

114TH CONGRESS
1ST SESSION

S. 1044

To enhance consumer access to electricity information and allow for the adoption of innovative products and services to help consumers manage their energy usage.

IN THE SENATE OF THE UNITED STATES

APRIL 22, 2015

Mr. MARKEY introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To enhance consumer access to electricity information and allow for the adoption of innovative products and services to help consumers manage their energy usage.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Access to Consumer
5 Energy Information Act” or the “E-Access Act”.

6 **SEC. 2. DEFINITION OF SECRETARY.**

7 In this Act, the term “Secretary” means the Sec-
8 retary of Energy.

1 **SEC. 3. CONSUMER ACCESS TO ELECTRIC ENERGY INFOR-**
2 **MATION.**

3 (a) **IN GENERAL.**—The Secretary shall encourage
4 and support the adoption of policies that allow electricity
5 consumers access to their own electricity data.

6 (b) **ELIGIBILITY FOR STATE ENERGY PLANS.**—Sec-
7 tion 362(d) of the Energy Policy and Conservation Act
8 (42 U.S.C. 6322(d)) is amended—

9 (1) in paragraph (16), by striking “and” after
10 the semicolon at the end;

11 (2) by redesignating paragraph (17) as para-
12 graph (18); and

13 (3) by inserting after paragraph (16) the fol-
14 lowing:

15 “(17) programs—

16 “(A) to enhance consumer access to and
17 understanding of energy usage and price infor-
18 mation, including consumers’ own residential
19 and commercial electricity information; and

20 “(B) to allow for the development and
21 adoption of innovative products and services to
22 assist consumers in managing energy consump-
23 tion and expenditures; and”.

24 (c) **VOLUNTARY GUIDELINES FOR ELECTRIC CON-**
25 **SUMER ACCESS.**—

26 (1) **DEFINITIONS.**—In this subsection:

1 (A) RETAIL ELECTRIC ENERGY INFORMA-
2 TION.—The term “retail electric energy infor-
3 mation” means—

4 (i) the electric energy consumption of
5 an electric consumer over a defined time
6 period;

7 (ii) the retail electric energy prices or
8 rates applied to the electricity usage for
9 the defined time period described in clause
10 (i) for the electric consumer;

11 (iii) the estimated cost of service by
12 the consumer, including (if smart meter
13 usage information is available) the esti-
14 mated cost of service since the last billing
15 cycle of the consumer; and

16 (iv) in the case of nonresidential elec-
17 tric meters, any other electrical informa-
18 tion that the meter is programmed to
19 record (such as demand measured in kilo-
20 watts, voltage, frequency, current, and
21 power factor).

22 (B) SMART METER.—The term “smart
23 meter” means the device used by an electric
24 utility that—

1 (i)(I) measures electric energy con-
2 sumption by an electric consumer at the
3 home or facility of the electric consumer in
4 intervals of 1 hour or less; and

5 (II) is capable of sending electric en-
6 ergy usage information through a commu-
7 nications network to the electric utility; or

8 (ii) meets the guidelines issued under
9 paragraph (2).

10 (2) VOLUNTARY GUIDELINES FOR ELECTRIC
11 CONSUMER ACCESS.—

12 (A) IN GENERAL.—Not later than 180
13 days after the date of enactment of this Act,
14 subject to subparagraph (B), the Secretary
15 shall issue voluntary guidelines that establish
16 model standards for implementation of retail
17 electric energy information access in States.

18 (B) CONSULTATION.—Before issuing the
19 voluntary guidelines, the Secretary shall—

20 (i) consult with—

21 (I) State and local regulatory au-
22 thorities, including the National Asso-
23 ciation of Regulatory Utility Commis-
24 sioners;

1 (II) other appropriate Federal
2 agencies, including the National Insti-
3 tute of Standards and Technology;

4 (III) consumer and privacy advo-
5 cacy groups;

6 (IV) utilities;

7 (V) the National Association of
8 State Energy Officials; and

9 (VI) other appropriate entities,
10 including groups representing com-
11 mercial and residential building own-
12 ers and groups that represent demand
13 response and electricity data devices
14 and services; and

15 (ii) provide notice and opportunity for
16 comment.

