S T A T E O F N E W Y O R K

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I N A S S E M B L Y

(PREFILED)

January 6, 2010

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

AN ACT to amend the energy law, in relation to the installation of smart or advanced meters

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

Section 1. The energy law is amended by adding a new article 23 to read as follows:

ARTICLE 23

RESIDENTIAL ENERGY

SECTION 23-101. DEFINITIONS.

23-102. SMART OR ADVANCED METERS.

S 23-101. DEFINITIONS. FOR THE PURPOSES OF THIS ARTICLE, THE FOLLOWING WORDS AND PHRASES SHALL HAVE THE FOLLOWING MEANINGS:

1. "MASTER METER." A METER THAT MEASURES ENERGY USAGE IN A BUILDING OCCUPIED BY MORE THAN ONE TENANT USING A COMMON UTILITY METER.

2. "SMART METER" OR "ADVANCED METER." A METERING DEVICE THAT HAS THE FOLLOWING CAPABILITIES:

(A) IS COUPLED WITH AN IN-HOME DISPLAY DEVICE THAT CAN DISPLAY REAL TIME USAGE OR DEMAND AND REAL TIME PRICING IN USEFUL COMPARISONS INCLUDING, BUT NOT LIMITED TO, MEANS SUCH AS SIDE BY SIDE BAR GRAPHS OR COLOR CODED SYSTEMS THAT REFLECT CHANGING UTILITY DEMAND AND PRICING;

(B) RECORDS, STORES AND INTERPRETS KILOWATT PER HOUR USER RATES IN ONE-HALF HOUR INTERVALS;

(C) COMMUNICATES REAL TIME PRICING THRESHOLDS TO HOME APPLIANCES TO REDUCE APPLIANCE USAGE AS DETERMINED BY THE RATEPAYER OR IN AGREEMENTS WITH AN ENERGY PROVIDER;

(D) READS REMOTELY OR RECEIVES DATA FROM A COMMUNICATION SYSTEM, INCLUDING, BUT NOT LIMITED TO, THE INTERNET, WIRELESS FIDELITY NETWORK, BROADBAND OVER POWER LINE, POWER LINE CARRIER, ETHERNET, PHONE LINE, WIRELESS CELL PHONE LINE OR RADIO FREQUENCY;

(E) STORES USAGE DATA UP TO THREE MONTHS;

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

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(F) DETECTS A LOSS OF POWER TO A CUSTOMER WITH IMMEDIATE COMMUNICATION OF SUCH LOSS TO THE ENERGY PROVIDER; AND

(G) PROVIDES ANALYSIS ON DATA SUCH AS HISTORICAL CONSUMPTION PATTERNS, UTILIZATION RATES, POWER OUTAGES, PEAK DEMAND TIMES AND POWER REQUIREMENTS, COSTS PER KILOWATT HOUR, PRICING, AND USAGE HISTORY.

S 23-102. SMART OR ADVANCED METERS. 1. TENANTS OF RESIDENTIAL RENTAL BUILDINGS MAY REQUEST THAT A SMART OR ADVANCED METER BE INSTALLED IN CASES WHERE THE BUILDING THEY OCCUPY IS BEING CONVERTED FROM A MASTER METER TO AN ELECTRIC OR GAS METER THAT MEASURES USAGE OF ANY END-USE CUSTOMER OF ELECTRICITY OR GAS SERVICES.

2. WHERE A TENANT REQUESTS TO HAVE A SMART OR ADVANCED METER INSTALLED AS PROVIDED IN SUBDIVISION ONE OF THIS SECTION, THE LANDLORD/OWNER SHALL INSTALL SUCH METER AND THE TENANT SHALL BEAR ANY COSTS ASSOCIATED WITH THE PURCHASE AND INSTALLATION OF THE ADVANCED OR SMART METER THAT ARE IN EXCESS OF COSTS ASSOCIATED WITH THE PURCHASE AND INSTALLATION OF THE ELECTRIC OR GAS METER ORIGINALLY PROPOSED TO BE USED IN THE CONVERSION FROM THE MASTER METER.

S 2. This act shall take effect immediately.