

# HOUSE BILL 1274

C5  
HB 1406/17 – ECM

8lr2906

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By: **Delegates Glass, Carr, Conaway, Hornberger, Malone, McComas, McDonough, McMillan, Metzgar, Parrott, Robinson, and Vogt**

Introduced and read first time: February 9, 2018

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Gas and Electricity – Smart Meters – Customer Rights**

3 FOR the purpose of requiring a certain utility company to give certain written notice to  
4 certain customers prior to deploying smart meters throughout all or a portion of the  
5 utility company's service territory; specifying the contents of a certain notice;  
6 prohibiting a utility company from imposing certain additional fees or charges on  
7 certain customers; requiring the Public Service Commission to report on certain  
8 matters to certain committees of the General Assembly on or before certain dates;  
9 requiring the Maryland Department of Health and the Commission jointly to report  
10 on certain matters to certain committees of the General Assembly on or before a  
11 certain date; specifying the contents of certain reports; requiring the Commission, in  
12 consultation with the Maryland Department of Health, to select and retain an  
13 independent expert to prepare a certain report; defining certain terms; and generally  
14 relating to gas and electricity service and smart meters.

15 BY adding to  
16 Article – Public Utilities  
17 Section 7–302.1  
18 Annotated Code of Maryland  
19 (2010 Replacement Volume and 2017 Supplement)

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

22 **Article – Public Utilities**

23 **7–302.1.**

24 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 INDICATED.

2 (2) "SMART METER" MEANS A DIGITAL METER THAT ALLOWS  
3 TWO-WAY COMMUNICATION BETWEEN A UTILITY CUSTOMER'S PREMISES AND A  
4 UTILITY COMPANY THROUGH A WIRELESS NETWORK AS A COMPONENT OF  
5 ADVANCED METERING INFRASTRUCTURE.

6 (3) "UTILITY COMPANY" MEANS:

7 (I) AN ELECTRIC COMPANY;

8 (II) A GAS COMPANY; OR

9 (III) A GAS AND ELECTRIC COMPANY.

10 (4) "UTILITY CUSTOMER" MEANS A CUSTOMER OF:

11 (I) AN ELECTRIC COMPANY;

12 (II) A GAS COMPANY; OR

13 (III) A GAS AND ELECTRIC COMPANY.

14 (B) (1) IF A UTILITY COMPANY DEPLOYS SMART METERS THROUGHOUT  
15 ALL OR A PORTION OF THE UTILITY COMPANY'S SERVICE TERRITORY, THE UTILITY  
16 COMPANY SHALL GIVE PRIOR WRITTEN NOTICE OF THE DEPLOYMENT TO EACH  
17 CUSTOMER OF THE UTILITY COMPANY IN THE AFFECTED PORTION OF THE SERVICE  
18 TERRITORY.

19 (2) THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS  
20 SUBSECTION SHALL CONSPICUOUSLY STATE THAT:

21 (I) THE SMART METER WILL USE RADIO OR OTHER WIRELESS  
22 MEANS OF TWO-WAY COMMUNICATION TO TRANSMIT INFORMATION BETWEEN THE  
23 UTILITY CUSTOMER'S PREMISES AND THE UTILITY COMPANY;

24 (II) THE CUSTOMER MAY REFUSE THE INSTALLATION OF A  
25 SMART METER AT NO ADDITIONAL COST TO THE CUSTOMER; AND

26 (III) THE CUSTOMER MAY, FOR ANY REASON, REQUIRE THE  
27 UTILITY COMPANY TO REMOVE A SMART METER THAT PREVIOUSLY WAS INSTALLED  
28 AT THE CUSTOMER'S PREMISES AND TO REPLACE IT WITH AN ANALOG METER:

1                   **1. AT A DATE AND TIME AGREED ON BY THE CUSTOMER**  
2 **AND THE UTILITY COMPANY; AND**

3                   **2. AT NO ADDITIONAL COST TO THE CUSTOMER.**

4           **(C) A UTILITY COMPANY MAY NOT IMPOSE ANY ADDITIONAL FEE OR**  
5 **CHARGE ON A UTILITY CUSTOMER THAT REFUSES INSTALLATION OF A SMART METER**  
6 **OR REQUESTS REMOVAL OF A SMART METER UNDER SUBSECTION (B) OF THIS**  
7 **SECTION.**

8           SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1, 2019,  
9 and again on or before January 1, 2020, the Public Service Commission shall report to the  
10 Senate Finance Committee and the House Economic Matters Committee, in accordance  
11 with § 2-1246 of the State Government Article, on:

12           (1) any savings realized through the use of smart meters by utility  
13 companies or utility customers in the State; and

14           (2) any breaches to a utility company's cybersecurity infrastructure,  
15 significant consequences of the breaches, and corrective actions taken.

16           SECTION 3. AND BE IT FURTHER ENACTED, That:

17           (a) On or before January 1, 2020, the Maryland Department of Health and the  
18 Public Service Commission jointly shall report to the Senate Finance Committee and the  
19 House Economic Matters Committee, in accordance with § 2-1246 of the State Government  
20 Article, on the public health impact of smart meter deployment in the State.

21           (b) The report required under this section shall include, at a minimum:

22           (1) a summary of the Maryland Department of Health's activities assessing  
23 the health effects of smart meters in the State;

24           (2) a representative sample of radio frequency levels measured at premises  
25 where smart meters have been installed; and

26           (3) evidence-based recommendations relating to the potential health  
27 effects of smart meters.

28           (c) The Public Service Commission, in consultation with the Maryland  
29 Department of Health, shall select and retain an independent expert, not an employee of  
30 the State, to prepare the report required under this section.

31           SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
32 October 1, 2018.