

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



March 21, 2014

Advice Letters 4433-G/4433-G-A

Rasha Prince, Director
Regulatory Affairs
Southern California Gas
555 W. Fifth Street, GT14D6
Los Angeles, CA 90013-1011

**Subject: Establishment of Rule No. 42, Privacy and Security Protections for Energy
Usage Data in Compliance w/D.12-08-045**

Dear Ms. Prince:

Advice Letters 4433-G/4433-G-A are effective September 19, 2013.

Sincerely,

A handwritten signature in cursive script that reads "Edward F. Randolph".

Edward F. Randolph, Director
Energy Division



Rasha Prince
Director
Regulatory Affairs

555 W. Fifth Street, GT14D6
Los Angeles, CA 90013-1011
Tel: 213.244.5141
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RPrince@semprautilities.com

December 5, 2012

Advice No. 4433
(U 904 G)

Public Utilities Commission of the State of California

Subject: Establishment of Rule No. 42, Privacy and Security Protections for Energy Usage Data in Compliance with Decision (D.) 12-08-045

Southern California Gas Company (SoCalGas) hereby submits for approval by the California Public Utilities Commission (Commission) a new tariff, Rule No. 42, Privacy and Security Protections for Energy Usage Data, applicable throughout its service territory, as shown on Attachment B.

Purpose

This complies with D.12-08-045, Ordering Paragraph (OP) 4, which requires SoCalGas to file a Tier 2 Advice Letter with tariffs conforming to the privacy rules contained in Attachment A adopted therein within 90 days of its effective date, or concurrent with meter installation (whichever is later).¹

Background

On September 29, 2010, Senate Bill (SB) 1476 (Padilla, Chapter 497, Statutes of 2010) was signed into law by the Governor and added as Chapter 5 (commencing with Section 8380) to Division 4.1 of the Public Utilities Code. These new code sections address issues of privacy arising from the use of Smart Meters. SB 1476 provides specific guidance and authority to the Commission to protect the privacy of energy consumption data in the possession of utilities or in the possession of third parties responsible for system, grid, or operational needs, or energy efficiency programs.

SB 1476 prohibits regulated electrical corporations or gas corporations, as defined, from sharing, disclosing, or otherwise making accessible to any third party, except under the circumstances described therein, a customer's electrical or gas consumption data and requires those public utilities to use reasonable security procedures and practices to protect a customer's unencrypted electrical and gas consumption data from unauthorized access, destruction, use, modification, or disclosure.

¹ On November 20, 2012, the Commission granted SoCalGas' electronic mail request, dated November 16, 2012, for an extension of time to comply with the requirements of D.12-08-045 and allow the utilities (SDG&E, PG&E, SCE, and SoCalGas) to coordinate further in order to develop the most uniform tariffs and forms as possible. The request was found reasonable and the deadline was extended to December 5, 2012.

On July 28, 2011 the Commission approved D.11-07-056, implementing rules to protect the privacy and security of electrical consumption data of the customers of Pacific Gas & Electric (PG&E), Southern California Edison (SCE) and San Diego Gas & Electric (SDG&E). The adopted privacy and security rules apply not only to the investor owned utilities (IOUs), but also to the companies that assist them in utility operations, companies under contract with the utilities, and other companies that, after authorization by a customer or by the action of the Commission, gain access to customers' usage data directly from the utility.

On August 23, 2012, the Commission approved D.12-08-045 extending the privacy rules to customers of gas corporations and community choice aggregators, and to residential and small commercial customers of electric service providers. The privacy rules in this decision are similar to those established in D. 11-07-056 for electric corporations and electric customer data, but contain minor modifications that pertain to gas operations.

In addition, SoCalGas participated in workshops with SDG&E, SCE, and PG&E held on October 11 and 12, 2012 as scheduled by D.12-08-045, to develop a coordinated and consistent implementation of the privacy rules as adopted in D.12-08-045.

