125th MAINE LEGISLATURE

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Legislative Document **No. 756**

H.P. 563 House of Representatives, March 1, 2011

An Act To Limit the Use of Smart Meters

Reference to the Committee on Energy, Utilities and Technology suggested and ordered printed.

HEATHER J.R. PRIEST
Clerk

Presented by Representative SIROCKI of Scarborough.
Cosponsored by Representatives: BENNETT of Kennebunk, DUNPHY of Embden, GIFFORD of Lincoln, LIBBY of Waterboro, McCLELLAN of Raymond, O'CONNOR of Berwick, PARKER of Veazie, WINTLE of Garland.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 35-A MRSA §3143, sub-§3, as enacted by PL 2009, c. 539, §2, is amended to read:

3. Smart grid policy; goals. In order to improve the overall reliability and efficiency of the electric system, reduce ratepayers' costs in a way that improves the overall efficiency of electric energy resources, reduce and better manage energy consumption and reduce greenhouse gas emissions, it is the policy of the State to promote in a timely and responsible manner, with consideration of all relevant factors and consistent with all applicable laws, including section 3144, the development, implementation, availability and use of smart grid functions and associated infrastructure, technology and applications in the State through:

A. Increased use of digital information and control technology to improve the reliability, security and efficiency of the electric system;

B. Deployment and integration into the electric system of renewable capacity resources, as defined in section 3210-C, subsection 1, paragraph E, that are interconnected to the electric grid at a voltage level less than 69 kilovolts;

C. Deployment and integration into the electric system of demand response technologies, demand-side resources and energy-efficiency resources;

D. Deployment of smart grid technologies, including real-time, automated, interactive technologies that optimize the physical operation of energy-consuming appliances and devices, for purposes of metering, communications concerning grid operation and status and distribution system operations;

E. Deployment and integration into the electric system of advanced electric storage and peak-reduction technologies, including plug-in electric and hybrid electric vehicles;

F. Provision to consumers of timely energy consumption information and control options; and

G. Identification ~~and elimination~~ of solutions to overcome barriers to adoption of smart grid functions and associated infrastructure, technology and applications.

It is the policy of the State to promote the development, implementation, availability and use of smart grid functions in accordance with this subsection in a manner that is consistent with applicable standards for reliability, safety, security and privacy and that takes into account the implementation of smart grid functions in other jurisdictions.

The commission may adopt rules regarding the implementation of smart grid functions in the State in accordance with this subsection, including, but not limited to, rules regarding cybersecurity and protection of consumer privacy, and access to smart grid infrastructure and information, including, but not limited to, open access issues, coordination between smart grid users and methods to address financial disincentives for transmission and distribution utilities to promote smart grid functions. Rules adopted pursuant to this subsection are routine technical rules as described in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 35-A MRSA §3144 is enacted to read:

§3144. Smart meters; customer rights

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Wired smart meter" means an advanced metering infrastructure device using a fixed wire for 2-way communication between the device and a transmission and distribution utility.

B. "Wireless smart meter" means an advanced metering infrastructure device using radio or other wireless means for 2-way communication between the device and a transmission and distribution utility.

2. Terms and conditions. A transmission and distribution utility may not install a wireless smart meter unless approved by the commission. Upon petition by a transmission and distribution utility, the commission shall open a proceeding to establish the terms and conditions under which the utility may install wireless smart meters. The terms and conditions must include, but are not limited to, provisions allowing a customer, at no cost to that customer:

A. To decline the installation of the wireless smart meter; or

B. To have a wired smart meter installed as an alternative to the wireless smart meter.

Sec. 3. Installed smart meters. If a transmission and distribution utility has installed a wireless smart meter, as defined in the Maine Revised Statutes, Title 35-A, section 3144, prior to the effective date of this Act, the Public Utilities Commission shall open a proceeding to establish terms and conditions governing any further installation of wireless smart meters by that transmission and distribution utility consistent with the requirements of Title 35-A, section 3144. The commission also shall establish, in the same proceeding, procedures by which a customer who has an installed wireless smart meter may, at no cost to that customer, have the wireless smart meter removed and replaced with a meter that does not use wireless technology.

SUMMARY

This bill requires the Public Utilities Commission to establish terms and conditions governing the installation of wireless smart meters. The terms and conditions must allow customers, at no cost, to opt out of having a wireless smart meter installed or to have any wireless smart meter that has been installed removed. Customers, at no cost, must be given the option of a wired smart meter.