

9931

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 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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1 (I) RADIO FREQUENCY; (II) WIRELESS FIDELITY NETWORK; OR (III) THE INTER-
2 NET TO TRANSMIT ELECTRIC USAGE AND PRICING DATA BETWEEN AN ELECTRIC
3 AND/OR GAS CORPORATION AND ITS CUSTOMERS, WHERE SUCH DEVICE IS CAPABLE
4 OF (A) MEASURING USAGE DATA AND TRANSMITTING SUCH DATA IN INTERVALS OF
5 AT LEAST ONCE PER DAY; (B) RECEIVING IN REAL-TIME, PER-KILOWATT HOUR
6 (KWH) AND/OR PER (THERM) GAS AND ELECTRIC SUPPLY AND DELIVERY RATES; (C)
7 DETECTING CUSTOMER SERVICE DISRUPTIONS AND TRANSMITTING SUCH INFORMATION
8 TO AN ELECTRIC AND/OR GAS CORPORATION; AND (D) STORING CUSTOMER USAGE
9 DATA.

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

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

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

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

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

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

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

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

53 S 89-Q. ADVANCED METERING INFRASTRUCTURE DEVICES FOR WATER-WORKS
54 SERVICES. 1. THE COMMISSION SHALL NOT APPROVE THE INSTALLATION OF ANY
55 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.