



DRAFT LEGISLATIVE TEXT

Improve Building
Energy Data Access

DRAFT Ordinance/Resolution NO. ____

WHEREAS, the ____ [legislative body] of _____ [state/county/city/town, or government with oversight authority over utilities] desires to grow the twenty-first century economy by removing barriers to information that enable sound and informed investment in smart and efficient buildings, building technologies and methods; and

WHEREAS, public policy that unlocks the potential for investment in building energy efficiency complements existing policies relating to energy security, development and environmental stewardship; including _____ [list relevant policies such as solid waste/ recycling/ stormwater/ energy efficiency policies and specific provisions from current version of master plan]; and

WHEREAS, commercial and industrial building owners spend \$200 billion each year on facility energy consumption [see 2008 Utility Best Practices Guidance for Providing Business Customers with Energy Use and Cost Data [here](#)]; and

WHEREAS, whole-building energy benchmarking is an important and widely-accepted means to enable commercial building owners and managers to uncover opportunities for investment in building energy efficiency, and thus reduce facility energy consumption through increased performance and management actions that lead to cost effective, energy saving improvement [see USGBC campaign brief, [Mainstream Building Benchmarking](#)]; and

WHEREAS, whole-building energy benchmarking is increasingly becoming part of not only smart building management policy but also government energy policy in such jurisdictions as the states of California and Washington, and the cities of New York, Seattle, Austin, and Washington, DC; and

WHEREAS, industry groups like the Building Owners and Managers Association (BOMA) and Real Estate Roundtable, which represent more than 10 billion square feet of commercial floor space support voluntary whole-building benchmarking and measures that promote whole-building energy benchmarking; and

WHEREAS, access to aggregated building energy usage data by commercial building owners may be difficult to obtain and may be a significant barrier to whole building energy benchmarking because the data resides in multiple utility accounts with multiple tenants and may require the consent of each tenant customer to release or even aggregate the data; and

WHEREAS, a number of utilities are making whole building energy data available and accessible through various platforms [see [here](#) for a few examples], increasing benchmarking accuracy and driving demand for utility efficiency programs; and

WHEREAS, the cost-free and privacy-sensitive automated benchmarking service of U.S. EPA's ENERGY STAR Portfolio Manager is the most conveniently streamlined system with both preferred building benchmarking practices and also the LEED for Existing Buildings rating system; and

WHEREAS, the National Association of Regulatory Utility Commissioners (NARUC) adopted a policy in July of 2011 that acknowledges the need for commercial building owners and managers to access whole-building energy consumption data to support energy-efficient building operations; and

WHEREAS, the 2011 NARUC policy encourages state public utility commissions seeking to capture cost-effective energy savings from commercial buildings to consider a comprehensive benchmarking policy [see [draft legislative text](#) for building benchmarking] that includes taking all reasonable measures to facilitate convenient, electronic access to utility energy usage data for building owners, including aggregated building data that does not reveal customer-specific data to protect individual customer privacy, as well as the sharing of customer-specific data to the extent provided for under state law and regulations;

NOW, THEREFORE, BE IT RESOLVED THAT:

Section 1: Encouraging Building Energy Efficiency at Scale through Building Energy Benchmarking and Energy Data Access

- (a) The ____ [legislative body] of _____ [state/county/city/town, or government with oversight authority over utilities] encourages the uptake of building energy benchmarking for all commercial building properties within [state/county/city/town], and investment in building improvements based on benchmarking results that lead to improved building energy efficiency.



- (b) The ____ [legislative body] of _____ [state/county/city/town, or government with oversight authority over utilities] encourages utilities to develop a means to facilitate building owner access to whole building energy data to be used in building energy benchmarking, and as a basis for investing in building energy efficiency measures. The U.S. Environmental Protection Agency’s ENERGY STAR Portfolio Manager automated benchmarking service should be considered as a model for such data collection and distribution.

Section 2: Utility Requirements to Unlock Building Energy Data while Maintaining Customer Privacy and Data Security

- (a) Utilities providing energy service to Public Buildings or Covered Buildings shall maintain energy consumption data for each building for at least the most recent 36 months.
- (b) On and after ____ [set date when whole building energy data access shall be made accessible by the utility, if and when asked], upon the written or electronic request and authorization of a building owner, a utility shall provide the building owner with at least ____ [12] consecutive months of energy consumption data for the specified building in its entirety, including consumption data derived from readings of separate utility-grade meters that measure energy consumption in tenant-occupied spaces. The utility shall provide the data in the following manner:
 - i. Within ____ [14 days] of a request by the building owner; and
 - ii. In a format that enables building owners to analyze whole building energy data for the use of building energy benchmarking, preferably a format that is capable of being uploaded to the ENERGY STAR Portfolio Manager tool, or through the direct, secure upload to the ENERGY STAR Portfolio Manager account specified by the building owner.
- (c) Utilities may provide such data in a form that aggregates energy consumption data from tenant meters. Aggregated data shall be provided to the building owner without prior consent from tenants, provided that the data:
 - (a) Does not contain the individual identities of tenants or other personally identifying information;
 - (b) Does not contain additional customer-specific billing data; and
 - (c) Otherwise provides adequate protections for the security of the information and the privacy of the owner and tenants.

Section 3: Definitions

- (a) **Public Building** means any building that is owned by the ____ [state/county/city/town] and occupied for ____ [18 months] or a building where more than ____ rentable square feet is leased or rented by the ____ [state/county/city/town] and occupied for ____ [18 months].
- (b) **Covered building:** means any of the following structures:
 - i. Non Residential buildings as defined by ____ [state or relevant building code] and occupied for ____ [18 months].
 - ii. Any structure containing ____ or more dwelling units composed of occupancy types _____ [list appropriate] as defined by _____ [state or relevant building code] and occupied for ____ [18 months].

Draft legislative text is adapted from the July, 2011 NARUC resolution (available [here](#).) Find more resources on building energy data access at Data Access and Transparency Alliance (www.energydataalliance.org) and also at the Institute for Market Transformation (<http://www.imt.org/rating-utilities.html>). For a few examples of utilities that are unlocking building energy data to facilitate building energy benchmarking and investment in building energy efficiency, see this fact sheet: http://www.energydataalliance.org/wp-content/uploads/2011/07/DATA_Alliance-ABS_Fact_Sheet2.pdf