



Rule 26
RELEASE OF CUSTOMER DATA OR ENERGY USAGE RELATED
DATA TO THIRD PARTIES

Sheet 1

A. APPLICABILITY

The following rules apply to:

1. Customer-authorized third parties using an electronic platform known as the Customer Data Access (CDA) platform to access SCE's automated, ongoing provisioning of interval usage, billing, meter, program participation and/or other personal electricity related data,ⁱ (N)
henceforth referred to as "Customer Data." Customer Data may be accessed only from SCE customers with open service accounts and where advanced metering is installed. These third parties must be authorized by SCE customers by signing Form 14-929 to receive Customer Data provided that the third parties comply with Rule 25 and are eligible pursuant to Sections B, C, D, E, and F, below; and
2. Eligible academic researchers, local government entities, and state and federal agencies authorized to receive energy usage-related data through the Data Request and Release Process (DRRP) pursuant to California Public Utilities Commission Decision (D.) 14-05-016, and in accordance with Sections F and G below.

A copy of Rule 25, Protecting the Privacy and Security of Customer Usage Information, may be found at www.SCE.com.

B. CUSTOMER AUTHORIZATION/REVOCAION

1. Customer Authorization. Upon receipt of a completed Form 14-929 and third party adherence to this Rule, SCE shall make -interval usage data available to eligible customer-authorized third parties within one to five days. SCE shall make billing, meter, program participation, and/or other related data available to eligible customer authorized third parties based on customer's preference. (T)
(N)
|
(N)
2. 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, SCE 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.
3. 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 E below, or if a third party otherwise becomes ineligible for failure to meet the other requirements of Section E below.

ⁱ Additional data types may be available through this platform in the future.
(Continued)

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C. SERVICE OFFERING

1. Availability of Data. Customer-authorized third parties must retrieve the Customer Data for a given day within five days of it being made available by the data custodian after which time that data will be removed. SCE reserves the right to charge fees for re-transmission of data that third parties failed to retrieve in a timely manner.

2. Description of Data. At the customer's election, authorized third parties meeting the eligibility criteria in Section D below shall electronically receive Interval usage data which shall at a minimum include, 13 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. SCE 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 ESPI Standard will be employed to indicate the quality of meter data provided through the CDA platform.ⁱ The "Reading Quality" flag is also used to indicate when the data set is considered Revenue Quality Meter Data.ⁱⁱ The Customer Data transmitted to the authorized third party is the "best available"ⁱⁱⁱ data from SCE's systems at the time of transmittal. (T)
(T)
(N)
(D)
(T)

3. Data Updates. SCE will transmit interval usage data once per day after it becomes available. SCE will transmit all other types of Customer Data either monthly or yearly based on customer's preference. Interval usage data transmitted each day is the most current information at that time, and includes the previous day's updates. Interval usage data that is updated for any prior interval transmitted under this Rule will be provided to the third party subject to availability and consistent with SCE's requirements under Rule 17 when the update is done as a result of a Rule 17 adjustment. Any updates of previously transmitted interval usage data that occurred in the previous 24 hours will be provided along with the previous 24 hours of interval usage data. SCE 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 E, below. (T)
(N)
(N)(T)
(D)(T)
(T)
(T)
(L)

ⁱ NAESB ESPI Standard p.25 and 28.
ⁱⁱ Revenue Quality Data: Interval Meter Data that has been Validated, Estimated, and Edited in accordance with the Direct Access Standards For Metering and Meter Data (DASMMD) as described in Rule 22. (L)
ⁱⁱⁱ Best available data is daily data that will be provided to the third parties upon customer authorization via the CDA platform and available in SCE's system. In the event any updates are made to Customer Data due to the above circumstances, SCE will make such updated "Best Available" data available to the third parties at no additional cost as part of the normal daily customer data transmission.

