

VOTE "NO" ON SB 321

SB 321 would ban transparency of building energy data derived from city-based benchmarking and transparency ordinances in Georgia by expanding the definition of a trade secret to include utility data. This is in response to Atlanta's ordinance that makes above-average energy performance scores public.

SB 321 should be defeated for the following reasons:

SB 321 would dismantle a carefully crafted compromise ordinance passed by Atlanta.

The Atlanta Commercial Building Energy Efficiency Ordinance was crafted with thorough stakeholder input over eight months and represents a genuine compromise that SB 321 would dismantle.

SB 321 threatens every Georgia city's right to home rule.

Passing SB 321 would threaten the legitimacy of future negotiations made by city governments. For the state to preempt an inherently local issue (buildings) threatens every city's home rule authority.

SB 321 does not protect small businesses, because small businesses are not subject to benchmarking and transparency laws.

Buildings covered under the local ordinance have a minimum size of 25,000 square feet and an average size of 154,000 square feet. Neighborhood convenience stores and laundromats are not impacted by Atlanta's ordinance. These are big buildings - not small businesses.

Many businesses subject to Atlanta's benchmarking and transparency law support it.

Building owners Jamestown LP (headquartered in Atlanta) and national property management companies CBRE, Cushman & Wakefield, Transwestern, and JLL all supported the ordinance.



Utility energy data disclosed by Atlanta's benchmarking and transparency law are not trade secrets.

Generally, energy usage is not treated like a trade secret. Many energy meters are physically located on the outside of a building where anyone could physically examine it. To say that a building's normal energy data is itself a trade secret is like saying a car's mile-per-gallon (MPG) rating or a bag of Oreo's nutritional information is a trade secret. This is simply not the case. Notably, buildings with trade secret uses can receive an exemption from complying with Atlanta's benchmarking and transparency ordinance.

Transparency is a smart policy to correct the market.

Transparency of building energy performance leads to more competitive markets. It drives greater awareness of building efficiency in the marketplace, providing another data point to prospective tenants and investors.

Transparency helps building owners.

Transparency creates a "help us help you" situation where energy efficiency experts can focus their limited time and resources on building owners who could benefit the most from their services, driving down utility bills for building owners and potentially saving tens of thousands of dollars.

Ironically, SB 321 would actually hurt small businesses.

Banning transparency of energy data would mean small businesses in the energy efficiency industry would not have the data they need to target their outreach to the buildings that could benefit the most from their services. Estimates produced by two Georgia Tech energy policy experts indicate that the State of Georgia would lose 300 jobs annually and \$60 million per year in economic development opportunities if SB 321 passed.

**For all these reasons,
we urge you to vote NO on SB 321.**