



Data Access: Sample Policy Language

[EPA's Benchmarking and Building Performance Standards Policy Toolkit](#) aims to inform and support state and local government decision makers who are exploring adopting policies focused on reducing energy use and greenhouse gas (GHG) emissions from existing commercial and multifamily buildings in their communities. This fact sheet provides sample policy language to support utility data access. State and local governments looking to adopt benchmarking policies could use this language to enable and make benchmarking easier for building owners. For more information on data access, see [Section 4](#) of the toolkit.

Based on its experience supporting state and local governments and utilities around the issue of data access for benchmarking, EPA has prepared model language for use by state-level authorities that are seeking to implement benchmarking policies. This sample language began with content drawn from existing statewide benchmarking legislation (e.g., California AB 802; Washington HB 1257) and expanded upon this language to address key considerations for deployment by affected utilities, which might otherwise be subject to competing interpretations during the development of implementing regulations. The intent is to help states develop unambiguous direction regarding the provision of energy data needed for benchmarking that legislators and regulators can use, taking into account the best practices and lessons learned from utilities that have already implemented data access solutions.

Sample Language

1. Utilities delivering energy to a covered property shall maintain whole-property energy consumption data for all buildings, for at least the most recent [xx]ⁱ months in an electronic format capable of being uploaded to ENERGY STAR Portfolio Manager.
2. On and after [date], upon the request and authorization of a property representative, a utility shall provide the property representative with at least [xx]ⁱⁱ consecutive months of energy consumption data for the specified property for all the fuel type(s) provided by the utility. Data must include total property energy consumption, accounting for all utility meters that measure energy consumption at the property, regardless of whether the associated accounts are paid by the property owner or the tenants. The utility shall provide the data to the requestor within [xx] days of receiving a data request, with the following considerations regarding format:
 - a. Data must be provided in an electronic format capable of being uploaded to ENERGY STAR Portfolio Manager, or through the direct, secure upload to an ENERGY STAR Portfolio Manager account specified by the property representative, using the Portfolio Manager Web Services application programming interface (API).
 - b. Energy consumption data must be provided in intervals that do not exceed 65 days. Utilities shall not provide electric or natural gas consumption data in quarterly or annual increments; however, this is allowable for any fuels that are delivered on an intermittent basis including fuel oil or diesel.
 - c. Where individual meters that are being aggregated have different start/end periods, that utility shall apply a calendarization approach consistent with that used by ENERGY STAR Portfolio Manager.
3. Utilities shall deliver data to the property representative in a manner that aggregates energy consumption data across all meters/accounts at the property. Prior to the delivery of aggregated consumption data, utilities shall coordinate with the property representative to identify and confirm the list of accounts and/or meters that will be used to calculate the aggregated total. In order to ensure accuracy and transparency over time, the utility will



maintain a record of all accounts/meters that populate a given property's aggregate consumption data in any given month. The utility shall ensure that this list does not contain individual tenant energy consumption.

4. For covered properties with [x]ⁱⁱⁱ or more tenants, utilities shall deliver to requestors the monthly aggregated energy usage data capturing total consumption of all relevant fuel(s) across all accounts/meters at the property. For properties with [x] or more tenants, this aggregate energy data shall not be deemed confidential information by the utility for purposes of delivery to the property representative, and therefore will not require explicit authorization for data release by the individual tenants. For covered properties with fewer than [x] tenants, utilities shall deliver aggregated energy to the property representative if the property tenants provide written or electronic consent for the delivery of the tenant's energy data to the property representative.
5. For covered properties that generate energy on-site using renewable energy systems, utilities must provide the property representative with data sufficient to calculate total gross electricity received by the property from the grid, regardless of net-metering arrangements. Utilities that provide property representatives with net-metered energy consumption data must also provide one or both of the following values:
 - a. Total electricity delivered by the utility to the property during a given monthly period, regardless of the quantity of energy delivered back to the grid by the property.
 - b. Total quantity of energy sent back to the grid by the property during a given monthly period.
6. Following initial upload of historical aggregate energy consumption data, the utility shall deliver ongoing aggregate consumption data at [monthly/quarterly]^{iv} intervals, subject to the specifications above, in order to facilitate continued benchmarking and the use of benchmarking data to identify and prioritize energy performance improvements over time.

ⁱ A minimum of 12 calendar months of complete, consecutive energy data is required for Portfolio Manager to generate benchmarking metrics. However, it is strongly recommended that utilities maintain data sufficient to generate whole-building aggregate consumption values for a longer period of time (e.g., 5 years or 60 months). This enables the utility to ensure that the initial data transfer can be completed upon request, and that any data corrections or re-bills for historical data can be accurately and efficiently reflected in updates to benchmarking data over time.

ⁱⁱ Best practice suggests that utilities should provide a minimum of 24 to 36 months of aggregate data upon initial upload. This ensures that building owners/operators will be able not only to benchmark the latest year's energy performance, but also to gain a sense of how current performance has changed from a historical baseline.

ⁱⁱⁱ A threshold-based approach for data aggregation is used as a means of maintaining individual tenant confidentiality. Common thresholds for aggregation range from three to five tenants.

^{iv} EPA's recommendation is for utilities to update energy consumption data on a monthly basis, consistent with benchmarking best practices.