

4354--A

2015-2016 Regular Sessions

I N A S S E M B L Y

January 30, 2015

Introduced by M. of A. DenDEKKER, ABINANTI, SKARTADOS, RAIA -- Multi-Sponsored by -- M. of A. ROZIC -- read once and referred to the Committee on Energy -- recommitted to the Committee on Energy in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public service law, in relation to advanced metering infrastructure devices for residential services

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The public service law is amended by adding a new section
2 67-b to read as follows:
3 S 67-B. ADVANCED METERING INFRASTRUCTURE DEVICES FOR ELECTRIC AND GAS
4 SERVICES. 1. THE COMMISSION SHALL NOT ALLOW FOR THE INSTALLATION OF ANY
5 ADVANCED METERING INFRASTRUCTURE (AMI) DEVICE BY AN ELECTRIC AND/OR GAS
6 CORPORATION UNLESS SUCH DEVICE MEETS OR EXCEEDS THE FOLLOWING STANDARDS
7 FOR AMI PERFORMANCE AND SAFETY, WHICH SHALL INCLUDE:
8 (A) FEDERAL COMMUNICATIONS COMMISSION STANDARDS FOR INTENTIONAL AND
9 UNINTENTIONAL RADIO FREQUENCY EMISSIONS AND ANY OTHER RELEVANT STANDARDS
10 RELATED TO RADIO FREQUENCY EXPOSURE;
11 (B) AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI) SPECIFICATIONS FOR
12 METER ACCURACY AND PERFORMANCE; AND
13 (C) ANY OTHER STANDARDS, REQUIREMENTS AND GUIDELINES ESTABLISHED BY
14 THE COMMISSION TO PROTECT CUSTOMER HEALTH AND SAFETY AND ENSURE, TO THE
15 FULLEST EXTENT POSSIBLE, THE PROTECTION AND ENCRYPTION OF CUSTOMER
16 PERSONAL, FINANCIAL AND ENERGY USAGE INFORMATION. THE COMMISSION SHALL
17 PROMULGATE REGULATIONS NECESSARY TO EFFECTUATE THIS SUBDIVISION.
18 2. FOR PURPOSES OF THIS SECTION ADVANCED METERING INFRASTRUCTURE SHALL
19 INCLUDE:
20 (A) A ONE-WAY SMART METER, WHICH SHALL MEAN A DEVICE DESIGNED TO
21 UTILIZE ONE-WAY COMMUNICATIONS SYSTEMS, INCLUDING BUT NOT LIMITED TO:

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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(I) POWER LINE CARRIER; (II) RADIO FREQUENCY; (III) WIRELESS FIDELITY NETWORK; (IV) TELEPHONY; AND (V) THE INTERNET TO TRANSMIT CUSTOMER USAGE DATA TO AN ELECTRIC AND/OR GAS CORPORATION FOR THE PURPOSES OF BILLING; AND BE DESIGNED TO BE CAPABLE OF MEASURING AND STORING CUSTOMER ELECTRIC AND/OR GAS USAGE DATA, INCLUDING TIME OF USE IN REAL TIME; OR

(B) TWO-WAY SMART METER, WHICH SHALL MEAN A DEVICE THAT IS DESIGNED TO UTILIZE TWO-WAY COMMUNICATIONS SYSTEMS, INCLUDING BUT NOT LIMITED TO:

(I) RADIO FREQUENCY; (II) WIRELESS FIDELITY NETWORK; OR (III) THE INTERNET TO TRANSMIT ELECTRIC USAGE AND PRICING DATA BETWEEN AN ELECTRIC AND/OR GAS CORPORATION AND ITS CUSTOMERS, WHERE SUCH DEVICE IS CAPABLE OF (A) MEASURING USAGE DATA AND TRANSMITTING SUCH DATA IN INTERVALS OF AT LEAST ONCE PER DAY; (B) RECEIVING IN REAL-TIME, PER-KILOWATT HOUR (KWH) AND/OR PER (THERM) GAS AND ELECTRIC SUPPLY AND DELIVERY RATES; (C) DETECTING CUSTOMER SERVICE DISRUPTIONS AND TRANSMITTING SUCH INFORMATION TO AN ELECTRIC AND/OR GAS CORPORATION; AND (D) STORING CUSTOMER USAGE DATA.

3. IT SHALL BE THE RIGHT OF EVERY CUSTOMER OF AN ELECTRIC AND/OR GAS CORPORATION, AT NO PENALTY, FEE OR SERVICE CHARGE TO DECLINE THE PERMISSION OF HIS OR HER ELECTRIC AND/OR GAS CORPORATION, (A) TO REPLACE AN EXISTING METER AT SUCH CUSTOMER'S PREMISES THAT IS ASSIGNED TO SUCH CUSTOMER'S ACCOUNT WITH A TWO-WAY SMART METER OR (B) TO INSTALL ANY TWO-WAY SMART METER DEVICE AT HIS OR HER PROPERTY WITHOUT SUCH CUSTOMER'S CONSENT.

4. AN ELECTRIC AND/OR GAS CORPORATION MAY NOT INSTALL A TWO-WAY SMART METER ON A CUSTOMER'S PREMISES THAT IS ASSIGNED TO SUCH CUSTOMER'S ACCOUNT UNLESS IT SHALL PROVIDE WRITTEN NOTICE TO THE CUSTOMER NO LESS THAN NINETY DAYS PRIOR TO THE SCHEDULED INSTALLATION OF SUCH METER. SUCH NOTICE SHALL PROVIDE THAT:

(A) THE CUSTOMER SHALL HAVE THE RIGHT TO DECLINE HIS OR HER ELECTRIC AND/OR GAS CORPORATION FROM INSTALLING A TWO-WAY SMART METER WITH NO FEE, PENALTY OR SERVICE CHARGE;

(B) THE CUSTOMER MAY, AT ANY POINT DURING A PERIOD OF THREE HUNDRED SIXTY-FIVE DAYS FOLLOWING THE INSTALLATION OF A TWO-WAY SMART METER, REQUIRE THE REMOVAL OF SUCH DEVICE WITH NO FEE, PENALTY OR SERVICE CHARGE;

(C) THE CUSTOMER MAY BE LIABLE FOR A FEE TO BE DETERMINED BY THE COMMISSION FOR THE REMOVAL OF A TWO-WAY SMART METER DEVICE IF THE CUSTOMER REQUESTS THE REMOVAL MORE THAN THREE HUNDRED SIXTY-FIVE DAYS FOLLOWING THE INSTALLATION OF SUCH METER AT HIS OR HER PREMISES.

S 2. This act shall take effect immediately.