

HOUSE BILL 1038

C5

3lr2322

By: **Delegates Glass, Aumann, Boteler, Cullison, Dwyer, Elliott, Fisher, Frank, Gutierrez, Hogan, Kipke, McComas, McDonough, O'Donnell, Oaks, Parrott, Ready, Smigiel, Sophocleus, and Stocksdales**

Introduced and read first time: February 8, 2013

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Electricity – Consumer Relations – Smart Meters**

3 FOR the purpose of requiring an electric company to give certain written notice to
4 certain customers before installing smart meters on a customer's premises
5 under certain circumstances; specifying the contents of a certain notice;
6 establishing a process by which a certain customer shall be deemed to have
7 given permission to an electric company to install a smart meter; requiring an
8 electric company to exchange a smart meter for an analog meter or an analog
9 meter for a smart meter under certain circumstances; prohibiting an electric
10 company from penalizing or charging a customer for taking certain actions;
11 prohibiting an electric company from disclosing certain data to a third party,
12 subject to a certain exception; authorizing a customer to submit a certain
13 complaint to the Public Service Commission under certain circumstances;
14 requiring the Commission to conduct a certain investigation following receipt of
15 a complaint; authorizing the Commission to take certain actions; making an
16 electric company liable for unauthorized disclosures of certain data; specifying
17 that a customer may take certain other actions in addition to filing a complaint
18 with the Commission; providing for the application of this Act; defining a
19 certain term; and generally relating to electricity service and smart meters.

20 BY adding to

21 Article – Public Utilities

22 Section 7–302.1

23 Annotated Code of Maryland

24 (2010 Replacement Volume and 2012 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1

Article – Public Utilities

2 **7-302.1.**

3 (A) IN THIS SECTION, “SMART METER” MEANS A DIGITAL METER THAT
4 ALLOWS TWO-WAY COMMUNICATION BETWEEN AN ELECTRIC CUSTOMER’S
5 PREMISES AND AN ELECTRIC COMPANY THROUGH A WIRELESS NETWORK.

6 (B) (1) NOTWITHSTANDING ANY OTHER LAW, IF AN ELECTRIC
7 COMPANY DEPLOYS SMART METERS THROUGHOUT ALL OR A PORTION OF THE
8 ELECTRIC COMPANY’S SERVICE TERRITORY, THE ELECTRIC COMPANY SHALL
9 GIVE WRITTEN NOTICE OF THE DEPLOYMENT TO EACH CUSTOMER IN THE
10 AFFECTED PORTION OF THE SERVICE TERRITORY.

11 (2) THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS
12 SUBSECTION SHALL CONSPICUOUSLY STATE THAT THE CUSTOMER HAS AN
13 OPPORTUNITY TO REFUSE THE INSTALLATION OF A SMART METER BY RETURN
14 MAILING OF THE NOTICE INDICATING THE CUSTOMER’S DECISION TO REFUSE
15 THE INSTALLATION OF A SMART METER.

16 (3) A CUSTOMER IS DEEMED TO HAVE GIVEN PERMISSION TO THE
17 ELECTRIC COMPANY TO INSTALL A SMART METER:

18 (I) ON RECEIPT BY THE ELECTRIC COMPANY OF A
19 RETURNED NOTICE EXPLICITLY GRANTING PERMISSION; OR

20 (II) IF THE ELECTRIC COMPANY HAS NOT RECEIVED A
21 RETURNED NOTICE, WITHIN 60 DAYS AFTER THE NOTICE IS GIVEN.

22 (C) (1) ON WRITTEN REQUEST FROM A CUSTOMER AT ANY TIME, AN
23 ELECTRIC COMPANY SHALL EXCHANGE AN ANALOG METER FOR A SMART METER
24 OR A SMART METER FOR AN ANALOG METER.

25 (2) AN ELECTRIC COMPANY MAY NOT PENALIZE OR CHARGE A
26 CUSTOMER FOR REFUSING THE INSTALLATION OF A SMART METER,
27 CONTINUING TO USE AN ANALOG METER, OR REQUESTING AN EXCHANGE UNDER
28 PARAGRAPH (1) OF THIS SUBSECTION.

29 (D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
30 SUBSECTION, AN ELECTRIC COMPANY MAY NOT DISCLOSE USAGE DATA
31 OBTAINED FROM A SMART METER TO A THIRD PARTY WITHOUT THE
32 CUSTOMER’S WRITTEN CONSENT.

1 **(2) AN ELECTRIC COMPANY MAY DISCLOSE USAGE DATA**
2 **OBTAINED FROM A SMART METER TO A THIRD PARTY FOR THE PURPOSE OF**
3 **PREPARING A CUSTOMER BILL.**

4 **(E) (1) A CUSTOMER THAT IS AGGRIEVED BY AN UNAUTHORIZED**
5 **DISCLOSURE OF USAGE DATA OBTAINED FROM A SMART METER MAY FILE A**
6 **WRITTEN COMPLAINT WITH THE COMMISSION THAT STATES:**

7 **(I) THE NAME AND ADDRESS OF THE ELECTRIC COMPANY**
8 **ALLEGED TO HAVE COMMITTED THE VIOLATION;**

9 **(II) THE PARTICULARS OF THE VIOLATION; AND**

10 **(III) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ANY**
11 **OTHER INFORMATION REQUIRED BY THE COMMISSION.**

12 **(2) THE COMMISSION MAY NOT REQUIRE A CUSTOMER TO PROVE**
13 **DAMAGE.**

14 **(F) AFTER THE FILING OF A COMPLAINT, THE COMMISSION SHALL**
15 **INVESTIGATE THE ALLEGATIONS TO ASCERTAIN ISSUES AND FACTS.**

16 **(G) IF THE COMMISSION DETERMINES THAT THE COMPLAINT LACKS**
17 **REASONABLE GROUNDS ON WHICH TO BASE A VIOLATION OF THIS SECTION, THE**
18 **COMMISSION MAY:**

19 **(1) DISMISS THE COMPLAINT; OR**

20 **(2) CONDUCT ANY FURTHER INVESTIGATION IT CONSIDERS**
21 **NECESSARY.**

22 **(H) AN ELECTRIC COMPANY THAT VIOLATES SUBSECTION (D) OF THIS**
23 **SECTION SHALL BE LIABLE TO EACH AFFECTED CUSTOMER FOR A PENALTY OF**
24 **\$1,000 FOR EACH UNAUTHORIZED DISCLOSURE OF USAGE DATA.**

25 **(I) THIS SECTION DOES NOT PREVENT A CUSTOMER FROM:**

26 **(1) EXERCISING ANY RIGHT OR SEEKING ANY OTHER REMEDY; OR**

27 **(2) FILING A COMPLAINT WITH ANY OTHER AGENCY OR COURT.**

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
29 construed to apply retroactively and shall be applied to and interpreted to enable a

1 customer to request removal of an installed smart meter by providing written notice to
2 an electric company.

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 June 1, 2013.