

1-1 By: Carona S.B. No. 241
 1-2 (In the Senate - Filed January 23, 2013; January 29, 2013,
 1-3 read first time and referred to Committee on Business and Commerce;
 1-4 May 6, 2013, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 5, Nays 2; May 6, 2013,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15		X		
1-16		X		
1-17			X	

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 241 By: Carona

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the regulation of advanced meters and the
 1-22 interconnection of ERCOT with another grid; requiring a study on
 1-23 the health effects of advanced meters; authorizing an
 1-24 administrative penalty.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Section 39.107, Utilities Code, is amended by
 1-27 adding Subsections (k) through (r) to read as follows:

1-28 (k) Except as provided by Subsection (l) or (m) or expressly
 1-29 provided by other law, a person may not:

1-30 (1) access or disclose a residential customer's
 1-31 information that is related to electric consumption for specific
 1-32 equipment and that is measured by, provided by, or otherwise
 1-33 collected from a home area network on the customer's side of an
 1-34 advanced meter, including information used to calculate charges for
 1-35 service, historical load data, and any other residential customer
 1-36 information; or

1-37 (2) control equipment connected to a home area network
 1-38 on the customer's side of an advanced meter.

1-39 (l) Subsection (k) does not affect the authority of an
 1-40 electric utility or transmission and distribution utility to
 1-41 provide customer metering or related data to the customer's retail
 1-42 electric provider, an independent organization certified under
 1-43 Section 39.151, a provider of corporate support services for the
 1-44 purposes of providing those services, or any other third-party
 1-45 entity the customer authorizes. A third-party entity to which this
 1-46 data is provided may use the data only to provide or offer to
 1-47 provide electric-related products or services to the customer.

1-48 (m) A customer may authorize a person or other entity to
 1-49 access or disclose that customer's information as described by
 1-50 Subsection (k) or to control equipment connected to a home area
 1-51 network on that customer's side of an advanced meter.

1-52 (n) The commission may impose an administrative penalty as
 1-53 provided by Section 15.023 for a wilful violation of Subsection
 1-54 (k).

1-55 (o) An electric utility or transmission and distribution
 1-56 utility that receives from the commission approval of the utility's
 1-57 plan for deploying advanced meters shall send by mail to each
 1-58 customer scheduled to receive an advanced meter under the plan a
 1-59 notice to inform the customer that the customer may decline to have
 1-60 the advanced meter installed and of the manner in which and date by

2-1 which the customer must decline installation. If a customer timely
2-2 declines to have the advanced meter installed, the utility may not
2-3 install the meter or charge the customer any fees or surcharges
2-4 related to declining the advanced meter, including the
2-5 nonbypassable surcharge otherwise authorized by Subsection (h).

2-6 (p) An electric utility or transmission and distribution
2-7 utility that has deployed advanced meters under a plan approved by
2-8 the commission shall send by mail to each customer that is using an
2-9 installed advanced meter a notice to inform the customer that the
2-10 customer may choose to have the meter removed and of the manner in
2-11 which the customer must choose removal. If the customer chooses to
2-12 remove the advanced meter, the utility shall:

2-13 (1) remove the advanced meter;

2-14 (2) install a conventional meter at no cost to the
2-15 customer; and

2-16 (3) provide the customer with conventional metering
2-17 services.

2-18 (q) An electric utility or transmission and distribution
2-19 utility that provides conventional metering services to a customer
2-20 who has declined installation of an advanced meter or had an
2-21 advanced meter removed under this section may not read that
2-22 customer's conventional meter more than once each month.

2-23 (r) The commission by rule shall provide for a minimum
2-24 period between the time a notice under Subsection (o) is mailed and
2-25 the date by which a customer must decline installation.

2-26 SECTION 2. Subchapter D, Chapter 39, Utilities Code, is
2-27 amended by adding Section 39.159 to read as follows:

2-28 Sec. 39.159. LIMITATION ON INTERCONNECTION. The commission
2-29 or an independent organization certified under Section 39.151 may
2-30 not authorize the interconnection of ERCOT, as defined by Section
2-31 31.002, with any other electric transmission grid.

2-32 SECTION 3. (a) A joint committee shall conduct a study on
2-33 the effects of advanced meters on public health.

2-34 (b) The committee is composed of eight members appointed as
2-35 follows:

2-36 (1) four members of the senate appointed by the
2-37 lieutenant governor; and

2-38 (2) four members of the house of representatives
2-39 appointed by the speaker of the house of representatives.

2-40 (c) The speaker of the house of representatives and the
2-41 lieutenant governor shall jointly designate a chair or,
2-42 alternatively, designate two co-chairs from among the committee
2-43 membership.

2-44 (d) The committee shall examine the effects of advanced
2-45 meters on public health.

2-46 (e) The committee may adopt rules necessary to carry out the
2-47 committee's duties under this section.

2-48 (f) Except as otherwise specifically provided by this
2-49 section, the committee may operate in the same manner as a joint
2-50 committee of the 83rd Legislature.

2-51 (g) Not later than December 1, 2014, the committee shall
2-52 report to the governor and the legislature the findings of the study
2-53 and any recommendations developed by the committee under this
2-54 section.

2-55 SECTION 4. Subsection (k), Section 39.107, Utilities Code,
2-56 as added by this Act, applies only to accessing or disclosing
2-57 information on or after the effective date of this Act. Accessing
2-58 or disclosing information before the effective date of this Act is
2-59 covered by the law in effect at the time the action occurred, and
2-60 the former law is continued in effect for that purpose.

2-61 SECTION 5. The Public Utility Commission of Texas shall
2-62 adopt rules under Subsection (r), Section 39.107, Utilities Code,
2-63 as added by this Act, as soon as practicable following the effective
2-64 date of this Act, but not later than January 1, 2014.

2-65 SECTION 6. This Act takes effect September 1, 2013.

2-66

* * * * *