

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1079

By: Sears

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5
6 AS INTRODUCED

7 An Act relating to utilities; creating the Electric
8 Utility Data Protection Act; stating findings;
9 stating purpose; defining terms; establishing duty
10 with respect to usage data by an electric utility;
11 authorizing certain use of customer-identifiable
12 usage data; requiring an electric utility to provide
13 standard usage data to a customer; allowing an
14 electric utility to provide nonstandard usage data to
15 a customer; authorizing a reasonable fee; authorizing
16 disclosure of customer information to affiliates and
17 certain third parties; specifying circumstances for
18 the release of customer information to certain third
19 parties; providing for the use of aggregate usage
20 data by an electric utility; authorizing the
21 disclosure of aggregate usage data to a third party
22 for certain purposes; setting certain restrictions
23 for the disclosure of aggregate usage data; providing
24 for codification; and providing an effective date.

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

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

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

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

4 The Legislature finds that smart grid and smart meter
5 technologies have the potential to provide substantial benefits to
6 consumers and the environment, including reduced energy costs,
7 increased energy efficiency, and increased reliability of the
8 electric grid. The Legislature recognizes, however, that the use of
9 advanced metering technology may give electric utilities and
10 consumers access to more detailed usage data than that collected by
11 conventional electric utility services. The purpose of the Electric
12 Utility Data Protection Act is to establish standards to govern the
13 access to and use of certain electric utility usage data by electric
14 utilities, customers of electric utilities, and third parties.

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

18 As used in the Electric Utility Data Protection Act:

19 1. "Customer" means an individual or a business partnership,
20 limited liability company, corporation, or other legal entity
21 receiving service from an electric utility in the name of the
22 individual or the entity. A customer may be residential, commercial
23 or industrial;

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1 2. "Customer information" means both identifying information
2 and customer-identifiable electric usage data. Aggregate usage data
3 shall not be considered customer information;

4 3. "Electric utility" means any person, firm, partnership,
5 corporation, association or cooperative corporation furnishing
6 retail electric service to the public in Oklahoma. Electric utility
7 shall not mean a municipal corporation or beneficial trust of a
8 municipal corporation;

9 4. "Identifying information" means any information that
10 identifies or is uniquely associated with a customer or an
11 authorized representative of a customer, including but not limited
12 to the name, social security or taxpayer identification number,
13 street address, telephone number, electric utility account number,
14 meter number, or financial account information of the customer or
15 authorized representative of the customer;

16 5. "Usage data" means information relating to both:

17 a. the amount of electricity consumed at a residence or
18 premises of a customer, and

19 b. the characteristics of that consumption, as generated,
20 recorded, stored or transmitted by the electric
21 utility infrastructure or supporting technology.

22 Usage data includes, but is not limited to, the dates and times
23 that units of electricity are consumed and the appliances or devices
24 used to consume units of electricity;

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

6 7. "Customer-identifiable usage data" means usage data that is
7 stored or presented in a format that associates the usage data with
8 identifying information of a customer;

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

11 9. "Standard usage data" means the usage data that is made
12 generally available by the electric utility to all similarly
13 situated customers on a regular basis, delivered by the electric
14 utility in a standard format and with standard frequency, such as
15 the usage data provided on the monthly billing statement of a
16 customer.

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

20 A. An electric utility, as the owner of the usage data
21 generated, recorded, stored or transmitted by the electric utility
22 infrastructure and supporting technology, shall have the duty to
23 provide customers with reasonable access to, and to maintain the
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1 confidentiality of, customer information as provided in Sections 5
2 through 7 of this act.

3 B. Electric utilities may utilize customer-identifiable usage
4 data for their internal business purposes which may include, but are
5 not limited to, the:

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

7 2. Collection of fees from customers for services provided;

8 3. Planning, operation, maintenance, repair or optimization of
9 the electric utility infrastructure;

10 4. Development, enhancement, marketing, or provision of energy-
11 related products and services; and

12 5. Promotion of public policy objectives, such as energy
13 efficiency and environmental initiatives.

14 C. The use of customer-identifiable usage data under the
15 provision of subsection B of this section shall not require customer
16 consent.

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

20 A. Upon written request, electric utilities shall provide the
21 customer with a copy of or access to the standard usage data for
22 that customer. The provision of standard usage data to a customer
23 shall be provided as a component of basic service provided by an
24 electric utility.

1 B. Upon written request, electric utilities may share the
2 nonstandard usage data of the customer with the customer. Electric
3 utilities may charge a reasonable fee for the provision of
4 nonstandard usage data to cover the costs incurred in providing the
5 data.

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

9 A. An electric utility may provide customer information without
10 customer consent to affiliates and third parties who assist the
11 electric utility in providing services or otherwise carrying out its
12 business objectives as outlined in subsection B of Section 4 of this
13 act. Prior to the disclosure of any customer information to a third
14 party under this subsection, a responsible representative of the
15 third party shall agree in writing that it will maintain the
16 confidentiality of all customer information and limit the use of
17 customer information to the provision of support services to the
18 electric utility.

19 B. In addition to providing customer information to affiliates
20 and third parties as described in subsection A of this section,
21 electric utilities may disclose customer information to third
22 parties in the following circumstances:

- 23 1. As required by law;
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1 2. Pursuant to a warrant, subpoena duces tecum, or other court
2 order;

3 3. In the event of a business transition such as a merger,
4 acquisition, sale of assets, or similar transaction involving the
5 electric utility;

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

7 5. When the customer provides informed consent to the
8 disclosure.

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

12 A. Electric utilities may use aggregate usage data for their
13 internal business purposes. The use of aggregate usage data by
14 electric utilities shall not require customer consent.

15 B. 1. Subject to the restrictions in paragraph 2 of this
16 subsection and without customer consent, electric utilities may
17 disclose aggregate usage data to third parties and may make
18 aggregate usage data generally available to the public for purposes
19 such as promoting energy assistance, conservation, environmental
20 advocacy, research, or measuring company performance.

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

3 SECTION 8. This act shall become effective November 1, 2011.

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