

SENATE BILL 9

C5, J1

5lr0367

(PRE-FILED)

By: **Senator McFadden**

Requested: August 26, 2014

Introduced and read first time: January 14, 2015

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Gas and Electricity – Smart Meters – Customer Rights and Required Reports**

3 FOR the purpose of requiring a certain utility company to give certain written notice to
4 certain customers prior to deploying smart meters throughout all or a portion of the
5 utility company's service territory; specifying the contents of a certain notice;
6 prohibiting a utility company from imposing certain additional fees or charges on
7 certain customers; requiring the Public Service Commission to report on certain
8 matters to certain committees of the General Assembly on or before certain dates;
9 requiring the Department of Health and Mental Hygiene and the Commission jointly
10 to report on certain matters to certain committees of the General Assembly on or
11 before a certain date; specifying the contents of certain reports; requiring the
12 Commission, in consultation with the Department of Health and Mental Hygiene, to
13 select and retain an independent expert to prepare a certain report; defining certain
14 terms; and generally relating to gas and electricity service and smart meters.

15 BY adding to

16 Article – Public Utilities

17 Section 7–302.1

18 Annotated Code of Maryland

19 (2010 Replacement Volume and 2014 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
21 That the Laws of Maryland read as follows:

22 **Article – Public Utilities**

23 **7–302.1.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
2 **INDICATED.**

3 **(2) “SMART METER” MEANS A DIGITAL METER THAT ALLOWS**
4 **TWO-WAY COMMUNICATION BETWEEN A UTILITY CUSTOMER’S PREMISES AND A**
5 **UTILITY COMPANY THROUGH A WIRELESS NETWORK AS A COMPONENT OF**
6 **ADVANCED METERING INFRASTRUCTURE.**

7 **(3) “UTILITY COMPANY” MEANS:**

8 **(I) AN ELECTRIC COMPANY;**

9 **(II) A GAS COMPANY; OR**

10 **(III) A GAS AND ELECTRIC COMPANY.**

11 **(4) “UTILITY CUSTOMER” MEANS A CUSTOMER OF:**

12 **(I) AN ELECTRIC COMPANY;**

13 **(II) A GAS COMPANY; OR**

14 **(III) A GAS AND ELECTRIC COMPANY.**

15 **(B) (1) IF A UTILITY COMPANY DEPLOYS SMART METERS THROUGHOUT**
16 **ALL OR A PORTION OF THE UTILITY COMPANY’S SERVICE TERRITORY, THE UTILITY**
17 **COMPANY SHALL GIVE PRIOR WRITTEN NOTICE OF THE DEPLOYMENT TO EACH**
18 **CUSTOMER OF THE UTILITY COMPANY IN THE AFFECTED PORTION OF THE SERVICE**
19 **TERRITORY.**

20 **(2) THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS**
21 **SUBSECTION SHALL CONSPICUOUSLY STATE THAT:**

22 **(I) THE SMART METER WILL USE RADIO OR OTHER WIRELESS**
23 **MEANS OF TWO-WAY COMMUNICATION TO TRANSMIT INFORMATION BETWEEN THE**
24 **UTILITY CUSTOMER’S PREMISES AND THE UTILITY COMPANY;**

25 **(II) THE CUSTOMER MAY REFUSE THE INSTALLATION OF A**
26 **SMART METER AT NO ADDITIONAL COST TO THE CUSTOMER; AND**

27 **(III) THE CUSTOMER MAY, FOR ANY REASON, REQUIRE THE**
28 **UTILITY COMPANY TO REMOVE A SMART METER THAT PREVIOUSLY WAS INSTALLED**
29 **AT THE CUSTOMER’S PREMISES AND TO REPLACE IT WITH AN ANALOG METER:**

1 **1. AT A DATE AND TIME AGREED BETWEEN THE**
2 **CUSTOMER AND THE UTILITY COMPANY; AND**

3 **2. AT NO ADDITIONAL COST TO THE CUSTOMER.**

4 **(C) A UTILITY COMPANY MAY NOT IMPOSE ANY ADDITIONAL FEE OR**
5 **CHARGE ON A UTILITY CUSTOMER WHO REFUSES INSTALLATION OF A SMART METER**
6 **OR REQUESTS REMOVAL OF A SMART METER UNDER SUBSECTION (B) OF THIS**
7 **SECTION.**

8 SECTION 2. AND BE IT FURTHER ENACTED, That on or before January 1, 2016,
9 and again on or before January 1, 2017, the Public Service Commission shall report to the
10 Senate Finance Committee and the House Economic Matters Committee, in accordance
11 with § 2–1246 of the State Government Article, on:

12 (1) any savings realized through the use of smart meters by utility
13 companies or utility customers in the State; and

14 (2) any breaches to a utility company's cybersecurity infrastructure,
15 significant consequences of the breaches, and corrective actions taken.

16 SECTION 3. AND BE IT FURTHER ENACTED, That:

17 (a) On or before January 1, 2017, the Department of Health and Mental Hygiene
18 and the Public Service Commission jointly shall report to the Senate Finance Committee
19 and the House Economic Matters Committee, in accordance with § 2–1246 of the State
20 Government Article, on the public health impact of smart meter deployment in the State.

21 (b) The report required under this section shall include, at a minimum:

22 (1) a summary of the Department of Health and Mental Hygiene's
23 activities assessing the health effects of smart meters in the State;

24 (2) a representative sample of radio–frequency levels measured at
25 premises where smart meters have been installed; and

26 (3) evidence–based recommendations relating to the potential health
27 effects of smart meters.

28 (c) The Public Service Commission, in consultation with the Department of
29 Health and Mental Hygiene, shall select and retain an independent expert, not an employee
30 of the State, to prepare the report required under this section.

31 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2015.