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## HOUSE BILL NO. 2332

Offered January 9, 2019

Prefiled January 8, 2019

A *BILL to amend the Code of Virginia by adding a section numbered 56-247.2, relating to public utilities; customer data protection.*

\_\_\_\_\_  
Patron—Keam

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Referred to Committee on Commerce and Labor

**Be it enacted by the General Assembly of Virginia:****1. That the Code of Virginia is amended by adding a section numbered 56-247.2 as follows:****§ 56-247.2. Commission to prescribe data privacy standards.****A. As used in this section:**

"Contracted agent" means any person that has contracted with a public electric utility to assist in the provision of regulated utility services, including the provision of energy efficiency, demand side management, or peak demand reduction programs.

"Personally identifiable information" means any information about the energy usage, account, and billing information of a public electric utility's customer, including any customer-specific information necessary for participating in demand response or energy efficiency programs or markets.

"Third party" means a person that is not the customer, an agent of the customer that has been designated by the customer with a public electric utility and is acting on the customer's behalf, or a contracted agent of the utility.

B. The Commission shall ascertain and prescribe standards to ensure that the Virginia customers of each public electric utility shall have the right to (i) control how the utility shares personally identifiable information and energy usage data resulting from the deployment by the utility of advanced metering infrastructure with any other person and (ii) access and receive such energy usage data in a consumer-friendly and computer-friendly format.

**C. Each public electric utility shall:**

1. Provide notice to each of its Virginia customers regarding the types of energy usage data being collected and informing customers of their rights to control this data and personally identifiable information; and

2. Adopt and implement procedures, subject to approval by the Commission, that allow customers to easily and efficiently share energy usage information and personally identifiable information with third parties, such as energy services companies, energy efficiency program implementers, and competitive service providers.

D. Property owners or their designee of multi-tenant facilities with more than four units shall be given the access to aggregated anonymized energy use data if such data is used in a way so as to better manage the energy performance of their properties.

E. Each customer shall have the ability to opt out of any data-sharing activities by the customer's public electric utility, except for data sharing by the utility for the purpose of:

1. Aggregating anonymized energy usage data;

2. Enhancing the security and efficiency of the utility's overall system in accordance with Commission rules and regulations; or

3. Designing, implementing, or marketing utility-administered energy efficiency, demand-side management, and peak demand reduction programs.

**F. Nothing in this section shall:**

1. Preclude, or require customer permission, for public electric utilities to provide customer data with the utility's contracted agent; or

2. Prevent a public electric utility from sharing personally identifiable information with any law-enforcement agency when the agency's collection or receipt of such data is otherwise permitted by applicable law.

G. By September 1, 2019, the Commission shall convene and facilitate a Data Access Stakeholder group to assist the Commission in the development of drafts of regulations that (i) ensure the protection of the personally identifiable information of customers of each public electric utility and (ii) provide mechanisms by which customers can access, obtain, and direct each public electric utility to electronically share the customer's utility usage data as specified by the customer. The Data Access Stakeholder group shall conclude its work no later than April 1, 2020. The regulations shall:

1. Direct public electric utilities to provide customers with the ability and mechanisms to obtain their

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59 own utility usage data in a customer-friendly and computer-friendly format, adhering to nationally  
60 recognized open standards and best practices;

61 2. Direct public electric utilities to implement a method for their customers to share their utility  
62 usage data with other designated third parties through an automated format, adhering to the Energy  
63 Services Provider Interface data standard; and

64 3. Direct public electric utilities to implement a process to provide facility owners the ability to  
65 obtain aggregated anonymized utility usage data of their properties for the purpose of better managing  
66 the energy performance of the facility owner's property or properties.

67 H. Each public electric utility shall incorporate the regulations adopted by the Commission as  
68 provided in subsection G into the utility's terms and conditions of service in order to facilitate the  
69 utility's compliance with the requirements of this section.