

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

6 (B) TWO-WAY SMART METER, WHICH SHALL MEAN A DEVICE THAT IS DESIGNED TO  
7 UTILIZE TWO-WAY COMMUNICATIONS SYSTEMS, INCLUDING BUT NOT LIMITED TO:  
8 (I) RADIO FREQUENCY; (II) WIRELESS FIDELITY NETWORK; OR (III) THE INTER-  
9 NET TO TRANSMIT ELECTRIC USAGE AND PRICING DATA BETWEEN AN ELECTRIC  
10 AND/OR GAS CORPORATION AND ITS CUSTOMERS, WHERE SUCH DEVICE IS CAPABLE  
11 OF (A) MEASURING USAGE DATA AND TRANSMITTING SUCH DATA IN INTERVALS OF  
12 AT LEAST ONCE PER DAY; (B) RECEIVING IN REAL-TIME, PER-KILOWATT HOUR  
13 (KWH) AND/OR PER (THERM) GAS AND ELECTRIC SUPPLY AND DELIVERY RATES; (C)  
14 DETECTING CUSTOMER SERVICE DISRUPTIONS AND TRANSMITTING SUCH INFORMATION  
15 TO AN ELECTRIC AND/OR GAS CORPORATION; AND (D) STORING CUSTOMER USAGE  
16 DATA.

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

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

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

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

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

40 S 2. This act shall take effect immediately.