

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: July 11, 2023**

REGULAR **CONSENT** **EFFECTIVE DATE** July 12, 2023

DATE: July 3, 2023

TO: Public Utility Commission

FROM: Anna Kim

THROUGH: Bryan Conway, 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 860-0086-0040(2)(j).

STAFF RECOMMENDATION:

Grant the Avista Corporation dba Avista Utilities (Avista or the Company) request for a waiver of OAR 860-0086-0040(2)(j) to allow the transfer of transportation customer information to the Energy Trust of Oregon (Energy Trust) subject to the provisions regulating the exchange of information under OAR 860-086-0040.

DISCUSSION:

Issue

Whether the Commission should approve Avista's request to waive OAR 860-0086-0040(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 Energy Trust, including under OAR 860-0086-0040(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 May 11, 2023, Avista filed a request for a waiver of OAR 860-0086-0040(2)(j) which would allow the Company to provide to 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 Avista's non-transport industrial customers. Many of Avista'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 Avista 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 Avista's residential, commercial, and industrial customers under Avista's Public Purpose Funding Surcharge through Schedule 469. Avista is now working with Energy Trust to create programs for interruptible rate customers and transportation customers. As mentioned above, these programs will be designed to reduce energy usage and lead to reduced greenhouse gas emissions.

Staff believes there is good cause to grant the waiver request because these programs will help Avista 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 Avista to waive the restriction against transferring proprietary customer information for its transportation customers to the Energy Trust.

PROPOSED COMMISSION MOTION:

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

UM 1631 Transport Customer Data