

## HOUSE BILL NO. 606

INTRODUCED BY P. FIELDER, S. GALLOWAY, S. GIST, J. SCHILLINGER

A BILL FOR AN ACT ENTITLED: "AN ACT ~~REQUIRING~~ ALLOWING CUSTOMERS TO OPT-IN FOR ADVANCED METERING GATEWAY DEVICE INSTALLATION; PROVIDING RULEMAKING AUTHORITY; ~~REPEALING SECTION 69-4-1004, MCA; AMENDING SECTIONS 69-4-1001 AND 69-4-1004, MCA; AND~~ PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Advanced meter METERING GATEWAY DEVICE opt-in provisions -- rulemaking.** (1) A utility ~~shall require~~ MAY ALLOW customers to opt-in to the installation of all advanced metering GATEWAY devices located at an end user's residence or business.

(2) A utility may ~~not~~ charge customers who ~~do not~~ opt-in to advanced metering GATEWAY device installation additional fees or charges related to the ~~customer decision to forego~~ installation.

(3) If the commission determines an opt-in program should be established, the commission shall adopt rules providing options, ~~and requirements,~~ AND A PROCESS FOR DETERMINATION OF FEES OR CHARGES for individual customers to opt-in to advanced metering GATEWAY device installation.

(4) UTILITIES SEEKING TO ALLOW AN ADVANCED METER METERING GATEWAY DEVICE OPT-IN PROGRAM SHALL FILE A REPORT DETAILING THE PROGRAM REQUIREMENTS AND PROCESS FOR DETERMINING FEES OR CHARGES WITH THE COMMISSION ALONG WITH A \$25 FILING FEE.

**SECTION 2. SECTION 69-4-1001, MCA, IS AMENDED TO READ:**

**"69-4-1001. Definitions.** As used in this part, unless the context requires otherwise, the following definitions apply:

(1) "Advanced metering gateway device" means any ~~electric utility meter,~~ electric utility meter component, or device ancillary to the electric utility meter that is located at an end-user's residence or business and is equipped and programmed to communicate with electrical appliances, electrical equipment, or electrical

1 devices within the end-user's residence or business or that is capable of estimating and recording electrical  
2 energy usage by types of appliances, electrical equipment, or electrical devices.

3 (2) "ADVANCED METERING DEVICE" OR "ADVANCED METER" MEANS A METER OR METERING DEVICE THAT IS  
4 OWNED OR LEASED BY A UTILITY OR THE UTILITY'S AGENT AND THAT:

5 (A) MEASURES, RECORDS, OR SENDS A CUSTOMER'S UTILITY USAGE OR OTHER DATA BY USE OF RADIO WAVES  
6 OR INTERNET TECHNOLOGY; ~~OR~~ AND

7 (B) ALLOWS FOR TWO-WAY COMMUNICATION BETWEEN THE METER AND THE UTILITY OR ITS AGENT.

8 ~~(2)(3)~~ "Utility" means a public utility regulated by the public service commission pursuant to Title 69,  
9 chapter 3."

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11 **SECTION 3. SECTION 69-4-1004, MCA, IS AMENDED TO READ:**

12 **"69-4-1004. Opt-out -- public service commission responsibilities -- rulemaking.** (1) On or before  
13 July 1, ~~2020~~ 2022, the public service commission shall determine whether an opt-out program for ADVANCED  
14 METERS OR advanced metering gateway devices, OR BOTH, should be established.

15 (2) In determining whether to establish an opt-out program, the commission shall consider:

16 (a) an individual customer's privacy interest;

17 (b) costs and practicality of allowing customers to opt out;

18 (c) availability of other technology; and

19 (d) other concerns related to advanced metering devices AND ADVANCED METERING GATEWAY DEVICES.

20 ~~(2)(3)~~ If the commission determines an opt-out program should be established, the commission shall  
21 adopt rules providing options and requirements for individual customers to opt out of advanced metering DEVICE  
22 OR ADVANCED METERING GATEWAY DEVICE installation."

23

24 ~~NEW SECTION. Section 2. Repealer. The following section of the Montana Code Annotated is~~  
25 ~~repealed:~~

26 ~~69-4-1004. Opt-out -- public service commission responsibilities -- rulemaking.~~

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28 NEW SECTION. Section 4. Codification instruction. [Section 1] is intended to be codified as an

1 integral part of Title 69, chapter 4, part 10, and the provisions of Title 69, chapter 4, part 10, apply to [section 1].

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3 NEW SECTION. **Section 5. Effective date.** [This act] is effective on passage and approval.

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