

HOUSE BILL 1496

C5, L2

4lr3323

By: **Delegates Conaway and Glass**

Introduced and read first time: February 24, 2014

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Consumer Relations – Smart Meters**

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

23 BY adding to

24 Article – Public Utilities

25 Section 7–302.1

26 Annotated Code of Maryland

27 (2010 Replacement Volume and 2013 Supplement)

28 BY repealing and reenacting, without amendments,

29 Article – Public Utilities

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 7–501(a) and (f)
2 Annotated Code of Maryland
3 (2010 Replacement Volume and 2013 Supplement)

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

6 **Article – Public Utilities**

7 **7–302.1.**

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

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

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

15 (B) THIS SECTION APPLIES TO AN ELECTRIC COMPANY THAT DEPLOYS
16 SMART METERS IN BALTIMORE CITY.

17 (C) (1) NOTWITHSTANDING ANY OTHER LAW, IF AN ELECTRIC
18 COMPANY DEPLOYS SMART METERS IN BALTIMORE CITY, THE ELECTRIC
19 COMPANY SHALL GIVE WRITTEN NOTICE OF THE DEPLOYMENT TO EACH
20 CUSTOMER IN THE AFFECTED PORTION OF THE SERVICE TERRITORY.

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

26 (II) THE ELECTRIC COMPANY SHALL PROVIDE EACH
27 CUSTOMER WITH A POSTAGE PREPAID AND PREAMBITTERED ENVELOPE FOR
28 RETURN MAILING OF THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS
29 SUBSECTION.

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

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

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

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

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

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

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

18 **(I) PREPARING A CUSTOMER'S BILL; OR**

19 **(II) SUPPORTING CUSTOMER CHOICE.**

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

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

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

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

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

1 **(G) AFTER THE FILING OF A COMPLAINT, THE COMMISSION SHALL**
2 **INVESTIGATE THE ALLEGATIONS TO ASCERTAIN ISSUES AND FACTS.**

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

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

7 **(2) CONDUCT ANY FURTHER INVESTIGATION THE COMMISSION**
8 **CONSIDERS NECESSARY.**

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

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

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

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

15 7-501.

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

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

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

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