

111TH CONGRESS
2^D SESSION

H. R. 4860

To amend the Public Utility Regulatory Policies Act of 1978 to provide electric consumers the right to access certain electric energy information.

IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 2010

Mr. MARKEY of Massachusetts introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Public Utility Regulatory Policies Act of 1978 to provide electric consumers the right to access certain electric energy information.

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 “Electric Consumer
5 Right to Know Act” or the “e-KNOW Act”.

6 **SEC. 2. ELECTRIC CONSUMER RIGHT TO ACCESS ELECTRIC**
7 **ENERGY INFORMATION.**

8 (a) **ELECTRIC CONSUMER RIGHT OF ACCESS.**—Title
9 II of the Public Utility Regulatory Policies Act of 1978

1 is amended by adding after section 214 the following new
2 section:

3 **“SEC. 215. ELECTRIC CONSUMER RIGHT TO ACCESS ELEC-**
4 **TRIC ENERGY INFORMATION.**

5 “(a) ELECTRIC CONSUMER RIGHT TO ELECTRIC EN-
6 ERGY INFORMATION.—

7 “(1) IN GENERAL.—Each electric consumer in
8 the United States shall have the right to access (and
9 to authorize 1 or more third parties to access) the
10 retail electric energy information of such electric
11 consumer in electronic machine-readable form, in
12 conformity with nationally recognized open stand-
13 ards, free of charge, and in a manner that is timely
14 and convenient and that provides adequate protec-
15 tions for the security of such information and the
16 privacy of such electric consumer.

17 “(2) DEFINITIONS.—For purposes of this sec-
18 tion:

19 “(A) RETAIL ELECTRIC ENERGY INFORMA-
20 TION.—The term ‘retail electric energy informa-
21 tion’ means the following:

22 “(i) USAGE INFORMATION.—An elec-
23 tric consumer’s electric energy consump-
24 tion over a defined time period, including
25 information on consumption during not

1 less than the 24 months prior to the date
2 of access of such information by such elec-
3 tric consumer.

4 “(ii) PRICING INFORMATION.—Time-
5 based retail electric energy prices applied
6 to the electric consumer.

7 “(B) SMART METER.—The term ‘smart
8 meter’ means a meter installed by the electric
9 utility that delivers electric energy to an electric
10 consumer at the home or facility of such electric
11 consumer that measures electric energy usage
12 and is capable of communicating electric energy
13 usage information by means of an electronic
14 machine-readable signal in real time or near
15 real time.

16 “(3) TIMELINESS AND GRANULARITY.—The
17 right to access retail electric energy information
18 under paragraph (1) includes, at a minimum, the
19 right to access retail electric energy information—

20 “(A)(i) in real time or near real time, for
21 electric consumers served by a smart meter;
22 and

23 “(ii) as expeditiously after the time of col-
24 lection as reasonably feasible for electric con-
25 sumers not served by a smart meter; and

1 “(B) except as otherwise provided in para-
2 graph (4), data at intervals—

3 “(i) not greater than 15 minutes for
4 electric consumers served by a smart
5 meter; and

6 “(ii) not less frequent than the inter-
7 vals at which such data is collected by the
8 electric utility providing retail service, for
9 electric consumers not served by a smart
10 meter.

11 “(4) RETENTION.—The data interval require-
12 ments in paragraph (3)(B) shall not apply to usage
13 data after a period of 24 months from the date such
14 data is recorded.

15 “(b) GUIDELINES FOR ELECTRIC CONSUMER AC-
16 CESS.—Not later than 180 days after the date of the en-
17 actment of this section, the Commission shall, after con-
18 sultation with State regulatory authorities, the Secretary
19 of Energy, and other appropriate Federal agencies, and
20 after notice and opportunity for comment, issue guidelines
21 identifying minimum national standards for implementa-
22 tion of the electric consumer right to access retail electric
23 energy information under subsection (a)(1). In formu-
24 lating such guidelines, the Commission shall, to the extent
25 practicable, preserve the integrity of and be guided by ac-

1 tions already taken by State regulatory authorities to en-
2 sure electric consumer access to retail electric energy in-
3 formation, including actions taken after consideration of
4 the standard under section 111(d)(17). Such guidelines
5 shall provide guidance on issues including the timeliness
6 and granularity of retail electric energy information, ap-
7 propriate nationally recognized open standards for data,
8 and protection of data security and electric consumer pri-
9 vacy. The Commission shall periodically review and, as
10 necessary revise, such guidelines to reflect changes in tech-
11 nology and the market for electric energy and services.

12 “(c) ENFORCEMENT.—

13 “(1) EFFECTIVE DATE.—This subsection shall
14 be effective on the date that is 1 year after the date
15 the guidelines under subsection (b) are issued.

16 “(2) ENFORCEMENT BY STATE ATTORNEYS
17 GENERAL.—If the attorney general of a State, or
18 another official or agency of a State with competent
19 authority under State law, has reason to believe that
20 any electric utility that delivers electric energy at re-
21 tail in the relevant State is not complying with the
22 minimum standards identified by the guidelines
23 issued under subsection (b), the attorney general, of-
24 ficial, or agency of the State, as *parens patriae*, may
25 bring a civil action against such electric utility, on

1 behalf of the electric consumers receiving retail serv-
2 ice from such electric utility, in a district court of
3 the United States of appropriate jurisdiction, to
4 compel compliance with such standards.

5 “(3) ELECTRIC CONSUMER ENFORCEMENT.—
6 Provided no civil action has been brought under
7 paragraph (2), any electric consumer may bring a
8 civil action against the electric utility providing retail
9 electric service to such electric consumer, in a dis-
10 trict court of the United States of appropriate juris-
11 diction, to compel compliance with the minimum
12 standards identified by the guidelines issued under
13 subsection (b).

14 “(4) COSTS AND FEES.—In any civil action
15 under paragraph (2) or (3), if the party bringing the
16 action is successful in enforcing the standards iden-
17 tified by the guidelines issued under subsection (b),
18 the court may award to such party the costs of the
19 action together with reasonable attorney’s fees, as
20 determined by the court.

21 “(5) SAFE HARBOR.—No civil action may be
22 brought against an electric utility under paragraph
23 (2) or paragraph (3) if the Commission has, within
24 the most recent 2 years, determined that such elec-
25 tric utility, or the State regulatory authority that

1 regulates such electric utility, has adopted and im-
2 plemented policies, requirements, and measures, as
3 necessary, that comply with the standards identified
4 by the guidelines issued under subsection (b). The
5 Commission shall establish procedures to review the
6 policies, requirements, and measures of State regu-
7 latory authorities and electric utilities to assess, and
8 issue determinations with regard to, compliance with
9 such standards.”.

10 (b) CONFORMING AMENDMENT.—The table of con-
11 tents for the Public Utility Regulatory Policies Act of
12 1978 is amended by adding after the item relating to sec-
13 tion 214 the following new item:

“Sec. 215. Electric consumer right to access electric energy information.”.

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