

119<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S.** \_\_\_\_\_

To promote competition in the area of digital energy management tools, enhance consumer access to electric energy and natural gas information, allow for the development and adoption of innovative products and services to help consumers, organizations, and governments manage their energy usage and improve electric grid reliability, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mr. WELCH (for himself and Mr. VAN HOLLEN) introduced the following bill; which was read twice and referred to the Committee on

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**A BILL**

To promote competition in the area of digital energy management tools, enhance consumer access to electric energy and natural gas information, allow for the development and adoption of innovative products and services to help consumers, organizations, and governments manage their energy usage and improve electric grid reliability, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Access to Consumer  
3 Energy Information Act” or the “E-Access Act”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) **COMMISSION.**—The term “Commission”  
7 means the Federal Energy Regulatory Commission.

8 (2) **COVERED WHOLESALE ELECTRICITY MAR-**  
9 **KET.**—The term “covered wholesale electricity mar-  
10 ket” means a wholesale electricity market regulated  
11 by, or otherwise subject to the jurisdiction of, the  
12 Federal Energy Regulatory Commission.

13 (3) **ELECTRIC CONSUMER.**—The term “electric  
14 consumer” has the meaning given the term in sec-  
15 tion 3 of the Public Utility Regulatory Policies Act  
16 of 1978 (16 U.S.C. 2602).

17 (4) **ELECTRIC METER SOFTWARE PLATFORM.**—  
18 The term “electric meter software platform” means  
19 the meter of an electric utility and any accom-  
20 panying software that enables software applications  
21 to be developed, installed, and executed on the grid  
22 edge computer for the purpose of analyzing or trans-  
23 mitting retail electric energy information or grid  
24 edge consumer insights.

25 (5) **ELECTRIC UTILITY.**—The term “electric  
26 utility” has the meaning given the term in section

1       3 of the Public Utility Regulatory Policies Act of  
2       1978 (16 U.S.C. 2602).

3           (6) GAS CONSUMER.—The term “gas con-  
4       sumer” has the meaning given the term in section  
5       302 of the Public Utility Regulatory Policies Act of  
6       1978 (15 U.S.C. 3202).

7           (7) GAS UTILITY.—The term “gas utility” has  
8       the meaning given the term in section 302 of the  
9       Public Utility Regulatory Policies Act of 1978 (15  
10      U.S.C. 3202).

11          (8) GREEN BUTTON CONNECT MY DATA.—The  
12      term “Green Button Connect My Data” means the  
13      standard of the same name that is maintained by  
14      the Green Button Alliance (or any successor organi-  
15      zation) that enables access to and secure trans-  
16      mission of retail electric energy information and re-  
17      tail natural gas information by an electric consumer  
18      or gas consumer, including any subsequent updates  
19      to the standard or successor standards.

20          (9) GRID EDGE COMPUTER.—The term “grid  
21      edge computer” means a device, whether part of, or  
22      separate from, a meter, that—

23            (A) measures power, voltage, current, or  
24            other aspects of electric energy at or near the  
25            premises of an electric consumer; and

1           (B) is capable of running 1 or more soft-  
2           ware applications to analyze, in real time, any  
3           measurement described in subparagraph (A) in  
4           order to derive grid edge consumer insights or  
5           information about the status or operation of the  
6           electric grid.

7           (10) GRID EDGE CONSUMER INSIGHT.—The  
8           term “grid edge consumer insight” means—

9           (A) the power, voltage, current, or other  
10          aspects of electric energy measured and analyz-  
11          able by a grid edge computer; and

12          (B) any calculation, estimate, or inference  
13          from a grid edge computer that pertains to, or  
14          reflects the characteristics of, the use of electric  
15          energy by a particular electric consumer.

16          (11) INDEPENDENT SYSTEM OPERATOR.—The  
17          term “Independent System Operator” has the mean-  
18          ing given the term in section 3 of the Federal Power  
19          Act (16 U.S.C. 796).

20          (12) METER.—The term “meter” means a de-  
21          vice that measures and records energy usage data at  
22          any interval.

23          (13) REGIONAL TRANSMISSION ORGANIZA-  
24          TION.—The term “Regional Transmission Organiza-

1       tion” has the meaning given the term in section 3  
2       of the Federal Power Act (16 U.S.C. 796).

