

116TH CONGRESS
2D SESSION

H. R. 5796

To enhance consumer access to electric energy and natural gas information, to allow for the adoption of innovative products and services to help consumers manage their energy usage, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 2020

Mr. WELCH (for himself and Mr. CARTWRIGHT) introduced the following bill;
which was referred to the Committee on Energy and Commerce

A BILL

To enhance consumer access to electric energy and natural gas information, to allow for the adoption of innovative products and services to help consumers manage their energy usage, and for other purposes.

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. DEFINITIONS.**

7 In this Act:

1 (1) ADVANCED METER.—The term “advanced
2 meter” means a device that—

3 (A) measures and records usage data at a
4 minimum in hourly intervals;

5 (B) provides such usage data at least daily
6 to the applicable electric utility or gas utility;
7 and

8 (C) may provide such usage data to con-
9 sumers.

10 (2) ELECTRIC UTILITY.—The term “electric
11 utility” has the meaning given such term in section
12 3 of the Public Utility Regulatory Policies Act of
13 1978 (16 U.S.C. 2602).

14 (3) ELECTRIC CONSUMER.—The term “electric
15 consumer” has the meaning given such term in sec-
16 tion 3 of the Public Utility Regulatory Policies Act
17 of 1978 (16 U.S.C. 2602).

18 (4) GAS CONSUMER.—The term “gas con-
19 sumer” has the meaning given such term in section
20 302 of the Public Utility Regulatory Policies Act of
21 1978 (15 U.S.C. 3202).

22 (5) GAS UTILITY.—The term “gas utility” has
23 the meaning given such term in section 302 of the
24 Public Utility Regulatory Policies Act of 1978 (15
25 U.S.C. 3202).

1 (6) RETAIL ELECTRIC ENERGY INFORMA-
2 TION.—The term “retail electric energy informa-
3 tion” means—

4 (A) the electric energy usage of an electric
5 consumer over a time interval, as measured and
6 recorded by the applicable advanced meter;

7 (B) the retail electric energy prices or
8 rates applied to the electric energy usage for
9 the time interval described in subparagraph (A)
10 for the electric consumer;

11 (C) the cost of service provided to an elec-
12 tric consumer, as displayed on billing informa-
13 tion provided to such electric consumer; and

14 (D) in the case of nonresidential electric
15 meters, any other electrical information that the
16 meter is programmed to record that is used for
17 billing purposes (such as demand measured in
18 kilowatts, voltage, frequency, current, and
19 power factor).

20 (7) RETAIL NATURAL GAS INFORMATION.—The
21 term “retail natural gas information” means—

22 (A) the natural gas usage of a gas con-
23 sumer, as measured and recorded by the appli-
24 cable gas utility;

1 (B) the retail natural gas prices or rates
 2 applied to the natural gas usage described in
 3 subparagraph (A) for the gas consumer;

4 (C) the cost of service provided to a gas
 5 consumer, as displayed on billing information
 6 provided to such gas consumer; and

7 (D) in the case of nonresidential natural
 8 gas meters, any other information that the
 9 meter is programmed to record that is used for
 10 billing purposes.

11 (8) SECRETARY.—The term “Secretary” means
 12 the Secretary of Energy.

13 **SEC. 3. CONSUMER ACCESS TO ELECTRIC ENERGY AND**
 14 **NATURAL GAS INFORMATION.**

15 (a) ELIGIBILITY FOR STATE ENERGY PLANS.—Sec-
 16 tion 362(d) of the Energy Policy and Conservation Act
 17 (42 U.S.C. 6322(d)) is amended—

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

20 (2) by redesignating paragraph (17) as para-
 21 graph (18); and

22 (3) by inserting after paragraph (16) the fol-
 23 lowing:

24 “(17) programs—

1 “(A) to enhance consumer access to and
2 understanding of electric energy and natural
3 gas usage and cost information, including con-
4 sumers’ own residential and commercial retail
5 electric energy information (as defined in sec-
6 tion 2 of the E-Access Act) and retail natural
7 gas information (as defined in section 2 of the
8 E-Access Act); and

9 “(B) to facilitate the development and
10 adoption of innovative products and services to
11 assist consumers in managing energy consump-
12 tion and expenditures; and”.

13 (b) GUIDELINES FOR ELECTRIC CONSUMER AND GAS
14 CONSUMER ACCESS.—

15 (1) IN GENERAL.—Not later than 180 days
16 after the date of enactment of this Act and subject
17 to paragraph (2), the Secretary shall issue guidelines
18 that establish model data sharing standards and
19 policies for States to provide electric consumers and
20 gas consumers, and third-party designees of such
21 electric consumers and gas consumers, with access
22 to retail electric energy information and retail nat-
23 ural gas information.

24 (2) CONSULTATION.—Before issuing the guide-
25 lines under paragraph (1), the Secretary shall—

1 (A) consult with—

2 (i) State and local regulatory authori-
3 ties;

4 (ii) other appropriate Federal agen-
5 cies, including the National Institute of
6 Standards and Technology;

7 (iii) consumer and privacy advocacy
8 groups;

9 (iv) electric utilities and gas utilities;

10 (v) the National Association of State
11 Energy Officials; and

12 (vi) other appropriate entities, includ-
13 ing groups representing public utility com-
14 missions, commercial and residential build-
15 ing owners, residential contractors, and
16 groups that represent demand response
17 and electricity data devices and services;
18 and

19 (B) provide notice and opportunity for
20 comment.