New Tariff Rule No. 42 – Privacy and Security Protections for Energy Usage Data

SoCalGas proposes to establish a new Tariff Rule No. 42, Privacy and Security Protections for Energy Usage Data, to ensure that SoCalGas will act in compliance with all laws, regulations, and Commission orders to protect its customers' privacy and information. Consequently, SoCalGas requires that all its contractors and vendors also act accordingly.

Rule No. 42 is based on Attachment A of D.12-08-045 and affirms that SoCalGas and covered third party entities in possession of private and confidential customer data under contract with SoCalGas shall keep such covered information and data confidential in accordance with applicable law, rather than disclosing it. SoCalGas has also added language in Rule No. 42 related to the limitation of liability consistent with the privacy rules and has modified sections 8(c), 9(d), and 9(e) of Rule No. 42 to be consistent with Conclusion of Law 7 and OP 5 of D.12-08-045, which provides that, since SoCalGas is still deploying its Advanced Metering Infrastructure, that it is not reasonable to require it to submit annual privacy reports and conduct independent audits until March 2014.

Additionally, as noted in Rule No. 42, SoCalGas will not release information that can reasonably be used to identify an individual customer, or a customer's family, household, or residence, including personally-identifiable financial information about a customer, to any third party without the customer's electronic signature or written consent, except in very specific circumstances, as noted in D.12-08-045.

Associated Tariff Revision Rule No. 12 – Rendering and Payment of Bills

SoCalGas herein also modifies Rule No. 12, Section 2, Electronic Bills, to include a reference (underlined below) to the newly created Rule No. 42:

The Utility will not release confidential information, including financial information, to a third party without the customer's consent, unless such release is in accordance with Rule No. 42. The customer's consent shall be provided to the Utility either in writing or electronically.

Protest

Anyone may protest this AL to the Commission. The protest must state the grounds upon which it is based, including such items as financial and service impact, and should be submitted expeditiously. The protest must be made in writing and must be received within 21 days of the date of this AL, which is December 26, 2012.² There is no restriction on who may file a protest. The address for mailing or delivering a protest to the Commission is given below.

CPUC Energy Division
Attention: Tariff Unit
505 Van Ness Avenue
San Francisco, CA 94102

A copy of the protest should also be sent via e-mail to the attention of the Energy Division Tariff Unit (EDTariffUnit@cpuc.ca.gov). A copy of the protest should also be sent via both e-mail and facsimile to the address shown below on the same date it is mailed or delivered to the Commission.

Attn: Sid Newsom
Tariff Manager - GT14D6
555 West Fifth Street
Los Angeles, CA 90013-1011
Facsimile No. (213) 244-4957
E-mail: snewsom@SempraUtilities.com

Effective Date

Pursuant to OP #4 of D.12-08-045, this filing is classified as Tier 2 (effective after staff approval) and is subject to Energy Division disposition. SoCalGas respectfully requests that this filing be approved on January 4, 2013, which is 30 calendar days from the date filed.

Notice

A copy of this advice letter is being sent to the parties listed on Attachment A, which includes the interested parties in A.08-09-023, R.08-12-009, and R.08-12-009 (Phase 2).

Rasha Prince
Director- Regulatory Affairs

Attachments

² Because the protest period ends on a holiday, SoCalGas is moving the protest period to the next available business day.

CALIFORNIA PUBLIC UTILITIES COMMISSION

ADVICE LETTER FILING SUMMARY ENERGY UTILITY

MUST BE COMPLETED BY UTILITY (Attach additional pages as needed)

Company name/CPUC Utility No. **SOUTHERN CALIFORNIA GAS COMPANY (U 904G)**

Utility type:

ELC

GAS

PLC

HEAT

WATER

Contact Person: Sid Newsom

Phone #: (213) 244-2846

E-mail: SNewsom@semprautilities.com

EXPLANATION OF UTILITY TYPE

ELC = Electric

GAS = Gas

PLC = Pipeline

HEAT = Heat

WATER = Water

(Date Filed/ Received Stamp by CPUC)

Advice Letter (AL) #: 4433

Subject of AL: Establishment of Rule No. 42, Privacy and Security Protections for Energy Usage

