



Silicon Valley Clean Energy Executive Committee Meeting

Friday, November 22, 2019

9:00 am

****Note Special Time****

Silicon Valley Clean Energy Office
Conference Room
333 W El Camino Real, Suite 290
Sunnyvale, CA

Margaret Abe-Koga, Chair
City of Mountain View

Howard Miller, Vice Chair
City of Saratoga

Liz Gibbons
City of Campbell

Rod Sinks
City of Cupertino

Fred M. Tovar
City of Gilroy

Jeannie Bruins
City of Los Altos

Courtenay C. Corrigan
Town of Los Altos Hills

Marico Sayoc
Town of Los Gatos

Carmen Montano
City of Milpitas

Javed Ellahie
City of Monte Sereno

Yvonne Martinez Beltran
City of Morgan Hill

Susan Ellenberg
County of Santa Clara

Nancy Smith
City of Sunnyvale

AGENDA

Call to Order

Roll Call

Public Comment on Matters Not Listed on the Agenda

The public may provide comments on any item not on the Agenda. Speakers are limited to 3 minutes each.

Consent Calendar (Action)

- 1a) Approve Minutes of the October 25, 2019, Executive Committee Meeting
- 1b) Approve to Recommend the SVCE Advance Metering Infrastructure (AMI) Data Privacy and Security Policy

Regular Calendar

- 2) Benefits Package Update (Discussion)
- 3) Reach Code Adoption Update (Discussion)
- 4) Power Prepay Update (Discussion)
- 5) Rates Update (Discussion)

Committee/Staff Remarks

Adjourn

svcleanenergy.org

333 W El Camino Real
Suite 290
Sunnyvale, CA 94087



**Silicon Valley Clean Energy
Executive Committee Meeting**

Friday, October 25, 2019
9:00 am

Silicon Valley Clean Energy Office
Conference Room
333 W El Camino Real, Suite 290
Sunnyvale, CA

DRAFT MINUTES

Margaret Abe-Koga, Chair
City of Mountain View

Howard Miller, Vice Chair
City of Saratoga

Liz Gibbons
City of Campbell

Rod Sinks
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Yvonne Martinez Beltran
City of Morgan Hill

Susan Ellenberg
County of Santa Clara

Nancy Smith
City of Sunnyvale

Call to Order

Chair Abe-Koga called the meeting to order at 9:11 a.m.

Roll Call

Present:

Chair Margaret Abe-Koga, Mountain View
Vice Chair Howard Miller, City of Saratoga
Director Liz Gibbons, City of Campbell
Director Rod Sinks, City of Cupertino
Director Nancy Smith, City of Sunnyvale

Absent:

None.

Public Comment on Matters Not Listed on the Agenda

No speakers.

Consent Calendar

MOTION: Vice Chair Miller moved and Director Gibbons seconded the motion to approve the Consent Calendar.

The motion carried unanimously.

- 1a) Approve Minutes of the August 27, 2019, Executive Committee Meeting**
- 1b) Recommend Board Approval of Operating Rules and Regulations Amendments**

Regular Calendar

2) Customer Resource Center Update (Discussion)

Communications Manager Pamela Leonard and Director of Account Services and



Margaret Abe-Koga, Chair
City of Mountain View

Community Relations Don Bray presented a PowerPoint presentation and responded to committee member questions.

Howard Miller, Vice Chair
City of Saratoga

Committee members provided feedback and suggestions on the presentation and resource center including:

Liz Gibbons
City of Campbell

- A suggestion to include contractors as a target audience for the customer resource center and include a matrix which shows building requirements in each agency jurisdiction;
- The need for a large marketing campaign on the benefits of going electric,
- A suggestion to include an education component for students in the resource center;
- A suggestion to simplify the concepts listed on the *CRC – Likely Multiple Contracts* slide and focus on the customer market segmentation by providing examples of the experience for some of the personas; and
- Keeping the content, including qualified contractors, updated on a regular basis.

Rod Sinks
City of Cupertino

Fred M. Tovar
City of Gilroy

Chair Abe-Koga opened public comment.

