

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Energy and Digital Infrastructure to which was referred
3 Senate Bill No. 213 entitled “An act relating to the use of advanced metering
4 infrastructure devices” respectfully reports that it has considered the same and
5 recommends that the House propose to the Senate that the bill be amended by
6 striking out all after the enacting clause and inserting in lieu thereof the
7 following:

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

9 § 1671. DEFINITIONS

10 As used in this chapter:

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

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

18 (3) “Person” means any individual; partnership; company;
19 corporation; cooperative; association; unincorporated association; joint
20 venture; trust; the State of Vermont or any department, agency, subdivision,

1 or municipality; the U.S. government or any department, agency, or
2 subdivision; or any other legal or commercial entity.

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

5 (5)(A) “Public water system” means any system, or combination of
6 systems owned or controlled by a person, that provides drinking water through
7 pipes or other constructed conveyances to the public and that:

8 (i) has at least 15 service connections; or

9 (ii) serves an average of at least 25 individuals for at least 60 days
10 a year.

11 (B) “Public water system” ~~shall also mean~~ means any part of a piped
12 system that does not provide drinking water, if use of such a part could affect
13 the quality or quantity of the drinking water supplied by the system. “Public
14 water system” ~~shall also mean~~ means a system that bottles drinking water for
15 public distribution and sale.

16 (6) “Secretary” means the Secretary of Natural Resources or the
17 Secretary’s designee.

18 * * *

19 (14) “Advanced metering infrastructure device” means a meter or
20 related communications equipment that is part of an advanced metering
21 infrastructure system and enables measurement of utility usage and two-way

1 communication between the meter and the utility, and includes both wired and
2 wireless devices. For purposes of this section, the term also includes an
3 automated meter-reading device that enables only one-way wireless
4 communication from the meter to the utility

5 (15) “Advanced metering infrastructure” or “AMI” means an integrated
6 system of meters, including communications and data management systems
7 that measure, record, and transmit utility usage data at regular intervals and
8 enable two-way communication between the utility and the customer.

9 Sec. 2. 10 V.S.A. § 1675 is amended to read:

10 § 1675. PERMITS; CONDITIONS; DURATION; SUSPENSION OF
11 REVOCATION

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

16 * * *

17 (j) Advanced metering infrastructure device; customer rights. If a public
18 water system requires a user of the system to install a meter to measure usage,
19 the public water system may install an advanced metering infrastructure device
20 on a user’s premises, provided that the public water system:

1 (1) provides prior written notice to the user indicating that the advanced
2 metering infrastructure device will use radio or other wireless means for
3 communication between the device and the public water system and informing
4 the user of the user’s rights under subdivisions (2) and (3) of this subsection;

5 (2) allows a user to choose not to have an advanced metering
6 infrastructure device installed;

7 (3) allows a user to require removal of a previously installed advanced
8 metering infrastructure device for any reason and at an agreed-upon time; and

9 (4) does not charge a user more than:

10 (A) the actual, incremental hardware cost of an alternative device;

11 (B) the average, direct labor costs for a single service visit for device
12 removal or installation, or both; and

13 (C) a recurring charge limited to the average, incremental, direct
14 labor costs specifically required to manually read or otherwise operate an
15 alternative device, which shall not include any fixed costs, administrative
16 overhead, or labor expenses already recovered through the public water
17 system’s general rates.

18 Sec. 3. 30 V.S.A. § 2811 is amended to read:

19 § 2811. ~~SMART METERS~~ ADVANCED METERING INFRASTRUCTURE

20 DEVICES; CUSTOMER RIGHTS; REPORTS

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

3 (1) ~~“Smart meter” means a wired smart meter or a wireless smart meter~~
4 “Advanced metering infrastructure device” means a meter or related
5 communications equipment that is part of an advanced metering infrastructure
6 system and enables measurement of utility usage and two-way communication
7 between the meter and the utility, and includes both wired and wireless
8 devices. For purposes of this section, the term also includes an automated
9 meter-reading device that enables only one-way wireless communication from
10 the meter to the utility.

