STATE OF NEW YORK

3919

2019-2020 Regular Sessions

IN ASSEMBLY

January 31, 2019

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 devices for residential services

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:

§ 67-b. Advanced metering infrastructure devices for electric and gas services. 1. The commission shall not allow for the installation of any advanced metering infrastructure (AMI) device by an electric and/or gas corporation unless such device meets or exceeds the following standards for AMI performance and safety, which shall include:

(a) Federal Communications Commission standards for intentional and unintentional radio frequency emissions and any other relevant standards related to radio frequency exposure;

(b) American National Standards Institute (ANSI) specifications for meter accuracy and performance; and

(c) any other standards, requirements and guidelines established by the commission to protect customer health and safety and ensure, to the fullest extent possible, the protection and encryption of customer personal, financial and energy usage information. The commission shall promulgate regulations necessary to effectuate this subdivision.

2. For purposes of this section advanced metering infrastructure shall include:

(a) a one-way smart meter, which shall mean a device designed to utilize one-way communications systems, including but not limited to: (i) power line carrier; (ii) radio frequency; (iii) wireless fidelity network; (iv) telephony; and (v) the internet to transmit customer usage data to an electric and/or gas corporation for the purposes of billing;

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

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and be designed to be capable of measuring and storing customer electric and/or gas usage data, including time of use in real time; or

(b) two-way smart meter, which shall mean a device that is designed to utilize two-way communications systems, including but not limited to: (i) radio frequency; (ii) wireless fidelity network; or (iii) the internet 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.

§ 2. This act shall take effect immediately.