

# STATE OF NEW YORK

3978

2025-2026 Regular Sessions

## IN ASSEMBLY

January 30, 2025

Introduced by M. of A. SANTABARBARA -- 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. Short title. This act shall be known and may be cited as  
2 the "consumer utility meter choice protection act".

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

5 § 67-b. Advanced metering infrastructure devices for electric and gas  
6 services. 1. For purposes of this section advanced metering infrastruc-  
7 ture shall include:

8 (a) a one-way smart meter, which shall mean a device designed to  
9 utilize one-way communications systems, including but not limited to:  
10 (i) power line carrier; (ii) radio frequency; (iii) wireless fidelity  
11 network; (iv) telephony; and (v) the internet to transmit customer usage  
12 data to a utility for the purposes of billing; and be designed to be  
13 capable of measuring and storing customer electric and/or gas usage  
14 data, including time of use in real time; or

15 (b) a two-way smart meter, which shall mean a device that is designed  
16 to utilize two-way communications systems, including but not limited to:  
17 (i) radio frequency; (ii) wireless fidelity network; or (iii) the inter-  
18 net to transmit electric usage and pricing data between an electric  
19 and/or gas corporation and its customers, where such device is capable  
20 of (A) measuring usage data and transmitting such data in intervals of  
21 at least once per day; (B) receiving in real-time, per-kilowatt hour  
22 (kWh) and/or per (therm) gas and electric supply and delivery rates; (C)  
23 detecting customer service disruptions and transmitting such information  
24 to an electric and/or gas corporation; and (D) storing customer usage  
25 data.

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

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1 2. It shall be the right of every customer of an electric and/or gas  
2 corporation, at no penalty, fee or service charge to decline the permis-  
3 sion of such customer's electric and/or gas corporation (a) to replace  
4 an existing meter at such customer's premises that is assigned to such  
5 customer's account with a two-way smart meter, or (b) to install any  
6 two-way smart meter device at such customer's property without such  
7 customer's consent.

8 3. An electric and/or gas corporation may not install a two-way smart  
9 meter on a customer's premises that is assigned to such customer's  
10 account unless it shall provide written notice to the customer no less  
11 than ninety days prior to the scheduled installation of such meter. Such  
12 notice shall provide that:

13 (a) the customer shall have the right to decline such customer's elec-  
14 tric and/or gas corporation from installing a two-way smart meter with  
15 no fee, penalty or service charge;

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

20 (c) the customer may be liable for a fee to be determined by the  
21 commission for the removal of a two-way smart meter device if the  
22 customer requests the removal more than three hundred sixty-five days  
23 following the installation of such meter at such customer's premises.

24 § 3. The public service law is amended by adding a new section 89-q to  
25 read as follows:

26 § 89-q. Advanced metering infrastructure devices for water-works  
27 services. 1. For purposes of this section advanced metering infrastruc-  
28 ture shall include:

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

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

46 2. It shall be the right of every customer of a water-works corpo-  
47 ration, at no penalty, fee or service charge (a) to decline the permis-  
48 sion of such customer's water-works corporation to replace an existing  
49 meter at such customer's premises that is assigned to such customer's  
50 account with a two-way smart meter, or (b) to install any two-way smart  
51 meter device at such customer's property without such customer's  
52 consent.

53 3. A water-works corporation may not install a two-way smart meter on  
54 a customer's premises that is assigned to such customer's account unless  
55 it shall provide written notice to the customer no less than ninety days

1 prior to the scheduled installation of such meter. Such notice shall  
2 provide that:

3 (a) the customer shall have the right to decline such customer's  
4 water-works corporation from installing a two-way smart meter with no  
5 fee, penalty or service charge;

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

10 (c) the customer may be liable for a fee to be determined by the  
11 commission for the removal of a two-way smart meter device if the  
12 customer requests the removal more than three hundred sixty-five days  
13 following the installation of such meter at such customer's premises.

14 § 4. This act shall take effect immediately.