



January 8, 2020

**VIA WEB PORTAL**

Mr. Mark L. Johnson  
Executive Director and Secretary  
Washington Utilities and Transportation Commission  
621 Woodland Square Loop SE  
Lacey, WA 98503

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State Of WASH.  
UTIL. AND TRANSP.  
COMMISSION

Re: Rulemaking to modify existing consumer protection and meter rules to include  
Advanced Metering Infrastructure, Docket U-180525

Dear Mr. Johnson:

Per the request of Administrative Law Judge Kopta made during the December 19, 2019 workshop in the above-referenced docket, Mission:data Coalition (“Mission:data”) hereby provides California’s Assembly Bill 802 (Williams, 2015). AB 802, signed into law by Governor Jerry Brown on October 8, 2015, addresses California’s energy usage data aggregation for purposes of benchmarking using ENERGY STAR Portfolio Manager.

It is important to understand that data aggregation thresholds – that is, how many meters may be added together so that the resulting value safely protects the privacy of an individual consumer – can and should vary depending upon how the information will be released. For the public release of aggregated energy usage data, California Public Utilities Commission decision D.14-05-016 (which was filed in the present docket by Ms. Nina Suetake on behalf of Public Counsel on January 3, 2020) specifies that residential customers must have aggregations of at least 100 customers, and commercial/industrial customers must have aggregations meeting the “15/15” rule, meaning that there must be at least 15 meters in an aggregation, and no single meter may contribute greater than 15% to the sum.

However, for non-public release of aggregated information for purposes of energy management, California's AB 802 sets a lower threshold of three (3) meters. The pertinent section of AB 802 is pasted below:

Section 25402.10(c)(2): The delivery of information by utilities pursuant to this section shall be subject to the following requirements:

(A) For covered buildings with three or more active utility accounts, each utility shall deliver information showing the aggregated energy usage data of all utility customers in the same building for each of the 12 prior months. Notwithstanding any other law, energy usage data aggregated in this manner shall not be deemed customer utility usage information or confidential information by the utility for purposes of delivery to the owner, owner's agent, or operator of a building. The building owner and utility shall not have any liability for any use or disclosure of aggregated energy usage data delivered as required by this section.

Additional regulations necessary to implement AB 802 were promulgated by the California Energy Commission in Docket No. 15-OIR-15. More information can be found at <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=15-OIR-05>.

Dated: January 8<sup>th</sup>, 2020

Respectfully submitted,

FOR MISSION:DATA COALITION, INC.

\_\_\_\_\_/s/\_\_\_\_\_  
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