3           (14) RETAIL ELECTRIC ENERGY INFORMA-  
4       TION.—The term “retail electric energy informa-  
5       tion” means—

6           (A) the electric energy usage of an electric  
7       consumer over a time interval, as measured and  
8       recorded by the applicable meter;

9           (B) the retail electric energy prices and ap-  
10      plicable rate applied to the electric energy usage  
11      for the time interval described in subparagraph  
12      (A) for the electric consumer;

13          (C) the costs of service provided to an elec-  
14      tric consumer, as displayed on billing informa-  
15      tion provided to that electric consumer at the  
16      level of each line item;

17          (D) in the case of nonresidential electric  
18      meters, any other electrical information that the  
19      meter is programmed to record that is used for  
20      billing purposes (such as demand measured in  
21      kilowatts, voltage, frequency, current, and  
22      power factor);

23          (E) grid edge consumer insights; and

24          (F) customer-specific information includ-  
25      ing, at a minimum—

1 (i) customer name, mailing address,  
2 premises address, contact information,  
3 payment history, and account number; and

4 (ii) any information that may be nec-  
5 essary for participation in, or to determine  
6 customer eligibility for, bill payment assist-  
7 ance, renewable energy, demand-side man-  
8 agement, load management, energy effi-  
9 ciency programs, or wholesale markets.

10 (15) RETAIL NATURAL GAS INFORMATION.—

11 The term “retail natural gas information” means—

12 (A) the natural gas usage of a gas con-  
13 sumer, as measured and recorded by the appli-  
14 cable gas utility;

15 (B) the retail natural gas prices and appli-  
16 cable rate applied to the natural gas usage de-  
17 scribed in subparagraph (A) for the gas con-  
18 sumer;

19 (C) the cost of service provided to a gas  
20 consumer, as displayed on billing information  
21 provided to that gas consumer at the level of  
22 each line item;

23 (D) in the case of nonresidential natural  
24 gas meters, any other information that the

1 meter is programmed to record that is used for  
2 billing purposes; and

3 (E) customer-specific information includ-  
4 ing, at a minimum—

5 (i) customer name, mailing address,  
6 premises address, contact information,  
7 payment history, and account number; and

8 (ii) any information that might be  
9 necessary for participation in, or to deter-  
10 mine customer eligibility for, bill payment  
11 assistance, demand-side management, en-  
12 ergy efficiency programs, or wholesale mar-  
13 kets.

14 (16) SECRETARY.—The term “Secretary”  
15 means the Secretary of Energy.

16 (17) STATE ENERGY OFFICE.—The term “State  
17 energy office” means the office or agency of a State  
18 responsible for developing the State energy conserva-  
19 tion plan for the State under section 362 of the En-  
20 ergy Policy and Conservation Act (42 U.S.C. 6322).

21 **SEC. 3. CONSUMER ACCESS TO ELECTRIC ENERGY AND**  
22 **NATURAL GAS INFORMATION.**

23 (a) ELIGIBILITY FOR STATE ENERGY PLANS.—Sec-  
24 tion 362(d) of the Energy Policy and Conservation Act  
25 (42 U.S.C. 6322(d)) is amended—

1           (1) in paragraph (17), by striking “and” after  
2           the semicolon at the end;

3           (2) by redesignating paragraph (18) as para-  
4           graph (19); and

5           (3) by inserting after paragraph (17) the fol-  
6           lowing:

7           “(18) programs to promote competition in the  
8           area of digital energy management tools—

9           “(A) to enhance consumer access to, and  
10          understanding of, electric energy and natural  
11          gas usage and cost information, including, with  
12          respect to each particular customer—

13                 “(i) the residential and commercial re-  
14                 tail electric energy information (as defined  
15                 in section 2 of the E-Access Act) of that  
16                 customer; and

17                 “(ii) the retail natural gas information  
18                 (as defined in that section) of that cus-  
19                 tomer;

20           “(B) to facilitate the development and  
21           adoption of innovative products and services to  
22           assist consumers in managing energy consump-  
23           tion and expenditures; and

1                   “(C) to increase the adoption of measured,  
2                   performance-based energy efficiency and de-  
3                   mand response programs; and”.