Jeannie Bruins
City of Los Altos

Bruce Karney, resident of Mountain View, commented on former group buy programs and provided his opinion that starting next year when every new home is required to have solar, the solar industry will double. Karney expressed concern the quality of work will diminish, and suggested staff focus on understanding whether the vendors that get recommended have a quality standard that SVCE is willing to stand by.

Courtenay C. Corrigan
Town of Los Altos Hills

Chair Abe-Koga closed public comment.

Marico Sayoc
Town of Los Gatos

3) Member Agency Results Communication (Discussion)

Carmen Montano
City of Milpitas

Director of Account Services and Community Relations Bray distributed a sample 2019 Community Benefits Summary and requested feedback.

Javed Ellahie
City of Monte Sereno

Vice Chair Miller requested an additional level of communication to all member agency council members more frequently than annually on facts included on the community benefits summary.

Yvonne Martinez Beltran
City of Morgan Hill

Director Sinks requested context for the metrics provided on the summary sheet, and committee members were in consensus that they would like to see percentages of greenhouse gas (GHG) savings (electricity only) for each city.

Susan Ellenberg
County of Santa Clara

The committee discussed SVCE's data on GHG inventory and how it is shared with staff from member agencies.

Nancy Smith
City of Sunnyvale

Director Gibbons requested board members be copied on GHG inventory communications with SVCE staff and their respective city staff.

Chair Abe-Koga opened public comment.

Bruce Karney commented his belief it is critical that cities know where they stand with greenhouse gas emissions on a per capita basis, and addressed a comment made by Chair Abe-Koga at the Mountain View City Council meeting that if you were to allow single-family homes to cook with gas but not multi-family homes, you're essentially giving



Margaret Abe-Koga, Chair
City of Mountain View

the wealthy who can buy a new single-family home a license to pollute. Karney commented on SVCE's GHG inventory data.

Chair Abe-Koga closed public comment.

Howard Miller, Vice Chair
City of Saratoga

CEO Balachandran commented staff would bring back ideas of how SVCE can provide regionwide information.

Liz Gibbons
City of Campbell

Chair Abe-Koga noted she would request Mountain View City staff send the Mountain View reach code information to SVCE to become a clearinghouse for the reach code data from each member agency.

Rod Sinks
City of Cupertino

4) Virtual Power Plant (VPP) Program Update (Discussion)

Director of Decarbonization and Grid Innovation Programs Aimee Bailey presented a PowerPoint presentation and responded to committee member questions.

Fred M. Tovar
City of Gilroy

Chair Abe-Koga opened public comment.

Jeannie Bruins
City of Los Altos

No speakers.

Chair Abe-Koga closed public comment.

Courtenay C. Corrigan
Town of Los Altos Hills

5) SVCE Information Update Related to 2020 SVCE Board Elections (Discussion)

Board Clerk Andrea Pizano provided information on the process and timing for the 2020 Board selections for Chair, Vice Chair, and SVCE committees.

Marico Sayoc
Town of Los Gatos

Chair Abe-Koga opened public comment.

No speakers.

Chair Abe-Koga closed public comment.

Carmen Montano
City of Milpitas

6) CEO Update (Discussion)

Javed Ellahie
City of Monte Sereno

CEO Girish Balachandran reported there was no report.

Public Comment on Closed Session

No speakers.

Yvonne Martinez Beltran
City of Morgan Hill

The Executive Committee convened to closed session at 10:41 a.m.

Susan Ellenberg
County of Santa Clara

Convene to Closed Session

Conference with Real Property Negotiators
Property: 333 W. El Camino Real, Sunnyvale, CA
910 Hamilton Avenue, Campbell, CA
1919 Bascom Avenue, Campbell, CA
2105 South Bascom Avenue, Campbell, CA
100 Mathilda Avenue, Sunnyvale, CA
Agency Negotiator: Girish Balachandran, CEO
Negotiating Parties: Newmark Knight Frank
Under Negotiation: Price and Terms of Payment

Nancy Smith
City of Sunnyvale

The group returned from closed session at 11:02 a.m.

svcleanenergy.org

333 W El Camino Real
Suite 290
Sunnyvale, CA 94087



Margaret Abe-Koga, Chair
City of Mountain View

Report from Closed Session

Chair Abe-Koga reported there was nothing to report.

