EXPLANATION – Matter in *bolded italics* is new language in the original bill. This amendment proposes *matter highlighted* purple is to be deleted and *matter in green* is to be added.

*AB289*

ASSEMBLY BILL NO. 289—ASSEMBLYMEN STEWART; HAMBRICK, HARDY, HOGAN AND LIVERMORE (BY REQUEST)

MARCH 15, 2013

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Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing the installation and use of smart meters by *certain* all electric utilities.

(BDR 58-437)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State: No.

AN ACT relating to electric utilities; 1.) prohibiting an electric utility from requiring the installation of a smart meter on the residential property of a customer of the electric utility;

2.) requiring an electric utility to provide a 60 day written notice to a customer of the electric utility before installing a smart meter on the residential property of the customer;

3.) authorizing a customer of an electric utility to decline the installation or request the removal of a smart meter by the electric utility; 4.) authorizing an electric utility to install
certain meters an analog meter in lieu of a smart meter under certain circumstances; at the request of any residential customer; 5.) requiring an electric utility to keep confidential certain all information obtained from the installation and use of a smart meter; 6.) prohibiting an electric utility from increasing the cost of electric service to certain residential customers under certain circumstances; who have opted for the analog meter; 7.) and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Section 2 of this bill prohibits certain all electric utilities from requiring the installation of a smart meter on the residential property of a customer of the electric utility. Section 2 requires an electric utility to provide a 60 day written notice to a customer of the electric utility before installing a smart meter on the residential property of the customer. Section 2 further: (1) authorizes the customer, upon receiving the notice, to decline the installation of the smart meter within a 30 day certain period; (2) requires the electric utility, upon request, to remove a smart meter from the residential property of a customer at no cost to the customer within a 30 day period; and (3) authorizes the electric utility to install certain meters an analog meter in lieu of a smart meter at no cost to the customer and without any unreasonable disruption in service to the customer.

11 Section 2 requires an electric utility to keep confidential the all information obtained from the installation and use of smart meters. with limited exceptions. Section 3 of this bill prohibits an electric utility from increasing, without the approval of the Public Utilities Commission of Nevada, the cost of electric service to a customer if the increase in cost is based solely on the absence of an installed smart meter on the
residential property of the customer.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 704 of NRS is hereby amended by adding

2 thereto the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2.** 1. An electric utility shall not require the

4 installation of a smart meter on the residential property of a

5 customer of the electric utility.

6 2. An electric utility shall, not later than 60 days before

7 installing a smart meter on the residential property of a customer

8 of the electric utility, provide written notice of the installation to

9 the customer at the physical address of the residential property.

10 The notice must set forth the manner in which the customer may

11 decline the installation of the smart meter and provide notice to

12 the electric utility at the mailing address or electronic mail address

13 of the electric utility.

14 3. A customer of an electric utility may, not later than 30 days

15 after receiving a written notice pursuant to subsection 2, decline to

16 have a smart meter installed on the residential property of the

17 customer by providing notice to the electric utility in the manner

18 set forth in the written notice received by the customer pursuant to

19 subsection 2.

20 4. A customer of an electric utility may request the removal of

21 any smart meter installed by an electric utility on the residential

22 property of the customer by providing written notice of the request

23 to the electric utility. An electric utility shall remove the smart
meter not later than 30 days after receiving written notice
pursuant to this subsection and at no cost to the customer.

5. If a customer declines the installation of a smart meter
pursuant to subsection 3 or if an electric utility removes a smart
meter pursuant to subsection 4, the electric utility may install on
the residential property of the customer an other type of upgraded
analog meter or other advanced, (including those for gas service) other than a smart meter, at no
cost to the customer and without any unreasonable disruption in
service to the customer.

6. Except as otherwise provided in this subsection, an electric
utility shall keep confidential any all information obtained from the
installation and use of a smart meter on the residential property of
a customer of the electric utility. Such information may be
released only to the customer to the extent that the information
applies to the consumption of electricity by the customer or as
otherwise provided by any applicable provision of law.

7. As used in this section:

(a) “Electric utility” has the meaning ascribed to it in
NRS 704.187.

(b) “Smart meter” means a meter that uses a fixed wire or a
radio or other wireless signal to provide two-way communication
between the meter and an electric utility for the purposes of monitoring or measuring, in real time, the consumption of electricity by a customer of the electric utility.

Sec. 3. 1. An electric utility shall not charge additional fees, without the approval of nor shall the Commission approve, change any schedule or impose any rate, fee or other charge which would increase the cost of electric service to a residential customer of the electric utility if the change in schedule or imposition of the rate, fee or charge is based solely on the absence of an installed smart meter on the residential property of the customer.

2. As used in this section:

(a) “Electric utility” has the meaning ascribed to it in NRS 704.187.

(b) “Smart meter” has the meaning ascribed to it in paragraph (b) of subsection 7 of section 2 of this act.

Sec. 4. NRS 704.061 is hereby amended to read as follows:

As used in NRS 704.061 to 704.110, inclusive, and section 3 of this act, unless the context otherwise requires, the words and terms defined in NRS 704.062, 704.065 and 704.066 have the meanings ascribed to them in those sections.