

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: November 16, 2023**

REGULAR **CONSENT** **EFFECTIVE DATE** November 17, 2023

DATE: November 6, 2023

TO: Public Utility Commission

FROM: Joe Abraham

THROUGH: JP Batmale and Sarah Hall **SIGNED**

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF:
(Docket No. UM 1631)
Request for waiver of data sharing restrictions pursuant to OAR 860-086-0040(2)(j).

STAFF RECOMMENDATION:

Grant Northwest Natural's request for a waiver of OAR 860-086-0040(2)(j) to allow the transfer of transportation customer information to the Energy Trust of Oregon, subject to the provisions regulating the exchange of information under OAR 860-086-0040.

DISCUSSION:

Issue

Whether the Commission should approve Northwest Natural's (NW Natural or Company) request to waive OAR 860-086-0040(2)(j).

Applicable Law

Under OAR 860-086-0040(1), a gas utility that offers energy conservation programs through the nongovernmental entity designated by the Commission to administer the public purpose charge (currently Energy Trust of Oregon) is required to transfer certain proprietary customer information to the nongovernmental entity. "Proprietary customer information" is defined in OAR 860-086-0010(10). Further provisions governing the exchange of proprietary customer information are set forth in OAR 860-086-0040(3)-(10).

OAR 860-086-0040(2) specifies certain information that a gas utility may not transfer to the Energy Trust of Oregon, including under OAR 860-086-0040(2)(j), proprietary customer information for the gas utility's transportation customers, including usage data.

Per OAR 860-086-0000(2), upon a written request or its own motion, the Commission may waive any of the Division 86 rules upon a showing of good cause.

Analysis

On September 27, 2023, NW Natural filed a request for a waiver of OAR 860-086-0040(2)(j) which would allow the Company to provide to the Energy Trust of Oregon (Energy Trust) customer proprietary information related to its transportation customers. The information that would be transferred to Energy Trust is the same as is provided for NW Natural's non-transport industrial customers. Many of NW Natural's industrial customers may already be customers of Energy Trust on the electric side as industrial customers of Portland General Electric or Pacific Power. The Company requests this waiver because this data will enable Energy Trust to design and run conservation programs for its transportation customers. This is important because NW Natural is responsible for greenhouse gas emissions by transport customers under Oregon Department of Environmental Quality's Climate Protection Program (CPP).

Currently, Energy Trust provides energy efficiency programs for NW Natural's residential and commercial customers under NW Natural's Public Purpose Funding Surcharge through Schedule 301. Energy Trust provides NW Natural industrial customers production efficiency programs and incentive offerings under Schedule 360. The Company's 2022 Integrated Resource Plan (IRP) was acknowledged by the Commission on June 6, 2023, as memorialized in Order No. 23-281.¹ In its IRP, NW Natural identifies several short-term Action Items, including Action Item 4 – Efficiency Acquisition. Action Item 4 involves NW Natural working with Energy Trust to acquire energy efficiency from its transportation customers in 2023 and 2024.

At the Commission's October 31, 2023, public meeting, NW Natural provided an update on its development of a transportation customer energy efficiency program (Program).² In that update, the Company indicated that its transportation customers would be able to participate in Energy Trust's Strategic Energy Management program and leverage standard track offerings. NW Natural indicated its transportation customers with five-year average annual usage under one million therms will be eligible to participate in Energy Trust's custom program. NW Natural represents that it must be able to share transportation customer data with Energy Trust in order for Energy Trust to offer these programs.

¹ See In the Matter of Northwest Natural Gas Company 2022 Integrated Resource Plan, Docket No. LC 79, Order No. 23-281 (August 2, 2023).

² See Docket No. LC 79, NW Natural Presentation for October 31, 2023, Public Meeting (October 31, 2023).

Staff believes there is good cause to grant the waiver request because the Program will help NW Natural meet the CPP's carbon reduction goals by reducing energy usage at facilities that have largely not gone through Energy Trust's programs on the gas side. Further, the exchange of information will be governed by the protections in OAR 860-086-0040(4)-(10) and Energy Trust has experience and processes in place to handle similar customers with sensitive data. Staff therefore finds Energy Trust is capable of properly storing and using this information.

Conclusion

Staff recommends granting the request by NW Natural to waive the restriction against transferring proprietary customer information for its transportation customers to Energy Trust.

PROPOSED COMMISSION MOTION:

Grant Northwest Natural's request for a waiver of OAR 860-086-0040(2)(j) to allow the transfer of transportation customer information to the Energy Trust of Oregon subject to the provisions regulating the exchange of information under OAR 860-086-0040.