

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 to establish by rule,  
16 consistent with the Illinois Administrative Procedure Act or  
17 other relevant rules, procedures to implement the requirements  
18 of this Section. The Commission shall consider industry best  
19 practices in developing the implementing rules. The governing  
20 authority of a public utility district, municipally owned  
21 utility, or cooperative utility may adopt a rule adopted by  
22 the Commission.

23 (b) The Commission shall enact procedures whereby:

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

1           (2) A qualified utility shall retain, for a period of  
2           not less than 7 years, monthly consumption data that  
3           reflects consumption that occurred in or after 2022 and  
4           that was used for billing. A qualified utility shall  
5           retain, for a period of not less than 15 years, monthly  
6           consumption data that reflects consumption that occurred  
7           in or after 2028 and that was used for billing.

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

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

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

21          (6) The account holder request process and utility  
22          delivery of requested data shall be convenient and secure,  
23          and, at the Commission's direction, requests to the  
24          utility may be submitted exclusively through an online  
25          portal.

26          (7) A data recipient may request and receive timely

1 revisions that correct erroneous utility data.

2 (c) Notwithstanding any other law, aggregated usage data  
3 shall not be deemed customer utility usage information,  
4 personally identifiable information, critical energy  
5 infrastructure information, or confidential information and  
6 shall not be subject to protections as such.

7 (d) Any covered usage data that a utility provides to a  
8 data recipient under this Section must meet the following  
9 requirements:

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

16 (2) The covered usage data must be provided to the  
17 data recipient in a timeframe, frequency, and format and  
18 be delivered by a method as may be determined by the  
19 Commission.

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

22 (1) be provided to the data recipient:

23 (A) within 90 days after receiving the data  
24 recipient's valid written or electronic request if the  
25 request is received within one year of the effective  
26 date of this Act; or

1 (B) within 30 days after receiving the data  
2 recipient's valid request if the request is received  
3 more than one year after the effective date of this  
4 Act;

5 (2) subject to subsections (l) and (m), include at  
6 least the most recent 48 consecutive months of covered  
7 usage data prior to the initial date the data was  
8 requested, regardless of whether the data recipient had a  
9 business relationship with the building or property during  
10 that period;

11 (3) include all necessary data points for data  
12 recipients to comply with reporting requirements to which  
13 they are subject, including any such data that the utility  
14 possesses;

15 (4) be directly uploaded to the data recipient's  
16 benchmarking tool account, delivered in a spreadsheet in a  
17 standard format consistent with the benchmarking tool, or  
18 delivered in another format approved by the Commission,  
19 depending on utility size under subsection (f);

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

22 (6) be provided until the data recipient revokes the  
23 request for usage data or is no longer a data recipient or  
24 is no longer a qualified data recipient with respect to  
25 aggregated usage data;

26 (7) be accompanied by a list of all meters associated

1 with the covered usage data, including, but not limited  
2 to, aggregated usage data, and shall be accompanied by any  
3 other information the Commission deems necessary including  
4 for data quality assurance; and

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

6 (f) The Commission shall direct that covered usage data  
7 shall be delivered to the data recipient in the following  
8 formats and timelines:

9 (1) No later than 100 days after the effective date of  
10 this Act, a large qualified utility shall provide data  
11 requested by a data recipient using a spreadsheet in a  
12 standard format consistent with the benchmarking tool. No  
13 later than 2 years after effective date of this Act, a  
14 large qualified utility shall provide requested data by  
15 direct upload to the data recipient's benchmarking tool,  
16 or, at the data recipient's request, send the data using a  
17 spreadsheet in a standard format consistent with the  
18 benchmarking tool.

19 (2) No later than 200 days after the effective date of  
20 this Act, a medium qualified utility shall provide data  
21 requested by a data recipient using a spreadsheet in a  
22 standard format consistent with the benchmarking tool. No  
23 later than 2 years after first receiving a request for  
24 aggregated usage data, a medium qualified utility shall  
25 provide the data by direct upload to the data recipient's  
26 benchmarking tool account, or, at the data recipient's

1 request, send the data using a spreadsheet in a standard  
2 format consistent with the benchmarking tool.

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

8 (g) To ensure the validity and usefulness of covered usage  
9 data, the utility shall provide the best available consumption  
10 and other information, consistent with the utility's records  
11 as presented to the account holder on the utility's customer  
12 portal and on the account holder's bills.

13 (h) Once covered usage data has been entered into the  
14 benchmarking tool, such data may not be deleted or altered by a  
15 utility system, except as is necessary to correct errors or  
16 reflect rebills. If previously provided covered usage data is  
17 changed to correct errors, notification must be provided to  
18 the data recipient.

19 (i) Within 90 days of the effective date of this Act, the  
20 Commission shall adopt a standard form for a utility account  
21 holder to authorize the sharing of the utility account  
22 holder's covered usage data.

23 (j) For properties that do not meet the aggregation  
24 threshold and therefore require account holder authorization,  
25 the utility shall provide covered usage data to data  
26 recipients upon account holder authorization, which:

- 1           (1) may be provided in Commission-approved form;
- 2           (2) may be provided in a lease agreement provision;
- 3           and
- 4           (3) remains valid until the account holder revokes it,
- 5           regardless of how the authorization is provided.

6           (k) The utility shall provide to a data recipient

7           unaggregated data regarding usage by an account holder that

8           has vacated the property unless the account holder has

9           explicitly notified the utility that the account holder

10          forbids the sharing of such data.

11          (1) A qualified account holder shall not be entitled to

12          forbid the sharing of aggregated usage data with a qualified

13          data recipient except upon a showing that aggregation of data

14          would present a proximate and foreseeable threat to national

15          security and where each showing is deemed credible by the

16          Commission.

17          (m) Access to covered usage data under this Section shall

18          be subject to any rules the Commission has adopted or may

19          choose to adopt, if the rules do not conflict with this

20          Section.

21          (n) Except in cases where the utility has not followed

22          processes established by this Act or the utility is grossly

23          negligent, the utility shall be held harmless for third-party

24          misuse of data shared under this Act and no cause of action may

25          be initiated against the utility for such subsequent misuse.

26          (o) Prior to filing for cost recovery, a qualified utility

1 must first demonstrate good faith efforts to secure federal,  
2 State, or other relevant funding options. Thereafter, a  
3 qualified utility may file for cost recovery of the reasonable  
4 and prudently incurred costs of providing covered usage data,  
5 including establishing, operating, and maintaining data  
6 aggregation and data access services, for the Commission to  
7 evaluate.

8 (p) To carry out its responsibilities under this Act, the  
9 Commission shall be allocated additional annual funds. In  
10 performing its responsibilities under this Act, the Commission  
11 may select and engage outside consultants with experience in  
12 benchmarking and utility data access.

13 (q) A utility shall provide all necessary data points for  
14 a qualified data recipient to comply with reporting  
15 requirements to which the qualified data recipient is subject,  
16 including any such data that the utility possesses.