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C. SERVICE OFFERING (Continued)

4. Cost. SCE 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 C.1 above. Nothing in this Rule is intended to modify, directly or indirectly, service or data fees established in other applicable tariff rules or schedules. (L)

D. THIRD-PARTY ELIGIBILITY REQUIREMENTS

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 the Third Party Registration Web Page at <http://on.sce.com/3rdparty>, 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 SCE, as described in more detail at <http://on.sce.com/3rdparty>. SCE 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 SCE will put forth a reasonable effort to resolve technical issues regarding such connectivity. SCE 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 D.2, above, the third party must acknowledge receipt of and has read and understands the terms and conditions of SCE's Rule 25 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 SCE 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 <http://on.sce.com/3rdparty>.

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E. THIRD PARTY INELIGIBILITY BY ORDER OF THE COMMISSION

1. 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, SCE 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 SCE regarding any changes to the list. SCE is not responsible for creating maintaining or continuously monitoring the Commission's list.

2. SCE Actions With Respect To Commission List. Customers will have access to a "potential violation" form on <http://on.sce.com/3rdparty> which they can electronically submit to SCE if they suspect third party mishandling of data or non-compliance with this Rule or Rule 25. Customers may also call SCE's Customer Contact Center to report these suspicious activities. After reviewing the case, and in the event that SCE reasonably suspects that a third party has violated state law or SCE's Rule 25, Protecting the Privacy and Security of Customer Usage Information, 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. SCE shall seek to resolve the suspected tariff violations with the third party during a 21-day resolution period, during which time SCE 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 SCE 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, SCE 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. SCE 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, SCE will continue to transmit data, unless otherwise requested by the customer.

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E. THIRD PARTY INELIGIBILITY BY ORDER OF THE COMMISSION (Continued)

3. 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 the immediately preceding sub-section 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 Rule or Rule 25, Protecting the Privacy and Security of Customer Usage Information, and the authority to determine the appropriate remedy, if necessary, for any tariff violation.
4. Customer Authorization. Successful and valid "registration" with SCE, pursuant to Sections B.1 through E.3 above, are necessary but not sufficient conditions before a third party can receive Customer Data under this Rule. Valid and current customer authorization pursuant to Section B is always required. (T)

F. LIMITATIONS OF LIABILITY

1. SCE 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 25.
2. The limitation of liability included in Section 9.f. of Rule 25 is incorporated herein as follows: "SCE 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 SCE 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 SCE makes a secure and authorized transfer of Covered Information to a third party pursuant to customer authorization or Commission order, SCE shall not be responsible for the security of the Covered Information or data or its use or misuse by a third party."
3. The CDA platform is designed primarily to provide next-day interval usage data from SCE'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" basis and is the data currently available in SCE's CDA platform. SCE shall not be liable for the inability of customers or their authorized third parties to access the CDA platform, or for SCE's delay in updating or failure to update any information, for whatever reason. (T)

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F. LIMITATIONS OF LIABILITY (Continued)

4. SCE 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. SCE 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 SCE's website or platform. In the event any updates are made to the Customer Data due to the above circumstances, SCE will make such updated, best available data available to the third parties at no additional cost.
5. SCE, 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.
6. SCE 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.

G. DATA REQUEST AND RELEASE PROCESS IN ACCORDANCE WITH DECISION 14-05-016

(N)

The following provides rules and procedures governing access to energy usage and usage-related data by SCE authorized eligible academic researchers, local government entities, and state and federal agencies ("Third Parties") through the DRRP adopted in California Public Utilities Commission Decision (D.) 14-05-016.

1. Applicability
 - a. Local Governments
 - (1) The Local Government entity must be verified as such by SCE.
 - (2) The Local Government entity must request data in accordance with the Data Request and Release Process including a statement identifying the need and purpose for obtaining this information.
 - (3) The Local Government entity must accept the terms of service in Form 14-951 established within Advice 3087-E.