Data in Compliance with Decision (D.) 12-08-045

Keywords (choose from CPUC listing): Confidentiality

AL filing type: Monthly Quarterly Annual One-Time Other

If AL filed in compliance with a Commission order, indicate relevant Decision/Resolution #:

D.12-08-045

Does AL replace a withdrawn or rejected AL? If so, identify the prior AL No

Summarize differences between the AL and the prior withdrawn or rejected AL¹: N/A

Does AL request confidential treatment? If so, provide explanation: No

Resolution Required? Yes No

Tier Designation: 1 2 3

Requested effective date: 1/4/13

No. of tariff sheets: 15

Estimated system annual revenue effect (%): N/A

Estimated system average rate effect (%): N/A

When rates are affected by AL, include attachment in AL showing average rate effects on customer classes (residential, small commercial, large C/I, agricultural, lighting).

Tariff schedules affected: Rules, TOCs

Service affected and changes proposed¹: N/A

Pending advice letters that revise the same tariff sheets: None

Protests and all other correspondence regarding this AL are due no later than 20 days after the date of this filing, unless otherwise authorized by the Commission, and shall be sent to:

CPUC, Energy Division
Attention: Tariff Unit
505 Van Ness Ave.,
San Francisco, CA 94102
EDTariffUnit@cpuc.ca.gov

Southern California Gas Company
Attention: Sid Newsom
555 West 5th Street, GT14D6
Los Angeles, CA 90013-1011
SNewsom@semprautilities.com
tariffs@socalgas.com

¹ Discuss in AL if more space is needed.

ATTACHMENT A

Advice No. 4433

(See Attached Service Lists)

ATTACHMENT B
Advice No. 4433

Cal. P.U.C. Sheet No.	Title of Sheet	Cancelling Cal. P.U.C. Sheet No.
Revised 48628-G	Rule No. 12, RENDERING AND PAYMENT OF BILLS, Sheet 1	Revised 42086-G
Original 48629-G	Rule No. 42, PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA, Sheet 1	
Original 48630-G	Rule No. 42, PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA, Sheet 2	
Original 48631-G	Rule No. 42, PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA, Sheet 3	
Original 48632-G	Rule No. 42, PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA, Sheet 4	
Original 48633-G	Rule No. 42, PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA, Sheet 5	
Original 48634-G	Rule No. 42, PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA, Sheet 6	
Original 48635-G	Rule No. 42, PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA, Sheet 7	
Original 48636-G	Rule No. 42, PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA, Sheet 8	
Original 48637-G	Rule No. 42, PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA, Sheet 9	
Original 48638-G	Rule No. 42, PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA, Sheet 10	
Original 48639-G	Rule No. 42, PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA, Sheet 11	
Revised 48640-G	TABLE OF CONTENTS	Revised 48491-G
Revised 48641-G	TABLE OF CONTENTS	Revised 47375-G*
Revised 48642-G	TABLE OF CONTENTS	Revised 48627-G

Rule No. 12
RENDERING AND PAYMENT OF BILLS

Sheet 1

A. Rendering of Bills

1. Regular Bills. Bills for gas service will be rendered monthly, or as may otherwise be provided under applicable tariff schedules, and will be based on the measured quantity of gas delivered to the customer, except as provided in Section C below and as noted in Rule No. 14, Meter Reading, Section C.
2. Electronic Bills. At the mutual option of the customer and the Utility, the customer may elect to receive, view and pay regular bills for service electronically and no longer receive the paper bills. All legal and mandated notices and all charges that would have appeared on the paper bill will be provided with the electronic bill transmittal. Even if the Utility allows bill payment using a bill aggregator or by credit/debit card, responsibility for handling complaints about the bill still resides with the Utility. All notices for termination of service for non-payment will be delivered by a Utility visit or by U.S. Mail. Either party may discontinue electronic billing upon 30 days' notice. The Utility will not release confidential information, including financial information, to a third party without the customer's consent, unless such release is in accordance with Rule No. 42. The customer's consent shall be provided to the Utility either in writing or electronically.
3. Summary Billing. Summary Billing presents bills for customers with multiple accounts in a summarized bill. A customer will receive one bill each month for such a group of accounts. This option is available to both Residential and Non-residential customers.