Howard Miller, Vice Chair
City of Saratoga

Committee/Staff Remarks

CEO Balachandran announced a luncheon for electeds on November 6, 2019 at the CalCCA Annual Meeting and encouraged members to attend.

Liz Gibbons
City of Campbell

Adjournment

Chair Abe-Koga adjourned the meeting at 11:04 a.m.

Rod Sinks
City of Cupertino

Fred M. Tovar
City of Gilroy

Jeannie Bruins
City of Los Altos

Courtenay C. Corrigan
Town of Los Altos Hills

Marico Sayoc
Town of Los Gatos

Carmen Montano
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Yvonne Martinez Beltran
City of Morgan Hill

Susan Ellenberg
County of Santa Clara

Nancy Smith
City of Sunnyvale



Staff Report – Item 1b

Item 1b: Approve to Recommend the SVCE Advance Metering Infrastructure Data Privacy and Security Policy

To: Silicon Valley Clean Energy Executive Committee

Prepared by: Don Eckert, Director of Finance and Administration
 Nik Zanotto, Management Analyst

Date: 11/22/2019

RECOMMENDATION

Staff recommends the Executive Committee recommend the Board approve the Advance Metering Infrastructure (AMI) Data Privacy and Security Policy.

BACKGROUND

Decision 12-08-045 (the "Decision") was issued by the California Public Utilities Commission (CPUC) establishing privacy protections for customers of load serving entities, including Community Choice Aggregators (CCA's) as it relates to a CCA's internal privacy and data security policies regarding "Covered Information".

Covered Information is defined as any usage information obtained using the capabilities of Advanced Metering Infrastructure when associated with any information that can reasonably be used to identify an individual, family, household, residence, or non-residential customer. Examples of usage information are customer names, addresses and electrical usage.

The Decision requires CCAs to perform an AMI audit by an Independent Auditor every three (3) years. SVCE completed its initial AMI Audit in Spring 2019.

ANALYSIS AND DISCUSSION

As a result of the audit, the proposed policy provides guidelines and procedures in the use of customer data.

ALTERNATIVE

Staff is open to recommendations from the committee regarding the proposed policy.

FISCAL IMPACT

There is no fiscal impact to the agency with this recommendation.

ATTACHMENTS

1. Draft Advance Metering Infrastructure (AMI) Data Privacy and Security Policy



Subject: Advance Metering Infrastructure (AMI) Data Privacy and Security Policy

Policy: Decision 12-08-045, issued by the California Public Utilities Commission (Commission) on August 31, 2012, requires certain privacy protections for the energy usage data of customers of Community Choice Aggregators, including SVCE. This policy provides those protections.

1. General

- a. SVCE will implement reasonable administrative, technical, and physical safeguards to protect “**covered information**” from unauthorized access, destruction, use, modification, or disclosure.
- b. SVCE will provide reasonable training to all employees and contractors who use, store, or process covered information.
- c. SVCE will collect, store, use, and disclose only as much covered information, and for as long, as is reasonably necessary or as authorized by the Commission, to accomplish (1) a specific “**primary purpose**” or (2) a specific secondary purpose authorized by a customer.
- d. SVCE will ensure that the covered information it collects, stores, uses, and discloses is reasonably accurate and complete or otherwise compliant with applicable rules and tariffs regarding the quality of energy usage data.

“**Covered information**” means “any usage information obtained through the use of the capabilities of Advanced Metering Infrastructure when associated with any information that can reasonably be used to identify an individual, family, household, residence, or nonresidential customer, except that covered information does not include usage information from which identifying information has been removed” or “information provided to the Commission pursuant to its oversight responsibilities.” Decision (D.) 12-08-045, at B1-B2.

“**Primary purposes**” include: (1) providing or billing for electrical power or gas; (2) providing for system, grid, or operational needs; (3) providing services required by law

or the Commission; and (4) planning, implementing, or evaluating “demand response, energy management, or energy efficiency programs” under a contract with CCAs or the PUC, “or as part of a PUC-authorized program conducted by a governmental entity under the supervision of the” Commission. “Secondary purposes” include “any purpose that is not a primary purpose.” D.12-08-045, at B2.

- e. SVCE will use covered information only for the purpose(s) it specifies in its Notice of Accessing, Collecting, Storing, Using and Disclosing Energy Usage Information (see Section 2(b)).

