

S.214

Introduced by Senator Hartwell

Referred to Committee on Finance

Date: January 3, 2012

Subject: Utilities; smart meters; customer rights

Statement of purpose: This bill proposes to require the public service board to establish terms and conditions governing the installation of wireless smart meters. The terms and conditions shall require an electric company to obtain a customer's written consent before installing a wireless smart meter on his or her property. The terms and conditions also shall require an electric company to remove, at no cost to the customer, an already installed wireless smart meter, if so requested by a customer.

An act relating to customer rights regarding smart meters

It is hereby enacted by the General Assembly of the State of Vermont:

~~Sec. 1. 30 V.S.A. § 2811 is added to read:~~

~~§ 2811. SMART METERS, CUSTOMER RIGHTS~~

~~(a) As used in this section, the following terms shall have the following meanings:~~

1 ~~(1) "Wired smart meter" means an advanced metering infrastructure~~
2 ~~analog device using a fixed wire for two-way communication between the~~
3 ~~device and an electric company.~~

4 ~~(2) "Wireless smart meter" means an advanced metering infrastructure~~
5 ~~device using radio or other wireless means for two-way communication~~
6 ~~between the device and an electric company.~~

7 ~~(b) An electric company may install a wireless smart meter only in a~~
8 ~~manner consistent with terms and conditions approved by the board. Upon~~
9 ~~petition by an electric company, the board shall open a proceeding to establish~~
10 ~~the terms and conditions under which the company may install wireless smart~~
11 ~~meters. The terms and conditions shall include provisions requiring an electric~~
12 ~~company to obtain a customer's written consent prior to the installation of a~~
13 ~~wireless smart meter on his or her property. The provisions also shall specify~~
14 ~~that a customer has the option of having a wired smart meter installed as an~~
15 ~~alternative to the wireless smart meter, at no additional cost.~~

16 Sec. 2. INSTALLED SMART METERS

17 ~~If an electric company has installed a wireless smart meter, as defined in~~
18 ~~30 V.S.A. § 2811(a)(2), prior to the effective date of this act, the public service~~
19 ~~board shall open a proceeding to establish terms and conditions governing any~~
20 ~~further installation of wireless smart meters by that company consistent with~~
21 ~~the requirements of 30 V.S.A. § 2811(b). The board also shall establish, in the~~

1 ~~same proceeding, procedures by which a customer who has an installed~~
2 ~~wireless smart meter may, at no cost to that customer, have the wireless smart~~
3 ~~meter removed and replaced with a meter that does not use wireless~~
4 ~~technology.~~

5 Sec. 3. EFFECTIVE DATE

6 ~~This act shall take effect on passage.~~

Sec. 1. 30 V.S.A. § 2811 is added to read:

§ 2811. SMART METERS; CUSTOMER RIGHTS; REPORTS

(a) Definitions. As used in this section, the following terms shall have the following meanings:

(1) "Smart meter" means a wired smart meter or a wireless smart meter.

(2) "Wired smart meter" means an advanced metering infrastructure device using a fixed wire for two-way communication between the device and an electric company.

(3) "Wireless smart meter" means an advanced metering infrastructure device using radio or other wireless means for two-way communication between the device and an electric company.

(b) Customer rights. Notwithstanding any law, order, or agreement to the contrary, an electric company may install a wireless smart meter on a customer's premises, provided the company:

(1) provides prior written notice to the customer indicating that the meter will use radio or other wireless means for two-way communication between the meter and the company and informing the customer of his or her rights under subdivisions (2) and (3) of this subsection;

(2) allows a customer to choose not to have a wireless smart meter installed, at no additional monthly or other charge, unless such charge is approved by the public service board pursuant to subsection (c) of this section; and

(3) allows a customer to require removal of a previously installed wireless smart meter for any reason and at an agreed-upon time, without incurring any charge for such removal.

(c) Fees. ~~Upon~~ Beginning April 15, 2013, upon full deployment of its advanced metering infrastructure, an electric company may charge an opt-out fee to customers who choose not to have a wireless smart meter installed, or who have a wireless smart meter removed, provided the fee is cost based and approved by the board.

(d) Reports. On or before March 1, 2013, the commissioner of public service shall publish a report itemizing the opt-out fees authorized for each electric company under subsection (c) of this section. On January 1, 2014 and again on January 1, 2016, the commissioner of public service shall publish a report on the energy savings realized through the use of smart meters, as well as on the occurrence of any breaches to a company's cyber security infrastructure. The reports shall be based on electric company data requested by and provided to the commissioner of public service and shall be in a form and in a manner the commissioner deems necessary to accomplish the purposes of this subsection. The reports shall be submitted to the senate committees on finance and on natural resources and energy and the house committees on commerce and economic development and on natural resources and energy.

(e) Health report. On or before January 15, 2013, the commissioner of health shall submit a report to the senate committee on finance and the house committee on commerce and economic development which shall include: an update of the department of health's 2012 report entitled "Radio Frequency Radiation and Health: Smart Meters"; a summary of the department's activities monitoring the deployment of wireless smart meters in Vermont, including a representative sample of postdeployment radio frequency level testing; and recommendations relating to evidence-based surveillance on the potential health effects of wireless smart meters.

Sec. 2. INSTALLED WIRELESS SMART METERS

If an electric company has installed a wireless smart meter, as defined in 30 V.S.A. § 2811(a)(3), prior to the effective date of this act, the company shall provide notice of the installation to the applicable customers, and such notice shall include a statement of customer rights as described under 30 V.S.A. § 2811(b).

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.