



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3312

Introduced 2/18/2025, by Rep. Mary Beth Canty

SYNOPSIS AS INTRODUCED:

New Act

Creates the Utility Data Access Act. Requires the Illinois Commerce Commission to enact the following procedures: (1) a utility shall retain all consumption data for a period of not less than 2 years; (2) a qualified utility shall retain monthly consumption data used for billing for a period of not less than 15 years; (3) a utility shall honor an account holder's request to transmit the account holder's covered usage data held by the utility to any entity designated by the account holder; (4) a qualified data recipient with respect to a qualified building or qualified property may request that a qualified utility provide aggregated usage data for the qualified building or qualified property; (5) a utility shall deliver requested data on a schedule set by the Commission; and (6) the account holder request process and utility delivery of requested data shall be convenient and secure. Establishes requirements for: the Commission's participation in a stakeholder process; the form and timeline in which covered usage data is provided to the data recipient; entry of data into the benchmarking tool; and the provision of covered usage data to recipients upon account holder authorization. Provides that, except in cases where the utility has not followed processes established by the Act or the utility is grossly negligent, the utility shall be held harmless for third-party misuse of data shared under the Act and no cause of action may be initiated against the utility for such subsequent misuse. Provides that prior to filing for cost recovery, a qualified utility must first demonstrate good faith efforts to secure federal, State, or other relevant funding options. Sets forth provisions regarding funding for the Commission to carry out its responsibilities under the Act and the Commission selecting and engaging outside consultants with experience in benchmarking and utility data access. States findings. Defines terms.

LRB104 08506 AAS 18558 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Utility Data Access Act.

6 Section 5. Findings. The General Assembly finds and
7 declares that optimizing energy and water use through
8 whole-building utility data access is in the public interest
9 because it provides consumers, building owners, utilities, and
10 states with significant economic benefits. The General
11 Assembly further finds the following:

12 (1) implementing building energy and water use data
13 access legislation catalyzes the development of a strong
14 market for building energy services which will positively
15 impact the State's economy through significant job growth;

16 (2) improving the energy and water use efficiency of
17 the existing building stock is a key strategy to help
18 preserve the affordability of rental housing;

19 (3) energy and water use reductions stemming from data
20 access can result in direct cost savings to customers and
21 in peak load reductions that benefit all ratepayers;

22 (4) data access programs allow utilities to maximize
23 the value of their energy and water use efficiency

1 portfolio by engaging customers and directing them to
2 energy and water efficiency programs and by enabling
3 utilities to target low-performing buildings;

4 (5) implementing building data access enables building
5 owners in the State to qualify for certain federal and
6 other incentives to help them improve their assets;

7 (6) energy and water use data access is the foundation
8 of a successful efficiency strategy and enables building
9 owners to track energy and water use performance over
10 time, set performance goals, and justify cost-effective
11 energy and water use upgrades; and

12 (7) absent whole-building energy and water use data
13 access legislation, building owners lack an efficient,
14 defined process to obtain energy and water performance of
15 their buildings in a manner that protects consumer
16 confidentiality.

17 Section 10. Definitions. As used in this Act:

18 "Account holder" or "customer" means the person or entity
19 authorized to access or modify utility account details.

20 "Aggregated usage data" means an aggregation of covered
21 usage data, where all data associated with a qualified
22 building or qualified property, including, but not limited to,
23 data from tenant meters and from owner meters, are combined
24 into one collective data point per utility data type, per time
25 period, and where any unique identifiers or other personal

1 information are removed or dissociated from individual meter
2 data.

3 "Aggregation threshold" means 3 or more unique
4 nonresidential qualified accounts or 5 or more unique
5 qualified accounts of a property or building during the period
6 for which data is requested.

7 "Benchmarking tool" means the ENERGY STAR Portfolio
8 Manager web-based tool or any prudent and cost-effective
9 alternative system or tool approved by the Commission that (i)
10 enables the periodic entry of a building's energy use data and
11 other descriptive information about a building and (ii) rates
12 a building's energy efficiency against that of comparable
13 buildings nationwide.

