

119TH CONGRESS
2D SESSION

H. R. 10284

To limit the use by certain State regulated electric utilities of certain data relating to the use of electric energy by electric consumers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 3, 2026

Mr. RILEY of New York (for himself and Mr. KENNEDY of Utah) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To limit the use by certain State regulated electric utilities of certain data relating to the use of electric energy by electric consumers, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Smart Meter Data Pri-
5 vacy Protection Act”.

6 **SEC. 2. PRIVACY PROTECTIONS FOR PERSONAL CONSUMP-**
7 **TION DATA.**

8 (a) PROHIBITION ON USE OF PERSONAL CONSUMP-
9 TION DATA.—A covered utility may not use (including to

1 license, sell, or otherwise monetize or use for commercial
2 purposes) the personal consumption data of an electric
3 consumer that the covered utility serves unless such use
4 is for an authorized operational purpose.

5 (b) ANNUAL REPORTS.—Each covered utility shall,
6 not later than 1 month after the end of each fiscal year
7 of the covered utility, submit to the Federal Trade Com-
8 mission a report on how the covered utility uses the per-
9 sonal consumption data of electric consumers that the cov-
10 ered utility serves, which shall include—

11 (1) what type of personal consumption data the
12 covered utility collected from electric consumers dur-
13 ing such fiscal year;

14 (2) how the covered utility used that personal
15 consumption data; and

16 (3) with whom the covered utility shared that
17 personal consumption data.

18 (c) PAYMENT FOR VIOLATIONS.—

19 (1) IN GENERAL.—If the Federal Trade Com-
20 mission determines that a covered utility used the
21 personal consumption data of an electric consumer
22 in violation of subsection (a), the covered utility
23 shall credit the bill of that electric consumer in an
24 amount that is 3 times the revenue attributable to
25 such use.

1 (2) LIMITATION.—In carrying out paragraph
2 (1), a covered utility may not recover, from any elec-
3 tric consumer that the covered utility serves, the
4 cost of any amount credited under such paragraph.

5 (3) CONSULTATION.—In carrying out this sub-
6 section, the Federal Trade Commission may consult
7 with the Federal Energy Regulatory Commission.

8 (d) ENFORCEMENT BY FEDERAL TRADE COMMIS-
9 SION.—

10 (1) UNFAIR AND DECEPTIVE ACTS OR PRAC-
11 TICES.—A violation of this section or a regulation
12 promulgated under such section shall be treated as
13 a violation of a regulation under section 18(a)(1)(B)
14 of the Federal Trade Commission Act (15 U.S.C.
15 57a(a)(1)(B)) regarding unfair or deceptive acts or
16 practices.

17 (2) POWERS OF COMMISSION.—The Federal
18 Trade Commission shall enforce this section and the
19 regulations promulgated under such section in the
20 same manner, by the same means, and with the
21 same jurisdiction, powers, and duties as though all
22 applicable terms and provisions of the Federal Trade
23 Commission Act (15 U.S.C. 41 et seq.) were incor-
24 porated into and made a part of this Act. Any per-
25 son who violates such section or a regulation pro-

1 mulgated under such section shall be subject to the
2 penalties and entitled to the privileges and immuni-
3 ties provided in the Federal Trade Commission Act.

4 (e) ACTIONS BY STATES.—

5 (1) IN GENERAL.—In any case in which the at-
6 torney general of a State has reason to believe that
7 an interest of the residents of such State has been
8 or is threatened or adversely affected by an act or
9 practice in violation of this section, or a regulation
10 promulgated under such section, the State, as
11 *parens patriae*, may bring a civil action on behalf of
12 the residents of the State in an appropriate State
13 court or an appropriate district court of the United
14 States to—

15 (A) enjoin such act or practice;

16 (B) enforce compliance with such section
17 or such regulation;

18 (C) obtain damages, restitution, or other
19 compensation on behalf of residents of the
20 State; or

21 (D) obtain such other legal and equitable
22 relief as the court may consider to be appro-
23 priate.

24 (2) NOTICE.—Before filing an action under this
25 subsection, the attorney general of the State involved

1 shall provide to the Federal Trade Commission a
2 written notice of such action and a copy of the com-
3 plaint for such action. If the attorney general deter-
4 mines that it is not feasible to provide the notice de-
5 scribed in this paragraph before the filing of the ac-
6 tion, the attorney general shall provide written no-
7 tice of the action and a copy of the complaint to the
8 Federal Trade Commission immediately upon the fil-
9 ing of the action.

10 (3) AUTHORITY OF FEDERAL TRADE COMMIS-
11 SION.—

12 (A) IN GENERAL.—On receiving notice
13 under paragraph (2) of an action under this
14 subsection, the Federal Trade Commission shall
15 have the right—

16 (i) to intervene in the action;

17 (ii) upon so intervening, to be heard
18 on all matters arising therein; and

19 (iii) to file petitions for appeal.

20 (B) LIMITATION ON STATE ACTION WHILE
21 FEDERAL ACTION IS PENDING.—If the Federal
22 Trade Commission or the Attorney General of
23 the United States has instituted a civil action
24 for violation of this section or a regulation pro-
25 mulgated under such section (referred to in this

1 subparagraph as the “Federal action”), no
2 State attorney general may bring an action
3 under this subsection during the pendency of
4 the Federal action against any defendant
5 named in the complaint in the Federal action
6 for any violation of such section or regulation
7 alleged in such complaint.

8 (4) RULE OF CONSTRUCTION.—For purposes of
9 bringing a civil action under this subsection, nothing
10 in this Act shall be construed to prevent an attorney
11 general of a State from exercising the powers con-
12 ferred on the attorney general by the laws of such
13 State to conduct investigations, administer oaths
14 and affirmations, or compel the attendance of wit-
15 nesses or the production of documentary and other
16 evidence.

17 (f) DATA SECURITY AND RETENTION.—The Federal
18 Trade Commission shall establish reasonable security and
19 retention standards for any personal consumption data
20 used for an authorized operational purpose.

21 (g) PREEMPTION.—This Act establishes a Federal
22 baseline and does not preempt State laws providing
23 stronger privacy protections for personal consumption
24 data.

25 (h) DEFINITIONS.—In this Act:

1 (1) AUTHORIZED OPERATIONAL PURPOSES.—

2 The term “authorized operational purposes” means
3 billing, outage management, electric grid reliability,
4 regulatory compliance, and electric consumer-author-
5 ized demand response programs.

6 (2) COVERED UTILITY.—The term “covered
7 utility” means a State regulated electric utility (as
8 such term is defined in section 3 of the Public Util-
9 ity Regulatory Policies Act of 1978 (16 U.S.C. 21
10 2602)) that is not wholly owned by United States
11 persons.

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

16 (4) PERSONAL CONSUMPTION DATA.—The term
17 “personal consumption data” means data collected
18 by a smart meter.

19 (5) SMART METER.—The term “smart meter”
20 means a digital device that records the use of elec-
21 tric energy by an electric consumer in near real time
22 and automatically communicates that data to a cov-
23 ered utility.

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