

FIRST REGULAR SESSION

HOUSE BILL NO. 1033

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE UNSICKER.

2080H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 386, RSMo, by adding thereto one new section relating to rights of utility customers, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 386, RSMo, is amended by adding thereto one new section, to be known as section 386.820, to read as follows:

386.820. 1. For purposes of this section, the following terms mean:

(1) "Advanced meter", a meter or metering device system that is owned or leased by a utility or its agent and that meets one or more of the following requirements:

(a) Measures, records, or sends a customer's utility usage or other data by use of radio waves or broadband over power lines;

(b) Allows for two-way communication between the meter and the utility or its agent; or

(c) Allows for a utility or its agent to control a customer's thermostat, appliance, or service;

(2) "Hub meter", an advanced meter that generates stronger radio waves as a result of the meter serving as a hub for other advanced meters it communicates with in a given area;

(3) "Traditional meter", an analog or similar meter that is unable to transmit usage information and is only intended to be read by an individual through a visual display. A traditional meter is not designed to be and is not capable of transmitting usage data by using radio waves or broadband over power lines, allowing two-way communication between the meter and the utility or its agent, or allowing a utility or its agent to control

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 a customer's thermostat, appliance, or service. A traditional meter does not include an
19 advanced meter that has certain functionality turned off or deactivated;

20 (4) "Utility", any entity regulated by the public service commission under chapter
21 386 or 393 or any municipal corporation.

22 2. A utility customer may choose between the placement or use of a traditional
23 meter or an advanced meter regardless of the utility that provides service to that customer.

24 3. A utility shall not:

25 (1) Install an advanced meter without prior approval from the commission;

26 (2) Make the provision of any portion of utility service to a customer contingent
27 upon the customer's receiving service through any meter or similar device other than a
28 traditional meter;

29 (3) Except as otherwise provided in this section, impose any fee or disincentive on
30 a customer for opting out of or not accepting the installation of an advanced meter or hub
31 meter or use of advanced meter function; or

32 (4) Install an advanced meter or upgrade the functionality of the advanced meter
33 after the effective date of this section unless the customer has been properly notified and
34 has not opted out of the installation or new functionality.

35 4. A utility shall notify a customer in writing of the utility's intention to install an
36 advanced meter at the customer's address or to upgrade the functionality of a previously
37 installed advanced meter. The notice shall be sent by first-class mail and shall be separate
38 from any billing mailing. The utility shall keep a copy of each mailed notice on file for
39 review by the customer or the commission.

40 5. Each notice described under subsection 4 of this section shall:

41 (1) Include the customer's name, service address, and anticipated date of
42 installation;

43 (2) State the utility's desire to install an advanced meter at the customer's address,
44 as well as the functionality of the advanced meter, its method of communication, and
45 frequency of data communication;

46 (3) If the advanced meter the customer would be receiving is a hub meter, explain
47 how a hub meter differs from other meters;

48 (4) State the customer's ability to choose a traditional meter or non-hub meter and
49 the customer's rights under this section;

50 (5) Clearly explain the process for a customer to opt out of installation of an
51 advanced meter or hub meter or the use of an advanced meter function;

52 (6) Include the type of information that could be collected by the advanced meter
53 and to whom such information could be distributed and the maximum number of times per

54 day such information could be distributed. If a customer opts to receive an advanced
55 meter, he or she shall have the right to specify that any information collected by the
56 advanced meter not be distributed or used for advertising or marketing purposes or shared
57 with any law enforcement agency without a valid warrant; and

58 (7) State that an existing customer shall have the right to opt out of an advanced
59 meter in the future.

60 6. After being notified that they can opt out, customers shall be provided with at
61 least forty-five days to communicate with the utility their desire to opt out, with a clear
62 deadline listed on the notice. Opt-out procedures shall be free of charge other than the cost
63 of regular mailing. A customer who does not opt out when first notified does not give up
64 any rights regarding having an advanced meter removed in the future.

65 7. Within thirty days after receiving a customer's request that an advanced meter
66 be removed from the customer's residence or business, unless emergency conditions
67 prevent the utility from doing so, a utility shall remove the advanced meter and replace it
68 with a traditional meter that is not an advanced meter. If emergency conditions prevent
69 the utility from meeting the thirty-day deadline, the utility shall remove the advanced
70 meter and replace it with a traditional meter that is not an advanced meter immediately
71 after such emergency conditions end. Limited to actual costs, a utility may charge a one-
72 time all-inclusive fee, not to exceed one hundred dollars, to remove the advanced meter and
73 to provide and install a traditional meter. However, a utility shall not charge a fee if the
74 utility installed the advanced meter in violation of the notice requirements in this section
75 or before the effective date of this section.

76 8. (1) A customer's energy use data and internet user information are private and
77 confidential and shall not be sold, rented, or shared by a utility or its agents except as
78 provided in this subsection and as provided by competent court order or law.

79 (2) A utility or any of its agents may report any customer data, including energy
80 use data and internet user information, to the commission.

81 (3) A utility may report data relating to electric or compressed natural gas vehicle
82 fueling to the department of revenue. Such information shall be used by the department
83 of revenue strictly for taxation purposes, shall not be shared with law enforcement without
84 a warrant, and is not subject to disclosure under chapter 610, except for aggregate data
85 used for research purposes in a nonidentifying manner.

86 9. A utility shall ensure that any data from an advanced meter communicated by
87 networking technology is encrypted. A utility shall not communicate by networking
88 technology meter use data that include a residential customer's name, social security
89 number, address, or other identifying information, except for an independent and unique

90 **customer identification number that is assigned by the utility. The customer identification**
91 **number shall be assigned in a manner that includes safeguards to prevent a device not**
92 **owned by the utility from associating the number with a particular customer or address.**

93 **10. A utility shall not post a customer's energy use data or bill on the internet,**
94 **except over a secured transfer protocol or similar secured connection that uses one or more**
95 **security measures, such as a customer-selected password, to ensure that only the customer**
96 **can access the information.**

97 **11. A utility shall not wirelessly or otherwise remotely shut off service to a customer**
98 **unless the following requirements are met:**

99 **(1) At least forty-eight hours before shutoff, a utility representative verifies that the**
100 **property to which the service is to be shut off is the correct address and follows all other**
101 **shutoff procedures required by law; and**

102 **(2) The utility has a security program intended to prevent unintentional shutoff**
103 **that is approved by the commission.**

104 **12. The commission shall promulgate rules to implement the provisions of this**
105 **section. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
106 **created under the authority delegated in this section shall become effective only if it**
107 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
108 **section 536.028. This section and chapter 536 are nonseverable, and if any of the powers**
109 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
110 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
111 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2017,**
112 **shall be invalid and void.**

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