HOUSE DOCKET, NO. 3553 FILED ON: 1/16/2015

HOUSE . . . . . No. 2868

The Commonwealth of Massachusetts

PRESENTED BY:

Stephen L. DiNatale

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:	DATE ADDED:
Stephen L. DiNatale	*3rd Worcester*	*1/16/2015*
Jennifer L. Flanagan	*Worcester and Middlesex*	*8/2/2019*
Michael O. Moore	*Second Worcester*	*8/2/2019*
Paul McMurtry	*11th Norfolk*	*8/2/2019*
Donald H. Wong	*9th Essex*	*8/2/2019*
Marjorie C. Decker	*25th Middlesex*	*8/2/2019*
John V. Fernandes	*10th Worcester*	*8/2/2019*
Michelle M. DuBois	*10th Plymouth*	*8/2/2019*
Dennis A. Rosa	*4th Worcester*	*8/2/2019*
Angelo L. D'Emilia	*8th Plymouth*	*8/2/2019*
Brian M. Ashe	*2nd Hampden*	*8/2/2019*
Geoff Diehl	*7th Plymouth*	*8/2/2019*
Jennifer E. Benson	*37th Middlesex*	*8/2/2019*
Keiko M. Orrall	*12th Bristol*	*8/2/2019*
Diana DiZoglio	*14th Essex*	*8/2/2019*
Richard J. Ross	*Norfolk, Bristol and Middlesex*	*8/2/2019*

HOUSE DOCKET, NO. 3553 FILED ON: 1/16/2015

HOUSE . . . . . No. 2868

By Mr. DiNatale of Fitchburg, a petition (accompanied by bill, House, No. 2868) of Stephen L. DiNatale and others relative to utility meters and the rights of utility ratepayers. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

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/WIRELESS UTILITY METER INFORMATION

An Act relative to

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

(1) "Electromechanical analog meter", means a purely mechanical device, using no electronic components, no switch mode power supply, no transmitter, no antenna, and no radio frequency emissions

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

(3) “Wireless meter” shall mean: Any transmitting metering device with electronic components and/or any electric or battery operated meter that is capable of measuring, recording, and sending data from a utility consumer or member to a public utility, municipality, or cooperative association in a manner utilizing one−way communication, two −way communication, or a combination of one−way and two−way communication with any entity or device, or a device ancillary to the meter. (Common names include, but are not limited to, AMR, ERT, smart, AMI, and Comprehensive Advanced Metering Plan CAMP)

(4) “Equivalent Technology” shall mean utility infrastructure such as WiMax that extracts data using wireless frequencies, but which may be undisclosed due to proprietary rights (eg NStar)

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;

(2) the ability to retain “Electromechanical analog meter” at no cost

(3) the right to replacement of a wireless meter with a non-transmitting electromechanical meter at no cost

c) The utilities shall be required to obtain the ratepayer’s written consent

(1) before installing wireless meters or equivalent technology on the ratepayer's property

(2) before altering the functionality of said meters

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

e) Utility Companies are:

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

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

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

(4) prohibited from discriminating against ratepayers who may have medical conditions that are exacerbated by exposures to pulsed microwave radio frequencies;

(5) prohibited from installing wireless repeaters or nodes on poles in lieu of a wireless utility meter on or near the home or business of an individual requesting a non-transmitting meter.

f) The DPU shall insure that MA residents, including those who live in multi-family residences, are not adversely impacted by proximity to wireless utility meters and infrastructure.

g)The DPU shall monitor the safety of utility wireless infrastructure for all MA residents, in accordance with

(1) its mandate to provide the safe and reliable delivery of electricity for all ratepayers

(2) the Universal Declaration of Human Rights, including Article 17 (No one shall be arbitrarily deprived of his property)

(3) requirements for informed consent specified in Federal Regulations for Human Subjects Research, federal regulations (45CFR46)

prohibiting experimentation without knowledge or consent

(4) the Precautionary Principle

(5) recommendations of the Jan. 2015 European Economic and Social Committee on Electromagnetic Hypersensitivity

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

i) This section shall take effect upon its passage