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I N  A S S E M B L Y

April 28, 2016

Introduced by M. of A. DenDEKKER -- read once and referred to the Committee on Energy

AN ACT to amend the public service law, in relation to advanced metering infrastructure

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

Section 1. The public service law is amended by adding a new section 67-b to read as follows:

S 67-B. ADVANCED METERING INFRASTRUCTURE DEVICES FOR ELECTRIC AND GAS SERVICES. 1. THE COMMISSION SHALL NOT ALLOW THE INSTALLATION OF ANY ADVANCED METERING INFRASTRUCTURE (AMI) DEVICE BY AN ELECTRIC AND/OR GAS CORPORATION UNLESS SUCH DEVICE MEETS OR EXCEEDS THE FOLLOWING STANDARDS FOR AMI PERFORMANCE AND SAFETY, WHICH SHALL INCLUDE:

(A) FEDERAL COMMUNICATIONS COMMISSION STANDARDS FOR INTENTIONAL AND UNINTENTIONAL RADIO FREQUENCY EMISSIONS AND ANY OTHER RELEVANT STANDARDS RELATED TO RADIO FREQUENCY EXPOSURE;

(B) AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI) SPECIFICATIONS FOR METER ACCURACY AND PERFORMANCE; AND

(C) ANY OTHER STANDARDS, REQUIREMENTS AND GUIDELINES ESTABLISHED BY THE COMMISSION TO PROTECT CUSTOMER HEALTH AND SAFETY AND ENSURE, TO THE FULLEST EXTENT POSSIBLE, THE PROTECTION AND ENCRYPTION OF CUSTOMER PERSONAL, FINANCIAL AND ENERGY USAGE INFORMATION. THE COMMISSION SHALL PROMULGATE REGULATIONS NECESSARY TO EFFECTUATE THIS SUBDIVISION.

2. FOR PURPOSES OF THIS SECTION ADVANCED METERING INFRASTRUCTURE SHALL INCLUDE:

(A) A ONE-WAY SMART METER, WHICH SHALL MEAN A DEVICE DESIGNED TO UTILIZE ONE-WAY COMMUNICATIONS SYSTEMS, INCLUDING BUT NOT LIMITED TO: (I) POWER LINE CARRIER; (II) RADIO FREQUENCY; (III) WIRELESS FIDELITY NETWORK; (IV) TELEPHONY; AND (V) THE INTERNET TO TRANSMIT CUSTOMER USAGE DATA TO A UTILITY 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) A TWO-WAY SMART METER, WHICH SHALL MEAN A DEVICE THAT IS DESIGNED TO UTILIZE TWO-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) 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.

5. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISIONS THREE AND FOUR OF THIS SECTION, IN THE CASE OF A MULTIPLE DWELLING, AS DEFINED IN SUBDIVISION SEVEN OF SECTION FOUR OF THE MULTIPLE DWELLING LAW, A CONDOMINIUM OR COOPERATIVE, AN ELECTRIC AND/OR GAS CORPORATION SHALL NOT INSTALL ONE OR MORE TWO-WAY SMART METERS IN SUCH A STRUCTURE WHERE SUCH TYPE OF METERS HAVE NOT BEEN PREVIOUSLY UTILIZED (A) UNLESS IT SHALL PROVIDE WRITTEN NOTICE TO EACH CUSTOMER OF RECORD NO LESS THAN ONE HUNDRED EIGHTY DAYS PRIOR TO THE SCHEDULED INSTALLATION OF SUCH METERS AND (B) WHERE MORE THAN THIRTY PERCENT OF THE CUSTOMERS OF RECORD RESIDING IN SUCH A STRUCTURE AT THE TIME OF NOTICE DECLINE A TWO-WAY SMART METER INSTALLATION WITHIN NINETY DAYS OF THE NOTICE PROVIDED IN PARAGRAPH (A) OF THIS SUBDIVISION.

6. THE NOTICE REQUIRED PURSUANT TO SUBDIVISION FIVE OF THIS SECTION SHALL INFORM EACH CUSTOMER OF RECORD OF HIS OR HER ELECTRIC AND/OR GAS CORPORATION'S TWO-WAY SMART METER INSTALLATION PLAN FOR SUCH STRUCTURE AND PROVIDE INSTRUCTIONS ON HOW A CUSTOMER MAY DECLINE INSTALLATION. THE ELECTRIC AND/OR GAS CORPORATION SHALL MAINTAIN A RECORD OF ALL RESPONSES IT RECEIVES FOR A PERIOD OF NO LESS THAN THREE YEARS.

