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An Act To Require a Transmission and Distribution Utility To Provide Safeguards to Consumers Prior To Installing Wireless Smart Meters

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 35-A MRSA §3143, sub-§2, ¶E, as enacted by PL 2009, c. 539, §2, is amended to read:

~~E. It is vital that a smart grid policy be developed in order to ensure that all ratepayers and the State as a whole are afforded~~The development of a smart grid policy will help promote the benefits of smart grid functions and associated infrastructure, technology and applications.

Sec. 2. 35-A MRSA §3143, sub-§3, as enacted by PL 2009, c. 539, §2, is amended to read:

3. Smart grid policy; goals. In order to improve the overall reliability and efficiency of the electric system, reduce ratepayers' costs in a way that improves the overall efficiency of electric energy resources, reduce and better manage energy consumption and reduce greenhouse gas emissions, it is the policy of the State to promote in a timely and responsible manner, with consideration of all relevant factors and consistent with all applicable laws, including section 3144, the development, implementation, availability and use of smart grid functions and associated infrastructure, technology and applications in the State through:

- A. Increased use of digital information and control technology to improve the reliability, security and efficiency of the electric system;
- B. Deployment and integration into the electric system of renewable capacity resources, as defined in section 3210C, subsection 1, paragraph E, that are interconnected to the electric grid at a voltage level less than 69 kilovolts;
- C. Deployment and integration into the electric system of demand response technologies, demandside resources and energyefficiency resources;
- D. Deployment of smart grid technologies, including real-time, automated, interactive technologies that optimize the physical operation of energyconsuming appliances and devices, for purposes of metering, communications concerning grid operation and status and distribution system operations;
- E. Deployment and integration into the electric system of advanced electric storage and peakreduction technologies, including plugin electric and hybrid electric vehicles;
- F. Provision to consumers of timely energy consumption information and control options; and
- G. ~~Identification and elimination of barriers~~concerns related to the adoption of smart grid functions and associated infrastructure, technology and applications.

It is the policy of the State to promote the development, implementation, availability and use of smart grid functions in accordance with this subsection in a manner that is consistent with applicable standards for reliability, safety, security and privacy and that takes into account the implementation of smart grid functions in other jurisdictions.

The commission may adopt rules regarding the implementation of smart grid functions in the State in accordance with this subsection, including, but not limited to, rules regarding cybersecurity and protection of consumer privacy, and access to smart grid infrastructure and information, including, but not limited to, open access issues, coordination between smart grid users and methods to address financial disincentives for transmission and distribution utilities to promote smart grid functions. Rules adopted pursuant to this subsection are routine technical rules as described in Title 5, chapter 375, subchapter 2A.

Sec. 3. 35-A MRSA §3144 is enacted to read:

§ 3144. Installation of wireless smart meter; customer rights

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Wired smart meter" means an advanced metering infrastructure device that uses transmission lines for signal communication.

B. "Wireless smart meter" means an advanced metering infrastructure device that uses radio frequency methods of wireless communication.

2. Proceeding. A transmission and distribution utility shall notify the commission prior to installing a wireless smart meter. If installing more than one smart meter in a designated area of its territory, a transmission and distribution utility may provide a single notice to the commission prior to the first installation. The notice must include the number of smart meters to be installed in that designated area. The commission shall open a proceeding to establish by order the terms and conditions by which the transmission and distribution utility must protect customer rights when a wireless smart meter is installed. The order resulting from the proceeding must include, but is not limited to, provisions that:

A. Require the transmission and distribution utility to provide written notice to a customer at least one month in advance of the date of installation of a wireless smart meter. The notice must include:

(1) A time frame of 3 to 7 days during which the installation will occur;

(2) Information about the purpose and goals of smart meters and the ways in which smart meters function, including but not limited to information on timeofuse pricing, potential customer interaction and how smart meters can benefit customers;

(3) A description of all essential characteristics of the communications signal, including but not limited to frequency, amplitude and modulation and how often the transmission is generated;

(4) A statement noting the controversy regarding the health, privacy and security risks of wireless smart meters that use electromagnetic waves for communication; and

(5) How the customer may submit a written request to decline the installation of the wireless smart meter or request that a wired smart meter be installed as an alternative to the wireless smart meter, pursuant to paragraphs B and C, including a mailing address and email address to which the written request may be sent;

B. Require the transmission and distribution utility to allow a customer to decline the installation of a wireless smart meter;

C. Require the transmission and distribution utility to offer a wired smart meter as an alternative to a wireless smart meter to a customer that declines a wireless smart meter;

D. Prohibit the transmission and distribution utility from charging a customer unreasonable fees or rate increases for declining the installation of a wireless smart meter or requesting a wired smart meter as an alternative to a wireless smart meter;

E. Require transmission and distribution utilities to use reasonable security measures, as determined by the commission, to protect customer information, including name, address, telephone number, electricity usage and payment information; and

F. Prohibit the transmission and distribution utility from sharing, disclosing, selling or otherwise making customer information accessible to any 3rd party without customer consent, except as authorized by law.

3. Already installed smart meters. If a transmission and distribution utility installed a wireless smart meter prior to the effective date of this section, it shall notify the commission within 2 months of the effective date and the commission shall open a proceeding to establish by order the terms and conditions by which the transmission and distribution utility must protect customer rights. The order resulting from the proceeding must include, but is not limited to, provisions that:

A. Require a transmission and distribution utility to provide written notice to the customer of when the wireless smart meter was installed and the information required by subsection 2, paragraph A, subparagraphs (2), (3), (4) and (5);

B. Establish a process for a customer to request to have the wireless smart meter removed or replaced with a wired smart meter;

C. Prohibit the transmission and distribution utility from charging a customer unreasonable fees or rate increases for requesting the removal of a wireless smart meter or requesting a wired smart meter as an alternative to a wireless smart meter;

D. Require transmission and distribution utilities to use reasonable security measures, as determined by the commission, to protect customer information, including name, address, telephone number, electricity usage and payment information; and

E. Prohibit the transmission and distribution utility from sharing, disclosing, selling or otherwise making customer information accessible to any 3rd party without customer consent, except as authorized by law.

SUMMARY

This bill amends the State's smart grid policy to include consideration of customer rights. This bill requires the Public Utilities Commission to initiate a proceeding whenever a transmission and distribution utility is going to install a wireless smart meter. The proceeding must order the transmission and distribution utility to protect customer rights when a wireless smart meter is installed, including providing optout provisions and wired smart meter alternatives, protection from unreasonable fees or rate increases and protection of customer data, including name, address, telephone number, electricity use and payment information. This bill requires the commission to take similar action to protect a customer that had a wireless smart meter installed prior to the effective date of this provision.