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I N   A S S E M B L Y

April 28, 2016

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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 ASSEM-  
BLY, 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 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:

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

27    (B) A TWO-WAY SMART METER, WHICH SHALL MEAN A DEVICE THAT IS DESIGNED  
28    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 INTER-NET 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-

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

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

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

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

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

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

22 (B) A TWO-WAY SMART METER, WHICH SHALL MEAN A DEVICE THAT IS DESIGNED  
23 TO UTILIZE TWO-WAY COMMUNICATIONS SYSTEMS, INCLUDING BUT NOT LIMITED TO:  
24 (I) RADIO FREQUENCY; (II) WIRELESS FIDELITY NETWORK; OR (III) THE INTER-  
25 NET TO TRANSMIT ELECTRIC USAGE AND PRICING DATA BETWEEN A WATER-WORKS  
26 CORPORATION AND ITS CUSTOMERS, WHERE SUCH DEVICE IS CAPABLE OF (A) MEAS-  
27 URING USAGE DATA AND TRANSMITTING SUCH DATA IN INTERVALS OF AT LEAST  
28 ONCE PER DAY; (B) RECEIVING IN REAL-TIME, WATER SUPPLY AND DELIVERY  
29 RATES; (C) DETECTING CUSTOMER SERVICE DISRUPTIONS AND TRANSMITTING SUCH  
30 INFORMATION TO A WATER-WORKS CORPORATION; AND (D) STORING CUSTOMER USAGE  
31 DATA.

32 3. IT SHALL BE THE RIGHT OF EVERY CUSTOMER OF A WATER-WORKS CORPO-  
33 RATION, AT NO PENALTY, FEE OR SERVICE CHARGE (A) TO DECLINE THE PERMIS-  
34 SION OF HIS OR HER WATER-WORKS CORPORATION TO REPLACE AN EXISTING METER  
35 AT SUCH CUSTOMER'S PREMISES THAT IS ASSIGNED TO SUCH CUSTOMER'S ACCOUNT  
36 WITH A TWO-WAY SMART METER, OR (B) TO INSTALL ANY TWO-WAY SMART METER  
37 DEVICE AT HIS OR HER PROPERTY WITHOUT SUCH CUSTOMER'S CONSENT.

38 4. A WATER-WORKS CORPORATION MAY NOT INSTALL A TWO-WAY SMART METER ON  
39 A CUSTOMER'S PREMISES THAT IS ASSIGNED TO SUCH CUSTOMER'S ACCOUNT UNLESS  
40 IT SHALL PROVIDE WRITTEN NOTICE TO THE CUSTOMER NO LESS THAN NINETY DAYS  
41 PRIOR TO THE SCHEDULED INSTALLATION OF SUCH METER. SUCH NOTICE SHALL  
42 PROVIDE THAT:

43 (A) THE CUSTOMER SHALL HAVE THE RIGHT TO DECLINE HIS OR HER  
44 WATER-WORKS CORPORATION FROM INSTALLING A TWO-WAY SMART METER WITH NO  
45 FEE, PENALTY OR SERVICE CHARGE;

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

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

54 5. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISIONS THREE AND FOUR OF  
55 THIS SECTION, IN THE CASE OF A MULTIPLE DWELLING, AS DEFINED IN SUBDIVI-  
56 SION SEVEN OF SECTION FOUR OF THE MULTIPLE DWELLING LAW, A CONDOMINIUM

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

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

15 S 3. This act shall take effect immediately.