4           (b) GUIDELINES FOR ELECTRIC CONSUMER AND GAS  
5 CONSUMER DATA ACCESS.—

6           (1) IN GENERAL.—Not later than 180 days  
7           after the date of enactment of this Act and subject  
8           to paragraph (2), the Secretary and the Commission  
9           shall jointly develop and issue guidelines that estab-  
10          lish model data sharing standards and policies for  
11          States to provide electric consumers and gas con-  
12          sumers, and third-party designees of those electric  
13          consumers and gas consumers, with access to retail  
14          electric energy information and retail natural gas in-  
15          formation.

16          (2) CONSULTATION.—Before issuing guidelines  
17          under paragraph (1), the Secretary shall—

18                   (A) consult with—

19                           (i) State and local regulatory authori-  
20                           ties;

21                           (ii) other appropriate Federal agen-  
22                           cies, including the National Institute of  
23                           Standards and Technology and the Federal  
24                           Trade Commission;

- 1 (iii) consumer and privacy advocacy  
2 groups;  
3 (iv) electric utilities and gas utilities;  
4 (v) the National Association of State  
5 Energy Officials; and  
6 (vi) other appropriate entities, includ-  
7 ing groups representing public utility com-  
8 missions, commercial and residential build-  
9 ing owners, residential contractors, and  
10 groups that represent demand response  
11 and electricity data devices and services;  
12 and  
13 (B) provide notice and opportunity for  
14 comment.

15 (3) STATE AND LOCAL REGULATORY ACTION.—  
16 In issuing guidelines under paragraph (1), the Sec-  
17 retary, to the maximum extent practicable, shall be  
18 guided by actions taken by State and local regu-  
19 latory authorities to ensure electric consumer and  
20 gas consumer access to retail electric energy infor-  
21 mation and retail natural gas information, including  
22 actions taken after consideration of the standard es-  
23 tablished under section 111(d)(19) of the Public  
24 Utility Regulatory Policies Act of 1978 (16 U.S.C.  
25 2621(d)(19)).



1 formity with nationally recognized open  
2 standards and best practices;

3 (ii) via a website or other electronic  
4 access authorized by the electric consumer  
5 or gas consumer, including at least 24  
6 months of historical information;

7 (iii) in as close to real-time as is rea-  
8 sonably practicable;

9 (iv) at the level of specificity that the  
10 data are transmitted by the meter or grid  
11 edge computer, to the extent reasonably  
12 practicable; and

13 (v) in a manner that provides ade-  
14 quate protections for the security of the in-  
15 formation and the privacy of the electric  
16 consumer or gas consumer, utilizing recog-  
17 nized energy data privacy programs such  
18 as the DataGuard Energy Data Privacy  
19 Program of the Department of Energy or  
20 other programs approved by the Secretary;

21 (C) guidelines regarding appropriate na-  
22 tionally recognized open standards for data ex-  
23 change;

24 (D) guidelines regarding consumer consent  
25 requirements to ensure that an electric con-

1           sumer or gas consumer can conveniently and  
2           securely authorize a third-party designee to ac-  
3           cess the retail electric energy information or re-  
4           tail natural gas information of that electric con-  
5           sumer or gas consumer, including standardized  
6           authorization language to which an electric con-  
7           sumer or gas consumer will agree prior to the  
8           electric consumer or gas consumer authorizing,  
9           or the applicable electric utility or gas utility  
10          sharing, retail electric energy information or re-  
11          tail natural gas information of that electric con-  
12          sumer or gas consumer;

13                 (E) guidelines specifying that electric utili-  
14                 ties and gas utilities should, when a meter is  
15                 servicing an electric consumer or gas consumer,  
16                 communicate retail electric energy information  
17                 or retail natural gas information to the device  
18                 of the electric consumer or gas consumer or  
19                 through the network of an electric consumer or  
20                 gas consumer to a third-party designee of the  
21                 electric consumer or gas consumer;

22                 (F) with respect to the terms and condi-  
23                 tions to be agreed to by a third-party designee  
24                 of an electric consumer or a gas consumer and  
25                 an electric utility or a gas utility for access to

1 the retail electric energy information or retail  
2 natural gas information of that electric con-  
3 sumer or gas consumer, guidelines specifying  
4 that—

