

STATE OF NEW YORK

4388

2019-2020 Regular Sessions

IN ASSEMBLY

February 4, 2019

Introduced by M. of A. DenDEKKER, RA -- 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 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 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 a utility for the purposes of billing; and be designed to be

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

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1 capable of measuring and storing customer electric and/or gas usage
2 data, including time of use in real time; or

3 (b) a two-way smart meter, which shall mean a device that is designed
4 to utilize two-way communications systems, including but not limited to:
5 (i) radio frequency; (ii) wireless fidelity network; or (iii) the inter-
6 net to transmit electric usage and pricing data between an electric
7 and/or gas corporation and its customers, where such device is capable
8 of (A) measuring usage data and transmitting such data in intervals of
9 at least once per day; (B) receiving in real-time, per-kilowatt hour
10 (kWh) and/or per (therm) gas and electric supply and delivery rates; (C)
11 detecting customer service disruptions and transmitting such information
12 to an electric and/or gas corporation; and (D) storing customer usage
13 data.

14 3. It shall be the right of every customer of an electric and/or gas
15 corporation, at no penalty, fee or service charge to decline the permis-
16 sion of his or her electric and/or gas corporation (a) to replace an
17 existing meter at such customer's premises that is assigned to such
18 customer's account with a two-way smart meter, or (b) to install any
19 two-way smart meter device at his or her property without such custom-
20 er's consent.

21 4. An electric and/or gas corporation may not install a two-way smart
22 meter on a customer's premises that is assigned to such customer's
23 account unless it shall provide written notice to the customer no less
24 than ninety days prior to the scheduled installation of such meter. Such
25 notice shall provide that:

26 (a) the customer shall have the right to decline his or her electric
27 and/or gas corporation from installing a two-way smart meter with no
28 fee, penalty or service charge;

29 (b) the customer may, at any point during a period of three hundred
30 sixty-five days following the installation of a two-way smart meter,
31 require the removal of such device with no fee, penalty or service
32 charge;

33 (c) the customer may be liable for a fee to be determined by the
34 commission for the removal of a two-way smart meter device if the
35 customer requests the removal more than three hundred sixty-five days
36 following the installation of such meter at his or her premises.

37 5. Notwithstanding the provisions of subdivisions three and four of
38 this section, in the case of a multiple dwelling, as defined in subdivi-
39 sion seven of section four of the multiple dwelling law, a condominium
40 or cooperative, an electric and/or gas corporation shall not install one
41 or more two-way smart meters in such a structure where such type of
42 meters have not been previously utilized (a) unless it shall provide
43 written notice to each customer of record no less than one hundred
44 eighty days prior to the scheduled installation of such meters and (b)
45 where more than thirty percent of the customers of record residing in
46 such a structure at the time of notice decline a two-way smart meter
47 installation within ninety days of the notice provided in paragraph (a)
48 of this subdivision.

49 6. The notice required pursuant to subdivision five of this section
50 shall inform each customer of record of his or her electric and/or gas
51 corporation's two-way smart meter installation plan for such structure
52 and provide instructions on how a customer may decline installation. The
53 electric and/or gas corporation shall maintain a record of all responses
54 it receives for a period of no less than three years.

55 § 2. The public service law is amended by adding a new section 89-q to
56 read as follows:

1 § 89-q. Advanced metering infrastructure devices for water-works
2 services. 1. The commission shall not approve the installation of any
3 advanced metering infrastructure (AMI) device by a water-works corpo-
4 ration unless such device meets or exceeds the following standards for
5 AMI performance and safety, which shall include:

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

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

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

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

18 (a) a one-way smart meter, which shall mean a device designed to
19 utilize one-way communications systems, including but not limited to:
20 (i) power line carrier; (ii) radio frequency; (iii) wireless fidelity
21 network; (iv) telephony; and (v) the internet to transmit customer usage
22 data to a water-works for the purposes of billing; and be designed to be
23 capable of measuring and storing customer water usage data, including
24 time of use in real time; or

25 (b) a two-way smart meter, which shall mean a device that is designed
26 to utilize two-way communications systems, including but not limited to:
27 (i) radio frequency; (ii) wireless fidelity network; or (iii) the inter-
28 net to transmit electric usage and pricing data between a water-works
29 corporation and its customers, where such device is capable of (A) meas-
30 uring usage data and transmitting such data in intervals of at least
31 once per day; (B) receiving in real-time, water supply and delivery
32 rates; (C) detecting customer service disruptions and transmitting such
33 information to a water-works corporation; and (D) storing customer usage
34 data.

35 3. It shall be the right of every customer of a water-works corpo-
36 ration, at no penalty, fee or service charge (a) to decline the permis-
37 sion of his or her water-works corporation to replace an existing meter
38 at such customer's premises that is assigned to such customer's account
39 with a two-way smart meter, or (b) to install any two-way smart meter
40 device at his or her property without such customer's consent.

41 4. A water-works corporation may not install a two-way smart meter on
42 a customer's premises that is assigned to such customer's account unless
43 it shall provide written notice to the customer no less than ninety days
44 prior to the scheduled installation of such meter. Such notice shall
45 provide that:

46 (a) the customer shall have the right to decline his or her water-
47 works corporation from installing a two-way smart meter with no fee,
48 penalty or service charge;

49 (b) the customer may, at any point during a period of three hundred
50 sixty-five days following the installation of a two-way smart meter,
51 require the removal of such device with no fee, penalty or service
52 charge;

53 (c) the customer may be liable for a fee to be determined by the
54 commission for the removal of a two-way smart meter device if the
55 customer requests the removal more than three hundred sixty-five days
56 following the installation of such meter at his or her premises.

1 5. Notwithstanding the provisions of subdivisions three and four of
2 this section, in the case of a multiple dwelling, as defined in subdivi-
3 sion seven of section four of the multiple dwelling law, a condominium
4 or cooperative, a water-works corporation shall not install one or more
5 two-way smart meters in such a structure where such type of meters have
6 not been previously utilized (a) unless it shall provide written notice
7 to each customer of record no less than one hundred eighty days prior to
8 the scheduled installation of such meters and (b) where more than thirty
9 percent of the customers of record residing in such a structure at the
10 time of the notice decline two-way smart meter installation within nine-
11 ty days of the notice provided in paragraph (a) of this subdivision.

12 6. The notice required pursuant to subdivision five of this section
13 shall inform each customer of record of his or her water-works corpo-
14 ration's two-way smart meter installation plan for such structure and
15 provide instructions on how a customer may decline installation. The
16 water-works corporation shall maintain a record of all responses it
17 receives for a period of no less than three years.

18 § 3. This act shall take effect immediately.