



Rep. Mary Beth Canty

Filed: 4/7/2025

10400HB3312ham001

LRB104 08506 AAS 24769 a

1 AMENDMENT TO HOUSE BILL 3312

2 AMENDMENT NO. _____. Amend House Bill 3312 by replacing
3 everything after the enacting clause with the following:

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

1 the existing building stock is a key strategy to help
2 preserve the affordability of rental housing;

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

6 (4) data access programs allow utilities to maximize
7 the value of their energy and water use efficiency
8 portfolio by engaging customers and directing them to
9 energy and water efficiency programs and by enabling
10 utilities to target low-performing buildings;

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

14 (6) energy and water use data access is the foundation
15 of a successful efficiency strategy and enables building
16 owners to track energy and water use performance over
17 time, set performance goals, and justify cost-effective
18 energy and water use upgrades; and

19 (7) absent whole-building energy and water use data
20 access legislation, building owners lack an efficient,
21 defined process to obtain energy and water performance of
22 their buildings in a manner that protects consumer
23 confidentiality.

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

25 "Account holder" or "customer" means the person or entity

1 authorized to access or modify utility account details.

2 "Aggregated usage data" means an aggregation of covered
3 usage data, where all data associated with a qualified
4 building or qualified property, including, but not limited to,
5 data from tenant meters and from owner meters, are combined
6 into one collective data point per utility data type, per time
7 period, and where any unique identifiers or other personal
8 information are removed or dissociated from individual meter
9 data.

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

14 "Benchmarking tool" means the ENERGY STAR Portfolio
15 Manager web-based tool or any prudent and cost-effective
16 alternative system or tool approved by the Commission that (i)
17 enables the periodic entry of a building's energy use data and
18 other descriptive information about a building and (ii) rates
19 a building's energy efficiency against that of comparable
20 buildings nationwide.

21 "Commission" means the Illinois Commerce Commission.

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

26 "Data recipient" means:

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

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

6 (3) a tenant with regard to covered usage data only
7 for the utility consumption the tenant or the tenant's
8 subtenants, if any, pay for and consume in the space
9 leased by the tenant;

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

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

14 "District energy" means steam, hot water, chilled water,
15 and other heat or heat rejection services delivered through
16 fixed pipes to multiple properties.

17 "Large qualified utility" means a utility that:

18 (1) has 100,000 or more active accounts, customers, or
19 commercial or industrial service connections in the State;
20 or

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

25 "Medium qualified utility" means a utility that does not
26 qualify as a large qualified utility and that:

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

4 (2) has more than 50 active accounts, customers, or
5 commercial or industrial service connections in the State
6 and has \$40,000,000 to \$500,000,000 in annual revenue from
7 within the State.

8 "Property" means:

9 (1) a single tax parcel;

10 (2) 2 or more tax parcels held in the cooperative or
11 condominium form of ownership and governed by a single
12 board of managers; or

13 (3) 2 or more colocated tax parcels owned or
14 controlled by the same entity.

15 "Qualified account" means a utility account that serves
16 some or all of a building or property for which covered usage
17 data is requested and that, as affirmed by the data recipient,
18 was not controlled by the data recipient or its subsidiary
19 during the time period for which covered usage data is
20 requested.

21 "Qualified building" means a building that meets the
22 aggregation threshold.

23 "Qualified data recipient" means a data recipient with
24 respect to a qualified property or qualified building.

25 "Qualified property" means a property that meets the
26 aggregation threshold.

1 "Qualified utility" means a large qualified utility, a
2 medium qualified utility, or a small qualified utility.

3 "Small qualified utility" means a utility that that does
4 not qualify as a medium qualified utility or a large qualified
5 utility and that:

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

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

13 "Utility" means a company, cooperative, association, or
14 government entity that distributes and sells electricity,
15 natural gas, water, delivered fuel, including fuel oil,
16 propane, kerosene, and coal, or district energy for use in
17 buildings.

18 "Utility data type" means electric, gas, district energy,
19 fuel delivery, or water.

20 Section 15. Utility data access.

21 (a) Within 90 days of the effective date of this Act, the
22 Commission shall open a proceeding to establish by rule,
23 consistent with the Illinois Administrative Procedure Act or
24 other relevant rules, procedures to implement the requirements
25 of this Section. The Commission shall consider industry best

1 practices in developing the implementing rules. The governing
2 authority of a public utility district, municipally owned
3 utility, or cooperative utility may adopt a rule adopted by
4 the Commission.

5 (b) The Commission shall enact procedures whereby:

6 (1) A utility shall retain all consumption data for a
7 period of not less than 2 years.

8 (2) A qualified utility shall retain, for a period of
9 not less than 7 years, monthly consumption data that
10 reflects consumption that occurred in or after 2022 and
11 that was used for billing. A qualified utility shall
12 retain, for a period of not less than 15 years, monthly
13 consumption data that reflects consumption that occurred
14 in or after 2028 and that was used for billing.

15 (3) A utility shall honor an account holder's request
16 to transmit the account holder's covered usage data held
17 by the utility to any entity designated by the account
18 holder.

19 (4) A qualified data recipient with respect to a
20 qualified building or qualified property may request that
21 a qualified utility provide aggregated usage data for the
22 qualified building or qualified property. Aggregated usage
23 data shall include identifiers of all meters associated
24 with the aggregate data and any other information needed
25 for data quality assurance.

26 (5) A utility shall deliver data requested under this

1 subsection according to schedules set by the Commission.

2 (6) The account holder request process and utility
3 delivery of requested data shall be convenient and secure,
4 and, at the Commission's direction, requests to the
5 utility may be submitted exclusively through an online
6 portal.

