security of the Covered Information or data or its use or misuse by a third party."

C. The CDA platform is designed primarily to provide next-day interval Customer Data from the IOU's back office systems. That data may not be complete or accurate, and may be updated before and after bills are issued to customers. The data on the CDA platform is transmitted on an "as is" and "as available" basis. PG&E shall not be liable for the inability of customers or their authorized third parties to access the CDA platform, or for PG&E's delay in updating or failure to update any information, for whatever reason.

D. PG&E does not warrant that the CDA platform will be timely, secure, uninterrupted, or error-free, or that defects in the CDA platform, as may exist from time to time, will be corrected. PG&E will not be responsible for errors, omissions, interruptions, deletions, defects or delays in the operation of or transmission of data through the CDA platform, including those due to communication line failures, or computer viruses associated with the operation of PG&E's website or platform.

E. PG&E, its affiliates or subsidiaries, and their officers, directors, employees, agents, successors, or assigns, will not be liable to customers or any third party for any indirect, consequential, incidental, exemplary, special or punitive damages resulting from lost data or lost profits arising out of or in connection with the CDA platform.

F. PG&E does not warrant the immediate revocation of a third party's authorization status without direct notice from the Commission on its change of status to a prohibited party. (N)

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Sheet 1

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Sheet 21

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PG&E Gas and Electric
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