

HOUSE BILL 331

C5
HB 1066/13 – ECM

4r1086
CF SB 280

By: **Delegates Glass, Arentz, Arora, Braveboy, Carr, Carter, Conaway, Donoghue, Dwyer, Elliott, Fisher, Frank, Gutierrez, Guzzone, Harper, Hogan, Hough, Jacobs, James, Kach, Kipke, Krebs, McComas, McConkey, McDermott, McDonough, McMillan, A. Miller, W. Miller, Morhaim, Myers, Nathan–Pulliam, Norman, O’Donnell, Olszewski, Otto, Parrott, Pena–Melnyk, Ready, B. Robinson, S. Robinson, Simmons, Smigiel, Sophocleus, Stein, Stukes, Swain, Szeliga, F. Turner, V. Turner, Valderrama, Vallario, Vitale, Waldstreicher, Walker, M. Washington, Wood, and Zucker**

Introduced and read first time: January 22, 2014
Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Electricity – Smart Meters – Disclosure of Usage Data**

3 FOR the purpose of prohibiting an electric company from penalizing or charging a
4 customer for taking certain actions; prohibiting an electric company from
5 disclosing certain data to a third party, subject to certain exceptions;
6 authorizing a customer to submit a certain complaint to the Public Service
7 Commission under certain circumstances; requiring the Commission to conduct
8 a certain investigation after receiving a complaint; authorizing the Commission
9 to take certain actions; making an electric company liable for unauthorized
10 disclosures of certain data; specifying that a customer may take certain other
11 actions in addition to filing a complaint with the Commission; defining certain
12 terms; and generally relating to smart meters.

13 BY adding to
14 Article – Public Utilities
15 Section 7–302.1
16 Annotated Code of Maryland
17 (2010 Replacement Volume and 2013 Supplement)

18 BY repealing and reenacting, without amendments,
19 Article – Public Utilities
20 Section 7–501(a) and (f)
21 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 (2010 Replacement Volume and 2013 Supplement)

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

4 **Article – Public Utilities**

5 **7-302.1.**

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

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

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

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

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

19 (I) PREPARING A CUSTOMER’S BILL; OR

20 (II) SUPPORTING CUSTOMER CHOICE.

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

24 (I) THE NAME AND ADDRESS OF THE ELECTRIC COMPANY
25 ALLEGED TO HAVE COMMITTED THE VIOLATION;

26 (II) THE PARTICULARS OF THE VIOLATION; AND

27 (III) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ANY
28 OTHER INFORMATION REQUIRED BY THE COMMISSION.

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

3 **(D) AFTER THE FILING OF A COMPLAINT, THE COMMISSION SHALL**
4 **INVESTIGATE THE ALLEGATIONS TO ASCERTAIN ISSUES AND FACTS.**

5 **(E) IF THE COMMISSION DETERMINES THAT THE COMPLAINT LACKS**
6 **REASONABLE GROUNDS ON WHICH TO BASE A VIOLATION OF THIS SECTION, THE**
7 **COMMISSION MAY:**

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

9 **(2) CONDUCT ANY FURTHER INVESTIGATION THE COMMISSION**
10 **CONSIDERS NECESSARY.**

11 **(F) AN ELECTRIC COMPANY THAT VIOLATES SUBSECTION (B) OF THIS**
12 **SECTION SHALL BE LIABLE TO EACH AFFECTED CUSTOMER FOR A PENALTY OF**
13 **\$1,000 FOR EACH UNAUTHORIZED DISCLOSURE OF USAGE DATA.**

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

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

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

17 7-501.

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

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

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 June 1, 2014.