

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

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

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

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

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

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

16                                   \* \* \*

17           (14) “Advanced metering infrastructure device” means a wired  
18 advanced metering infrastructure device or a wireless advanced metering  
19 infrastructure device.

(16) “Wireless advanced metering infrastructure device” means equipment using radio or other wireless means for two-way communication between the equipment and a public water system.

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

\* \* \*

(1) provides prior written notice to the user indicating that the wireless advanced metering infrastructure device will use radio or other wireless means

1 for two-way communication between the **device** and the public water system  
2 and informing the user of the user’s rights under subdivisions (2) and (3) of  
3 this subsection;

4 (2) allows a user to choose not to have a **wireless advanced metering**  
5 **infrastructure device** installed, provided that the public water system may  
6 charge the user for the cost of the alternative **device** and any additional service  
7 charge required for the public water system to operate the alternative **device**;  
8 and

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

12 (k) Cybersecurity measures. **The Secretary, after consultation with the**  
13 **Secretary of Digital Services, shall issue guidance to public water systems**  
14 **regarding the implementation and administration of industry-appropriate**  
15 **cybersecurity measures.** As a condition of a permit issued under this chapter, a  
16 public water system shall seek necessary guidance from the Secretary  
17 regarding implementation of cybersecurity measures.

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”~~ “Advanced metering infrastructure device” means a  
4 ~~wired smart meter or a wireless smart meter~~ wired advanced metering  
5 infrastructure device or a wireless advanced metering infrastructure device.

6 (2) ~~“Wired smart meter”~~ means an advanced metering infrastructure  
7 device” means equipment using a fixed wire for two-way communication  
8 between the device equipment and an electric company.

9 (3) ~~“Wireless smart meter”~~ means an advanced metering infrastructure  
10 device” means equipment using radio or other wireless means for two-way  
11 communication between the device equipment and an electric company.

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

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

20 (2) allows a customer to choose not to have a wireless ~~smart meter~~  
21 advanced metering infrastructure device installed, at no additional monthly or

1 ~~other charge provided that the electric company may charge the customer for~~  
2 ~~the cost of the alternative device and any additional service charge required for~~  
3 ~~the electric company to operate the alternative device;~~ and

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

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

18 ~~(d) Health report.~~

19 ~~(1) On or before January 15, 2013, the Commissioner of Health and the~~  
20 ~~Commissioner of Public Service shall jointly submit a report to the Senate~~  
21 ~~Committee on Finance and the House Committee on Commerce and Economic~~

1 ~~Development. The report shall include: an update of the Department of~~  
2 ~~Health's 2012 report entitled "Radio Frequency Radiation and Health: Smart~~  
3 ~~Meters"; a summary of the Department's activities monitoring the deployment~~  
4 ~~of wireless smart meters in Vermont, including a representative sample of~~  
5 ~~postdeployment radio frequency level testing; and recommendations relating to~~  
6 ~~evidence-based surveillance on the potential health effects of wireless smart~~  
7 ~~meters.~~

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

15 Sec. 4. EFFECTIVE DATE

16 This act shall take effect on passage.  
17 ~~and that after passage the title of the bill be amended to read "An act~~  
18 ~~relating to the use of advanced metering infrastructure devices"~~

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3 (Committee vote: \_\_\_\_\_)

4

\_\_\_\_\_

5

Senator \_\_\_\_\_

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FOR THE COMMITTEE