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H. R. 8519

To promote competition in the area of digital energy management tools, enhance consumer access to electric energy and natural gas information, 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

JULY 26, 2022

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

A BILL

To promote competition in the area of digital energy management tools, enhance consumer access to electric energy and natural gas information, 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) ELECTRIC CONSUMER.—The term “electric
2 consumer” has the meaning given such term in sec-
3 tion 3 of the Public Utility Regulatory Policies Act
4 of 1978 (16 U.S.C. 2602).

5 (2) ELECTRIC UTILITY.—The term “electric
6 utility” has the meaning given such term in section
7 3 of the Public Utility Regulatory Policies Act of
8 1978 (16 U.S.C. 2602).

9 (3) GAS CONSUMER.—The term “gas con-
10 sumer” has the meaning given such term in section
11 302 of the Public Utility Regulatory Policies Act of
12 1978 (15 U.S.C. 3202).

13 (4) GAS UTILITY.—The term “gas utility” has
14 the meaning given such term in section 302 of the
15 Public Utility Regulatory Policies Act of 1978 (15
16 U.S.C. 3202).

17 (5) GRID EDGE COMPUTER.—The term “grid
18 edge computer” means a device, whether part of, or
19 separate from, a meter, that—

20 (A) measures power, voltage, current, or
21 other aspects of electric energy at or near an
22 electric consumer’s premise; and

23 (B) is capable of running one or more soft-
24 ware applications to analyze in real time any
25 measurement described in subparagraph (A) in

1 order to derive grid edge consumer insights or
2 information about the status or operation of the
3 electric grid.

4 (6) GRID EDGE CONSUMER INSIGHT.—The term
5 “grid edge consumer insight” means any estimate or
6 inference from a grid edge computer that pertains to
7 or reflects the characteristics of an individual elec-
8 tric consumer’s use of electric energy.

9 (7) METER.—The term “meter” means a device
10 that measures and records energy usage data at any
11 interval.

12 (8) RETAIL ELECTRIC ENERGY INFORMA-
13 TION.—The term “retail electric energy informa-
14 tion” means—

15 (A) the electric energy usage of an electric
16 consumer over a time interval, as measured and
17 recorded by the applicable meter;

18 (B) the retail electric energy prices and ap-
19 plicable rate applied to the electric energy usage
20 for the time interval described in subparagraph
21 (A) for the electric consumer;

22 (C) the costs of service provided to an elec-
23 tric consumer, as displayed on billing informa-
24 tion provided to such electric consumer;

1 (D) in the case of nonresidential electric
2 meters, any other electrical information that the
3 meter is programmed to record that is used for
4 billing purposes (such as demand measured in
5 kilowatts, voltage, frequency, current, and
6 power factor);

7 (E) grid edge consumer insights that are
8 transmitted to an electric consumer's device or
9 home network or to the applicable electric util-
10 ity; and

11 (F) the usage, voltage, current, or other
12 attribute of electric energy measured by a meter
13 or grid edge computer that is transmitted in
14 real time to an electric consumer's device or
15 network.

16 (9) RETAIL NATURAL GAS INFORMATION.—The
17 term “retail natural gas information” means—

18 (A) the natural gas usage of a gas con-
19 sumer, as measured and recorded by the appli-
20 cable gas utility;

21 (B) the retail natural gas prices and appli-
22 cable rate applied to the natural gas usage de-
23 scribed in subparagraph (A) for the gas con-
24 sumer;

1 (C) the cost of service provided to a gas
2 consumer, as displayed on billing information
3 provided to such gas consumer; and

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

8 (10) SECRETARY.—The term “Secretary”
9 means the Secretary of Energy.

10 **SEC. 3. CONSUMER ACCESS TO ELECTRIC ENERGY AND**
11 **NATURAL GAS INFORMATION.**

12 (a) ELIGIBILITY FOR STATE ENERGY PLANS.—Sec-
13 tion 362(d) of the Energy Policy and Conservation Act
14 (42 U.S.C. 6322(d)) is amended—

15 (1) in paragraph (17), by striking “and” after
16 the semicolon at the end;

17 (2) by redesignating paragraph (18) as para-
18 graph (19); and

19 (3) by inserting after paragraph (17) the fol-
20 lowing:

21 “(18) programs to promote competition in the
22 area of digital energy management tools to—

23 “(A) enhance consumer access to and un-
24 derstanding of electric energy and natural gas
25 usage and cost information, including con-

1 consumers' own residential and commercial retail
2 electric energy information (as defined in sec-
3 tion 2 of the E-Access Act) and retail natural
4 gas information (as defined in section 2 of the
5 E-Access Act); and

6 “(B) facilitate the development and adop-
7 tion of innovative products and services to as-
8 sist consumers in managing energy consump-
9 tion and expenditures; and”.

