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S.213

An act relating to the use of advanced metering infrastructure devices

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

Sec. 1. 10 V.S.A. § 1671 is amended to read:

§ 1671. DEFINITIONS

As used in this chapter:

(1) “Drinking water” means noncarbonated water that is intended for human consumption or other consumer uses whether provided by a public water system or in a container, bottle, or package, or in bulk, including water used for production of ice, foodstuffs, or other products designed for human consumption.

(2) “Department” means the Department of Environmental Conservation.

(3) “Person” means any individual; partnership; company; corporation; cooperative; association; unincorporated association; joint venture; trust; the State of Vermont or any department, agency, subdivision, or municipality; the U.S. government or any department, agency, or subdivision; or any other legal or commercial entity.

(4) “Public water source” means any surface water or groundwater supply used as a source of drinking water for a public water system.

1 that measure, record, and transmit utility usage data at regular intervals and
2 enable two-way communication between the utility and the customer.

3 Sec. 2. 10 V.S.A. § 1672 is amended to read:

4 § 1672. AUTHORITY OF THE AGENCY OF NATURAL RESOURCES

5 (a) Except as provided in subsections (c) through (f) of this section, to
6 prevent and minimize public health hazards, the Secretary shall have authority
7 over and shall regulate the purity of drinking water; the adequacy,
8 construction, and operation of public water systems; public water sources; and
9 public water source protection areas.

10 * * *

11 (h) Upon request of the Secretary, the Cybersecurity Advisory Council
12 shall develop nonbinding guidance for public water systems regarding
13 generally accepted cybersecurity practices, including information relevant to
14 metering systems and customer data. On its own motion, the Cybersecurity
15 Advisory Council may at any time issue guidance for public water systems
16 regarding generally accepted cybersecurity practices. The Council may issue
17 guidance under this subsection as part of its annual report and in any other
18 outreach method utilized by the Council specific to public water systems or
19 other critical infrastructure systems.

1 Sec. 3. 10 V.S.A. § 1675 is amended to read:

2 § 1675. PERMITS; CONDITIONS; DURATION; SUSPENSION OF
3 REVOCATION

4 (a) Authority to issue, renew, or deny permit. The Secretary may issue,
5 renew, or deny a public water system permit required by this chapter. As part
6 of this authority, the Secretary may issue general operating permits for the
7 operation of transient noncommunity water systems.

8 * * *

9 (j) Advanced metering infrastructure device; customer rights. If a public
10 water system requires a user of the system to install a meter to measure usage,
11 the public water system may install an advanced metering infrastructure device
12 on a user's premises, provided that the public water system:

13 (1) provides prior written notice to the user indicating that the advanced
14 metering infrastructure device will use radio or other wireless means for two-
15 way communication between the device and the public water system and
16 informing the user of the user's rights under subdivisions (2) and (3) of this
17 subsection;

18 (2) allows a user to choose not to have an advanced metering
19 infrastructure device installed, provided that the public water system may
20 charge the user for the cost of the alternative device and any additional service

1 charge required for the public water system to operate the alternative device;

2 and

3 (3) allows a user to require removal of a previously installed advanced
4 metering infrastructure device for any reason and at an agreed-upon time,
5 without incurring any charge for such removal.

6 Sec. 4. 30 V.S.A. § 2811 is amended to read:

7 § 2811. ~~SMART METERS~~ ADVANCED METERING INFRASTRUCTURE
8 DEVICES; CUSTOMER RIGHTS; REPORTS

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

11 (1) ~~“Smart meter” means a wired smart meter or a wireless smart meter~~
12 “Advanced metering infrastructure device” means a meter or related
13 communications equipment that is part of an advanced metering infrastructure
14 system and enables measurement of utility usage and two-way communication
15 between the meter and the utility, and includes both wired and wireless
16 devices.

17 (2) ~~“Wired smart meter” means an advanced metering infrastructure~~
18 ~~device using a fixed wire for two-way communication between the device and~~
19 ~~an electric company~~ “Advanced metering infrastructure” or “AMI” means an
20 integrated system of meters, including communications and data management
21 systems that measure, record, and transmit utility usage data at regular

1 intervals and enable two-way communication between the utility and the
2 customer.

3 (3) ~~“Wireless smart meter” means an advanced metering infrastructure~~
4 ~~device using radio or other wireless means for two-way communication~~
5 ~~between the device and an electric company. [Repealed.]~~

6 (b) Customer rights. Notwithstanding any law, order, or agreement to the
7 contrary, an electric company may install a wireless ~~smart meter~~ advanced
8 metering infrastructure device on a customer’s premises, provided the
9 company:

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

15 (2) allows a customer to choose not to have a ~~wireless smart meter~~ an
16 advanced metering infrastructure device installed, ~~at no additional monthly or~~
17 ~~other charge~~ provided that the electric company may charge the customer for
18 the cost of the alternative device and any additional service charge required for
19 the electric company to operate the alternative device; and

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

4 ~~(c) Reports. On January 1, 2014 and again on January 1, 2016, the~~
5 ~~Commissioner of Public Service shall publish a report on the savings realized~~
6 ~~through the use of smart meters as well as on the occurrence of any breaches to~~
7 ~~a company's cyber security infrastructure. The reports shall be based on~~
8 ~~electric company data requested by and provided to the Commissioner of~~
9 ~~Public Service and shall be in a form and in a manner the Commissioner deems~~
10 ~~necessary to accomplish the purposes of this subsection. The reports shall be~~
11 ~~submitted to the Senate Committees on Finance and on Natural Resources and~~
12 ~~Energy and the House Committees on Commerce and Economic Development~~
13 ~~and on Energy and Technology.~~

14 ~~(d) Health report.~~

15 ~~(1) On or before January 15, 2013, the Commissioner of Health and the~~
16 ~~Commissioner of Public Service shall jointly submit a report to the Senate~~
17 ~~Committee on Finance and the House Committee on Commerce and Economic~~
18 ~~Development. The report shall include: an update of the Department of~~
19 ~~Health's 2012 report entitled "Radio Frequency Radiation and Health: Smart~~
20 ~~Meters"; a summary of the Department's activities monitoring the deployment~~
21 ~~of wireless smart meters in Vermont, including a representative sample of~~

1 ~~postdeployment radio frequency level testing; and recommendations relating to~~
2 ~~evidence-based surveillance on the potential health effects of wireless smart~~
3 ~~meters.~~

4 ~~(2) The Commissioner of Public Service, in consultation with the~~
5 ~~Commissioner of Health, shall select and retain an independent expert, not an~~
6 ~~employee of the State, to perform the research and writing of the report~~
7 ~~identified in subdivision (1) of this subsection. The Commissioner of Public~~
8 ~~Service may allocate the costs of retaining the independent expert to electric~~
9 ~~utilities in accordance with sections 20 and 21 of this title (particular~~
10 ~~proceedings; personnel; assessment of costs).~~

11 Sec. 5. EFFECTIVE DATE

12 This act shall take effect on passage.