5 (i) those terms and conditions shall be  
6 reasonable and nondiscriminatory;

7 (ii) those terms and conditions shall  
8 not require anything of a third-party des-  
9 ignee beyond requiring—

10 (I) the third-party designee to  
11 provide to the electric utility or gas  
12 utility—

13 (aa) the contact information  
14 and Federal tax identification  
15 number of the third-party des-  
16 ignee; and

17 (bb) an acknowledgment of  
18 compliance with a privacy re-  
19 quirement, such as the  
20 DataGuard Energy Data Privacy  
21 Program of the Department of  
22 Energy; and

23 (II) that the third-party designee  
24 has not been disqualified by the appli-

1 cable retail regulatory authority of the  
2 utility;

3 (iii) due process shall be afforded to  
4 the third-party designee by the applicable  
5 regulatory authority, including by giving  
6 the third-party designee an opportunity to  
7 rebut allegations of wrongdoing by that  
8 third-party designee prior to any enforce-  
9 ment action being taken by the applicable  
10 regulatory authority;

11 (iv) the online authorization process  
12 offered by the applicable gas utility or elec-  
13 tric utility to the consumer shall be user-  
14 friendly, and the personal information re-  
15 quired to establish identity shall be con-  
16 sistent with, and no more onerous than,  
17 the standard practices of the applicable gas  
18 utility or electric utility; and

19 (v) the third party may receive retail  
20 electric energy information and retail nat-  
21 ural gas information from an electric util-  
22 ity or gas utility with consumer consent,  
23 except if otherwise prohibited by Federal  
24 law or by a finding of a State court or  
25 other State adjudicatory body;

1 (G) guidelines specifying that electric utili-  
2 ties and gas utilities shall, on a periodic basis  
3 as recommended by the Secretary, provide cer-  
4 tification by an independent body of adherence  
5 to the latest Green Button Connect My Data or  
6 another, similar, standard;

7 (H) guidelines specifying that Green But-  
8 ton Connect My Data system availability, as  
9 provided by electric utilities and gas utilities,  
10 shall exceed 99-percent availability without se-  
11 vere errors or defects;

12 (I) guidelines specifying that electric utili-  
13 ties and gas utilities shall report on a publicly  
14 available website the timeliness and perform-  
15 ance of the processing of electronic data-sharing  
16 authorizations and the timeliness of completing  
17 third-party administrative and technical  
18 onboarding with an electric utility or gas utility,  
19 including recommendations from the Secretary  
20 as to whether electric utilities and gas utilities,  
21 or State or Federal agencies, should host such  
22 publicly available websites;

23 (J) guidelines specifying that—

24 (i) an electric meter software platform  
25 shall—

1 (I) have terms that are fair, rea-  
2 sonable, and nondiscriminatory to any  
3 authorized user;

4 (II) transparently disclose  
5 uptime, performance, and availability;  
6 and

7 (III) transparently disclose the  
8 timelines and procedures for evalu-  
9 ating new software applications sub-  
10 mitted for deployment on the plat-  
11 form;

12 (ii) software developers and distrib-  
13 uted energy resources that use electric  
14 meter software platforms or retail electric  
15 customer information shall—

16 (I) have access to platform soft-  
17 ware documentation; and

18 (II) be afforded due process  
19 rights with regard to disputes con-  
20 cerning functionality or availability;

21 (iii) owners or operators of electric  
22 meter software platforms shall address fair  
23 competition issues, including self-  
24 preferencing, surveillance of competitive  
25 software applications, and undue use of de-

1 fault software applications that have the  
2 effect of reducing consumer choices; and

3 (iv) electric consumers, gas con-  
4 sumers, electric utilities, and gas utilities  
5 shall have the right to select, install, and  
6 operate applications of their choosing on  
7 the electric meter, subject to reasonable  
8 technical requirements; and

9 (K) guidelines addressing appropriate cir-  
10 cumstances in which analysis of retail electric  
11 energy information, retail natural gas informa-  
12 tion, and estimates of energy saved as a result  
13 of any efficiency measure may be released pub-  
14 licly, without the consent of the consumer, only  
15 by protection of individual consumer privacy via  
16 mathematical methods such as differential pri-  
17 vacy, or by alternative means at the discretion  
18 of the Secretary, if required, that prevent re-  
19 identification of the attributes of individual con-  
20 sumers when publishing aggregate information.