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G. DATA REQUEST AND RELEASE PROCESS IN ACCORDANCE WITH DECISION 14-05-016
(Continued)

1. Applicability (Continued)

b. Academic Researchers

Academic researchers shall possess all of the following qualifications in order to be eligible for access to covered energy data:

- (1) The researcher is 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.
- (2) The researcher is a faculty member or is sponsored by a faculty member and the researcher and the sponsoring faculty members are responsible for carrying out the terms of the data release and a non-disclosure agreement.

Concerning the specific research, to receive covered data, the research project and the researcher should fulfill the following conditions:

- (3) The researcher should 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 Energy Efficiency 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.
- (4) Pursuant to the California Information Practices Act, University of California researchers or researchers associated with non-profit education's institutions that seek data containing PII must demonstrate compliance with the provisions of Civil Code § 1798.24(t)(1).

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G. DATA REQUEST AND RELEASE PROCESS IN ACCORDANCE WITH DECISION 14-05-016
(Continued)

1. Applicability (Continued)

b. Academic Researchers (Continued)

- (5) 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, researchers must demonstrate approval of the project by the CPHS for the CHHSA or an institutional review board, as authorized in paragraphs (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).

c. State and Federal Agencies

- (1) State and Federal agencies must be verified as such by SCE.
- (2) State and Federal agencies must request data in accordance with the Data Request and Release Process including a statement identifying the need and purpose for obtaining this information.
- (3) For Covered information, State and Federal Agencies must demonstrate data requested is needed to fulfill statutory obligations.

2. Data Availability

a. Local Governments

Yearly, quarterly, and monthly data aggregated and anonymized to the census block group level (when the customer data in the census block group meets the criteria set forth in D.14-05-016) or aggregated and anonymized over a requested group or zip code so that the customer data meets the criteria set forth in the Decision. Local governments requesting census block data must provide a list of addresses in the requested census block group. Local governments are prohibited from submitting multiple, overlapping data requests. SCE will deny data requests that, in its judgment, overlap with previous requests and may lead to re-identification of customers.

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G. DATA REQUEST AND RELEASE PROCESS IN ACCORDANCE WITH DECISION 14-05-016
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2. Data Availability (Continued)

a. Local Governments (Continued)

A local government must petition the Commission and show that it is seeking Covered Information necessary to comply with state or federal law.

b. Researchers: Covered energy usage data, and energy usage-related information.

c. State and Federal Agencies

Energy usage and usage-related data (including covered information) may be provided given a demonstrated need to fulfill statutory obligations.

Weatherization data pertaining to individual addresses and customer usage data will be made available to the California Department of Community Services and Development (CSD) to meet statutory obligations to the Low Income Home Energy Assistance Program (LIHEAP).

3. Requesting Data from SCE

a. SCE responsibilities

(1) SCE's single point-of-contact (POC) for filing and processing third-party energy usage data requests will be located at www.sce.com/energydatarequest.

(2) SCE's website will provide access to an electronic input form for third-parties to register with SCE and request energy data access.

(3) SCE's website will include a Data Request Log of energy data access requests made, fulfilled, and/or denied. New requests for data that have previously been received and fulfilled may be made available to eligible third-parties.

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G. DATA REQUEST AND RELEASE PROCESS IN ACCORDANCE WITH DECISION 14-05-016
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3. Data Request and Release Process (Continued)

b. Third Party Notification

(1) Within 1 business day of receiving a request form, from a third-party requesting access to energy data, SCE will respond by email or in writing acknowledging and confirming receipt of the request.

(2) Within 7 business days of receiving a request form from a third-party for access to energy data, SCE will respond by email or in writing regarding whether the information on the form is complete and, if incomplete, what additional information is required for SCE to process the request.

