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

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

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

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

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

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

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

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

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

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

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

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

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

SUMMARY

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

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