



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:

**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.

**Section 2. Meter security -- data disclosure.** (1) 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.

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

(3) A utility may disclose aggregated energy use data that is anonymous.

(4) A utility shall make energy use data collected from an advanced metering device available to a customer or to a customer's designee upon request of the customer.

**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.

**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.

**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].

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

- END -

I hereby certify that the within bill,  
HB 0267, originated in the House.

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2019.

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Chief Clerk of the House

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2019.

HOUSE BILL NO. 267

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

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