Customers requesting Summary Billing must have a minimum of ten accounts. In addition, customers must have demonstrated an acceptable payment record (no more than two late payments in the past 12 months on any account), their accounts must be current at the time they begin Summary Billing, and they must not have been involuntarily terminated from Summary Billing within the past 12 months.

Once a customer has been placed on Summary Billing, the customer must maintain the minimum number of accounts required and an acceptable payment record as described above in order to remain eligible for Summary Billing.

B. Payment of Bills

1. Bills Due On Presentation. Bills are due and payable upon presentation. Such bills are the first notice to the customer that the amount shown is due and payable and when not timely paid, will become past due as provided for in Rule No. 9, Discontinuance of Service. Payment must be received at the office of the Utility or, at the Utility's option, by duly authorized collectors of the Utility.
2. Closing Bills Payable on Presentation. Special bills, bills rendered on vacation of premises, or bills rendered to persons discontinuing the service shall be paid on presentation.

(Continued)

(TO BE INSERTED BY UTILITY)
ADVICE LETTER NO. 4433
DECISION NO. 12-08-045

ISSUED BY
Lee Schavrien
Senior Vice President

(TO BE INSERTED BY CAL. PUC)
DATE FILED Dec 5, 2012
EFFECTIVE Sep 19, 2013
RESOLUTION NO. _____

PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA

1. DEFINITIONS

- (a) Covered Entity. A “covered entity” is (1) the Utility or any third party that provides services to the Utility under contract, (2) any third party who accesses, collects, stores, uses or discloses covered information pursuant to an order of the Commission, unless specifically exempted, who obtains this information from the Utility, or (3) any third party, when authorized by the customer, that accesses, collects, stores, uses, or discloses covered information relating to 11 or more customers who obtains this information from the Utility.¹

- (b) Covered Information. “Covered information” is any usage information obtained through the use of the capabilities of Advanced Metering Infrastructure (AMI) when associated with any information that can reasonably be used to identify an individual, family, household, residence, or non-residential customer, except that covered information does not include usage information from which identifying information has been removed such that an individual, family, household or residence, or non-residential customers cannot reasonably be identified or re-identified. Covered information, however, does not include information provided to the Commission pursuant to its oversight responsibilities.

- (c) Primary Purposes. The “primary purposes” for the collection, storage, use or disclosure of covered information are to:
 - (1) provide or bill for gas,
 - (2) provide for system, grid, or operational needs,
 - (3) provide services as required by state or federal law or as specifically authorized by an order of the Commission, or
 - (4) plan, implement, or evaluate demand response, energy management, or energy efficiency programs under contract with the Utility, under contract with the Commission, or as part of a Commission authorized program conducted by a governmental entity under the supervision of the Commission.

- (d) Secondary Purpose. “Secondary purpose” means any purpose that is not a primary purpose.

¹ The Commission and its agents, including but not limited to, contractors and consultants are not “covered entities” subject to these rules because the Commission and its agents are subject to separate statutory provisions pertaining to data.

(Continued)

(TO BE INSERTED BY UTILITY)
ADVICE LETTER NO. 4433
DECISION NO. 12-08-045

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Lee Schavrien
Senior Vice President

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Rule No. 42

Sheet 2

PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA

(Continued)

