EnergyTrust of Oregon, Inc.

Board Decision
Amend Policy to Allow Disclosure of Certain Information to Bonneville Power Administration for Conservation Rate Credit Program

May 9, 2007

Summary

Amends Policy on Information Submitted by Program Participants, Contractors and Bidders to allow disclosure of certain non-residential participant information to the Bonneville Power Administration.

Background

- In September 2004, the board adopted a policy on maintaining the confidentiality of information submitted to Energy Trust by program participants.

- The policy provides that Energy Trust will protect the confidentiality of all residential participants, and will supply only limited information about non-residential participants (name, city or county of business, Energy Trust services or incentive payments, and energy saved or generated as a result of Energy Trust services or incentives) to the Oregon Public Utility Commission, the legislature and other state agencies.

- In December 2006, the board authorized Energy Trust to enter into agreements with PGE and Pacific Power to provide services on their behalf for the Bonneville Power Administration's Conservation Rate Credit Program.

- Bonneville Power Administration (Bonneville) needs certain information on program participants for purposes of verification and reporting. If it requires more information than would be allowed to the OPUC and state entities, Bonneville would sign a confidentiality agreement.

Recommendation

- Adopt the attached resolution amending the policy on Information Submitted by Program Participants, Contractors and Bidders to afford Bonneville access to the same information on terms as Energy Trust affords to the OPUC and state entities. The board Policy Committee concurs.

RESOLUTION #438
AMENDING POLICY ON INFORMATION SUBMITTED BY PROGRAM PARTICIPANTS, CONTRACTORS AND BIDDERS TO ALLOW DISCLOSURE OF CERTAIN NON-RESIDENTIAL INFORMATION TO BPA

WHEREAS:

1. **In September, 2004, the board adopted a policy on maintaining the confidentiality of information submitted to Energy Trust by program participants. The policy protects the confidentiality of all residential participants in Energy Trust programs, and assures that Energy Trust will supply only limited information about non-residential participants (name, city or county of business, Energy Trust services or incentive payments, and energy saved or generated as a result of Energy Trust services or incentives) to the Oregon Public Utility Commission, the legislature and other state agencies.**
2. **In December 2006, the board authorized Energy Trust to enter into agreements with PGE and Pacific Power to provide services on their behalf for the Bonneville Power Administration's Conservation Rate Credit Program.**
3. **Bonneville Power Administration (Bonneville) needs certain information on program participants for purposes of verification and reporting. If it requires more information than would be allowed to the OPUC and state entities, Bonneville would sign a confidentiality agreement.**

It is therefore RESOLVED:

1. **That the Energy Trust board amends its policy on Information Submitted by Program Participants, Contractors and Bidders to afford Bonneville access to the same information on terms as Energy Trust affords to the OPUC and state entities, as shown in the attached revised policy.**

Moved by: Seconded by:

Vote: In favor: Abstained:

EnergyTrust of Oregon, Inc.

4.17.000-P
Policy on Information Submitted by Program Participants, Contractors and Bidders

History			
Source	Date	Action/Notes	Next Review Date
Policy Committee	5/24/04	Review and discussion	8/24/04
Policy Committee	8/24/04	Reviewed for board action	9/9/04
Board	9/9/04	Action postponed pending further review and discussion	9/21/04
Board	7/6/05	Approved (R345)	7/08
Policy Committee	4/17/07	Amended for board action (R438)	5/9/07

Purpose: Energy Trust and its contractors acquire information from utilities, program participants and others. This document establishes Energy Trust policy on collection, use and disclosure of information about program participants. This policy also addresses confidentiality of contracts and bid information. The policy does not apply to information that is in the public domain.

1. Energy Trust will inform participants of this policy

Participants in Energy Trust programs will be advised of the contents of this policy by appropriate means (e.g., on program application forms, the Energy Trust web site and oral communications). Energy Trust and its contractors will offer participants a copy of this policy.

2. Energy Trust protects information covered by utility information transfer agreements

Utilities provide Energy Trust with information about energy consumers on condition that it is treated confidentially. This information is covered by "information transfer agreements" negotiated with the utility. Energy Trust will not afford access to information protected by utility information transfer agreements to anyone who has not signed a confidentiality agreement consistent with the information transfer agreements. However, if Energy Trust obtains written, oral (documented electronically or in writing), or electronic consent from an Energy Trust program participant, information relating to such participant is no longer subject to utility confidentiality agreements, and instead is governed by sections 4-5 of this

policy. Energy Trust may disclose to utilities the names of Energy Trust program participants to ensure that Energy Trust information is accurate.

3. Energy Trust and those it works with use Participant Information only for Energy Trust purposes

A. Definition of Participant Information: "Participant Information" means information obtained from program participants that refers specifically to the participant by name, address, or other personally identifiable characteristics.

B. Generally. Energy Trust employees, contractors and sub-contractors will use Participant Information only for Energy Trust purposes. Contractors who receive Participant Information from Energy Trust may not disclose it to any other party unless required by law or the other party has by contract or other written agreement agreed to protect such information consistent with this Energy Trust policy. Contractors will consult with their Energy Trust contract manager when in doubt.

C. Collaborative analysis. Energy Trust analyzes Participant Information and aggregates it with other information to plan, evaluate and report on Energy Trust programs. If consistent with section 3 and if the shared data do not reveal Participant Information, Energy Trust may share such aggregated information with other analysts, recognizing that some of these analysts work for organizations with their own information disclosure policies and requirements.

D. Using Participant Information in marketing. Before using Participant Information in case studies, brochures, press releases, advertisements, marketing or other publicity material, Energy Trust and/or its contractors will obtain participant approval.

E. Information provided to government entities

(1) Energy Trust will treat residential program participant information as confidential. Energy Trust may report individual residential participant information if it does not identify the participant by name, address, telephone or other information that would allow identification of the individual.

(2) For non-residential programs, Energy Trust may include the following information in reports to the Bonneville Power Administration, the legislature, the Oregon Public Utility Commission ("OPUC") and other state agencies as necessary to meet Energy Trust responsibilities:

- participant name
- city or county of business
- Energy Trust services or incentive payments provided to the participant, or
- energy saved or generated as a result of Energy Trust services or incentives.

(3) Before providing Participant Information other than information listed in section 3.E(2), Energy Trust will obtain participant approval.

4. Contracts

A. Except for contracts that concern personnel matters, contracts to which Energy Trust is a party will not be treated as confidential. For purposes of this policy "contract" does not mean program application materials.

B. If a contract specifically identifies as confidential sensitive business records or financial or commercial information that is not customarily provided to business competitors, Energy Trust will treat such information as confidential. However, Energy Trust may disclose all other information in the contract.

C. Subject to litigation or other legal disclosure and/or audit requirements, Energy Trust will not disclose information submitted in response to requests for proposals or other solicitations.

5. Audit

Energy Trust will afford auditors full access to participant information for purposes of audit.

6. Resolving issues

In the event the OPUC requests from Energy Trust information that a participant has reasonably designated as Confidential Information, Energy Trust will follow the procedure specified in section 3.c of the Grant Agreement between Energy Trust and the OPUC (available at http://www.energytrust.org/Pages/about/who_we_are/puc_funding_agreement.PDF).

~~Adopted on July 6, 2005, by the Energy Trust of Oregon, Inc. Board of Directors~~