

05/12/2011 04:12:50 PM

HOUSE OF REPRESENTATIVES
CONFERENCE COMMITTEE REPORT

Mr. President:
Mr. Speaker:

The Conference Committee, to which was referred

HB1079

By: Martin (Scott) of the House and Jolley of the Senate

Title: Utilities; creating the Electric Utility Data Protection Act; effective date.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from Amendment No. 1.
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

House Action _____ Date _____ Senate Action _____ Date _____

HOUSE CONFEREES

Armes Don L. Armes

Farley Rusty Farley

Jackson Mike Jackson

Morgan Lennie Osborn

Osborn

Peters Eric Proctor

Proctor

Renegar Buck Renegar D.M.

Richardson Phil Richardson

Rousselot Wade Rousselot

Russ Joe Russ

Trebilcock

Vaughan Steve Van

HB1079 CCR A

SENATE CONFEREES

Jolley

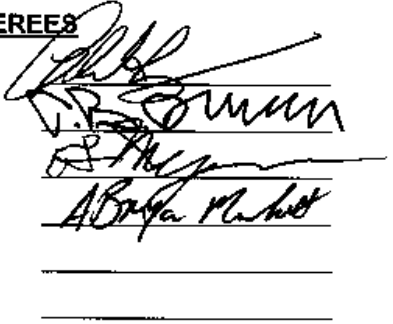
Branan

Myers

Marlatt

Burrage

Eason McIntyre


The image shows handwritten signatures in black ink over horizontal lines. The signatures are: 1. A large, stylized signature for Jolley. 2. A signature for Branan. 3. A signature for Myers. 4. A signature for Marlatt. 5. A signature for Burrage. 6. A signature for Eason McIntyre.

House Action _____ Date _____ Senate Action _____ Date _____

House Action _____ Date _____ Senate Action _____ Date _____

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 1079

By: Martin (Scott) and Sears of
the House

and

Jolley of the Senate

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10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to utilities; creating the Electric
12 Usage Data Protection Act; stating findings; stating
13 purpose; defining terms; requiring an electric
14 utility to provide certain access to and maintain the
15 confidentiality of customer information; authorizing
16 certain use of customer-identifiable usage data
17 without consent; requiring an electric utility to
18 provide standard usage data to a customer as a
19 component of basic service; requiring an electric
20 utility to provide nonstandard usage data to a
21 customer under certain circumstances; authorizing a
22 reasonable fee; authorizing disclosure of customer
23 information to affiliates and certain third parties;
24 limiting disclosure to certain information; requiring
certain agreement; specifying circumstances for the
release of customer information to certain third
parties; providing for the use of aggregate usage
data by an electric utility without consent;
authorizing the disclosure of aggregate usage data to
a third party for certain purposes; setting certain
restrictions for the disclosure of aggregate usage
data; directing the Corporation Commission to
promulgate rules; authorizing the board of trustees
of certain cooperatives to promulgate rules or
procedures; providing for codification; and providing
an effective date.

1 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

2 SECTION 1. NEW LAW A new section of law to be codified
3 in the Oklahoma Statutes as Section 710.1 of Title 17, unless there
4 is created a duplication in numbering, reads as follows:

5 This act shall be known and may be cited as the "Electric Usage
6 Data Protection Act".

7 SECTION 2. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 710.2 of Title 17, unless there
9 is created a duplication in numbering, reads as follows:

10 The Legislature finds that smart grid and smart meter
11 technologies have the potential to provide substantial benefits to
12 consumers and the environment, including reduced energy costs,
13 increased energy efficiency, and increased reliability of the
14 electric grid. The Legislature recognizes, however, that the use of
15 advanced metering technology may give electric utilities and
16 consumers access to more detailed usage data than that collected by
17 conventional electric utility services. The purpose of the Electric
18 Usage Data Protection Act is to establish standards to govern the
19 access to and use of usage data, as defined in Section 3 of this act
20 by electric utilities, customers of electric utilities, and third
21 parties.

22 SECTION 3. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 710.3 of Title 17, unless there
24 is created a duplication in numbering, reads as follows:

1 As used in the Electric Usage Data Protection Act:

2 1. "Aggregate usage data" means any usage data from which all
3 identifying information has been removed such that the individual
4 usage data of a customer cannot without extraordinary effort and
5 expertise be associated with the identifying information of that
6 customer;

7 2. "Commission" means the Corporation Commission;

8 3. "Customer" means an individual or a business partnership,
9 limited liability company, corporation, or other legal entity
10 receiving service from an electric utility in the name of the
11 individual or the entity. A customer may be residential, commercial
12 or industrial;

13 4. "Customer-identifiable usage data" means usage data that is
14 stored or presented in a format that associates the usage data with
15 identifying information of a customer or could be manipulated to
16 identify a customer without extraordinary effort;

17 5. "Customer information" means both identifying information
18 and customer-identifiable electric usage data. Aggregate usage data
19 shall not be considered customer information;

20 6. "Electric utility" means any person, firm, partnership,
21 corporation, association or cooperative corporation furnishing
22 retail electric service to the public in Oklahoma. Electric utility
23 shall not mean a municipal corporation or beneficial trust of a
24 municipal corporation;