21 (3) STATE AND LOCAL REGULATORY ACTION.—

22 In issuing the guidelines under paragraph (1), the
23 Secretary shall, to the maximum extent practicable,
24 be guided by actions taken by State and local regu-
25 latory authorities to ensure electric consumer and

1 gas consumer access to retail electric energy infor-
2 mation and retail natural gas information, including
3 actions taken after consideration of the standard es-
4 tablished under section 111(d)(19) of the Public
5 Utility Regulatory Policies Act of 1978 (16 U.S.C.
6 2621(d)(19)).

7 (4) CONTENTS.—The guidelines issued under
8 paragraph (1) shall include guidelines—

9 (A) specifying that retail electric energy in-
10 formation and retail natural gas information of
11 an electric consumer or a gas consumer should
12 be made available to the electric consumer or
13 gas consumer (or a third-party designee of the
14 electric consumer or gas consumer) by the elec-
15 tric utility or gas utility of the electric con-
16 sumer or gas consumer (or such other entity as
17 may be designated by the utility), in consulta-
18 tion with, or with approval from, as applicable,
19 the utility’s applicable retail regulatory author-
20 ity;

21 (B) regarding the timeliness and specificity
22 of retail electric energy information and retail
23 natural gas information to be made available to
24 an electric consumer or a gas consumer (or a
25 third-party designee of such an electric con-

sumer or such a gas consumer), including that such retail electric energy information and retail natural gas information should be made available—

(i) in an electronic machine readable form, without additional charge, in conformity with nationally recognized open standards and best practices that are developed through a voluntary, consensus-based, multistakeholder process;

(ii) through a website or other electronic access authorized by the electric consumer or gas consumer, for a period of at least 13 months after the date on which the usage occurred;

(iii) in as close to real-time as is reasonably practicable;

(iv) at the level of specificity that the data is transmitted by the meter or as is reasonably practicable; and

(v) in a manner that provides adequate protections for the security of the information and the privacy of the electric consumer or gas consumer;

1 (C) regarding appropriate nationally recog-
2 nized open standards for data exchange;

3 (D) regarding access of retail electric en-
4 ergy information and retail natural gas infor-
5 mation for owners and managers of multitenant
6 commercial and residential buildings;

7 (E) regarding consumer consent require-
8 ments such that an electric consumer or gas
9 consumer can conveniently and securely author-
10 ize a third-party designee access to the retail
11 electric energy information or retail natural gas
12 information of such electric consumer or gas
13 consumer, including standardized authorization
14 language to which an electric consumer or gas
15 consumer will agree prior to such electric con-
16 sumer or gas consumer authorizing, or the ap-
17 plicable electric utility or gas utility sharing, re-
18 tail electric energy information or retail natural
19 gas information of such electric consumer or
20 gas consumer;

21 (F) specifying that electric utilities and gas
22 utilities should, when an advanced meter is
23 servicing an electric consumer or gas consumer,
24 communicate usage information to a device or
25 network of the electric consumer or gas con-

sumer or a device or network of a third-party designee of such electric consumer or gas consumer, and where feasible should provide to the electric consumer or gas consumer or third-party designee, at a minimum, access to usage information (not including price information) of the electric consumer or gas consumer directly from the advanced meter in as close to real-time as is reasonably practicable; and

(G) with respect to the terms and conditions, which shall be reasonable and non-discriminatory, to be agreed to by a third-party designee of an electric consumer or of a gas consumer and an electric utility or gas utility for access to the retail electric energy information or retail natural gas information of such electric consumer or gas consumer, including that—

(i) due process be afforded to such third-party by the applicable regulatory authority, including giving such third-party an opportunity to rebut allegations of wrongdoing by such third-party prior to any enforcement action being taken by the applicable regulatory authority;

1 (ii) the consumer's online authentication match that used by the applicable gas
2 utility or electric utility for the consumer-facing website of such gas utility or electric
3 utility; and
4 utility; and

5 (iii) such third-party may receive retail electric energy information and retail
6 natural gas information from an electric utility or gas utility with consumer consent,
7 except if otherwise prohibited by Federal law or by a finding of a State court
8 or other State adjudicatory body.
9

10 (5) REVISIONS.—The Secretary shall periodically review and, as necessary, revise the guidelines
11 issued under paragraph (1) to reflect changes in
12 technology, privacy needs, and the market for electric energy and natural gas and related services.
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14 (c) VERIFICATION AND IMPLEMENTATION.—

15 (1) IN GENERAL.—A State may submit to the Secretary a description of the policies of the State
16 relating to electric consumer and gas consumer access to retail electric energy information and retail
17 natural gas information for certification by the Secretary that the policies meet the guidelines issued
18 under subsection (b).
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1 (2) ASSISTANCE.—Subject to the availability of
2 amounts appropriated pursuant to paragraph (3),
3 the Secretary shall make amounts available to any
4 State that has policies described in paragraph (1)
5 that the Secretary certifies meet the guidelines
6 issued under subsection (b) to assist the State in im-
7 plementing programs described in section 362(d)(17)
8 of the Energy Policy and Conservation Act.

9 (3) AUTHORIZATION OF APPROPRIATIONS.—
10 There is authorized to be appropriated to carry out
11 this subsection \$10,000,000 for each of fiscal years
12 2021 and 2022, to remain available until expended.

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