10 (b) GUIDELINES FOR ELECTRIC CONSUMER AND GAS
11 CONSUMER ACCESS.—

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

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

23 (A) consult with—

24 (i) State and local regulatory authori-
25 ties;

1 (ii) other appropriate Federal agen-
2 cies, including the National Institute of
3 Standards and Technology and the Federal
4 Trade Commission;

5 (iii) consumer and privacy advocacy
6 groups;

7 (iv) electric utilities and gas utilities;

8 (v) the National Association of State
9 Energy Officials; and

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

17 (B) provide notice and opportunity for
18 comment.

19 (3) STATE AND LOCAL REGULATORY ACTION.—

20 In issuing the guidelines under paragraph (1), the
21 Secretary shall, to the maximum extent practicable,
22 be guided by actions taken by State and local regu-
23 latory authorities to ensure electric consumer and
24 gas consumer access to retail electric energy infor-
25 mation and retail natural gas information, including

1 actions taken after consideration of the standard es-
2 tablished under section 111(d)(19) of the Public
3 Utility Regulatory Policies Act of 1978 (16 U.S.C.
4 2621(d)(19)).

5 (4) CONTENTS.—The guidelines issued under
6 paragraph (1) shall include guidelines—

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

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

1 tail natural gas information should be made
2 available—

3 (i) in an electronic machine readable
4 form, without additional charge, in con-
5 formity with nationally recognized open
6 standards and best practices;

7 (ii) via a website or other electronic
8 access authorized by the electric consumer
9 or gas consumer, including at least 24
10 months of historical information;

11 (iii) in as close to real-time as is rea-
12 sonably practicable;

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

16 (v) in a manner that provides ade-
17 quate protections for the security of the in-
18 formation and the privacy of the electric
19 consumer or gas consumer utilizing recog-
20 nized energy data privacy programs such
21 as the Department of Energy's DataGuard
22 Energy Data Privacy Program or other
23 programs approved by the Secretary;

24 (C) regarding appropriate nationally recog-
25 nized open standards for data exchange;

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

15 (E) specifying that electric utilities and gas
16 utilities should, when a meter is servicing an
17 electric consumer or gas consumer, commu-
18 nicate retail electric energy information or retail
19 natural gas information to an electric con-
20 sumer's or gas consumer's device or through an
21 electric consumer's or gas consumer's network
22 to a third-party designee of such electric con-
23 sumer or gas consumer;

24 (F) with respect to the terms and condi-
25 tions, which shall be reasonable and non-dis-

1 criminatory, to be agreed to by a third-party
2 designee of an electric consumer or of a gas
3 consumer and an electric utility or gas utility
4 for access to the retail electric energy informa-
5 tion or retail natural gas information of such
6 electric consumer or gas consumer, including
7 that—

8 (i) due process be afforded to such
9 third party by the applicable regulatory au-
10 thority, including giving such third party
11 an opportunity to rebut allegations of
12 wrongdoing by such third party prior to
13 any enforcement action being taken by the
14 applicable regulatory authority;

15 (ii) the consumer’s online authoriza-
16 tion process offered by the applicable gas
17 utility or electric utility shall be user-
18 friendly, and the personal information re-
19 quired to establish identity shall be con-
20 sistent with the applicable gas utility’s or
21 electric utility’s standard practices; and

22 (iii) such third party may receive re-
23 tail electric energy information and retail
24 natural gas information from an electric
25 utility or gas utility with consumer con-

1 sent, except if otherwise prohibited by Fed-
2 eral law or by a finding of a State court
3 or other State adjudicatory body; and

4 (G) addressing appropriate circumstances
5 in which analysis of retail electric energy infor-
6 mation, retail natural gas information, and esti-
7 mates of energy saved as a result of any effi-
8 ciency measure may be released publicly, with-
9 out a consumer's consent, only by protection of
10 individual consumer privacy, via mathematical
11 methods such as differential privacy, or by al-
12 ternative means at the discretion of the Sec-
13 retary, if required, that prevent reidentification
14 of individual consumers' attributes when pub-
15 lishing aggregate information.

16 (5) REVISIONS.—The Secretary shall periodi-
17 cally review and, as necessary, revise the guidelines
18 issued under paragraph (1) to reflect changes in
19 technology, privacy needs, and the market for elec-
20 tric energy and natural gas and related services.

21 (c) VERIFICATION AND IMPLEMENTATION.—

22 (1) IN GENERAL.—A State may submit to the
23 Secretary a description of the policies of the State
24 relating to electric consumer and gas consumer ac-
25 cess to retail electric energy information and retail

1 natural gas information for certification by the Sec-
2 retary that the policies meet the guidelines issued
3 under subsection (b).

4 (2) ASSISTANCE.—Subject to the availability of
5 amounts appropriated pursuant to paragraph (3),
6 the Secretary shall make amounts available to any
7 State that has policies described in paragraph (1)
8 that the Secretary certifies meet the guidelines
9 issued under subsection (b) to assist the State in im-
10 plementing programs described in section 362(d)(18)
11 of the Energy Policy and Conservation Act.

12 (3) AUTHORIZATION OF APPROPRIATIONS.—
13 There is authorized to be appropriated to carry out
14 this subsection \$10,000,000 for fiscal year 2023, to
15 remain available until expended.

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