

# HOUSE BILL 332

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By: **Delegates Glass, Anderson, Arentz, Braveboy, Carr, Carter, Conaway, Conway, Donoghue, Dwyer, Elliott, Fisher, Frank, Gutierrez, Harper, Hogan, Hough, Jacobs, James, Kach, Kipke, McComas, McConkey, McDermott, McDonough, McMillan, A. Miller, W. Miller, Myers, Nathan-Pulliam, Norman, O'Donnell, Otto, Parrott, Pena-Melnyk, Ready, B. Robinson, S. Robinson, Simmons, Smigiel, Sophocleus, Stukes, Swain, Szeliga, F. Turner, V. Turner, Vallario, and Vitale**

Introduced and read first time: January 22, 2014

Assigned to: Economic Matters

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## A BILL ENTITLED

AN ACT concerning

### **Electricity – Consumer Relations – Smart Meters**

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

BY adding to

Article – Public Utilities

Section 7–302.1

Annotated Code of Maryland

(2010 Replacement Volume and 2013 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



BY repealing and reenacting, without amendments,  
Article – Public Utilities  
Section 7–501(a) and (f)  
Annotated Code of Maryland  
(2010 Replacement Volume and 2013 Supplement)

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

**Article – Public Utilities**

**7–302.1.**

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

(2) “CUSTOMER CHOICE” HAS THE MEANING STATED IN § 7–501 OF THIS TITLE.

(3) “SMART METER” MEANS A DIGITAL METER THAT ALLOWS TWO–WAY COMMUNICATION BETWEEN AN ELECTRIC CUSTOMER’S PREMISES AND AN ELECTRIC COMPANY THROUGH A WIRELESS NETWORK.

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

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

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

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

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

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

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

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

(2) AN ELECTRIC COMPANY MAY DISCLOSE USAGE DATA OBTAINED FROM A SMART METER TO A THIRD PARTY FOR THE PURPOSE OF:

- (I) PREPARING A CUSTOMER'S BILL; OR
- (II) SUPPORTING CUSTOMER CHOICE.

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

- (I) THE NAME AND ADDRESS OF THE ELECTRIC COMPANY ALLEGED TO HAVE COMMITTED THE VIOLATION;
- (II) THE PARTICULARS OF THE VIOLATION; AND
- (III) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ANY OTHER INFORMATION REQUIRED BY THE COMMISSION.

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

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

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

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

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

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

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

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

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

7-501.

(a) In this subtitle the following words have the meanings indicated.

(f) "Customer choice" means the right of electricity suppliers and customers to utilize and interconnect with the electric distribution system on a nondiscriminatory basis at rates, terms, and conditions of service comparable to the electric company's own use of the system to distribute electricity from an electricity supplier to a customer, under which a customer has the opportunity to purchase electricity from the customer's choice of licensed electricity suppliers.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply retroactively and shall be applied to and interpreted to enable a customer to request removal of an installed smart meter by providing written notice to an electric company.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2014.