



Staff Report Item 11

TO: East Bay Community Energy Board of Directors

FROM: Nick Chaset, CEO
Inder Khalsa, EBCE General Counsel

SUBJECT: **Approve EBCE Customer Confidentiality Policy**

DATE: January 17, 2018

Recommendation

Approve the EBCE Customer Confidentiality Policy: Notice for Accessing, Collecting, Storing, Using and Disclosing Energy Usage Information, contained in Attachment 1.

Background

In August of 2012, the California Public Utility Commission CPUC issued Decision 12-08-045, extending privacy protections to customers of gas corporations and community choice aggregators, and to residential and small commercial customers of electric service providers. The decision requires community choice aggregators (CCAs) to develop and post a notice to customers regarding access, collection, storage, use and disclosure of energy usage information.

Analysis & Discussion

In the summer of 2018, EBCE will start sending notices to customers scheduled to be enrolled in EBCE's program, as required by law. These notices will go out as the EBCE phases in governmental, industrial, commercial and residential customers over the launch period, and will inform customers of how they can get access to EBCE rates, and the terms and conditions of EBCE service. The terms and conditions include a reference to EBCE's customer confidentiality policy, accessible via EBCE's website.

Staff reviewed related customer confidentiality and privacy policies and noticing processes at operating CCAs, including Marin Clean Energy, Sonoma Clean Power, and Silicon Valley Clean Energy. Attachment 1 contains EBCE's proposed Customer Confidentiality Policy: Notice for Accessing, Collecting, Storing, Using and Disclosing Energy Usage Information.

This policy will become effective immediately upon adoption and will be provided a dedicated page on EBCE's website. The URL will be listed in EBCE customer enrollment notices, and a Customer Confidentiality Policy link will be placed in the menu appearing in the upper corner of the EBCE website. In addition, a notice of the policy will be provided annually to customers via an on-bill message guiding customers to the most updated version on the EBCE website. Any material changes to the policy between notification periods will be communicated through EBCE's website.

Attachment:

- A. EBCE Customer Confidentiality Policy: Notice for Accessing, Collecting, Storing, Using and Disclosing Energy Usage Information

EBCE Customer Confidentiality Policy

Notice of Accessing, Collecting, Storing, Using, and Disclosing Energy Usage Information

East Bay Community Energy (EBCE), its employees, agents, contractors, and affiliates shall maintain the confidentiality of individual customers' names, service addresses, billing addresses, telephone numbers, email addresses, account numbers, and electricity consumption, except where reasonably necessary to conduct EBCE's business or to provide services to customers pursuant to the "Rules Regarding Privacy and Security Protections for Energy Usage Data" issued by the California Public Utilities Commission (CPUC). Examples of reasonably necessary business purposes include but are not limited to when such disclosure is necessary (a) to comply with law, regulation, or court order; (b) to enable EBCE to provide service to its customers; (c) to collect unpaid bills; (d) to obtain and provide credit reporting information; (e) to resolve customer disputes or inquiries; (f) to communicate about demand response, energy efficiency, energy management, and conservation programs; or (g) in a situation of imminent threat to life or property. EBCE shall not, under any circumstance, disclose customer information for third-party telemarketing, e-mail, or direct mail solicitation. Aggregated data that cannot be traced to specific customers may be released at EBCE's discretion.

Customer data, including individual customer names, addresses, and electric energy usage data, is collected via PG&E's metering systems. EBCE may share customer data with contractors and vendors for purposes of providing services and operating programs. Contractors and vendors are required to agree to only use customer data for program operational purposes and protect it under the same standards as EBCE. EBCE maintains customer-specific energy usage and billing information for only as long as is reasonably necessary, typically not more than five years unless otherwise required by law or regulation.

The effective date of this policy is October 18, 2017. Notice of this policy will be provided annually to customers via an on-bill message guiding customers to the most updated version on EBCE's website at www.ebce.org. Any changes to this policy between notification periods will be communicated on EBCE's website. Previous versions of this policy can be requested via email at info@ebce.org or by mailed request to the address below.

Customers having any questions or concerns regarding the collection, storage, use, or distribution of customer information, or who wish to view, inquire about, or dispute any customer information held by EBCE or limit the collection, use, or disclosure of such information, may contact us using the following options:

Stephanie Cabrera, Executive Assistant
Phone: 510-736-4981
Email: Scabrera@ebce.org

East Bay Community Energy
Attention: Customer Confidentiality
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Oakland CA 94607