

HOUSE BILL NO. 267

INTRODUCED BY D. ZOLNIKOV

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING UTILITY REQUIREMENTS FOR THE USE OF  
5 ADVANCED METERING DEVICES; REQUIRING A UTILITY TO NOTIFY A CUSTOMER PRIOR TO  
6 INSTALLATION OF ADVANCED METERING DEVICES; PROVIDING THAT DATA COLLECTED THROUGH  
7 USE OF METERING DEVICES IS GENERALLY CONFIDENTIAL; REQUIRING THE PUBLIC SERVICE  
8 COMMISSION TO DETERMINE WHETHER IMPLEMENTATION OF A CUSTOMER OPT-OUT PROGRAM IS  
9 REQUIRED; GRANTING THE COMMISSION RULEMAKING AUTHORITY; AND PROVIDING AN IMMEDIATE  
10 EFFECTIVE DATE."

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12 WHEREAS, Montanans have a right to privacy as guaranteed by the Montana Constitution; and  
13 WHEREAS, advanced metering devices can present issues of privacy.

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15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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17 NEW SECTION. **Section 1. Definitions.** As used in [sections 1 through 4], unless the context requires  
18 otherwise the following definitions apply:

19 (1) "Advanced metering device" means any electric utility meter, electric utility meter component, or  
20 device ancillary to the electric utility meter that is located at an end-user's residence or business and is equipped  
21 and programmed to communicate with electrical appliances, electrical equipment, or electrical devices within the  
22 end-user's residence or business or that is capable of estimating and recording electrical energy usage by types  
23 of appliances, electrical equipment, or electrical devices.

24 (2) "Utility" means a public utility regulated by the public service commission pursuant to Title 69, chapter  
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27 NEW SECTION. **Section 2. Meter security.** (1) A customer's energy use data is private and confidential  
28 and may not be disclosed by a utility, except as specifically provided by law.

29 (2) Energy use data from an advanced metering device must be sufficiently secured so that the data  
30 cannot be intercepted by a person other than a utility.

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**NEW SECTION. Section 3. Advanced metering devices -- notice required.** (1) A utility shall:

(a) notify a customer in writing at least 60 days prior to installation of an advanced metering device at the customer's address; and

(b) provide a sample copy of the notice to the public service commission and a list of customers who have been provided notice.

(2) The notice provided in accordance with subsection (1) must:

(a) be sent by first-class mail to a customer's address and be separate from any billing mailing;

(b) clearly state the utility's intent to install an advanced metering device; and

(c) if determined to be a requirement by the public service commission, include the process and financial obligations for a customer to opt-out of installation of an advanced metering device.

**NEW SECTION. Section 4. Opt-out -- public service commission responsibilities -- rulemaking.**

(1) On or before July 1, 2020, the public service commission shall determine whether an opt-out program for advanced metering devices should be established. In determining whether to establish an opt-out program, the commission shall consider:

- (a) an individual customer's privacy interest;
- (b) costs and practicality of allowing customers to opt-out;
- (c) availability of other technology; and
- (d) other concerns related to advanced metering devices.

(2) If the commission determines an opt-out program should be established, the commission shall adopt rules providing options and requirements for individual customers to opt out of advanced metering installation.

**NEW SECTION. Section 5. Codification instruction.** [Sections 1 through 4] are intended to be codified as an integral part of Title 69, and the provisions of Title 69, apply to [sections 1 through 4].

**NEW SECTION. Section 6. Effective date.** [This act] is effective on passage and approval.

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