S 2. The public service law is amended by adding a new section 89-q to read as follows:

S 89-Q. ADVANCED METERING INFRASTRUCTURE DEVICES FOR WATER-WORKS SERVICES. 1. THE COMMISSION SHALL NOT APPROVE THE INSTALLATION OF ANY ADVANCED METERING INFRASTRUCTURE (AMI) DEVICE BY A WATER-WORKS CORPO-

RATION UNLESS SUCH DEVICE MEETS OR EXCEEDS THE FOLLOWING STANDARDS FOR AMI PERFORMANCE AND SAFETY, WHICH SHALL INCLUDE:

(A) FEDERAL COMMUNICATIONS COMMISSION STANDARDS FOR INTENTIONAL AND UNINTENTIONAL RADIO FREQUENCY EMISSIONS AND ANY OTHER RELEVANT STANDARDS RELATED TO RADIO FREQUENCY EXPOSURE;

(B) AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI) SPECIFICATIONS FOR METER ACCURACY AND PERFORMANCE; AND

(C) ANY OTHER STANDARDS, REQUIREMENTS AND GUIDELINES ESTABLISHED BY THE COMMISSION TO PROTECT CUSTOMER HEALTH AND SAFETY AND ENSURE, TO THE FULLEST EXTENT POSSIBLE, THE PROTECTION AND ENCRYPTION OF CUSTOMER PERSONAL, FINANCIAL AND WATER USAGE INFORMATION. THE COMMISSION SHALL PROMULGATE REGULATIONS NECESSARY TO EFFECTUATE THIS SUBDIVISION.

2. FOR PURPOSES OF THIS SECTION ADVANCED METERING INFRASTRUCTURE SHALL INCLUDE:

(A) A ONE-WAY SMART METER, WHICH SHALL MEAN A DEVICE DESIGNED TO UTILIZE ONE-WAY COMMUNICATIONS SYSTEMS, INCLUDING BUT NOT LIMITED TO: (I) POWER LINE CARRIER; (II) RADIO FREQUENCY; (III) WIRELESS FIDELITY NETWORK; (IV) TELEPHONY; AND (V) THE INTERNET TO TRANSMIT CUSTOMER USAGE DATA TO A WATER-WORKS FOR THE PURPOSES OF BILLING; AND BE DESIGNED TO BE CAPABLE OF MEASURING AND STORING CUSTOMER WATER USAGE DATA, INCLUDING TIME OF USE IN REAL TIME; OR

(B) A 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 A WATER-WORKS 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, WATER SUPPLY AND DELIVERY RATES; (C) DETECTING CUSTOMER SERVICE DISRUPTIONS AND TRANSMITTING SUCH INFORMATION TO A WATER-WORKS CORPORATION; AND (D) STORING CUSTOMER USAGE DATA.

3. IT SHALL BE THE RIGHT OF EVERY CUSTOMER OF A WATER-WORKS CORPORATION, AT NO PENALTY, FEE OR SERVICE CHARGE (A) TO DECLINE THE PERMISSION OF HIS OR HER WATER-WORKS CORPORATION 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. A WATER-WORKS 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 WATER-WORKS 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.

5. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISIONS THREE AND FOUR OF THIS SECTION, IN THE CASE OF A MULTIPLE DWELLING, AS DEFINED IN SUBDIVISION SEVEN OF SECTION FOUR OF THE MULTIPLE DWELLING LAW, A CONDOMINIUM

OR COOPERATIVE, A WATER-WORKS CORPORATION SHALL NOT INSTALL ONE OR MORE TWO-WAY SMART METERS IN SUCH A STRUCTURE WHERE SUCH TYPE OF METERS HAVE NOT BEEN PREVIOUSLY UTILIZED (A) UNLESS IT SHALL PROVIDE WRITTEN NOTICE TO EACH CUSTOMER OF RECORD NO LESS THAN ONE HUNDRED EIGHTY DAYS PRIOR TO THE SCHEDULED INSTALLATION OF SUCH METERS AND (B) WHERE MORE THAN THIRTY PERCENT OF THE CUSTOMERS OF RECORD RESIDING IN SUCH A STRUCTURE AT THE TIME OF THE NOTICE DECLINE TWO-WAY SMART METER INSTALLATION WITHIN NINETY DAYS OF THE NOTICE PROVIDED IN PARAGRAPH (A) OF THIS SUBDIVISION.

6. THE NOTICE REQUIRED PURSUANT TO SUBDIVISION FIVE OF THIS SECTION SHALL INFORM EACH CUSTOMER OF RECORD OF HIS OR HER WATER-WORKS CORPORATION'S TWO-WAY SMART METER INSTALLATION PLAN FOR SUCH STRUCTURE AND PROVIDE INSTRUCTIONS ON HOW A CUSTOMER MAY DECLINE INSTALLATION. THE WATER-WORKS CORPORATION SHALL MAINTAIN A RECORD OF ALL RESPONSES IT RECEIVES FOR A PERIOD OF NO LESS THAN THREE YEARS.

S 3. This act shall take effect immediately.