1 7. "Identifying information" means any information that
2 directly or indirectly identifies or is uniquely associated with a
3 customer or an authorized representative of a customer, including
4 but not limited to the name, social security or taxpayer
5 identification number, street address, telephone number, electric
6 utility account number, meter number, or financial account
7 information of the customer or authorized representative of the
8 customer;

9 8. "Nonstandard usage data" means any usage data that is not
10 standard usage data or aggregate data;

11 9. "Standard usage data" means usage data, as defined in
12 paragraph 11 of this section, that is used internally and is
13 generally made available by the electric utility to customers in
14 each of its customer classes on a regular basis, delivered by the
15 electric utility in a standard format and with standard frequency,
16 including without limitation the usage data collected by the meter
17 or obtainable on an as-available basis by the customer;

18 10. "Self-regulated cooperative" means an Oklahoma rural
19 electric cooperative whose members have elected to exempt the
20 cooperative from certain regulation by the Commission as described
21 in Section 158.27 of Title 17 of the Oklahoma Statutes; and

22 11. "Usage data" means information, on an as-available basis,
23 relating to both:

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- 1 a. the amount of electricity consumed at a residence or
- 2 premises of a customer, and
- 3 b. the characteristics of that consumption, as generated,
- 4 recorded, stored or transmitted by the electric
- 5 utility infrastructure or supporting technology.

6 SECTION 4. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 710.4 of Title 17, unless there
8 is created a duplication in numbering, reads as follows:

9 A. An electric utility shall provide customers with reasonable
10 access to and shall maintain the confidentiality of customer
11 information as provided for in Sections 5 through 8 of this act.

12 B. Electric utilities may utilize customer-identifiable usage
13 data for their internal regulated business purposes which may
14 include, but are not limited to, the:

15 1. Provision of services in an effective and efficient manner;

16 2. Collection of charges and other fees from customers for
17 services provided;

18 3. Planning, operation, maintenance, repair or optimization of
19 the electric utility infrastructure; and

20 4. Subject to approval by the Commission, or in the case of a
21 self-regulated cooperative subject to approval of its board of
22 trustees, development, enhancement, marketing, provision of energy-
23 related products and services or promotion of public policy
24 objectives.

1 C. The use of customer-identifiable usage data under the
2 provisions of subsection B of this section shall not require
3 customer consent.

4 SECTION 5. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 710.5 of Title 17, unless there
6 is created a duplication in numbering, reads as follows:

7 A. Upon request, electric utilities shall provide the customer
8 with a copy of or access to the standard usage data for that
9 customer. The provision of standard usage data to a customer shall
10 be provided as a component of basic service provided by an electric
11 utility.

12 B. Upon written request, electric utilities shall, to the
13 extent feasible, provide the nonstandard usage data of the customer
14 to the customer. Electric utilities may charge a reasonable fee for
15 the provision of nonstandard usage data to cover the actual costs
16 incurred in providing the data.

17 SECTION 6. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 710.6 of Title 17, unless there
19 is created a duplication in numbering, reads as follows:

20 A. An electric utility may provide customer information without
21 customer consent to affiliates and third parties who, under
22 contract, assist the electric utility in providing regulated
23 services or otherwise carrying out its business objectives as
24 outlined in subsection B of Section 4 of this act, provided however

1 that the disclosure is limited to the specific information necessary
2 for the third party to carry out its responsibilities to the
3 electric utility. Prior to the disclosure of any customer
4 information to a third party under this subsection, a responsible
5 representative of the third party shall agree in writing that it
6 will maintain the security and confidentiality of all customer
7 information to which it has access and limit the use of customer
8 information to the provision of such services to the electric
9 utility.

10 B. In addition to providing customer information to affiliates
11 and third parties as described in subsection A of this section,
12 electric utilities may disclose customer information to third
13 parties in the following circumstances:

14 1. As required by law;

15 2. Pursuant to a warrant, subpoena duces tecum, or other court
16 order;

17 3. In the event of a business transaction such as a merger,
18 acquisition, sale of assets, or similar transaction involving the
19 electric utility;

20 4. In the event of an emergency situation; or

21 5. When the customer provides written consent to the
22 disclosure.

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1 SECTION 7. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 710.7 of Title 17, unless there
3 is created a duplication in numbering, reads as follows:

4 A. Electric utilities may use aggregate usage data for their
5 internal business purposes. The use of aggregate usage data by
6 electric utilities shall not require customer consent.

7 B. 1. Subject to the restrictions in paragraph 2 of this
8 subsection and without customer consent, electric utilities may
9 disclose aggregate usage data to third parties and may make
10 aggregate usage data generally available to the public for purposes
11 such as promoting energy assistance, conservation, environmental
12 advocacy, research, or measuring company performance.

13 2. Any aggregate usage data disclosed as authorized in
14 paragraph 1 of this subsection shall contain a sufficient number of
15 similarly situated customers within a particular geographic area so
16 that the daily usage routines or habits of an individual customer
17 could not reasonably be deduced from the data.

18 SECTION 8. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 710.8 of Title 17, unless there
20 is created a duplication in numbering, reads as follows:

21 In the case of an electric utility, other than a self-regulated
22 cooperative, the Commission shall promulgate rules to implement the
23 provisions of the Electric Usage Data Protection Act. In the case
24 of a self-regulated cooperative, the board of trustees shall have

1 the authority to promulgate rules or procedures to implement the
2 provisions of the act.

3 SECTION 9. This act shall become effective November 1, 2011.

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