7 (7) A data recipient may request and receive timely
8 revisions that correct erroneous utility data.

9 (c) Notwithstanding any other law, aggregated usage data
10 shall not be deemed customer utility usage information,
11 personally identifiable information, critical energy
12 infrastructure information, or confidential information and
13 shall not be subject to protections as such.

14 (d) Any covered usage data that a utility provides to a
15 data recipient under this Section must meet the following
16 requirements:

17 (1) The covered usage data must be available to be
18 requested online, except that a nonqualified utility may
19 provide only paper request forms upon a showing of
20 hardship. A utility's validation of the requester's
21 identity shall be consistent with, and no more onerous
22 than, the utility's then-current practices.

23 (2) The covered usage data must be provided to the
24 data recipient in a timeframe, frequency, and format and
25 be delivered by a method as may be determined by the
26 Commission.

1 (e) Any covered usage data that a qualified utility
2 provides to a data recipient under this Section must:

3 (1) be provided to the data recipient:

4 (A) within 90 days after receiving the data
5 recipient's valid written or electronic request if the
6 request is received within one year of the effective
7 date of this Act; or

8 (B) within 30 days after receiving the data
9 recipient's valid request if the request is received
10 more than one year after the effective date of this
11 Act;

12 (2) subject to subsections (l) and (m), include at
13 least the most recent 48 consecutive months of covered
14 usage data prior to the initial date the data was
15 requested, regardless of whether the data recipient had a
16 business relationship with the building or property during
17 that period;

18 (3) include all necessary data points for data
19 recipients to comply with reporting requirements to which
20 they are subject, including any such data that the utility
21 possesses;

22 (4) be directly uploaded to the data recipient's
23 benchmarking tool account, delivered in a spreadsheet in a
24 standard format consistent with the benchmarking tool, or
25 delivered in another format approved by the Commission,
26 depending on utility size under subsection (f);

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

3 (6) be provided until the data recipient revokes the
4 request for usage data or is no longer a data recipient or
5 is no longer a qualified data recipient with respect to
6 aggregated usage data;

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

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

13 (f) The Commission shall direct that covered usage data
14 shall be delivered to the data recipient in the following
15 formats and timelines:

16 (1) No later than 100 days after the effective date of
17 this Act, a large qualified utility shall provide data
18 requested by a data recipient using a spreadsheet in a
19 standard format consistent with the benchmarking tool. No
20 later than 2 years after effective date of this Act, a
21 large qualified utility shall provide requested data by
22 direct upload to the data recipient's benchmarking tool,
23 or, at the data recipient's request, send the data using a
24 spreadsheet in a standard format consistent with the
25 benchmarking tool.

26 (2) No later than 200 days after the effective date of

1 this Act, a medium qualified utility shall provide data
2 requested by a data recipient using a spreadsheet in a
3 standard format consistent with the benchmarking tool. No
4 later than 2 years after first receiving a request for
5 aggregated usage data, a medium qualified utility shall
6 provide the data by direct upload to the data recipient's
7 benchmarking tool account, or, at the data recipient's
8 request, send the data using a spreadsheet in a standard
9 format consistent with the benchmarking tool.

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

15 (g) To ensure the validity and usefulness of covered usage
16 data, the utility shall provide the best available consumption
17 and other information, consistent with the utility's records
18 as presented to the account holder on the utility's customer
19 portal and on the account holder's bills.

20 (h) Once covered usage data has been entered into the
21 benchmarking tool, such data may not be deleted or altered by a
22 utility system, except as is necessary to correct errors or
23 reflect rebills. If previously provided covered usage data is
24 changed to correct errors, notification must be provided to
25 the data recipient.

26 (i) Within 90 days of the effective date of this Act, the

1 Commission shall adopt a standard form for a utility account
2 holder to authorize the sharing of the utility account
3 holder's covered usage data.

4 (j) For properties that do not meet the aggregation
5 threshold and therefore require account holder authorization,
6 the utility shall provide covered usage data to data
7 recipients upon account holder authorization, which:

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

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

10 and

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

13 (k) The utility shall provide to a data recipient
14 unaggregated data regarding usage by an account holder that
15 has vacated the property unless the account holder has
16 explicitly notified the utility that the account holder
17 forbids the sharing of such data.

18 (l) A qualified account holder shall not be entitled to
19 forbid the sharing of aggregated usage data with a qualified
20 data recipient except upon a showing that aggregation of data
21 would present a proximate and foreseeable threat to national
22 security and where each showing is deemed credible by the
23 Commission.

24 (m) Access to covered usage data under this Section shall
25 be subject to any rules the Commission has adopted or may
26 choose to adopt, if the rules do not conflict with this

1 Section.

2 (n) Except in cases where the utility has not followed
3 processes established by this Act or the utility is grossly
4 negligent, the utility shall be held harmless for third-party
5 misuse of data shared under this Act and no cause of action may
6 be initiated against the utility for such subsequent misuse.

7 (o) Prior to filing for cost recovery, a qualified utility
8 must first demonstrate good faith efforts to secure federal,
9 State, or other relevant funding options. Thereafter, a
10 qualified utility may file for cost recovery of the reasonable
11 and prudently incurred costs of providing covered usage data,
12 including establishing, operating, and maintaining data
13 aggregation and data access services, for the Commission to
14 evaluate.

15 (p) To carry out its responsibilities under this Act, the
16 Commission shall be allocated additional annual funds. In
17 performing its responsibilities under this Act, the Commission
18 may select and engage outside consultants with experience in
19 benchmarking and utility data access.

20 (q) A utility shall provide all necessary data points for
21 a qualified data recipient to comply with reporting
22 requirements to which the qualified data recipient is subject,
23 including any such data that the utility possesses.".