

By: Bonnen of Brazoria

H.B. No. 3421

A BILL TO BE ENTITLED

AN ACT

relating to authority of an electric utility customer to choose not to have an advanced meter; adding provisions subject to a criminal penalty.

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

SECTION 1. Chapter 38, Utilities Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. CONSUMER PROTECTIONS

Sec. 38.151. RIGHT TO DECLINE OR REMOVE RADIO-EMITTING ADVANCED METER. (a) An electric utility by mail shall send to each retail electric service customer scheduled to receive an advanced meter that emits radio waves a notice to inform the customer that the customer may decline to have the meter installed and of the manner in which the customer may decline the installation. The notice may be included in a customer's monthly bill. The notice must provide a period of at least 30 days after the date the customer is expected to receive the notice during which the customer may notify the electric utility of the customer's choice to decline the installation of the meter.

(b) If a retail electric service customer notifies the electric utility that the customer declines to have the advanced meter installed during the period stated in the notice, the electric utility:

(1) may not install the meter;

1 (2) may not charge the customer for declining
2 installation; and

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

5 (c) An electric utility that has deployed advanced meters
6 that emit radio waves shall include in the monthly bill for each
7 retail electric service customer that is using an installed
8 advanced meter of that type a notice to inform the customer that the
9 customer may request to have the meter removed and replaced with a
10 conventional meter and of the manner in which the customer may
11 request the removal and replacement.

12 (d) If a retail electric service customer or the owner of
13 property where an advanced meter that emits radio waves is
14 installed for retail electric service requests to have the meter
15 removed, the electric utility:

16 (1) shall promptly remove the advanced meter and
17 replace it with a conventional meter;

18 (2) may not charge the customer or property owner for
19 removing or replacing the meter; and

20 (3) may not charge the customer or property owner
21 costs associated with traditional metering services.

22 SECTION 2. Section 39.107, Utilities Code, is amended by
23 adding Subsections (l), (m), (n), and (o) to read as follows:

24 (l) An electric utility by mail shall send to each retail
25 electric service customer scheduled to receive an advanced meter
26 that emits radio waves a notice to inform the customer that the
27 customer may decline to have the meter installed and of the manner

1 in which the customer may decline the installation. The notice may
2 be included in a customer's monthly bill. The notice must provide a
3 period of at least 30 days after the date the customer is expected
4 to receive the notice during which the customer may notify the
5 electric utility of the customer's choice to decline the
6 installation of the meter.

7 (m) If a retail electric service customer notifies the
8 electric utility that the customer declines to have the advanced
9 meter installed during the period stated in the notice, the
10 electric utility:

11 (1) may not install the meter;

12 (2) may not charge the customer for declining
13 installation or the nonbypassable surcharge otherwise authorized
14 by Subsection (h); and

15 (3) may not charge the customer for costs associated
16 with traditional metering services.

17 (n) An electric utility that has deployed advanced meters
18 that emit radio waves shall include in the monthly bill for each
19 retail electric service customer that is using an installed
20 advanced meter of that type a notice to inform the customer that the
21 customer may request to have the meter removed and replaced with a
22 conventional meter and of the manner in which the customer may
23 request the removal and replacement.

24 (o) If a retail electric service customer or the owner of
25 property where an advanced meter that emits radio waves is
26 installed for retail electric service requests to have the meter
27 removed, the electric utility:

1 (1) shall promptly remove the advanced meter and
2 replace it with a conventional meter;

3 (2) may not charge the customer or property owner for
4 removing or replacing the meter;

5 (3) may not charge the customer the nonbypassable
6 surcharge otherwise authorized by Subsection (h); and

7 (4) may not charge the customer or property owner
8 costs associated with traditional metering services.

9 SECTION 3. This Act takes effect September 1, 2015.