2. Transparency and notification

- a. SVCE will provide customers with meaningful, clear, accurate, specific, and comprehensive notice regarding the accessing, collection, storage, use, and disclosure of covered information. However, when SVCE uses covered information solely for a primary purpose on behalf of and under contract with a utility, SVCE is not required to provide notice separate from that provided by the utility.
- b. SVCE will provide written notice when confirming a new customer account and at least once a year. The notice will: (1) inform customers how they may obtain a copy of SVCE’s notice regarding the accessing, collection, storage, use, and disclosure of covered information; (2) provide a conspicuous link to the notice on the home page of SVCE’s website; and (3) include a link to SVCE’s notice in all electronic correspondence to customers.
 - i. The notice will be labeled “Notice of Accessing, Collecting, Storing, Using and Disclosing Energy Usage Information,” written in easily understandable language, and be no longer than is necessary to convey the requisite information.
 - ii. The notice and the posted privacy policy will state clearly: (1) the identity of SVCE; (2) the effective date of the notice or posted privacy policy; (3) SVCE’s process for altering the notice or posted privacy policy, including how the customer will be informed of any alterations; (4) where prior versions will be made available to customers; and (5) the title and contact information, including email address, postal address, and telephone number, of an official at SVCE who can assist the customer with privacy questions, concerns, or complaints regarding the collection, storage, use, or distribution of covered information.
 - iii. The notice will provide an explicit description of: (1) each category of covered information collected, used, stored or disclosed, and for each category of covered information, the reasonably specific purposes for which it will be collected, stored, used, or disclosed; (2) each category of covered information that is disclosed to third parties, and, for each such category, a

description of the means by which customers may view, inquire about, or dispute their covered information; and (3) the means, if any, by which customers may limit the collection, use, storage or disclosure of covered information and the consequences to customers if they exercise such limits.

- c. SVCE will provide to customers upon request convenient and secure access to their covered information, in an easily readable format that is at a level no less detailed than that at which SVCE discloses the data to third parties.

3. Data minimization

- a. **Generally.** Covered entities shall collect, store, use, and disclose only as much covered information as is reasonably necessary or as authorized by the Commission to accomplish a specific primary purpose or for a specific secondary purpose authorized by the customer.
- b. **Data Retention.** Covered entities shall maintain covered information only for as long as reasonably necessary or as authorized by the Commission to accomplish a specific primary purpose or for a specific secondary purpose authorized by the customer.
- c. **Data Disclosure.** Covered entities shall not disclose to any third party more covered information than is reasonably necessary or as authorized by the Commission to carry out on behalf of the covered entity a specific primary purpose or for a specific secondary purpose authorized by the customer.

4. Use, disclosure, and customer authorization

- a. SVCE may disclose covered information without customer consent to a third party acting under contract with the Commission for the purpose of providing services authorized pursuant to an order or resolution of the Commission, or to a governmental entity for the purpose of providing energy efficiency or energy-efficiency evaluation services pursuant to an order or resolution of the Commission.
- b. SVCE may disclose covered information to a third party without customer consent when explicitly ordered to do so by the Commission, or for a primary purpose being carried out under contract with and on behalf of SVCE, provided that SVCE requires, by contract, the third party to agree to access, collect, store, use, and disclose the covered information under policies, practices and notification requirements no less protective than those under which SVCE itself operates.
- c. Any entity that receives covered information derived initially from SVCE may disclose such covered information to another entity without customer consent for a primary purpose, provided that the entity disclosing the covered information

shall, by contract, require the entity receiving the covered information to use the covered information only for such primary purpose and to agree to store, use, and disclose the covered information under policies, practices and notification requirements no less protective than those under which the covered entity from which the covered information was initially derived operates.

