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

February 5, 2016

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

AN ACT to amend the public service law, in relation to authority of an electric utility customer to decline or remove digital smart meters

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. RIGHT TO DECLINE OR REMOVE DIGITAL SMART METERS. 1. FOR THE PURPOSES OF THIS SECTION, THE TERM "DIGITAL SMART METER" SHALL MEAN AN ADVANCED METERING INFRASTRUCTURE DEVICE TO MEASURE ELECTRICITY CONSUMPTION THAT USES RADIO FREQUENCY METHODS OF WIRELESS COMMUNICATION TO REPORT SUCH CONSUMPTION.

2. AN ELECTRIC UTILITY SHALL SEND BY MAIL TO EACH RETAIL ELECTRIC SERVICE CUSTOMER SCHEDULED TO RECEIVE A DIGITAL SMART METER THAT EMITS RADIO WAVES A NOTICE TO INFORM THE CUSTOMER THAT THE CUSTOMER MAY DECLINE TO HAVE SUCH METER INSTALLED AND OF THE MANNER IN WHICH THE CUSTOMER MAY DECLINE THE INSTALLATION. THE NOTICE MAY BE INCLUDED IN A CUSTOMER'S MONTHLY BILL. THE NOTICE SHALL PROVIDE A PERIOD OF AT LEAST THIRTY DAYS AFTER THE DATE THE CUSTOMER IS EXPECTED TO RECEIVE THE NOTICE DURING WHICH THE CUSTOMER MAY NOTIFY THE ELECTRIC UTILITY OF THE CUSTOMER'S CHOICE TO DECLINE THE INSTALLATION OF SUCH DIGITAL SMART METER.

3. IF A RETAIL ELECTRIC SERVICE CUSTOMER NOTIFIES THE ELECTRIC UTILITY THAT THE CUSTOMER DECLINES TO HAVE THE DIGITAL SMART METER INSTALLED DURING THE PERIOD STATED IN THE NOTICE, THE ELECTRIC UTILITY:

(A) MAY NOT INSTALL THE METER;

(B) MAY NOT CHARGE THE CUSTOMER FOR DECLINING SUCH INSTALLATION; AND

(C) MAY NOT CHARGE THE CUSTOMER FOR COSTS ASSOCIATED WITH TRADITIONAL METERING SERVICES.

4. AN ELECTRIC UTILITY THAT HAS DEPLOYED DIGITAL SMART METERS THAT EMIT RADIO WAVES SHALL INCLUDE IN THE MONTHLY BILL FOR EACH RETAIL ELECTRIC SERVICE CUSTOMER THAT IS USING AN INSTALLED DIGITAL SMART METER OF THAT TYPE A NOTICE TO INFORM THE CUSTOMER THAT THE CUSTOMER MAY REQUEST

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

LBD13618-01-6

TO HAVE SUCH METER REMOVED AND REPLACED WITH A CONVENTIONAL METER AND OF THE MANNER IN WHICH THE CUSTOMER MAY REQUEST THE REMOVAL AND REPLACEMENT.

5. IF A RETAIL ELECTRIC SERVICE CUSTOMER OR THE OWNER OF PROPERTY WHERE A DIGITAL SMART METER THAT EMITS RADIO WAVES IS INSTALLED FOR RETAIL ELECTRIC SERVICE REQUESTS TO HAVE SUCH METER REMOVED, THE ELECTRIC UTILITY:

(A) SHALL PROMPTLY REMOVE SUCH DIGITAL SMART METER AND REPLACE IT WITH A CONVENTIONAL METER;

(B) MAY NOT CHARGE THE CUSTOMER OR PROPERTY OWNER FOR REMOVING OR REPLACING SUCH METER; AND

(C) MAY NOT CHARGE THE CUSTOMER OR PROPERTY OWNER COSTS ASSOCIATED WITH TRADITIONAL METERING SERVICES.

S 2. This act shall take effect one hundred eighty days after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized and directed to be made and completed on or before such effective date.