

By: Hall

S.B. No. 1044

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the authority of a customer to choose not to have an
3 advanced meter and to liability for damages caused by an advanced
4 meter.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 39.107, Utilities Code, is amended by
7 adding Subsections (l), (m), (n), and (o) to read as follows:

8 (l) An electric utility or transmission and distribution
9 utility that receives from the commission approval of the utility's
10 plan for deploying advanced meters that transmit data using
11 wireless technology is civilly liable to a customer for damages for
12 invasion of the customer's personal privacy, including any economic
13 damages caused by the loss, misuse, or theft of information about
14 the customer that was acquired by use of an advanced meter.

15 (m) An electric utility or transmission and distribution
16 utility that receives from the commission approval of the utility's
17 plan for deploying advanced meters shall send by mail to each
18 customer scheduled to receive an advanced meter under the plan a
19 notice to inform the customer that the customer may decline to have
20 the meter installed and of the manner in which the customer may
21 decline installation. If, not later than the 30th day after the
22 date the customer receives the notice, the customer declines to
23 have the advanced meter installed, the utility:

24 (1) may not install the meter;

1 (2) may not charge the customer a fee for declining
2 installation or the nonbypassable surcharge otherwise authorized
3 by Subsection (h); and

4 (3) may not charge the customer a fee for costs
5 associated with traditional metering services.

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

14 (1) must remove the advanced meter;

15 (2) may not charge the customer a fee for removing or
16 replacing the meter or the nonbypassable surcharge described by
17 Subsection (h); and

18 (3) may not charge the customer a fee for costs
19 associated with traditional metering services.

20 (o) A customer who chooses not to use an advanced meter and
21 the electric utility or transmission and distribution utility that
22 provides service to the customer may agree that the customer will
23 self-report meter data by telephone or electronic mail in place of
24 traditional metering services.

25 SECTION 2. This Act takes effect September 1, 2015.