HOUSE DOCKET, NO. 3449 FILED ON: 1/18/2013

HOUSE . . . . . No. 2926

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas P. Conroy

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to utilities, smart meters, and ratepayers' rights.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Thomas P. Conroy	*13th Middlesex*
James B. Eldridge	*Middlesex and Worcester*

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By Mr. Conroy of Wayland, a petition (accompanied by bill, House, No. 2926) of Thomas P. Conroy and James B. Eldridge relative to utility meters and the rights of utility ratepayers. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to utilities, smart meters, and ratepayers' rights.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter 164 of The General Laws is hereby amended by inserting after section 116B the following section:

SECTION 116C: SMART METER INFORMATION

a) As used in this section, the following terms shall have the following meanings:

(1) "Electromechanical analog meter", shall mean a meter with no wireless components and which does not emit radiofrequency electromagnetic radiation.

(2) "Utilities", shall mean an electric, gas, or water company, or town or city-owned utility or other utility provider.

(3) "Wireless smart meter", shall mean an advanced metering infrastructure (AMI) device using radio or other wireless means for two-way communication between the device and an electric, gas, or water company, an advanced meter reading device using radio or other wireless means for one-way communication between the device and a utility company, or any utility meter that emits wireless radiofrequency electromagnetic radiation; or requires a direct current with which to operate.

b) The department of public utilities shall direct utilities to provide to ratepayers the following:

(1) a choice of the type of utility meters to be installed and operated on their places of residence, property or business; and

19 (2) an ability to retain or restore by replacement meters that emit no radiofrequency
20 electromagnetic radiation.

21 c) The utilities shall be required to obtain the ratepayer's written consent before
22 installing wireless smart meters on the ratepayer's property. Ratepayers shall be allowed to
23 retain their electromechanical analog meters.

24 d) The utilities shall provide written notice to ratepayers within 90 days of the
25 effective date of this act for the purpose of informing said ratepayers if wireless smart meters
26 have been installed on their properties. Ratepayers shall have the right to request that the utility
27 companies remove said wireless smart meters and the replacement installation of
28 electromechanical analog meters that emit no radiofrequency electromagnetic radiation at no cost
29 or other periodic usage charges to the ratepayer for such removal and replacement installation.
30 The utility company shall promptly comply with such removal and replacement installation
31 request made by the ratepayer to said company.

32 e) Utility Companies are:

33 (1) prohibited from shutting off service to a ratepayer based on the amount of utility
34 usage the ratepayer uses or the ratepayer having wireless smart meters;

35 (2) prohibited from imposing any disincentive on a ratepayer for not consenting to the
36 installation or use of wireless smart meters; and

37 (3) required to notify ratepayers in writing that the installation and use of wireless
38 smart meters are not mandated by state or federal law and are not permitted without the
39 ratepayer's consent.

40 f) The DPU shall establish terms and conditions to comply with the requirements of
41 this section.

42 g) This section shall take effect upon its passage.