

1 HOUSE BILL NO. 606

2 INTRODUCED BY P. FIELDER, S. GALLOWAY, S. GIST, J. SCHILLINGER

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT ~~REQUIRING~~ ALLOWING CUSTOMERS TO OPT-IN FOR
5 ADVANCED METERING DEVICE INSTALLATION; PROVIDING RULEMAKING AUTHORITY; ~~REPEALING~~
6 ~~SECTION 69-4-1004, MCA; AMENDING SECTIONS 69-4-1001 AND 69-4-1004, MCA;~~ AND PROVIDING AN
7 IMMEDIATE EFFECTIVE DATE."

8

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

10

11 NEW SECTION. Section 1. Advanced meter opt-in provisions -- rulemaking. (1) A utility ~~shall~~
12 ~~require~~ MAY ALLOW customers to opt-in to the installation of all advanced metering GATEWAY devices located at
13 an end user's residence or business.

14 (2) A utility may ~~not~~ charge customers who ~~do not~~ opt-in to advanced metering device installation
15 additional fees or charges related to the ~~customer decision to forego~~ installation.

16 (3) If the commission determines an opt-in program should be established, the commission shall
17 adopt rules providing options, ~~and requirements,~~ AND A PROCESS FOR DETERMINATION OF FEES OR CHARGES for
18 individual customers to opt-in to advanced metering device installation.

19 (4) UTILITIES SEEKING TO ALLOW AN ADVANCED METER OPT-IN PROGRAM SHALL FILE A REPORT DETAILING
20 THE PROGRAM REQUIREMENTS AND PROCESS FOR DETERMINING FEES OR CHARGES WITH THE COMMISSION ALONG WITH
21 A \$25 FILING FEE.

22

23 SECTION 2. SECTION 69-4-1001, MCA, IS AMENDED TO READ:

24 "**69-4-1001. Definitions.** As used in this part, unless the context requires otherwise, the following
25 definitions apply:

26 (1) "Advanced metering gateway device" means any ~~electric utility meter,~~ electric utility meter
27 component, or device ancillary to the electric utility meter that is located at an end-user's residence or business
28 and is equipped and programmed to communicate with electrical appliances, electrical equipment, or electrical

1 devices within the end-user's residence or business or that is capable of estimating and recording electrical
 2 energy usage by types of appliances, electrical equipment, or electrical devices.

3 (2) "ADVANCED METERING DEVICE" OR "ADVANCED METER" MEANS A METER OR METERING DEVICE THAT IS
 4 OWNED OR LEASED BY A UTILITY OR THE UTILITY'S AGENT AND THAT:

5 (A) MEASURES, RECORDS, OR SENDS A CUSTOMER'S UTILITY USAGE OR OTHER DATA BY USE OF RADIO WAVES
 6 OR INTERNET TECHNOLOGY; OR

7 (B) ALLOWS FOR TWO-WAY COMMUNICATION BETWEEN THE METER AND THE UTILITY OR ITS AGENT.

8 ~~(2)~~(3) "Utility" means a public utility regulated by the public service commission pursuant to Title 69,
 9 chapter 3."

10

11 **SECTION 3. SECTION 69-4-1004, MCA, IS AMENDED TO READ:**

12 **"69-4-1004. Opt-out -- public service commission responsibilities -- rulemaking.** (1) On or before
 13 July 1, 2020, the public service commission shall determine whether an opt-out program for advanced metering
 14 gateway devices should be established. In determining whether to establish an opt-out program, the
 15 commission shall consider:

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

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

23

24 ~~**NEW SECTION. Section 2. Repealer.** The following section of the Montana Code Annotated is~~
 25 ~~repealed:~~

26 ~~69-4-1004. Opt-out -- public service commission responsibilities -- rulemaking.~~

27

28 **NEW SECTION. Section 4. Codification instruction.** [Section 1] is intended to be codified as an

1 integral part of Title 69, chapter 4, part 10, and the provisions of Title 69, chapter 4, part 10, apply to [section 1].

2

3 NEW SECTION. **Section 5. Effective date.** [This act] is effective on passage and approval.

4

- END -