2. TRANSPARENCY (NOTICE)

- (a) Generally. Covered entities shall provide customers with meaningful, clear, accurate, specific, and comprehensive notice regarding the accessing, collection, storage, use, and disclosure of covered information. Provided, however, that covered entities using covered data solely for a primary purpose on behalf of and under contract with the Utility are not required to provide notice separate from that provided by the Utility.
- (b) When Provided. Covered entities shall provide written notice when confirming a new customer account and at least once a year shall inform customers how they may obtain a copy of the covered entity's notice regarding the accessing, collection, storage, use, and disclosure of covered information, and shall provide a conspicuous link to the notice on the home page of their website, and shall include a link to their notice in all electronic correspondence to customers.
- (c) Form. The notice shall be labeled "*Notice of Accessing, Collecting, Storing, Using and Disclosing Energy Usage Information*" and shall:
 - (1) be written in easily understandable language, and
 - (2) be no longer than is necessary to convey the requisite information.
- (d) Content. The notice and the posted privacy policy shall state clearly:
 - (1) the identity of the covered entity,
 - (2) the effective date of the notice or posted privacy policy,
 - (3) the covered entity's process for altering the notice or posted privacy policy, including how the customer will be informed of any alterations, and where prior versions will be made available to customers, and
 - (4) the title and contact information, including email address, postal address, and telephone number, of an official at the covered entity who can assist the customer with privacy questions, concerns, or complaints regarding the collection, storage, use, or distribution of covered information.

(Continued)

(TO BE INSERTED BY UTILITY)
ADVICE LETTER NO. 4433
DECISION NO. 12-08-045

ISSUED BY
Lee Schavrien
Senior Vice President

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Rule No. 42

Sheet 3

PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA

(Continued)

3. PURPOSE SPECIFICATION

The notice required under section 2 shall provide:

(a) an explicit description of:

- (1) each category of covered information collected, used, stored or disclosed by the covered entity, 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, (i) the purposes for which it is disclosed, and (ii) the categories of third parties to which it is disclosed, and
- (3) the identities of those third parties to whom data is disclosed for secondary purposes, and the secondary purposes for which the information is disclosed;

(b) the approximate period of time that covered information will be retained by the covered entity;

(c) a description of:

- (1) the means by which customers may view, inquire about, or dispute their covered information, and
- (2) 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.

4. INDIVIDUAL PARTICIPATION (ACCESS AND CONTROL)

(a) Access. Covered entities shall provide to customers upon request convenient and secure access to their covered information

- (1) In an easily readable format that is at a level no less detailed than that at which the covered entity discloses the data to third parties.
- (2) The Commission shall, by subsequent rule, prescribe what is a reasonable time for responding to customer requests for access.

(Continued)

(TO BE INSERTED BY UTILITY)
ADVICE LETTER NO. 4433
DECISION NO. 12-08-045

ISSUED BY
Lee Schavrien
Senior Vice President

(TO BE INSERTED BY CAL. PUC)
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Rule No. 42

Sheet 4

PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA

(Continued)

4. INDIVIDUAL PARTICIPATION (ACCESS AND CONTROL) (Continued)

(b) Control. Covered entities shall provide customers with convenient mechanisms for

- (1) granting and revoking authorization for secondary uses of covered information,
- (2) disputing the accuracy or completeness of covered information that the covered entity is storing or distributing for any primary or secondary purpose, and
- (3) requesting corrections or amendments to covered information that the covered entity is collecting, storing, using, or distributing for any primary or secondary purpose.

(c) Disclosure Pursuant to Legal Process.

- (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 seven 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.

(Continued)

(TO BE INSERTED BY UTILITY)
ADVICE LETTER NO. 4433
DECISION NO. 12-08-045

ISSUED BY
Lee Schavrien
Senior Vice President

(TO BE INSERTED BY CAL. PUC)
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Rule No. 42

Sheet 5

PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA

(Continued)

4. INDIVIDUAL PARTICIPATION (ACCESS AND CONTROL) (Continued)

(c) (Continued)

(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.

(d) Disclosure of Information in Situations of Imminent Threat to Life or Property. These rules concerning access, control and disclosure do not apply to information provided to emergency responders in situations involving an imminent threat to life or property. Emergency disclosures, however, remain subject to reporting rule 4(c)(6).

5. 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 identified in the notice required under section 2 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 identified in the notice required under section 2 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 identified in the notice required under section 2 or for a specific secondary purpose authorized by the customer.

