

HOUSE BILL NO. 267

INTRODUCED BY D. ZOLNIKOV, E. BUTTREY, K. DUDIK, B. GRUBBS, W. MCKAMEY, R. PEPPERS,  
R. SHAW, B. SMITH, T. WOODS

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

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

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

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

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

(2) "Utility" means a public utility regulated by the public service commission pursuant to Title 69, chapter  
3.

NEW SECTION. **Section 2. Meter security -- DATA DISCLOSURE.** (1) ~~A~~ EXCEPT AS PROVIDED IN  
SUBSECTIONS (3) AND (4), A customer's energy use data is private and confidential and may not be disclosed by  
a utility, except as specifically REQUIRED IN SUBSECTION (3) OR (4) OR OTHERWISE provided by law.

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

3 (3) A UTILITY MAY DISCLOSE AGGREGATED ENERGY USE DATA THAT IS ANONYMOUS.

4 (4) A UTILITY SHALL MAKE ENERGY USE DATA COLLECTED FROM AN ADVANCED METERING DEVICE AVAILABLE TO  
5 A CUSTOMER OR TO A CUSTOMER'S DESIGNEE UPON REQUEST OF THE CUSTOMER.

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

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

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

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

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

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

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

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

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

22 (a) an individual customer's privacy interest;

23 (b) costs and practicality of allowing customers to opt-out;

24 (c) availability of other technology; and

25 (d) other concerns related to advanced metering devices.

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

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

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

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