

**AMENDMENT TO THE RULES COMMITTEE PRINT  
FOR H.R. 8  
OFFERED BY MR. GRAYSON OF FLORIDA**

At the end of the bill, add the following:

1       **TITLE \_\_\_\_\_ —OTHER MATTERS**

2       **SEC. \_\_\_\_ . SMART METER PRIVACY RIGHTS.**

3           (a) ELECTRICAL CORPORATION OR GAS CORPORA-  
4 TIONS.—

5                   (1) For purposes of this section, “electrical or  
6 gas consumption data” means data about a cus-  
7 tomer’s electrical or natural gas usage that is made  
8 available as part of an advanced metering infrastruc-  
9 ture, and includes the name, account number, or  
10 residence of the customer.

11                   (2)(A) An electrical corporation or gas corpora-  
12 tion shall not share, disclose, or otherwise make ac-  
13 cessible to any third party a customer’s electrical or  
14 gas consumption data, except as provided in sub-  
15 section (a) (5) or upon the consent of the customer.

16                   (B) An electrical corporation or gas corporation  
17 shall not sell a customer’s electrical or gas consump-  
18 tion data or any other personally identifiable infor-  
19 mation for any purpose.

1           (C) The electrical corporation or gas corpora-  
2           tion or its contractors shall not provide an incentive  
3           or discount to the customer for accessing the cus-  
4           tomer's electrical or gas consumption data without  
5           the prior consent of the customer.

6           (D) An electrical or gas corporation that uti-  
7           lizes an advanced metering infrastructure that al-  
8           lows a customer to access the customer's electrical  
9           and gas consumption data shall ensure that the cus-  
10          tomer has an option to access that data without  
11          being required to agree to the sharing of his or her  
12          personally identifiable information, including elec-  
13          trical or gas consumption data, with a third party.

14          (3) If an electrical corporation or gas corpora-  
15          tion contracts with a third party for a service that  
16          allows a customer to monitor his or her electricity or  
17          gas usage, and that third party uses the data for a  
18          secondary commercial purpose, the contract between  
19          the electrical corporation or gas corporation and the  
20          third party shall provide that the third party promi-  
21          nently discloses that secondary commercial purpose  
22          to the customer.

23          (4) An electrical corporation or gas corporation  
24          shall use reasonable security procedures and prac-  
25          tices to protect a customer's unencrypted electrical

1 or gas consumption data from unauthorized access,  
2 destruction, use, modification, or disclosure.

3 (5)(A) Nothing in this section shall preclude an  
4 electrical corporation or gas corporation from using  
5 customer aggregate electrical or gas consumption  
6 data for analysis, reporting, or program manage-  
7 ment if all information has been removed regarding  
8 the individual identity of a customer.

9 (B) Nothing in this section shall preclude an  
10 electrical corporation or gas corporation from dis-  
11 closing a customer's electrical or gas consumption  
12 data to a third party for system, grid, or operational  
13 needs, or the implementation of demand response,  
14 energy management, or energy efficiency programs,  
15 provided that, for contracts entered into after Janu-  
16 ary 1, 2016, the utility has required by contract that  
17 the third party implement and maintain reasonable  
18 security procedures and practices appropriate to the  
19 nature of the information, to protect the personal in-  
20 formation from unauthorized access, destruction,  
21 use, modification, or disclosure, and prohibits the  
22 use of the data for a secondary commercial purpose  
23 not related to the primary purpose of the contract  
24 without the customer's consent.

1 (C) Nothing in this section shall preclude an  
2 electrical corporation or gas corporation from dis-  
3 closing electrical or gas consumption data as re-  
4 quired or permitted under State or Federal law or  
5 by an order of a State public utility commission.

6 (6) If a customer chooses to disclose his or her  
7 electrical or gas consumption data to a third party  
8 that is unaffiliated with, and has no other business  
9 relationship with, the electrical or gas corporation,  
10 the electrical or gas corporation shall not be respon-  
11 sible for the security of that data, or its use or mis-  
12 use.

13 (b) LOCAL PUBLICLY OWNED ELECTRIC UTILI-  
14 TIES.—

15 (1) For purposes of this section, “electrical con-  
16 sumption data” means data about a customer’s elec-  
17 trical usage that is made available as part of an ad-  
18 vanced metering infrastructure, and includes the  
19 name, account number, or residence of the customer.

20 (2)(A) A local publicly owned electric utility  
21 shall not share, disclose, or otherwise make acces-  
22 sible to any third party a customer’s electrical con-  
23 sumption data, except as provided in subsection (b)  
24 (5) or upon the consent of the customer.

1 (B) A local publicly owned electric utility shall  
2 not sell a customer's electrical consumption data or  
3 any other personally identifiable information for any  
4 purpose.

5 (C) The local publicly owned electric utility or  
6 its contractors shall not provide an incentive or dis-  
7 count to the customer for accessing the customer's  
8 electrical consumption data without the prior con-  
9 sent of the customer.

10 (D) A local publicly owned electric utility that  
11 utilizes an advanced metering infrastructure that al-  
12 lows a customer to access the customer's electrical  
13 consumption data shall ensure that the customer has  
14 an option to access that data without being required  
15 to agree to the sharing of his or her personally iden-  
16 tifiable information, including electrical consumption  
17 data, with a third party.

18 (3) If a local publicly owned electric utility con-  
19 tracts with a third party for a service that allows a  
20 customer to monitor his or her electricity usage, and  
21 that third party uses the data for a secondary com-  
22 mercial purpose, the contract between the local pub-  
23 licly owned electric utility and the third party shall  
24 provide that the third party prominently discloses  
25 that secondary commercial purpose to the customer.

1           (4) A local publicly owned electric utility shall  
2           use reasonable security procedures and practices to  
3           protect a customer's unencrypted electrical consump-  
4           tion data from unauthorized access, destruction, use,  
5           modification, or disclosure, and prohibits the use of  
6           the data for a secondary commercial purpose not re-  
7           lated to the primary purpose of the contract without  
8           the customer's consent.

9           (5)(A) Nothing in this section shall preclude a  
10          local publicly owned electric utility from using cus-  
11          tomer aggregate electrical consumption data for  
12          analysis, reporting, or program management if all  
13          information has been removed regarding the indi-  
14          vidual identity of a customer.

15          (B) Nothing in this section shall preclude a  
16          local publicly owned electric utility from disclosing a  
17          customer's electrical consumption data to a third  
18          party for system, grid, or operational needs, or the  
19          implementation of demand response, energy manage-  
20          ment, or energy efficiency programs, provided, for  
21          contracts entered into after January 1, 2016, that  
22          the utility has required by contract that the third  
23          party implement and maintain reasonable security  
24          procedures and practices appropriate to the nature  
25          of the information, to protect the personal informa-

1           tion from unauthorized access, destruction, use,  
2           modification, or disclosure.

3           (C) Nothing in this section shall preclude a  
4           local publicly owned electric utility from disclosing  
5           electrical consumption data as required under State  
6           or Federal law.

7           (6) If a customer chooses to disclose his or her  
8           electrical consumption data to a third party that is  
9           unaffiliated with, and has no other business relation-  
10          ship with, the local publicly owned electric utility,  
11          the utility shall not be responsible for the security of  
12          that data, or its use or misuse.