(Continued)

(TO BE INSERTED BY UTILITY)
ADVICE LETTER NO. 4433
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Rule No. 42

Sheet 6

PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA

(Continued)

6. USE AND DISCLOSURE LIMITATION

- (a) Generally. Covered information shall be used solely for the purposes specified by the covered entity in accordance with section 3.
- (b) Primary Purposes. The Utility, a third party acting under contract with the Commission to provide energy efficiency or energy efficiency evaluation services authorized pursuant to an order or resolution of the Commission, or a governmental entity providing energy efficiency or energy efficiency evaluation services pursuant to an order or resolution of the Commission may access, collect, store and use covered information for primary purposes without customer consent. Other covered entities may collect, store and use covered information only with prior customer consent, except as otherwise provided here.
- (c) Disclosures to Third Parties.
 - (1) Initial Disclosure by the Utility. The Utility 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. The Utility may disclose covered information to a third party without customer consent
 - a. when explicitly ordered to do so by the Commission; or
 - b. for a primary purpose being carried out under contract with and on behalf of the Utility disclosing the data;

provided that the covered entity disclosing the data shall, by contract, require 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 the covered entity itself operates as required under this rule, unless otherwise directed by the Commission.
 - (2) Subsequent Disclosures. Any entity that receives covered information derived initially from the Utility 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 as required by this rule, unless otherwise directed by the Commission.

(Continued)

(TO BE INSERTED BY UTILITY)
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Rule No. 42

Sheet 7

PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA

(Continued)

6. USE AND DISCLOSURE LIMITATION (Continued)

(c) (Continued)

(3) Terminating Disclosures to Entities Failing to Comply With Their Privacy Assurances. When a covered entity discloses covered information to a third party under this subsection 6(c), it shall 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 entity from which the covered information was initially derived operates in compliance with this rule.

a. If a covered entity disclosing covered information for a primary purpose being carried out under contract with and on behalf of the entity disclosing the data 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, the disclosing entity shall promptly cease disclosing covered information to such third party.

b. If a covered entity disclosing covered information to a Commission-authorized or customer-authorized third party receives a customer complaint about the third party's misuse of data or other violation of the privacy rules, the disclosing entity shall, upon customer request or at the Commission's direction, promptly cease disclosing that customer's information to such third party. The disclosing entity shall notify the Commission of any such complaints or suspected violations.

(4) Nothing in this section shall be construed to impose any liability on the Utility relating to disclosures of information by a third party when i) the Commission orders the provision of covered data to a third party; or ii) a customer authorizes or discloses covered data to a third party entity that is unaffiliated with and has no other business relationship with the Utility. After a secure transfer, the Utility shall not be responsible for the security of the covered data or its use or misuse by such third party. This limitation on liability does not apply when a utility has acted recklessly.

(Continued)

(TO BE INSERTED BY UTILITY)
ADVICE LETTER NO. 4433
DECISION NO. 12-08-045

ISSUED BY
Lee Schavrien
Senior Vice President

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Rule No. 42

Sheet 8

PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA

(Continued)

6. USE AND DISCLOSURE LIMITATION (Continued)

(d) Secondary Purposes. No covered entity shall use or disclose covered information for any secondary purpose without obtaining the customer's prior, express, written authorization for each type of secondary purpose. This authorization is not required when information is:

- (1) provided pursuant to a legal process as described in 4(c) above;
- (2) provided in situations of imminent threat to life or property as described in 4(d) above; or
- (3) authorized by the Commission pursuant to its jurisdiction and control.

(e) Customer Authorization.

- (1) Authorization. Separate authorization by each customer must be obtained for all disclosures of covered information except as otherwise provided for herein.
- (2) Revocation. Customers have the right to revoke, at any time, any previously granted authorization.
- (3) Opportunity to Revoke. The consent of a residential customer shall continue without expiration, but an entity receiving information pursuant to a residential customer's authorization shall contact the customer, at least annually, to inform the customer of the authorization granted and to provide an opportunity for revocation. The consent of a non-residential customer shall continue in the same way, but an entity receiving information pursuant to a non-residential customer's authorization shall contact the customer, to inform the customer of the authorization granted and to provide an opportunity for revocation either upon the termination of the contract, or annually if there is no contract.