14 "Commission" means the Illinois Commerce Commission.

15 "Covered usage data" means electric, gas, district energy,
16 water, or fuel delivery data collected from one or more
17 utility meters that reflects the quantity and period of
18 utility usage in the building, property, or portion thereof.

19 "Data recipient" means:

20 (1) an owner of the property or building;

21 (2) an owner of a portion of a property with regard to
22 covered usage data only for the utility consumption the
23 owner or the owner's tenants, if any, pay for and consume
24 in the owned portion;

25 (3) a tenant with regard to covered usage data only
26 for the utility consumption the tenant or the tenant's

1 subtenants, if any, pay for and consume in the space
2 leased by the tenant;

3 (4) the board in the case of a condominium or
4 cooperative ownership of the property or building; or

5 (5) an agent authorized to receive the covered usage
6 data by anyone in paragraphs (1) through (4).

7 "District energy" means steam, hot water, chilled water,
8 and other heat or heat rejection services delivered through
9 fixed pipes to multiple properties.

10 "Large qualified utility" means a utility that:

11 (1) has 100,000 or more active accounts, customers, or
12 commercial or industrial service connections in the State;
13 or

14 (2) has more than 50 active accounts, customers, or
15 commercial or industrial service connections in the State
16 and has over \$500,000,000 in annual revenue from within
17 the State.

18 "Medium qualified utility" means a utility that does not
19 qualify as a large qualified utility and that:

20 (1) has 10,000 or more active accounts, customers, or
21 commercial or industrial service connections in the State;
22 or

23 (2) has more than 50 active accounts, customers, or
24 commercial or industrial service connections in the State
25 and has \$40,000,000 to \$500,000,000 in annual revenue from
26 within the State.

1 "Property" means:

2 (1) a single tax parcel;

3 (2) 2 or more tax parcels held in the cooperative or
4 condominium form of ownership and governed by a single
5 board of managers; or

6 (3) 2 or more colocated tax parcels owned or
7 controlled by the same entity.

8 "Qualified account" means a utility account that serves
9 some or all of a building or property for which covered usage
10 data is requested and that, as affirmed by the data recipient,
11 was not controlled by the data recipient or its subsidiary
12 during the time period for which covered usage data is
13 requested.

14 "Qualified building" means a building that meets the
15 aggregation threshold.

16 "Qualified data recipient" means a data recipient with
17 respect to a qualified property or qualified building.

18 "Qualified property" means a property that meets the
19 aggregation threshold.

20 "Qualified utility" means a large qualified utility, a
21 medium qualified utility, or a small qualified utility.

22 "Small qualified utility" means a utility that that does
23 not qualify as a medium qualified utility or a large qualified
24 utility and that:

25 (1) has more than 1,000 active accounts, customers, or
26 commercial or industrial service connections in the State;

1 or

2 (2) has more than 20 active accounts, customers, or
3 commercial or industrial service connections in the State
4 and has more than \$10,000,000 in annual revenue from
5 within the State.

6 "Utility" means a company, cooperative, association, or
7 government entity that distributes and sells electricity,
8 natural gas, water, delivered fuel, including fuel oil,
9 propane, kerosene, and coal, or district energy for use in
10 buildings.

11 "Utility data type" means electric, gas, district energy,
12 fuel delivery, or water.

13 Section 15. Utility data access.

14 (a) Within 90 days of the effective date of this Act, the
15 Commission shall open a proceeding and establish by rule,
16 consistent with the Illinois Administrative Procedure Act or
17 other relevant rules and the requirements of subsection (c),
18 procedures to implement the requirements of this Section. The
19 Commission shall consider industry best practices in
20 developing the implementing rules. The governing authority of
21 a public utility district, municipally owned utility, or
22 cooperative utility may adopt a rule adopted by the
23 Commission.

24 (b) The Commission shall enact procedures whereby:

25 (1) A utility shall retain all consumption data for a

1 period of not less than 2 years.

2 (2) A qualified utility shall retain monthly
3 consumption data used for billing for a period of not less
4 than 15 years.

