

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

FILED SENATE
Mar 26, 2015
S.B. 569
PRINCIPAL CLERK

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SENATE DRS35209-MH-105 (3/13)

Short Title: Electric Usage Data Freedom Act.

(Public)

Sponsors: Senator Tarte (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED

AN ACT REQUIRING THAT ELECTRIC UTILITIES PROVIDE CERTAIN ACCESS TO CUSTOMER INFORMATION AND MAINTAIN THE CONFIDENTIALITY OF THAT INFORMATION, REQUIRING AN ELECTRIC UTILITY TO PROVIDE STANDARD ELECTRICITY USAGE DATA TO CUSTOMERS AS A COMPONENT OF BASIC SERVICE; REQUIRING AN ELECTRIC UTILITY TO PROVIDE NONSTANDARD ELECTRICITY USAGE DATA TO CUSTOMERS UNDER CERTAIN CIRCUMSTANCES; AUTHORIZING THE UTILITIES COMMISSION TO SET A REASONABLE FEE FOR AN ELECTRIC UTILITY TO PROVIDE NONSTANDARD ELECTRICITY USAGE DATA; AND AUTHORIZING THE DISCLOSURE OF AGGREGATE ELECTRICITY USAGE DATA TO THIRD PARTIES FOR CERTAIN PURPOSES UNDER CERTAIN CIRCUMSTANCES.

The General Assembly of North Carolina enacts:

SECTION 1. The General Assembly finds that smart grid and smart meter technologies have the potential to provide substantial benefits to customers, including reduced electricity costs, increased energy efficiency, and increased reliability of the electric grid. The General Assembly recognizes, however, that the use of smart grid and smart meter technologies may give electric utilities and customers access to more detailed electricity usage data than that collected by conventional grid and meter technologies.

SECTION 2. Article 17 of Chapter 62 of the General Statutes is amended by adding a new section to read:

"§ 62-351. Electric Usage Data Freedom.

(a) Title and Purpose. – This act shall be known and may be cited as the "Electric Usage Data Freedom Act". The purpose of the Electric Usage Data Freedom Act is to establish standards to govern the access to and use of electricity usage data by electric utilities, customers, and third parties.

(b) Definitions. – The following definitions apply in this section:

(1) Aggregate electric usage data. – Electric usage data from which all identifying information has been removed such that the electric usage data of an individual customer cannot be associated with that customer without extraordinary effort and expertise. Aggregate electric usage data is not customer-identifiable electric usage data.

(2) Customer. – A person, as defined in G.S. 62-3, receiving electric service from an electric utility.

(3) Customer-identifiable electric usage data. – Electric usage data that is stored or presented in a format that associates the electric usage data with



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- 1 identifying information of a customer or could be manipulated to identify a
2 customer without extraordinary effort or expertise.
- 3 (4) Customer information. – Identifying information of a customer and electric
4 usage data that can be used to identify an individual customer.
- 5 (5) Electric usage data. – Information relating to the amount of electricity
6 consumed by a customer and the characteristics of such consumption,
7 including the applicable rate under which the customer is billed. Electric
8 usage data shall be recorded in the shortest interval that information can be
9 collected by the customer's meter and shall include the cost of electricity for
10 each interval. Electric usage information shall be transmitted to a customer
11 or third party as soon as practicable after the information is recorded by the
12 customer's meter and transmitted to an electric utility.
- 13 (6) Electric utility. – A public utility, as defined in G.S. 62-3, providing
14 electricity for sale to customers.
- 15 (7) Identifying information. – Any information that directly or indirectly
16 identifies or is uniquely associated with a customer or an authorized
17 representative of a customer, including name, social security number,
18 taxpayer identification number, street address, telephone number, electric
19 utility account number, meter number, or financial account information.
- 20 (8) Nonstandard electric usage data. – Electric usage data that is neither standard
21 electric usage data nor aggregate electric usage data that an electric utility
22 has (i) previously compiled and disclosed to third parties or (ii) previously
23 made available to the general public.
- 24 (9) Standard electric usage data. – Electric usage data that can be made available
25 by an electric utility to customers on a regular basis. Standard electric usage
26 data shall be delivered by an electric utility to customers and third parties
27 electronically and in a format that is consistent with industry standards.
- 28 (c) Confidentiality of Customer Information. – An electric utility and any third-party
29 receiving electric usage data under this section shall maintain the confidentiality of customer
30 information.
- 31 (d) Provision of Electric Usage Data with Customer Consent. – Upon written or
32 electronic request from a customer, an electric utility shall provide the customer, or a third
33 party designated by the customer, with any of the following, as designated in the request:
- 34 (1) Electronic access to that customer's current standard electric usage data and
35 to historical standard electric usage data for a period of not less than 24
36 months. The provision of standard electric usage data shall be provided
37 without charge as a component of basic service provided by an electric
38 utility. A customer request to provide a third party designated by the
39 customer with electronic access to that customer's standard electric usage
40 data shall include a specific time period, not to exceed three years, that
41 access will be permitted. Ongoing access by a third party to customer
42 information shall not be permitted. An electric utility shall not discriminate
43 against any third party designated by a customer.
- 44 (2) The customer's nonstandard electric usage data that is available to that
45 electric utility. The Utilities Commission may establish a reasonable fee that
46 an electric utility may charge to any third party requesting information under
47 this subsection for the provision of nonstandard electric usage data to cover
48 actual costs incurred in providing the data.
- 49 (e) Provision of Aggregate Electric Usage Data to Third Parties. – Access to aggregate
50 usage data for customers that have consented to use of such data shall be provided by an
51 electric utility as set forth in this subsection.

- 1 (1) Subject to subdivision (3) of this subsection, an electric utility shall upon
- 2 written or electronic request provide aggregate electric usage data to third
- 3 parties.
- 4 (2) Subject to subdivision (3) of this subsection, an electric utility may make
- 5 aggregate electric usage data available to the general public to promote
- 6 energy efficiency and research.
- 7 (3) Aggregate electric usage data shall contain a sufficient number of similarly
- 8 situated customers within a particular geographic area such that the daily
- 9 usage routines or habits of an individual customer cannot reasonably be
- 10 deduced from the aggregate electric usage data.
- 11 (4) Consent provided for access under this section shall expire as provided in the
- 12 request, or after three years, whichever first occurs.
- 13 (5) The Utilities Commission may establish a reasonable fee that an electric
- 14 utility may charge to any third party requesting information under this
- 15 subsection for the provision of aggregate electric usage data.
- 16 (g) The Utilities Commission shall adopt rules to implement the provisions of this
- 17 section."
- 18 **SECTION 3.** This act is effective when it becomes law.