

# HOUSE BILL No. 5803

April 12, 2018, Introduced by Rep. Lower and referred to the Committee on Energy Policy.

A bill to amend 1939 PA 3, entitled

"An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts,"

(MCL 460.1 to 460.11) by adding section 10gg.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1        SEC. 10GG. (1) A CUSTOMER'S ENERGY USE DATA ARE PRIVATE AND  
2        CONFIDENTIAL, AND, EXCEPT AS PROVIDED IN THIS SECTION, BY STATUTE,  
3        OR ORDER ISSUED BY A COURT OF COMPETENT JURISDICTION, A UTILITY OR  
4        ITS AGENTS SHALL NOT SELL, RENT, OR SHARE THAT DATA WITHOUT THE  
5        PERMISSION OF THE CUSTOMER. A UTILITY MAY USE A CUSTOMER'S ENERGY  
6        USE DATA FOR ANY PURPOSE RELATED TO THE SUPPLY OF ELECTRICITY OR  
7        NATURAL GAS, BILLING, OR OTHER ENERGY-RELATED SERVICES. A UTILITY  
8        MAY REPORT DATA RELATING TO ELECTRIC OR COMPRESSED NATURAL GAS  
9        VEHICLE FUELING TO THE DEPARTMENT OF TREASURY. THE DEPARTMENT OF  
10       TREASURY SHALL USE THAT DATA STRICTLY FOR TAXATION PURPOSES AND  
11       SHALL NOT SHARE THAT DATA WITH LAW ENFORCEMENT WITHOUT A WARRANT,  
12       AND THAT DATA ARE EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF  
13       INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246, EXCEPT FOR  
14       AGGREGATE DATA USED FOR RESEARCH PURPOSES IN A NONIDENTIFYING  
15       MANNER. IN PROCEEDINGS BEFORE THE COMMISSION, A UTILITY MAY MAKE  
16       AVAILABLE DATA CONCERNING THE USAGE, LOAD SHAPE CURVE, OR OTHER  
17       GENERAL CHARACTERISTICS OF CUSTOMERS, IF INDIVIDUAL CUSTOMERS ARE  
18       NOT IDENTIFIED IN ASSOCIATION WITH THAT DATA. THE COMMISSION MAY  
19       ESTABLISH RULES UNDER THIS SUBSECTION TO PROTECT THE PRIVACY AND  
20       CONFIDENTIALITY OF CUSTOMER DATA.

21       (2) A UTILITY SHALL OFFER ALL OF THAT UTILITY'S CUSTOMERS  
22       ACCESS TO AN INTERACTIVE, ONLINE SERVICE THAT ASSISTS IN PROVIDING  
23       A SAFE AND SECURE METHOD FOR ACCESSING AND TRANSFERRING DETAILED  
24       CUSTOMER DATA. THE SERVICE MUST ALLOW A CUSTOMER TO GRANT ACCESS TO  
25       THAT CUSTOMER'S DATA TO THIRD PARTIES FOR ANALYSIS AND USE OF THAT  
26       CUSTOMER'S DATA.

27       (3) AS USED IN THIS SECTION, "UTILITY" MEANS A PERSON THAT

1 SELLS NATURAL GAS OR ELECTRICITY TO RETAIL CUSTOMERS IN THIS STATE  
2 AND THAT EITHER SELLS THE NATURAL GAS OR ELECTRICITY AT RATES  
3 REGULATED BY THE COMMISSION.