

Rule 28
DATA REQUEST AND RELEASE PROCESS

The following provisions apply policies and procedures governing access to Pacific Power customer energy usage and usage-related data by eligible academic researchers, local government entities, and state and federal agencies ("Third Parties").

- A. Third parties requesting energy usage and usage-related data will do so by submitting to Pacific Power a data request form.
- B. Prior to receiving access to energy data, the requesting party will execute a standard non-disclosure agreement.
- C. Local governments receiving aggregated and anonymous data are not subject to a non-disclosure agreement. Local governments will use the data for the purpose stated in the request and will not release the data to another third party or publicly disclose the data.
- D. Academic researchers shall be affiliated with a non-profit college or university accredited by a national or regional accrediting agency and the accrediting agency is formally recognized by the U.S. Secretary of Education. Academic researchers shall be a faculty member or sponsored by a faculty member and the academic researcher and sponsoring faculty members are responsible for carrying out the terms of the data release and a non-disclosure agreement. The academic researcher shall demonstrate the proposed research will provide information that advances the understanding of California energy use and conservation.
- E. Third Parties must accept the following terms of service:
 - 1. The party will use the data for the purposes stated in the request,
 - 2. The party will not release the data to another third party or publicly disclose the data, and
 - 3. Prior to the release of any data, Pacific Power will inform the Executive Director of the Commission via a formal letter four weeks in advance of the proposed transfer. No data shall be released to academic researchers, state or federal government agencies, or local government entities requesting census block-level data until four weeks have passed from the date of the letter. A copy of said letter will be provided to the requesting Third Party. The letter shall contain the following information:
 - a) The purpose identified by the party requesting data,
 - b) A description of the data requested and to be released,
 - c) Name, address, phone and email address of the Third Party requesting the data, and
 - d) Whether this is a one-time request or a request for ongoing access.

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Third parties requesting ongoing access to data without change in either purpose or data requested, following the initial formal letter to the Executive Director of the Commission by Pacific Power, no advance letter is needed for subsequent transfers of the same type of data.

F. In order for a Data Request to be considered complete, the requestor must comply with all of the following conditions:

1. Fill out all fields with valid and correct information,
2. Must be verified as an eligible third party per D.14-05-016,
3. Must agree to the Terms of Service in accordance with Section E, and
4. Must submit an executed Non-Disclosure Agreement in accordance with Section B above.

G. Pacific Power will:

1. Confirm receipt of the data request within five business days of receiving a request form;
2. Respond within seven business days of receiving a request form from a Third Party as to whether the form is complete and, if incomplete, what additional information is required for Pacific Power to process the request;
3. Will respond within 15 business days of receiving a complete request for access to energy data regarding whether it is able to grant the request, and provide a proposed schedule for providing the requested data. If Pacific Power responds that it cannot grant access to the data, it will provide specific reasons for why it cannot provide the data or offer other options for providing data access.
4. Notify the requestor of the data transmission and security requirements.

H. Privacy and Information Security Laws

Nothing in this process requires or authorizes a utility or a third-party to violate any existing privacy or information security laws, rules or orders, including the Commission's privacy rules. Nothing in this process requires or authorizes a utility or a third-party to transfer, sell, or license energy data that consists of the utilities' intellectual property, trade secrets and competitively-sensitive data will be subject to Commission review and approval consistent with existing Commission rules and orders regarding the sale, transfer or licensing of utility assets.

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- I. Standardized Data Output and Delivery
 - 1. All data outputs will be in standard formats. Data will be accessible in specified formats such as comma-delimited, XML, or other agreed-upon formats. Customized outputs of formats should be avoided.
 - 2. Mechanisms for handling data delivery for requests of all sizes in a secure manner should be standardized. Pacific Power will provide data on a secure FTP server where the requestor will retrieve it. In addition, sensitive customer information or other information subject to protections will be encrypted.

- J. Researcher Qualifications. To receive covered data, the research project and the university researcher should fulfill the following conditions:
 - 1. Demonstrate that the proposed research will provide information that advances the understanding of California energy use and conservation. Research may include, but is not limited to, analysis of the efficacy of EE program, or demand response programs, or the quantification of the response of electricity consumers to different energy prices or pricing structures. In addition, research pertaining to GHG emissions, the integration of renewable energy supplies into the electric grid, and the analysis of grid operations are also topics vested with a public interest and will advance the understanding of California energy use and conservation. In addition to these research topics, research tied to any energy policy identified in the Public Utilities Code as serving a public purpose is also appropriate.
 - 2. Pursuant to the California Information Practices Act, University of California researchers or researchers associated with non-profit education's institutions that seek data containing personal identifiable information must demonstrate compliance with the provisions of Civil Code 1798.24(t)(1).
 - 3. The project must be certified to be in compliance with the federal government's "Common Rule" for the protection of human subjects by an "Institutional Review Board," as defined in the National Science Foundation's Code of Federal Regulations 45CFR690: Federal Policy for the Protection of Human Subjects. [For research undertaken by members of the University of California, researches must demonstrate approval of the project by the CPHS for the CHHSA or an institutional review boards, as authorized in paragraphs Section (4) and (5) of Civil Code 1798.24(t).] Specifically, the review board must accomplish the specific tasks identified in Civil Code 1798.24(t)(2).

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