21 (5) REVISIONS.—Every 3 years, the Secretary  
22 shall review and, as necessary, revise the guidelines  
23 issued under paragraph (1) to reflect changes in  
24 technology, privacy needs, and the market for elec-  
25 tric energy and natural gas and related services.

1 (c) VERIFICATION AND IMPLEMENTATION.—

2 (1) IN GENERAL.—A State energy office may  
3 submit to the Secretary a description of the policies  
4 of the State relating to electric consumer and gas  
5 consumer access to retail electric energy information  
6 and retail natural gas information for certification  
7 by the Secretary that the policies meet the guidelines  
8 issued under subsection (b).

9 (2) ASSISTANCE.—Subject to the availability of  
10 amounts appropriated pursuant to paragraph (3),  
11 the Secretary shall make amounts available to any  
12 State that has policies described in paragraph (1)  
13 that the Secretary certifies meet the guidelines  
14 issued under subsection (b) to assist the State in im-  
15 plementing programs described in paragraph (18) of  
16 section 362(d) of the Energy Policy and Conserva-  
17 tion Act (42 U.S.C. 6322(d)) (as amended by sub-  
18 section (a)).

19 (3) AUTHORIZATION OF APPROPRIATIONS.—

20 There is authorized to be appropriated to carry out  
21 this subsection \$10,000,000 for fiscal year 2026, to  
22 remain available until expended.

23 (d) REPORT ON ACCURATE ELECTRIC METER SET-  
24 TLEMENT.—

1           (1) IN GENERAL.—Not later than 1 year after  
2           the date of enactment of this Act, the Secretary and  
3           the Commission shall jointly develop and submit to  
4           the Committee on Energy and Natural Resources of  
5           the Senate and the Committee on Energy and Com-  
6           merce of the House of Representatives a report eval-  
7           uating the costs and benefits of electric utilities  
8           transmitting meter data for each individual electric  
9           consumer to covered wholesale electricity markets  
10          for the purpose of settling market prices.

11          (2) INCLUSIONS.—The report submitted under  
12          paragraph (1) shall include—

13                (A) the number of customers of electric  
14                utilities across the United States served by ad-  
15                vanced metering infrastructure;

16                (B) the number of customers and the asso-  
17                ciated capacity of megawatts of flexible elec-  
18                tricity demand that lack access to, or settlement  
19                on, electric meter data;

20                (C) case studies of regions across the  
21                United States in which electric meter data is  
22                used for settling covered wholesale electricity  
23                market purchases, including best practices;

24                (D) an analysis of potential anticompetitive  
25                impacts of denying customers of electric utilities

1 access to electric meter data, which may include  
2 impacts from preventing the aggregation or  
3 transmission of electric meter data for the pur-  
4 poses of settling covered wholesale electricity  
5 market purchases;

6 (E) an estimate of the amount of taxpayer  
7 and electric ratepayer dollars spent on electric  
8 metering and supporting systems associated  
9 with restructured retail markets that do not  
10 settle covered wholesale electricity market pur-  
11 chases based on electric meter data;

12 (F) an estimate of the number of cus-  
13 tomers of electric utilities that are unable to  
14 participate in demand-side covered wholesale  
15 electricity market programs because the appli-  
16 cable electric meter is not programmed at the  
17 necessary time intervals;

18 (G) an estimate of the reasonably foresee-  
19 able costs that electric utilities would incur to  
20 reprogram electric meters—

21 (i) to participate in demand-side cov-  
22 ered wholesale electricity market programs;  
23 and

24 (ii) to match the requirements of op-  
25 erators of relevant covered wholesale elec-

1                   tricity markets with respect to the use of  
2                   demand-side resources;

3                   (H) an estimate of the reasonably foresee-  
4                   able costs that electric utilities, Independent  
5                   System Operators, and Regional Transmission  
6                   Organizations would incur in settling covered  
7                   wholesale electricity market purchases based on  
8                   electric meter data; and

9                   (I) an analysis of potential benefits to reli-  
10                  ability, customer choice, and technology avail-  
11                  ability that may result from settling covered  
12                  wholesale electricity market purchases based on  
13                  electric meter data.