

**Staff Report Item 6**

TO: Monterey Bay Community Power Operations Board of Directors

FROM: Tom Habashi, Chief Executive Officer

SUBJECT: Adopt Resolution Approving MBCP Customer Confidentiality Policy

DATE: January 3, 2017

Recommendation:

Adopt a resolution approving MBCP's Customer Confidentiality Policy 'Notice for Accessing, Collecting, Storing, Using and Disclosing Energy Usage Information' as articulated in the attached Policy document.

Background and Discussion:

In August of 2012, the 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. Attachment B of the Decision describes related definitions and requirements for Community Choice Aggregators, including:

- Covered information
- Primary purposes of use
- Customer noticing specification and posting requirements
- Use and disclosure limitations
- Data quality and integrity
- Data security, auditing and reporting

CPUC regulations further require that MBCP develop and post a notice to customers regarding access, collection, storage, use and disclosure of energy usage information. In January and February 2018, MBCP will send required notices to the Phase 1 CI&A customers scheduled to be enrolled in MBCP's CCA program in March, 2018.

These notices will inform phase 1 customers of the terms and conditions of MBCP service, rate policies and where they can get more detailed information. The terms and conditions include a reference to MBCP's customer confidentiality policy, accessible via MBCP's website.

Staff reviewed customer confidentiality and privacy policies of existing community choice agencies and prepared Attachment 1, MBCP's proposed Customer Confidentiality Policy 'Notice for Accessing, Collecting, Storing, Using and Disclosing Energy Usage Information' accordingly. This policy will be easily accessible through MBCP's website and will also be referenced in MBCP's Terms and Conditions. In addition, a notice of this policy will be provided annually to customers via an on-bill message guiding customers to the most updated version on MBCP's website, and any changes to this policy between notification periods will be posted on the website.

Attachment:

MBCP Customer Confidentiality Policy – January 3, 2018
Resolution



MBCP Customer Privacy Policy January 3, 2017

Customer Privacy Policy

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

Monterey Bay Community Power (MBCP), 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 MBCP'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 to (a) comply with law, regulation, or court order; (b) enable MBCP to provide service to its customers; (c) collect unpaid bills; (d) obtain and provide credit reporting information; (e) resolve customer disputes or inquiries; (f) communicate about demand response, energy efficiency, energy management, and conservation programs, or (g) in situation of imminent threat to life or property. MBCP 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 MBCP's discretion.

Customer data, including individual customer names, addresses, and electric energy usage data, is collected via PG&E's metering systems. MBCP may share customer data with contractors and vendors for purposes of providing MBCP 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 MBCP. MBCP 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 January 3, 2017. Notice of this policy will be provided annually to customers via an on-bill message, guiding customers to the most updated version on MBCP's website at www.mbcommunitypower.org. Any changes to this policy between notification periods will be communicated through Monterey Bay Community Power's website. Previous versions of this policy can be requested via email through the website or by mailed request to MBCP, Attention: Administrative Analyst, 70 Garden Court, Suite 300, Monterey, CA 93940.

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 MBCP or limit the collection, use, or disclosure of such information, may contact Mark Bachman, Key Accounts Manager, by phone at (831) 641-7207, via email at MBachman@mbcommunitypower.org, or by mail at 70 Garden Court, Suite 300, Monterey, CA 93940

RESOLUTION NO. [REDACTED]

A RESOLUTION OF THE MONTEREY BAY COMMUNITY POWER AUTHORITY OPERATIONS BOARD OF DIRECTORS ADOPTING A PRIVACY POLICY TITLED NOTICE FOR ACCESSING, COLLECTING, STORING, USING AND DISCLOSING ENERGY USAGE INFORMATION

WHEREAS, the Monterey Bay Community Power Authority (“Authority”) was formed on February 21, 2017 pursuant to a Joint Exercise of Powers Agreement (JPA) to study, promote, develop, conduct, operate, and manage energy programs in the Tri-County region of Santa Cruz, Monterey and San Benito Counties; and

WHEREAS, the California Public Utility Commission, in Decision 12-18-045, extended privacy protections to customers of gas corporations, community choice aggregators and residential and small commercial customers of electric service providers; and

WHEREAS, the Authority desires to articulate its privacy practices in a written policy.

NOW, THEREFORE, THE MONTEREY BAY COMMUNITY POWER AUTHORITY OPERATIONS BOARD OF DIRECTORS DOES HEREBY RESOLVE, DETERMINE, AND ORDER AS FOLLOWS:

The Operations Board hereby adopts the privacy policy titled “Notice for Accessing, Collecting, Storing, Using and Disclosing Energy Usage Information” attached hereto as Attachment 1.

PASSED AND ADOPTED this 3rd day of January, 2018 by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

Chair, Operations Board of MBCP

Approved as to form:

MBCP General Counsel
