BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Consider Distributed Energy Resource Program Cost-Effectiveness Issues, Data Access and Use, and Equipment Performance Standards.	Rulemaking 22-11-013 (Filed November 17, 2022)

CLEAN COALITION REPLY COMMENTS ON ADMINISTRATIVE LAW JUDGE'S RULING SEEKING COMMENTS ON DATA WORKING GROUP REPORT

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July 13, 2026

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I. INTRODUCTION

Pursuant to Rule 6.2 of the Rules of Practice and Procedure of the California Public Utilities Commission ("Commission") the Clean Coalition respectfully submits these reply comments on the *Administrative Law Judge's* ("ALJ") *Ruling Seeking Comments on Data Working Group* ("DWG") *Report*, issued at the Commission on June 12, 2026, and the *ALJ Ruling Extending Time for Party Comments*, issued on June 22, 2026. We offer the following responses to party comments:

- The Commission should not allow generalized privacy concerns to delay reform of the 15/15/100 aggregation framework.
- SCE's ratepayer-benefit framing is too narrow and should not be used to discount the value of data access reforms.
- The Commission should consider SBUA's proposal to use the Societal Discount Rate.
- The DWG Report should be treated as a substantive foundation for Commission action.

II. COMMENTS

a. The Commission should not allow generalized privacy concerns to delay reform of the 15/15/100 aggregation framework

Opening comments confirm broad recognition that the Commission's data access rules require clarification, modernization, and more consistent application. While the utilities emphasize customer privacy, cybersecurity, and the need for additional analysis before changing aggregation thresholds, those concerns do not rebut the need for Commission action. Rather, they confirm that the Commission should establish a clear, time-bound process to replace the current overly restrictive and inconsistently applied aggregation framework with a standard that is privacy-protective, usable, and uniform across utilities.

The Clean Coalition agrees that customer privacy must remain a core requirement of any data access framework. However, privacy protection cannot be treated as a reason to preserve a rule that prevents local governments, Tribal governments, CCAs, researchers, and DER developers from accessing the data needed to support neighborhood electrification, load flexibility planning, Community Microgrids, local clean energy deployment, resilience planning, and economic development. The question before the Commission is not whether privacy matters. It is whether the existing 15/15/100 framework appropriately balances privacy with the public interest in actionable energy data. The DWG Report and party comments demonstrate that it does not.

The utilities' comments repeatedly suggest that the record is insufficient to adopt a 4/50 rule immediately.[1] But the DWG process was itself intended to identify data access barriers, stakeholder use cases, and candidate reforms. The record now confirms that the current aggregation framework is a barrier to multiple priority use cases identified in the DWG Report. The proper response is not to defer reform indefinitely, but to direct a focused implementation process with a clear timeline, defined evidentiary questions, and a requirement that the utilities explain how the current rule is applied today and what specific privacy risks would remain under a 4/50 framework or comparable alternative.

SBUA's comments reinforce this point. SBUA supports Clean Coalition's recommendation to relax the 15/15 rule and replace it with a 4/50 rule, noting that the 4/50 rule has been successfully implemented in New York with case-by-case exemptions and that it provides equivalent privacy protection while increasing data access.[2] SoCalREN likewise recognizes that the Commission should periodically evaluate whether existing aggregation requirements appropriately balance customer privacy protections with the public interest benefits associated with energy data access.[3] Together, these comments demonstrate that the issue is not whether privacy should be protected, but whether the Commission's current default aggregation

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[1] SCE Opening Comments on ALJ Ruling Seeking Comments on DWG Report, at p. 2, PG&E Opening Comments on ALJ Ruling Seeking Comments on DWG Report, at p. 10, and The Joint IOUs Opening Comments on ALJ Ruling Seeking Comments on DWG Report, at p. 16.
[2] SBUA Opening Comments on ALJ Ruling Seeking Comments on DWG Report, at p. 4.
[3] SoCalREN Opening Comments on ALJ Ruling Seeking Comments on DWG Report, at p. 8.

framework remains appropriately calibrated to today's DER, electrification, resilience, and local planning needs.

The DWG Report also undercuts the suggestion that aggregation reform should be delayed based solely on generalized privacy concerns. The Report found that no stakeholder identified specific examples of harm or injury from aggregated or anonymized data release in California, nor examples of similar harms in other states with significantly more permissive aggregation rules.[4] This does not mean that privacy safeguards are unnecessary; it means that the Commission should evaluate actual risk, actual use cases, and actual public-interest benefits rather than treating hypothetical re-identification concerns as a basis for preserving an overly restrictive default standard. ***<u>The DWG Report provides a clear foundation for action; the remaining task is not to determine whether aggregation reform is needed, but to establish the specific privacy-protective standard and implementation requirements that will make reform workable across utilities.</u>***

The Commission should therefore determine in this proceeding that the current 15/15/100 framework is no longer adequate as the default aggregation standard for public-interest DER, electrification, resilience, and local planning use cases. The Commission can then either adopt a 4/50 standard directly where the record is sufficient or establish a short, technical implementation process to finalize the standard, including any necessary customer-class distinctions, geographic safeguards, temporal granularity limits, case-by-case exemptions, and protections against re-identification. That process should not be open-ended. It should result in a Commission decision or ruling on a replacement aggregation framework within a defined timeframe.