17 (C) STATE AND LOCAL REGULATORY AC-
18 TION.—In issuing the voluntary guidelines, the
19 Secretary shall, to the maximum extent prac-
20 ticable, be guided by actions taken by State and
21 local regulatory authorities to ensure electric
22 consumer access to retail electric energy infor-
23 mation, including actions taken after consider-
24 ation of the standard established under section

1 111(d)(17) of the Public Utility Regulatory
2 Policies Act of 1978 (16 U.S.C. 2621(d)(17)).

3 (D) CONTENTS.—

4 (i) IN GENERAL.—The voluntary
5 guidelines shall provide guidance on issues
6 necessary to carry out this subsection, in-
7 cluding—

8 (I) the timeliness and specificity
9 of retail electric energy information;

10 (II) appropriate nationally recog-
11 nized open standards for data;

12 (III) the protection of data secu-
13 rity and electric consumer privacy, in-
14 cluding consumer consent require-
15 ments; and

16 (IV) issues relating to access of
17 electric energy information for owners
18 and managers of multitenant commer-
19 cial and residential buildings.

20 (ii) INCLUSIONS.—The voluntary
21 guidelines shall include guidance that—

22 (I) retail electric energy informa-
23 tion should be made available to elec-
24 tric consumers (and third-party des-

1 ignees of the electric consumers) in
2 the United States—

3 (aa) in an electronic ma-
4 chine readable form, without ad-
5 ditional charge, in conformity
6 with standards developed through
7 a voluntary, consensus-based,
8 multistakeholder process;

9 (bb) as timely as is reason-
10 ably practicable;

11 (cc) at the level of specificity
12 that the data is transmitted by
13 the meter or as is reasonably
14 practicable; and

15 (dd) in a manner that pro-
16 vides adequate protections for the
17 security of the information and
18 the privacy of the electric con-
19 sumer;

20 (II) in the case of an electric con-
21 sumer that is served by a smart meter
22 that can also communicate energy
23 usage information to a device or net-
24 work of an electric consumer or a de-
25 vice or network of a third party au-

1 thorized by the consumer, considers
2 providing to the consumer or third-
3 party designee, at a minimum, access
4 to usage information (not including
5 price information) of the consumer di-
6 rectly from the smart meter;

7 (III) retail electric energy infor-
8 mation should be provided by the elec-
9 tric utility of the consumer or such
10 other entity as may be designated by
11 the applicable electric retail regulatory
12 authority;

13 (IV) retail electric energy infor-
14 mation of the consumer should be
15 made available to the consumer
16 through a website or other electronic
17 access authorized by the electric con-
18 sumer, for a period of at least 13
19 months after the date on which the
20 usage occurred;

21 (V) consumer access to data, in-
22 cluding data provided to owners and
23 managers of commercial and multi-
24 family buildings with multiple tenants,
25 should not interfere with or com-

1 promise the integrity, security, or pri-
2 vacy of the operations of a utility and
3 the electric consumer;

4 (VI) electric energy information
5 relating to usage information gen-
6 erated by devices in or on the prop-
7 erty of the consumer that is trans-
8 mitted to the electric utility should be
9 made available to the electric con-
10 sumer or the third-party agent des-
11 ignated by the electric consumer; and

12 (VII) the same privacy and secu-
13 rity requirements applicable to the
14 contracting utility under subclause
15 (I)(dd) should apply to third-party
16 agents contracting with a utility to
17 process the customer data of that util-
18 ity.

19 (E) REVISIONS.—The Secretary shall peri-
20 odically review and, as necessary, revise the vol-
21 untary guidelines to reflect changes in tech-
22 nology, privacy needs, and the market for elec-
23 tric energy and services.

24 (d) VERIFICATION AND IMPLEMENTATION.—

1 (1) IN GENERAL.—A State may submit to the
2 Secretary a description of the data sharing policies
3 of the State relating to consumer access to electric
4 energy information for certification by the Secretary
5 that the policies meet the voluntary guidelines issued
6 under subsection (c)(2).

7 (2) ASSISTANCE.—Subject to the availability of
8 funds under paragraph (3), the Secretary shall make
9 Federal amounts available to any State that has
10 data sharing policies described in paragraph (1) that
11 the Secretary certifies meets the voluntary guidelines
12 issued under subsection (c)(2) to assist the State in
13 implementing section 362(d)(17) of the Energy Pol-
14 icy and Conservation Act (42 U.S.C. 6322(d)(17)).

15 (3) AUTHORIZATION OF APPROPRIATIONS.—
16 There is authorized to be appropriated to carry out
17 this subsection \$10,000,000 for fiscal year 2016, to
18 remain available until expended.

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