

Substantive Resolution

**Submitted for Consideration by the NARUC Standing
Committees**

at the

**July 14-17, 2024
NARUC Summer Policy Summit**

In Palm Beach, Florida, D.C.

If you are interested in this resolution, you should read the entire draft and not rely on the truncated description in the Table Contents.

Note – this resolution does not become NARUC policy unless and until it is passed by the NARUC Board of Directors. It is possible (and in this case likely) that it will change substantially during consideration.

If you have any questions, call or email Brad Ramsay – NARUC GC at 202.257.0568 or jramsay@naruc.org

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Sponsor: Devante Lewis, LA PSC [Version: 0712 139 PM vz from Commissioner Lewis]

The resolution encourages [1] state commissions [a] to identify opportunities and processes whereby owners of multi-tenant properties can access whole-building and tenant unit utility data in a standardized format, including aggregated building data that does not reveal customer-specific data to protect customer privacy; and [b] to request that utilities allow customers, including tenants of multi-tenant properties, to authorize the sharing of their usage information, with appropriate consent and privacy protections, with property owners, identified third parties, and implementers of federal programs and grants, to the extent provided for under State law and regulations and [2] utilities to develop procedures and methods to identify customer accounts associated with multi-tenant properties to facilitate property owners’ access to available federal funding and other resources to reduce building-wide and tenant energy consumption.

Resolution on Customer Energy Usage Data for Multi-Tenant Properties

Whereas Congress passed the Inflation Reduction Act and Bipartisan Infrastructure Law that included millions of dollars in grants to support customers, including tenants and owners of multi-tenant residential and commercial properties, to install technologies to reduce the amount of energy consumed by such customers;

Whereas the Department of Energy (DOE) has created multiple programs to support multi-tenant properties in the purchase and installation of such equipment to reduce electricity consumption and save reduce energy bills;

Whereas DOE, the Department of Housing and Urban Development, and the Environmental Protection Agency issued a joint letter to Utilities and State Utility Commissions requesting action to “make whole-building utility data available to multifamily owners seeking to improve the efficiency of their properties;”¹

Whereas tenants of multi-tenant properties need utility usage information to avail themselves of additional assistance as renters, in part to show that investments have resulted in energy savings;

Whereas owners of multi-tenant properties may require information about the energy consumption of their tenants to access funding for installing technologies and improving their properties to reduce both whole-building and tenant energy consumption and energy bills;

Whereas electric and gas utilities collect and store energy usage about their customers, including tenants of multi-tenant properties;

Whereas access to energy usage data can facilitate and enable greater access to funding for both tenants and property owners of multi-tenant properties;

Whereas without access to such usage information, owners and tenants of multi-tenant properties will not be able to access grants and funding opportunities enabled by the Inflation Reduction Act and the Bipartisan Infrastructure Law, through DOE programs;

Whereas 7.4 million people or 39% of residents in multi-family buildings, are low-income households;²

Whereas the sharing of participating customers’ usage information with DOE and others providing technical or financial assistance to multi-family residences can ensure that owners and tenants receive all available and appropriate funding assistance to reduce energy consumption and energy bills;

Whereas having customer usage information available in a standardized format can facilitate the sharing of information with property owners, authorized contractors, or third parties;

¹ See HUD-DOE-EPA Joint Letter on Energy Data Access at: <https://pubs.naruc.org/pub/1B295598-AED6-3D06-A9BE-2DA2D747576C>.

² See, *National Multifamily Housing Council Household Incomes Report* (2022) available online at: <https://www.nmhc.org/research-insight/quick-facts-figures/quick-facts-resident-demographics/household-incomes/>

Whereas appropriate consumer protections are needed for any sharing of customer usage information, Customer usage information cannot be used for marketing or create data profiles to target customers for increasing profits. Customer data may only be disclosed to third parties with clear customer permission. Data protections and privacy safeguards are important for the preservation of public trust with DOE, utilities and other programs;

Whereas States and utilities should develop simple mechanisms for customers to make educated decisions regarding the intentional authorization to disclose their energy data. In places where no such policy is in place, individual customers should be able to access their own data and disclose them to a third party provider;

Whereas the Board of Directors of the National Association of Regulatory Utility Commissioners (NARUC), on July 20, 2011, passed the *Resolution on Smart Grid Principles* that states “Customers should have access to their own energy usage data;”

Whereas the NARUC Board of Directors, on July 20, 2011, passed the *Resolution on Access to Whole-Building Energy Data and Automated Benchmarking* that encourages State public utility commissions to take all reasonable measures to facilitate convenient, electronic access to utility energy usage data for building owners; *and*

Whereas the NARUC Board of Directors, on July 25, 2012, passed the *Resolution on Utility Programs on Customer Energy Usage Data* that states “[w]hen customers have access to their energy usage data they can use this data in a variety of tools and applications that can help them make decisions about their energy use;” *now, therefore, be it*

Resolved that the Board of Directors of the National Association of Regulatory Utility Commissions, convened at its Summer Policy Summit in Palm Beach, Florida informs state public utility commissions that they may consider identifying opportunities and processes whereby owners of multi-tenant properties can access whole-building and tenant unit utility data in a standardized format, including aggregated building data that does not reveal customer-specific data to protect customer privacy; *and be it further*

Resolved, that NARUC informs state public utility commissioners that they may consider identifying that utilities allow customers, including tenants of multi-tenant properties, to authorize the sharing of their usage information, with appropriate consent and privacy protections, with property owners, identified third parties, and implementers of federal programs and grants, to the extent provided for under state law and regulations; *and be it further*

Resolved that NARUC encourages utilities to develop procedures and methods to identify customer accounts associated with multi-tenant properties to facilitate property owners’ access to available federal funding and other resources to reduce building-wide and tenant energy consumption.

Sponsored by the Committee on Energy Resources and the Environment
Adopted by the NARUC Board of Directors July 17, 2024.