



Contra  
Costa  
County

To: Board of Supervisors  
From: David Twa, County Administrator  
Date: April 12, 2016

Subject: COMMUNITY CHOICE ENERGY AGGREGATION NON-DISCLOSURE AGREEMENT WITH PG&E

---

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the County Administrator or designee to execute, on behalf of the County, a Community Choice Aggregator Non-Disclosure Agreement with Pacific Gas and Electric Company, including modified indemnification language, to obtain electrical load data within Contra Costa County.

**FISCAL IMPACT:**

There is a \$920 charge from PG&E to obtain the requested electrical load data, which will be paid from the approved budget for the Department of Conservation and Development (DCD).

**BACKGROUND:**

On March 15, 2016, the Board of Supervisors authorized DCD to proceed with conducting a technical study to evaluate alternatives for potential implementation of a Community Choice Energy program. To conduct this study, the County must request and obtain electrical load data from Pacific Gas and Electric Company (PG&E) for electrical accounts within the unincorporated area, and within the boundaries of the cities that have authorized the County to obtain such data on their behalf.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **04/12/2016** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

AYE: John Gioia, District I Supervisor  
Candace Andersen, District II Supervisor  
Mary N. Piepho, District III Supervisor  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: April 12, 2016

, County Administrator and Clerk of the Board of Supervisors

Contact: Julie DiMaggio Enea  
(925) 335-1077

By: Chris Heck, Deputy

Utility customer information is confidential and not subject to disclosure. (Pub. Util. Code, § 8380.) The Public Utilities Commission has authorized electricity providers to release utility customer to public agencies when they are considering whether to participate in community choice energy or community choice aggregation. However, the PUC requires the public agency to enter into a non-disclosure agreement with the electricity provider, to ensure that utility customer information will remain confidential.

## BACKGROUND: (CONT'D)

Pursuant to the PUC's requirements, before PG&E will release electricity load data to the County, PG&E will require the County to enter into a Community Choice Aggregator Non-Disclosure Agreement ("NDA"). Under this agreement, the County will be required to indemnify PG&E, its affiliates, subsidiaries, parent companies, officers, employees, and agents from any claims related to the County or its representatives' use or disclosure of confidential utility data that the County receives from PG&E. County employees and consultants that will have access to the electricity load data will need to execute an acknowledgement that they agree to maintain and dispose of the load data in accordance with the terms of the NDA.

Staff recommends that the Board of Supervisors approve the recommended action so that the County can proceed with conducting a technical study to evaluate alternatives for implementing a community choice energy program.

## CONSEQUENCE OF NEGATIVE ACTION:

If the Board does not authorize County staff to take the recommended action, staff will not be able to conduct a technical study of Community Choice Energy, as previously directed by the Board.

## ATTACHMENTS

CCE Non-Disclosure Agreement Form with PG&E