

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 229

S.P. 75

In Senate, January 24, 2017

**An Act To Prohibit an Electric Utility from Charging a Customer
for Using an Electromechanical Meter**

Reference to the Committee on Energy, Utilities and Technology suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator MIRAMANT of Knox.
Cosponsored by Representative SIROCKI of Scarborough and
Senators: BELLOWS of Kennebec, CARSON of Cumberland, MILLETT of Cumberland,
Representatives: O'CONNOR of Berwick, PARRY of Arundel, WADSWORTH of Hiram,
WARREN of Hallowell.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 35-A MRSA §3104, sub-§2**, as enacted by PL 2003, c. 412, §1, is
3 amended to read:

4 **2. Requirement.** ~~An~~ Except as provided in this section, an investor-owned
5 transmission and distribution utility shall adopt and ordinarily follow as a general
6 operating policy a schedule of reading customer meters on a monthly basis. Any
7 investor-owned transmission and distribution utility that plans to adopt a different policy,
8 such as bimonthly meter readings or meter readings in accordance with subsection 3,
9 must receive prior approval of the commission.

10 **Sec. 2. 35-A MRSA §3104, sub-§3** is enacted to read:

11 **3. Meter reading and billing option.** An investor-owned transmission and
12 distribution utility may, with the prior approval of the commission, adopt in accordance
13 with this subsection a meter reading and billing policy for customers using
14 electromechanical meters, as defined in section 3106, that involves reading customer
15 meters as infrequently as once every 12 months. The policy may not involve reading
16 meters less frequently than once every 12 months. The policy may include a monthly
17 billing method that bases charges on an average of the customer's previous actual
18 electricity consumption over a period of up to 18 months. The policy may provide for
19 meter readings by a customer between readings by the utility if the utility provides
20 guidance to the customer on how to read a meter and a method that does not impose a
21 cost on the customer for the customer to provide the readings to the utility. The policy
22 must establish a process by which the utility provides a refund to a customer if a billing
23 based on average usage results in an overpayment by a customer and an appropriate
24 rebilling of a customer if such a billing results in an underpayment by the customer. The
25 commission may adopt routine technical rules as defined in Title 5, chapter 375,
26 subchapter 2-A to implement this subsection.

27 **Sec. 3. 35-A MRSA §3106** is enacted to read:

28 **§3106. Smart meter opt-out fees and charges prohibited**

29 **1. Definitions.** As used in this section, the following terms have the following
30 meanings.

31 A. "Electromechanical meter" means a meter used to measure electricity
32 consumption that is not a wireless smart meter.

33 B. "Wireless smart meter" means an electronic metering device to measure
34 electricity consumption that reports that consumption by wireless, radio frequency
35 communication.

36 **2. Prohibition.** A transmission and distribution utility may not charge a customer a
37 fee, monthly charge or higher rate for declining the installation of a wireless smart meter
38 or for the removal of a wireless smart meter. A transmission and distribution utility may
39 not charge a customer for costs associated with that customer's choosing an
40 electromechanical meter.

1 All costs incurred by a transmission and distribution utility as a result of a customer's
2 choosing an electromechanical meter are just and reasonable for rate-making purposes.

3 **SUMMARY**

4 This bill prohibits a transmission and distribution utility from charging a customer a
5 fee, monthly charge or higher rate for declining the installation of a wireless smart meter
6 or for the removal of a wireless smart meter. A transmission and distribution utility is
7 prohibited from including any costs associated with a customer's choosing an
8 electromechanical meter in rates charged to that customer.

9 With approval by the Public Utilities Commission, an investor-owned transmission
10 and distribution utility may decrease the number of times an electromechanical meter is
11 read for a customer that declines the installation of a wireless smart meter but may not
12 read the meter less frequently than once every 12 months and may establish a rate
13 collection method that is based upon the average electricity consumption of the customer.
14 If a transmission and distribution utility prefers a more frequent electromechanical meter
15 reading, the utility may establish a method for a customer to provide the utility with a
16 more frequent electromechanical meter reading, as long as the method does not impose a
17 cost on the customer. This bill requires the utility to establish a process by which the
18 utility provides a refund to a customer if a billing based on average usage results in an
19 overpayment by a customer and an appropriate rebilling of a customer if such a billing
20 results in an underpayment by the customer.