11 (2) ~~“Wired smart meter” means an advanced metering infrastructure~~
12 ~~device using a fixed wire for two-way communication between the device and~~
13 ~~an electric company~~ “Advanced metering infrastructure” or “AMI” means an
14 integrated system of meters, including communications and data management
15 systems that measure, record, and transmit utility usage data at regular
16 intervals and enable two-way communication between the utility and the
17 customer.

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

1 (b) Customer rights. Notwithstanding any law, order, or agreement to the
2 contrary, an electric company may install a wireless ~~smart meter~~ advanced
3 metering infrastructure device on a customer's premises, provided the
4 company:

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

10 (2) allows a customer to choose not to have a ~~wireless smart meter~~ an
11 advanced metering infrastructure device installed, ~~at no additional monthly or~~
12 ~~other charge;~~ and

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

17 (4) does not charge a customer more than:

18 (A) the actual, incremental hardware cost of an alternative device;

19 (B) the average, direct labor costs for a single service visit for device

20 removal or installation, or both; and

1 (C) a recurring charge limited to the average, incremental, direct
2 labor costs specifically required to manually read or otherwise operate an
3 alternative device, which shall not include any fixed costs, administrative
4 overhead, or labor expenses already recovered through the electric company's
5 general rates.

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

16 ~~(d) Health report.~~

17 ~~(1) On or before January 15, 2013, the Commissioner of Health and the~~
18 ~~Commissioner of Public Service shall jointly submit a report to the Senate~~
19 ~~Committee on Finance and the House Committee on Commerce and Economic~~
20 ~~Development. The report shall include: an update of the Department of~~
21 ~~Health's 2012 report entitled "Radio Frequency Radiation and Health: Smart~~

1 Meters”; ~~a summary of the Department’s activities monitoring the deployment~~
2 ~~of wireless smart meters in Vermont, including a representative sample of~~
3 ~~postdeployment radio frequency level testing; and recommendations relating to~~
4 ~~evidence-based surveillance on the potential health effects of wireless smart~~
5 ~~meters.~~

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

13 Sec. 4. 20 V.S.A. § 4662 is amended to read:

14 § 4662. CYBERSECURITY ADVISORY COUNCIL

15 (a) Creation. There is created the Cybersecurity Advisory Council to
16 advise on the State’s cybersecurity infrastructure, best practices,
17 communications protocols, standards, training, and safeguards.

18 (b) Membership. The Council shall be composed of the following
19 members:

20 (1) the Chief Information Officer, who shall serve as the Chair or
21 appoint a designee from the Council to serve as the Chair;

1 (2) the Chief Information Security Officer;

2 (3) a representative from a distribution or transmission utility, appointed
3 by the Commissioner of Public Service;

4 (4) a representative from a State municipal water system, appointed by
5 the Secretary of Natural Resources;

6 (5) a representative from a Vermont hospital, appointed by the President
7 of the Vermont Association of Hospitals and Health Systems;

8 (6) a person representing a Vermont business related to an essential
9 supply chain, appointed by the Chair of the Vermont Business Roundtable;

10 (7) the Director of Vermont Emergency Management or designee;

11 (8) the Governor’s Homeland Security Advisor or designee;

12 (9) the Vermont Adjutant General or designee;

13 (10) the Attorney General or designee; ~~and~~

14 (11) the President of Vermont Information Technology Leaders or
15 designee;

16 (12) a representative from a telecommunications or internet service
17 provider, appointed by the Vermont Community Broadband Board;

18 (13) a representative from municipal government, appointed by the
19 Vermont League of Cities and Towns

20 (14) the Chair of the House Committee on Energy and Digital
21 Infrastructure;

1 (15) the Chair of the Senate Committee on Institutions; and

2 (16) a representative from the Judiciary, appointed by the Chief Justice

3 of the Supreme Court.

4 Sec. 5. EFFECTIVE DATE

5 This act shall take effect on passage.

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12 (Committee vote: _____)

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Representative _____

FOR THE COMMITTEE