- d. When SVCE discloses covered information to a third party under this subsection it will specify by contract, unless otherwise ordered by the Commission, that it shall be considered a material breach if the third party engages in a pattern or practice of accessing, storing, using or disclosing the covered information in violation of the third party's contractual obligations to handle the covered information under policies no less protective than those under which the covered information was initially derived.
- e. If SVCE finds that a third-party contractor to which it disclosed covered information is engaged in a pattern or practice of accessing, storing, using or disclosing covered information in violation of the third party's contractual obligations related to handling covered information, SVCE will promptly cease disclosing covered information to such third party.
- f. Separate authorization by each customer will be obtained for all disclosures of covered information except as otherwise provided for herein.
- g. SVCE will permit customers to cancel authorization for any secondary purpose of their covered information by the same mechanism initially used to grant authorization.
- h. SVCE will permit the use of aggregated usage data that is removed of all personally-identifiable information to be used for analysis, reporting or program management provided that the release of that data does not disclose or reveal specific customer information because of the size of the group, rate classification, or nature of the information.

5. Disclosures pursuant to a legal process

- a. When SVCE receives a subpoena for covered information:
 - i. The recipient must immediately inform, via email, the Director of Account Services & Community Relations, Manager of Regulatory & Legislative Affairs, Chief Executive Officer, Board Clerk/Executive Assistant, and General Counsel (at Richard Watson and Gershon office).
 - ii. Working with counsel, the Director of Account Services & Community Relations and Board Clerk/Executive Assistant must: (1) calendar the

subpoena next steps and requirements; (2) create designated electronic and paper folders; (3) save the subpoena and all related documents in the designated folders; (4) add the subpoena to the tracking spreadsheet for inclusion in any following compliance report; and (5) within 7 days of receipt, inform the affected customer(s) of the potential disclosure (see D.12-08-045, Att. B., § 4(c)(2)).

iii. Counsel will evaluate the subpoena for specificity and ensure customer contact and information (see D.12-08-045, Att. B., § 4(c)(1)-(2)).

b. In addition, in processing a subpoena for covered information, SVCE will meet the requirements in Section 4(c) of Attachment B to D.12-08-045, which provide as follows:

(1) Except as otherwise provided in this rule or expressly authorized by state or federal law or by order of the Commission, a covered entity shall not disclose covered information except pursuant to a warrant or other court order naming with specificity the customers whose information is sought. Unless otherwise directed by a court, law, or order of the Commission, covered entities shall treat requests for real-time access to covered information as wiretaps, requiring approval under the federal or state wiretap law as necessary.

(2) Unless otherwise prohibited by court order, law, or order of the Commission, a covered entity, upon receipt of a subpoena for disclosure of covered information pursuant to legal process, shall, prior to complying, notify the customer in writing and allow the customer 7 days to appear and contest the claim of the person or entity seeking disclosure.

(3) Nothing in this rule prevents a person or entity seeking covered information from demanding such information from the customer under any applicable legal procedure or authority.

(4) Nothing in this section prohibits a covered entity from disclosing covered information with the consent of the customer, where the consent is express, in written form, and specific to the purpose and to the person or entity seeking the information.

(5) Nothing in this rule prevents a covered entity from disclosing, in response to a subpoena, the name, address and other contact information regarding a customer.

(6) On an annual basis, covered entities shall report to the Commission the number of demands received for disclosure of customer data pursuant to legal

process or pursuant to situations of imminent threat to life or property and the number of customers whose records were disclosed. Upon request of the Commission, covered entities shall report additional information to the Commission on such disclosures. The Commission may make such reports publicly available without identifying the affected customers, unless making such reports public is prohibited by state or federal law or by order of the Commission.

6. Data security

- a. SVCE will follow the procedures outlined below to prevent, identify, report, and respond to security breaches of covered information. Such breaches may be unauthorized access, destruction, use, modification, or disclosure to third parties for secondary purposes.
- b. Procedures:
 - i) All SVCE employees who handle or have access to covered information must protect that information from unauthorized access, destruction, use, Modification, or disclosure to noncovered entities for secondary purposes.
 - ii) SVCE's Director of Account Services & Community Relations (or CEO) will review and approve any requests by third parties for access to SVCE's customer usage data to ensure that there is no inadvertent release of covered information.
 - iii) All authorized releases of covered information to third parties will be logged and reported to SVCE's Director of Account Services & Community Relations and Manager of Regulatory & Legislative Affairs for SVCE's reporting purposes.
 - iv) Any discovery by a third party of a security breach of covered information must be reported by the third party to SVCE within one week of detection.
 - v) The discovering party, after receiving complaint/notification from a third party or having discovered any security breach of covered information, must immediately contact SVCE's Director of Account Services & Community Relations and Chief Executive Officer.
 - vi) SVCE's Director of Account Services & Community Relations will then quantify and validate the type and extent of the security breach(es).
 - vii) SVCE will report any single security breach of covered information affecting 1,000 or more SVCE customers to the California Public Utilities Commission's Executive Director. SVCE will make such report within two weeks of detecting the breach or within one week of notification of a breach by a third party.