The Commission should also require each utility to disclose how it currently applies the 15/15 rule, including whether the threshold is calculated using monthly load, annual load, hourly load, or another denominator; whether application differs by data platform or request type; and whether exceptions or additional internal screens are applied. Clean Coalition's opening comments explained that PG&E stated at a recent quarterly ICA workshop that it applies the 15/15 rule based on total monthly load, while SCE and SDG&E could not confirm that they apply the rule in the same manner. A privacy rule that materially affects DER planning, public data access, and local government decision-making should not vary by utility interpretation.

[4] Final DWG Report, at p. 59.

In short, the utilities' privacy arguments support Commission clarification, not Commission inaction. A modernized aggregation standard should preserve customer confidentiality while enabling the data access necessary for DER deployment, electrification, load flexibility, Community Microgrids, and resilience planning. The Commission should use the DWG Report as the foundation for that reform and should not allow the need for technical implementation details to become a reason to preserve an outdated and overly restrictive framework.

b. SCE's ratepayer-benefit framing is too narrow and should not be used to discount the value of data access reforms

SCE argues that many benefits identified in the DWG Report "do not appear to benefit utility ratepayers specifically, but rather to society generally, to academic users of the data, to third-party companies, or to participants in particular programs or services," and that requiring all utility customers to pay for those benefits would create inequitable outcomes by using utility rates as a regressive funding mechanism.[5] Clean Coalition agrees that affordability and cost allocation must be considered, and that the Commission should avoid speculative, duplicative, or poorly scoped data-system investments. However, SCE's framing draws too sharp a line between "ratepayer benefits" and broader public-interest benefits. Many of the public-interest benefits enabled by improved data access are also ratepayer benefits because they improve planning, reduce administrative duplication, support better DER siting, enable more targeted electrification and load flexibility, reduce project development friction, increase resilience, and help avoid unnecessary infrastructure costs.

The Commission should therefore reject the premise that data access reforms lack ratepayer value merely because some benefits also accrue to local governments, researchers, DER developers, CCAs, Tribal governments, or the public more broadly. California already recognizes through ratepayer-funded public purpose programs that research, market transformation, planning, and deployment support can create real customer value even when benefits are not immediate or confined to a single participating customer. Public purpose program investments help build information, tools, and market capacity that can streamline projects, reduce soft costs, improve program targeting, and lower deployment costs over time. DER data access serves a similar function: it creates the informational infrastructure needed to

[5] SCE Opening Comments on ALJ Ruling Seeking Comments on DWG Report, at p. 3.

make clean energy, electrification, resilience, and load flexibility investments more efficient and less costly.

The Commission should also account for the cost of inaction. Maintaining overly restrictive or inconsistent data access rules imposes its own burden by making DER deployment slower, local planning less accurate, microgrid development more bespoke, and infrastructure planning more likely to default to traditional wires-based solutions. Future value is still value, and future avoidable costs are still costs. A data access reform should not be rejected simply because the benefits are realized through better planning, avoided costs, reduced soft costs, or improved resilience rather than through an immediate, easily isolated bill reduction. The appropriate question is whether a proposed reform is reasonably designed to provide system, customer, resilience, or avoided-cost benefits that justify the cost—not whether every benefit is immediate, direct, or distributed identically to every ratepayer.

c. The DWG Report should be treated as a substantive foundation for Commission action

The Report reflects a lengthy working group process with significant stakeholder participation, multiple rounds of feedback, and detailed consideration of data access barriers and potential reforms. While additional implementation details may be needed for some recommendations, the Commission should not treat the Report as merely a preliminary discussion document that requires the same threshold questions to be redeveloped from the beginning.

III. CONCLUSION

The Clean Coalition appreciates the opportunity to submit reply comments and respectfully urges the Commission to use the DWG Report as the foundation for timely, actionable reform of California's DER data access rules. The Commission should reject indefinite delay, modernize the 15/15/100 framework through a privacy-protective and consistently applied aggregation standard, and ensure that data access reforms support electrification, load flexibility, Community Microgrids, resilience, avoided infrastructure costs, and the cost-effective operation of the grid of the future.

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