

# STATE OF NEW YORK

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2021-2022 Regular Sessions

## IN SENATE

March 9, 2021

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Introduced by Sen. COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

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:

1 Section 1. The public service law is amended by adding a new section  
2 67-b to read as follows:

3 § 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

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.