- viii) SVCE will report any security breaches of covered information to the Commission's Executive Director when ordered to do so by the Commission.
- ix) Within sixty (60) days of the end of a calendar year, SVCE's Director of Account Services & Community Relations will review all annual discoveries of security breaches of covered information and prepare a summary report to SVCE's Chief Executive Officer and Manager of Regulatory & Legislative Affairs.
- x) By April 30 of each year, SVCE will file an annual report with the Commission identifying all breaches of covered information during the prior calendar year. The report must include, for the prior calendar year: (1) the number of authorized third parties accessing covered information, and (2) the number of non-compliances with the Commission's security-breach requirements or with contractual provisions required by those requirements, and the number of customers affected by each non-compliance and a detailed description of each non-compliance.
- xi) At least annually, SVCE's Director of Account Services & Community Relations will review this policy and SVCE's Notice of Accessing, Collecting, Storing, Using and Disclosing Energy Usage Information to update them based on their implementation over the prior year. Any changes to this policy or the aforementioned Notice will be reviewed by SVCE's Manager of Regulatory & Legislative Affairs, Chief Executive Office, and counsel, and then approved by SVCE's Board of Directors.

7. Accountability and auditing

- a. SVCE will submit to the Commission on an annual basis the data breach report described in Section 6(b) above.
- b. SVCE will cause to be conducted an independent audit of SVCE's data privacy and security measures every three years, to be submitted to the Commission by April 30 of the year following the three-year period.
- c. SVCE will provide its customers a process for reasonable access to covered information, for correction of inaccurate covered information, and for addressing customer complaints regarding covered information.
- d. SVCE will provide reasonable training to all employees and contractors who use, store or process covered information;
- e. SVCE will make available to the Commission, upon request:

- i. SVCE's privacy notices, including its Notice of Accessing, Collecting, Storing, Using and Disclosing Energy Usage Information;
- ii. SVCE's internal privacy and data-security policies;
- iii. The categories of agents, contractors and other third parties to which SVCE discloses covered information for a primary purpose, the identities of agents, contractors and other third parties to which SVCE discloses covered information for a secondary purpose, and the purposes for which all such information is disclosed, indicating for each category of disclosure whether it is for a primary purpose or a secondary purpose (SVCE will also retain and make available to the Commission upon request information concerning who has received covered information from SVCE); and
- iv. Copies of any secondary-use authorization forms by which SVCE secures customer authorization for secondary uses of covered data.



Staff Report – Item 2

Item 2: Benefits Package Update

To: Silicon Valley Clean Energy Executive Committee

Prepared by: Don Eckert, Director of Finance and Administration

Date: 11/22/2019

This item will be addressed in the form of a presentation to the Executive Committee from Director of Finance and Administration Don Eckert with an update on proposed employee benefits.



Staff Report – Item 3

Item 3: Reach Code Adoption Update

To: Silicon Valley Clean Energy Executive Committee

Prepared by: Aimee Bailey, Director of Decarbonization and Grid Innovation Programs
 John Supp, Account Services Manager

Date: 11/22/2019

This item will be addressed in the form of a presentation to the Executive Committee on the latest reach code information.



Staff Report – Item 4

Item 4: Power Prepay Update

To: Silicon Valley Clean Energy Executive Committee

Prepared by: Don Eckert, Director of Finance and Administration

Date: 11/22/2019

This item will be addressed in the form of a presentation to the Executive Committee on a power prepay agreement.



Staff Report – Item 5

Item 5: Rates Update

To: Silicon Valley Clean Energy Executive Committee

Prepared by: Don Eckert, Director of Finance and Administration

Date: 11/22/2019

This item will be addressed in the form of an oral report to the Executive Committee from Don Eckert, Director of Finance and Administration.