(f) Parity. Covered entities shall permit customers to cancel authorization for any secondary purpose of their covered information by the same mechanism initially used to grant authorization.

(g) Availability of Aggregated Usage Data. Covered entities shall 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.

(Continued)

(TO BE INSERTED BY UTILITY)
ADVISE LETTER NO. 4433
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Lee Schavrien
Senior Vice President

(TO BE INSERTED BY CAL. PUC)
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Sheet 9

PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA

(Continued)

7. DATA QUALITY AND INTEGRITY

Covered entities shall ensure that covered information they collect, store, use, and disclose is reasonably accurate and complete or otherwise compliant with applicable rules and tariffs regarding the quality of energy usage data.

8. DATA SECURITY

(a) Generally. Covered entities shall implement reasonable administrative, technical, and physical safeguards to protect covered information from unauthorized access, destruction, use, modification, or disclosure.

(b) Notification of Breach. A covered third party shall notify the Utility that is the source of the covered data within one week of the detection of a breach. Upon a breach affecting 1,000 or more of the Utility's customers, whether by the Utility or by a covered third party, the Utility shall notify the Commission's Executive Director of security breaches of covered information within two weeks of the detection of a breach or within one week of notification by a covered third party of such a breach. Upon request by the Commission, the Utility shall notify the Commission's Executive Director of security breaches of covered information.

(c) Annual Report of Breaches. In addition, the Utility shall file an annual report with the Commission's Executive Director, commencing March 2014, that is due within 120 days of the end of the calendar year and notifies the Commission of all security breaches within the calendar year affecting covered information, whether by the Utility or by a third party.

9. ACCOUNTABILITY AND AUDITING

(a) Generally. Covered entities shall be accountable for complying with the requirements herein, and must make available to the Commission upon request or audit

(1) the privacy notices that they provide to customers,

(2) their internal privacy and data security policies,

(Continued)

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PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA

(Continued)

9. ACCOUNTABILITY AND AUDITING (Continued)

(a) (Continued)

(3) the categories of agents, contractors and other third parties to which they disclose covered information for a primary purpose, the identities of agents, contractors and other third parties to which they disclose covered information for a secondary purpose, 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. (A covered entity shall retain and make available to the Commission upon request information concerning who has received covered information from the covered entity.), and

(4) copies of any secondary-use authorization forms by which the covered party secures customer authorization for secondary uses of covered data.

(b) Customer Complaints. Covered entities shall provide customers with a process for reasonable access to covered information, for correction of inaccurate covered information, and for addressing customer complaints regarding covered information under these rules.

(c) Training. Covered entities shall provide reasonable training to all employees and contractors who use, store or process covered information.

(d) Audits. The Utility shall conduct an independent audit of its data privacy and security practices in conjunction with general rate case proceedings filed after March 2014 and at other times as required by order of the Commission. The audit shall monitor compliance with data privacy and security commitments, and the Utility shall report the findings to the Commission as part of its general rate case filing.

(e) Reporting Requirements. On an annual basis, beginning March 2014, the Utility shall disclose to the Commission as part of an annual report required by Rule 8.b, the following information:

(1) the number of authorized third parties accessing covered information,

(2) the number of non-compliances with this rule or with contractual provisions required by this rule experienced by the Utility, and the number of customers affected by each non-compliance and a detailed description of each non-compliance.

(Continued)

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Sheet 11

PRIVACY AND SECURITY PROTECTIONS FOR ENERGY USAGE DATA

(Continued)

9. ACCOUNTABILITY AND AUDITING (Continued)

(f) Limitation of Liability. The Utility 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 the Utility 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 the Utility makes a secure and authorized transfer of covered information to a third party pursuant to customer authorization or Commission order, the Utility shall not be responsible for the security of the covered information or data or its use or misuse by a third party.

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