

SENATE No. 1864

The Commonwealth of Massachusetts

PRESENTED BY:

Michael O. Moore

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:	
<i>Michael O. Moore</i>	<i>Second Worcester</i>	
<i>Diana DiZoglio</i>	<i>14th Essex</i>	<i>1/26/2017</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>1/26/2017</i>
<i>Linda Dean Campbell</i>	<i>15th Essex</i>	<i>1/31/2017</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>	<i>2/2/2017</i>
<i>Jack Lewis</i>	<i>7th Middlesex</i>	<i>2/2/2017</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>2/3/2017</i>
<i>Jennifer L. Flanagan</i>	<i>Worcester and Middlesex</i>	<i>2/15/2017</i>
<i>Kathleen O'Connor Ives</i>	<i>First Essex</i>	<i>3/27/2017</i>

SENATE No. 1864

By Mr. Moore, a petition (accompanied by bill, Senate, No. 1864) of Michael O. Moore, Diana DiZoglio, David Paul Linsky, Linda Dean Campbell and other members of the General Court for legislation relative to utility meters and the rights of utility ratepayers. Telecommunications, Utilities and Energy.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2868 OF 2015-2016.]

The Commonwealth of Massachusetts

—————
**In the One Hundred and Ninetieth General Court
(2017-2018)**
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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:

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

3 SECTION 116C: Smart/wireless utility meter information

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

5 (1) “Electromechanical analog meter”, means a purely electric and mechanical device,
6 using no electronic components, no switch mode power supply, no transmitter, no antenna, and
7 no radio frequency emissions.

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

10 (3) "Wireless meter" shall mean: Any transmitting metering device with electronic
11 components and/or any electric or battery operated meter that is capable of measuring, recording,
12 and sending data by means of a wireless signal from a utility consumer or member to a utility
13 company, municipality, or cooperative association in a manner utilizing one-way
14 communication, two-way communication, or a combination of one-way and two-way
15 communication either through the meter itself or through a device ancillary to the meter.
16 Common names include, but are not limited to, AMR, ERT, smart, AMI, and Comprehensive
17 Advanced Metering Plan CAMP.

18 (4) "Equivalent technology" shall mean utility infrastructure that communicates data
19 using wireless frequencies, but which may be undisclosed due to proprietary rights.

20 b) The department of public utilities shall direct utility companies to provide ratepayers
21 the following:

22 (1) a choice of the type of utility meters to be installed and operated on their places of
23 residence, property or business; among the choices offered shall be the installation and ongoing
24 operation of an "electromechanical analog meter"; and

25 (2) the ability to retain and operate an "electromechanical analog meter" on an ongoing
26 basis at no cost; and

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

29 c) The utility companies shall be required to obtain the ratepayer's written consent:

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

32 (2) before altering the functionality of said meters.

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

41 e) Utility companies are:

42 (1) prohibited from shutting off service to a ratepayer based on the ratepayer's utility
43 usage or on the ratepayer having electromechanical analog meters;

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

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

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

50 (5) prohibited from installing "equivalent technology", such as direct wireless connection
51 to devices in the home or business, on poles or in any other manner near the home or business of
52 an individual requesting a non-transmitting meter.

53 f) The department of public utilities shall establish terms and conditions to comply with
54 the requirements of this section.

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