

1 TO THE HONORABLE SENATE:

2 The Committee on Natural Resources and Energy to which was referred
3 Senate Bill No. 213 entitled “An act relating to the use of smart meters by
4 public water systems” respectfully reports that it has considered the same and
5 recommends that the bill be amended by striking out all after the enacting
6 clause and inserting in lieu thereof the following:

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

8 § 1671. DEFINITIONS

9 As used in this chapter:

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

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

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

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

5 * * *

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

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

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

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

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

5 § 2811. ~~SMART METERS~~ ADVANCED METERING INFRASTRUCTURE
6 DEVICES; CUSTOMER RIGHTS; REPORTS

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

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

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

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

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

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

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

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

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

11 ~~(d) Health report.~~

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

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

8 Sec. 5. EFFECTIVE DATE

9 This act shall take effect on passage.
10 and that after passage the title of the bill be amended to read: “An act
11 relating to the use of advanced metering infrastructure devices”

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(Committee vote: _____)

Senator _____
FOR THE COMMITTEE