5 (3) A utility shall honor an account holder's request
6 to transmit the account holder's covered usage data held
7 by the utility to any entity designated by the account
8 holder.

9 (4) A qualified data recipient with respect to a
10 qualified building or qualified property may request that
11 a qualified utility provide aggregated usage data for the
12 qualified building or qualified property. Aggregated usage
13 data shall include identifiers of all meters associated
14 with the aggregate data and any other information needed
15 for data quality assurance.

16 (5) A utility shall deliver data requested under this
17 subsection according to schedules set by the Commission.

18 (6) The account holder request process and utility
19 delivery of requested data shall be convenient and secure.

20 (c) Within 100 days of opening a data access proceeding as
21 described in subsection (b), the Commission shall initiate or
22 participate in a stakeholder process to inform its fulfillment
23 of the requirements described in subsection (b). The
24 Commission stakeholder process shall:

25 (1) be completed in no more than 18 months;

26 (2) include stakeholder workshops organized and

1 facilitated in a way that encourages representation from
2 diverse stakeholders and ensures equitable opportunities
3 for participation. Stakeholders shall not need formal
4 intervention or legal representation to participate in the
5 workshops;

6 (3) include opportunities for dialogue and written
7 comments; and

8 (4) allow stakeholder responses to a straw proposal
9 drafted by Commission staff or other stakeholders, as
10 appropriate.

11 (d) Stakeholders include, but are not limited to,
12 utilities, data recipients, tenants, environmental groups,
13 consumer advocates, tenant advocates, housing advocates, local
14 communities, and other interested members of the public.

15 (e) Notwithstanding any other law, aggregated usage data
16 shall not be deemed customer utility usage information,
17 personally identifiable information, critical energy
18 infrastructure information, or confidential information and
19 shall not be subject to protections as such.

20 (f) Any covered usage data that a utility provides to a
21 data recipient under this Section must meet the following
22 requirements:

23 (1) The covered usage data must be available to be
24 requested online and in printable paper form. A
25 nonqualified utility may provide only paper request forms
26 upon showing of hardship. A utility's validation of the

1 requester's identity shall be consistent with, and no more
2 onerous than, the utility's then-current practices.

3 (2) The covered usage data must be provided to the
4 data recipient in a timeframe, frequency, and format and
5 be delivered by a method as may be determined by the
6 Commission.

7 (g) Any covered usage data that a qualified utility
8 provides to a data recipient under this Section must:

9 (1) be provided to the data recipient:

10 (A) within 90 days after receiving the data
11 recipient's valid written or electronic request if the
12 request is received within one year of the effective
13 date of this Act; or

14 (B) within 30 days after receiving the data
15 recipient's valid written or electronic request if the
16 request is received more than one year after the
17 effective date of this Act;

18 (2) subject to subsections (n) and (o), include at
19 least the most recent 48 consecutive months of covered
20 usage data prior to the initial date the data was
21 requested, regardless of whether the data recipient had a
22 business relationship with the building or property during
23 that period;

24 (3) include all necessary data points for data
25 recipients to comply with reporting requirements to which
26 they are subject, including any such data that the utility

1 possesses;

2 (4) be directly uploaded to the data recipient's
3 benchmarking tool account, delivered in a spreadsheet in a
4 standard format consistent with the benchmarking tool, or
5 delivered in another format approved by the Commission,
6 depending on utility size under subsection (h);

7 (5) be provided to the data recipient according to a
8 schedule set by the Commission, but no less than monthly;

9 (6) be provided until the data recipient revokes the
10 request for usage data or is no longer a data recipient or
11 is no longer a qualified data recipient with respect to
12 aggregated usage data;

13 (7) be accompanied by a list of all meters associated
14 with the covered usage data, including, but not limited
15 to, aggregated usage data, and shall be accompanied by any
16 other information the Commission deems necessary including
17 for data quality assurance; and

18 (8) be provided at no cost to the data recipient.