(3) Within 15 business days of receiving a complete request for access to energy data from a third-party, SCE will respond by email or in writing regarding whether it is able to grant the request, and provide a proposed schedule for providing the requested data. If SCE responds that it cannot grant access to the data, it will provide specific reasons why it cannot provide the data or offer other options for providing data access (such as providing data listed in the Data Request Log or suggesting modifications to the request such that it could be granted). If the requesting party disagrees with SCE's rejection of its request for data access or the alternative options offered by SCE, the third-party may bring the dispute for informal discussion before the Energy Data Access Committee (Committee to be established six months after the approval of D.14-05-016).

c. CPUC Notification. Simultaneous with Section 3.b(3) above, SCE must inform the Executive Director of the Commission via a formal letter of its proposed action. SCE must also send a copy of the letter to the requesting party. 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 informing the Executive Director of the Commission of the proposed transfer. The letter shall contain the following information:

(1) The purpose identified by the party requesting data.

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G. DATA REQUEST AND RELEASE PROCESS IN ACCORDANCE WITH DECISION 14-05-016
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3. Data Request and Release Process (Continued)

c. CPUC Notification. (Continued)

(2) A description of the data requested and to be released.

(3) The following contact information:

(a) Name (Individual and organization, if applicable)

(b) Address

(c) Phone and email address

(4) For an entity that requests ongoing access to data without change in either purpose or data requested, following the initial formal letter to the Executive Director by a utility providing data, no advance letter is needed for subsequent transfers of the same type of data. Instead, both SCE and the requesting entity shall file a quarterly report identifying the data that it is continuing to send or receive and provide (and update as needed) the contact information listed in this requirement.

d. Non-disclosure agreement. Prior to receiving access to energy data, the requesting party will execute a standard non-disclosure agreement (Form 14-950) if required by SCE as directed by D.14-05-016 (Section 7.2).

e. Terms of Service

(1) Local governments receiving aggregated and anonymous data must accept the following terms of service:

(a) The party will use the data for the purposes stated in the request.

(b) The party will not release the data to another third party or publicly disclose the data.

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G. DATA REQUEST AND RELEASE PROCESS IN ACCORDANCE WITH DECISION 14-05-016
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4. Dispute Resolution Process

- a. An Energy Data Access Committee will be established by November 1, 2014. The Energy Data Access Committee will consider informally any disputes regarding energy data access.
- b. If a party does not accept the recommendation of the Energy Data Access Committee, that party maintains full rights to request a formal consideration of the matter by the Commission via the Commission's petition process. If the Access Committee recommends against providing access to the data requested by a third-party, that party may file a petition with the Commission seeking clarification of access rules. If the Access Committee recommends providing access to the data and a utility declines to follow the recommendation, SCE should similarly file a petition seeking clarification of Commission policies concerning whether that particular request is consistent with Commission policies and privacy laws.

5. Privacy and Information Security Laws. Nothing in this process requires or authorizes SCE or any Third Parties 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 SCE or Third Parties to transfer, sell, or license energy data that consists of SCE's intellectual property, trade secrets, or competitively-sensitive data. The transfer, sale or licensing of such 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.

- a. SCE may recommend a pre-disclosure review of the third-party's information security and privacy controls and protections. Pre-disclosure review recommendations will be substantially consistent among SCE, PG&E, SDG&E, and SoCal Gas and published in advance and available on the utilities' website. Pre-disclosure reviews may include, but are not limited to, reviews of the following:

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G. DATA REQUEST AND RELEASE PROCESS IN ACCORDANCE WITH DECISION 14-05-016
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5. Privacy and Information Security Laws. (Continued)

a. (Continued)

- (1) Access controls
- (2) Vulnerability management
- (3) Secure handling, storage & transmission
- (4) Event logging
- (5) Incident response
- (6) Breach notification
- (7) Secure disposal

6. Standardized Data Output and Delivery

- a. To the extent possible, standard requests will be fulfilled following standard data formats. All data outputs will be machine-readable.
- b. As outlined in Rule 25, SCE will implement reasonable administrative, technical and physical safeguards to protect covered information from unauthorized access, destruction, use, modification or disclosure.

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