

HB 454 – AS INTRODUCED

2013 SESSION

13-0703
06/09

HOUSE BILL **454**

AN ACT requiring consent prior to the installation of smart meters.

SPONSORS: Rep. Kurk, Hills 2

COMMITTEE: Science, Technology and Energy

ANALYSIS

This bill requires consent of the owner before an electric utility may install a smart meter in such person's home or business.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struck through~~].
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT requiring consent prior to the installation of smart meters.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Property Owner’s Consent Required for Smart Meters and Smart Meter Gateway Devices.
2 RSA 374:62 to read as follows:

3 374:62 Property Owner’s Consent Required for **Smart Meters and** Smart Meter Gateway
4 Devices.

5 I. In this subdivision:

6 (a) **“Smart meter” means an advanced metering infrastructure device using**
7 **radio or other wireless means for 2-way communication between the device and a public**
8 **utility or electric utility but lacks the capability of a smart meter gateway device.**

9 ~~(b)~~ (b) “Smart meter gateway device” means any electric utility meter, electric utility
10 meter component, electric utility load control device, or device ancillary to the electric utility meter,
11 which is located at an end-user’s residence or business, and which serves as a communications
12 gateway or portal to electrical appliances, electrical equipment, or electrical devices within the end-
13 user’s residence or business, or which otherwise communicates with, monitors, or controls such
14 electrical appliances, electrical equipment, or electrical devices.

15 ~~(c)~~ (c) “Electric utility” means any public utility, as defined in RSA 362:2, which is
16 engaged in the sale or distribution of electricity ultimately sold to the public, any rural electric
17 cooperative, without regard to whether a certificate of regulation or deregulation is on file with the
18 public utilities commission, and any municipal electric system operating pursuant to RSA 38 within
19 or outside its municipal boundaries.

20 II.(a) No electric utility that sells or provides electricity within the state of New Hampshire
21 shall install a **smart meter or a** smart meter gateway device on or in a person’s home or business
22 without the written consent of the person or persons who own the home or business.

23 (b) An electric utility selling or providing electricity shall create a form that the person
24 or persons who own the home or business must sign to opt-in to having a **smart meter or a** smart
25 meter gateway device installed on or in his or her home or business. The form shall, in at least 12-
26 point boldface type, state that:

27 (1) The opt-in is optional and one’s service will not be affected if one elects not to opt-
28 in; ~~and~~

29 (2) The device is a **“smart meter” or a** “smart meter gateway device,” and ~~provide~~
30 ~~the definition in subparagraph I(a)]~~ **a brief and simple description of each; and**

1 (3) *The additional information that is available to the electric utility as a*
2 *result of installing a smart meter or smart meter gateway device; the uses to which the*
3 *electric utility may put the information; and those to whom the electric utility may provide*
4 *such information without the further consent of the owner, in each case in a brief and*
5 *simple descriptive format.*

6 III. When an electric utility enrolls a homeowner or business owner for electrical service at
7 his or her home or business, the electric utility shall disclose in writing whether a **smart meter or a**
8 smart meter gateway device has been installed, and shall remove, or allow to be removed, all **smart**
9 **meter or a** smart meter gateway devices upon written request of the homeowner or business owner.

10 IV. *An electric utility may offer a discount to homeowners or business owners who*
11 *opt-in to a smart meter or a smart meter gateway device installation on their home or*
12 *business; however, the utility shall not raise rates on persons who do not opt-in to or who*
13 *opt-out of a smart meter or smart meter gateway device pursuant to this section.*

14 2 Effective Date. This act shall take effect upon its passage.