

CHAPTER 150
SB 266-FN – FINAL VERSION

03/21/12 1263s

2012 SESSION

12-2999
09/03

SENATE BILL **266-FN**

AN ACT prohibiting electric utilities from installing and maintaining smart meter gateway devices without the residential or business property owner's consent.

SPONSORS: Sen. Forsythe, Dist 4; Sen. Barnes, Jr., Dist 17; Sen. Boutin, Dist 16; Sen. Bradley, Dist 3; Sen. Forrester, Dist 2; Sen. Gallus, Dist 1; Sen. Lambert, Dist 13; Sen. White, Dist 9; Rep. Manuse, Rock 5; Rep. Giuda, Merr 7; Rep. Kurk, Hills 7; Rep. Baldasaro, Rock 3; Rep. Comerford, Rock 9

COMMITTEE: Energy and Natural Resources

ANALYSIS

This bill prohibits electric utilities from installing and maintaining smart meter gateway devices without the residential or business property owner's consent.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through~~].
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twelve

AN ACT prohibiting electric utilities from installing and maintaining smart meter gateway devices without the residential or business property owner's consent.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 150:1 New Subdivision; Smart Meter Gateway Devices. Amend RSA 374 by inserting after
2 section 61 the following new subdivision:

Smart Meter Gateway Devices

3 374:62 Property Owner's Consent Required for Smart Meter Gateway Devices.

4 I. In this subdivision:

5 (a) "Smart meter gateway device" means any electric utility meter, electric utility meter
6 component, electric utility load control device, or device ancillary to the electric utility meter, which
7 is located at an end-user's residence or business, and which serves as a communications gateway or
8 portal to electrical appliances, electrical equipment, or electrical devices within the end-user's
9 residence or business, or which otherwise communicates with, monitors, or controls such electrical
10 appliances, electrical equipment, or electrical devices.

11 (b) "Electric utility" means any public utility, as defined in RSA 362:2, which is engaged
12 in the sale or distribution of electricity ultimately sold to the public, any rural electric cooperative,
13 without regard to whether a certificate of regulation or deregulation is on file with the public utilities
14 commission, and any municipal electric system operating pursuant to RSA 38 within or outside its
15 municipal boundaries.

16 II.(a) No electric utility that sells or provides electricity within the state of New Hampshire
17 shall install a smart meter gateway device on or in a person's home or business without the written
18 consent of the person or persons who own the home or business.

19 (b) An electric utility selling or providing electricity shall create a form that the person
20 or persons who own the home or business must sign to opt-in to having a smart meter gateway
21 device installed on or in his or her home or business. The form shall, in at least 12-point boldface
22 type, state that:

23 (1) The opt-in is optional and one's service will not be affected if one elects not to opt-
24 in; and

25 (2) The device is a "smart meter gateway device," and provide the definition in
26 subparagraph I(a).

27 III. When an electric utility enrolls a homeowner or business owner for electrical service at
28 his or her home or business, the electric utility shall disclose in writing whether a smart meter
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1 gateway device has been installed, and shall remove, or allow to be removed, all smart meter
2 gateway devices upon written request of the homeowner or business owner.

3 150:2 Effective Date. This act shall take effect upon its passage.

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5 Approved: June 7, 2012

6 Effective Date: June 7, 2012