19 (h) The Commission shall direct that covered usage data
20 shall be delivered to the data recipient in the following
21 formats and timelines:

22 (1) No later than 100 days after the effective date of
23 this Act, a large qualified utility shall provide data
24 requested by a data recipient using a spreadsheet in a
25 standard format consistent with the benchmarking tool. No
26 later than 2 years after effective date of this Act, a

1 large qualified utility shall provide requested data by
2 direct upload to the data recipient's benchmarking tool,
3 or, at the data recipient's request, send the data using a
4 spreadsheet in a standard format consistent with the
5 benchmarking tool.

6 (2) No later than 200 days after the effective date of
7 this Act, a medium qualified utility shall provide data
8 requested by a data recipient using a spreadsheet in a
9 standard format consistent with the benchmarking tool. No
10 later than 2 years after first receiving a request for
11 aggregated usage data, a medium qualified utility shall
12 provide the data by direct upload to the data recipient's
13 benchmarking tool account, or, at the data recipient's
14 request, send the data using a spreadsheet in a standard
15 format consistent with the benchmarking tool.

16 (3) No later than 300 days after the effective date of
17 this Act, a small qualified utility shall provide data
18 requested by a data recipient using a spreadsheet in a
19 standard format consistent with the benchmarking tool at
20 the data recipient's request.

21 (i) To ensure the validity and usefulness of covered usage
22 data, the utility shall provide the best available consumption
23 and other information, consistent with the utility's records
24 as presented to the account holder on the utility's customer
25 portal and on the account holder's bills.

26 (j) One year after the effective date of this Act, the

1 Commission shall establish by rule procedures for a data
2 recipient to request and receive timely revisions correcting
3 erroneous covered usage data.

4 (k) Once covered usage data has been entered into the
5 benchmarking tool, such data may not be deleted or altered by a
6 utility system, except as is necessary to correct errors or
7 reflect rebills. If previously provided covered usage data is
8 changed to correct errors, notification must be provided to
9 the data recipient.

10 (l) Within 90 days of the effective date of this Act, the
11 Commission shall adopt a standard form for a utility account
12 holder to authorize the sharing of the utility account
13 holder's covered usage data.

14 (m) For properties that do not meet the aggregation
15 threshold and therefore require account holder authorization,
16 the utility shall provide covered usage data to data
17 recipients upon account holder authorization, which:

18 (1) may be provided in Commission-approved form;

19 (2) may be provided in a lease agreement provision;

20 and

21 (3) remains valid until the account holder revokes it,
22 regardless of how the authorization is provided.

23 (n) The utility shall provide to a data recipient
24 unaggregated data regarding usage by an account holder that
25 has vacated the property unless the account holder has
26 explicitly notified the utility that the account holder

1 forbids the sharing of such data.

2 (o) A qualified account holder shall not be entitled to
3 forbid the sharing of aggregated usage data with a qualified
4 data recipient except upon a showing that aggregation of data
5 would present a proximate and foreseeable threat to national
6 security and where each showing is deemed credible by the
7 Commission.

8 (p) Access to covered usage data under this Section shall
9 be subject to any rules the Commission has adopted or may
10 choose to adopt, if the rules do not conflict with this
11 Section.

12 (q) Except in cases where the utility has not followed
13 processes established by this Act or the utility is grossly
14 negligent, the utility shall be held harmless for third-party
15 misuse of data shared under this Act and no cause of action may
16 be initiated against the utility for such subsequent misuse.

17 (r) Prior to filing for cost recovery, a qualified utility
18 must first demonstrate good faith efforts to secure federal,
19 State, or other relevant funding options. Thereafter, a
20 qualified utility may file for cost recovery of the reasonable
21 and prudently-incurred costs of providing covered usage data,
22 including establishing, operating, and maintaining data
23 aggregation and data access services, for the Commission to
24 evaluate.

25 (s) To carry out its responsibilities under this Act, the
26 Commission shall be allocated additional annual funds. In

1 performing its responsibilities under this Act, the Commission
2 may select and engage outside consultants with experience in
3 benchmarking and utility data access.

4 (t) A utility shall provide all necessary data points for
5 a qualified data recipient to comply with reporting
6 requirements to which the qualified data recipient is subject,
7 including any such data that the utility possesses.