

HOUSE BILL 1066

C5

3lr2324

By: **Delegates Glass, Aumann, Boteler, Dwyer, Fisher, Ivey, Jones, McDonough, O'Donnell, Ready, Smigiel, and Stocksdales**

Introduced and read first time: February 8, 2013

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Electricity – Smart Meters – Disclosure of Usage Data**

3 FOR the purpose of prohibiting an electric company from penalizing or charging a
4 customer for taking certain actions; prohibiting an electric company from
5 disclosing certain data to a third party, subject to a certain exception;
6 authorizing a customer to submit a certain complaint to the Public Service
7 Commission under certain circumstances; requiring the Commission to conduct
8 a certain investigation after receiving a complaint; authorizing the Commission
9 to take certain actions; making an electric company liable for unauthorized
10 disclosures of certain data; specifying that a customer may take certain other
11 actions in addition to filing a complaint with the Commission; defining a certain
12 term; and generally relating to smart meters.

13 BY adding to

14 Article – Public Utilities

15 Section 7–302.1

16 Annotated Code of Maryland

17 (2010 Replacement Volume and 2012 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Public Utilities**

21 **7–302.1.**

22 **(A) IN THIS SECTION, “SMART METER” MEANS A DIGITAL METER THAT**
23 **ALLOWS TWO–WAY COMMUNICATION BETWEEN AN ELECTRIC CUSTOMER’S**
24 **PREMISES AND AN ELECTRIC COMPANY THROUGH A WIRELESS NETWORK.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
2 **SUBSECTION, AN ELECTRIC COMPANY MAY NOT DISCLOSE USAGE DATA**
3 **OBTAINED FROM A SMART METER TO A THIRD PARTY WITHOUT THE**
4 **CUSTOMER'S WRITTEN CONSENT.**

5 **(2) AN ELECTRIC COMPANY MAY DISCLOSE USAGE DATA**
6 **OBTAINED FROM A SMART METER TO A THIRD PARTY FOR THE PURPOSE OF**
7 **PREPARING A CUSTOMER BILL.**

8 **(C) (1) A CUSTOMER THAT IS AGGRIEVED BY AN UNAUTHORIZED**
9 **DISCLOSURE OF USAGE DATA OBTAINED FROM A SMART METER MAY FILE A**
10 **WRITTEN COMPLAINT WITH THE COMMISSION THAT STATES:**

11 **(I) THE NAME AND ADDRESS OF THE ELECTRIC COMPANY**
12 **ALLEGED TO HAVE COMMITTED THE VIOLATION;**

13 **(II) THE PARTICULARS OF THE VIOLATION; AND**

14 **(III) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ANY**
15 **OTHER INFORMATION REQUIRED BY THE COMMISSION.**

16 **(2) THE COMMISSION MAY NOT REQUIRE A CUSTOMER TO PROVE**
17 **DAMAGE.**

18 **(D) AFTER THE FILING OF A COMPLAINT, THE COMMISSION SHALL**
19 **INVESTIGATE THE ALLEGATIONS TO ASCERTAIN ISSUES AND FACTS.**

20 **(E) IF THE COMMISSION DETERMINES THAT THE COMPLAINT LACKS**
21 **REASONABLE GROUNDS ON WHICH TO BASE A VIOLATION OF THIS SECTION, THE**
22 **COMMISSION MAY:**

23 **(1) DISMISS THE COMPLAINT; OR**

24 **(2) CONDUCT ANY FURTHER INVESTIGATION THE COMMISSION**
25 **CONSIDERS NECESSARY.**

26 **(F) AN ELECTRIC COMPANY THAT VIOLATES SUBSECTION (B) OF THIS**
27 **SECTION SHALL BE LIABLE TO EACH AFFECTED CUSTOMER FOR A PENALTY OF**
28 **\$1,000 FOR EACH UNAUTHORIZED DISCLOSURE OF USAGE DATA.**

29 **(G) THIS SECTION DOES NOT PREVENT A CUSTOMER FROM:**

1 **(1) EXERCISING ANY RIGHT OR SEEKING ANY OTHER REMEDY; OR**

2 **(2) FILING A COMPLAINT WITH ANY OTHER AGENCY OR COURT.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 June 1, 2013.