

SENATE BILL NO. 1167

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR COLEMAN.

3789S.01I

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 386, RSMo, by adding thereto one new section relating to rights of utility customers.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 386, RSMo, is amended by adding thereto
2 one new section, to be known as section 386.820, to read as
3 follows:

**386.820. 1. For purposes of this section, the
2 following terms mean:**

3 (1) "Advanced meter", a meter or metering device
4 system that is owned or leased by a utility or its agent and
5 that meets one or more of the following requirements:

6 (a) Measures, records, or sends a customer's utility
7 usage or other data by use of radio waves or broadband over
8 power lines;

9 (b) Allows for two-way communication between the meter
10 and the utility or its agent; or

11 (c) Allows for a utility or its agent to control a
12 customer's thermostat, appliance, or service;

13 (2) "Hub meter", an advanced meter that generates
14 stronger radio waves as a result of the meter serving as a
15 hub for other advanced meters it communicates with in a
16 given area;

17 (3) "Traditional meter", an analog or similar meter
18 that is unable to transmit usage information and is only

19 intended to be read by an individual through a visual
20 display. A traditional meter is not designed to be and is
21 not capable of transmitting usage data by using radio waves
22 or broadband over power lines, allowing two-way
23 communication between the meter and the utility or its
24 agents, or allowing a utility or its agents to control a
25 customer's thermostat, appliance, or service. A traditional
26 meter does not include an advanced meter that has certain
27 functionality turned off or deactivated;

28 (4) "Utility", any public utility regulated by the
29 public service commission under chapters 386 or 393.

30 2. A utility customer may choose between the placement
31 or use of a traditional meter or an advanced meter
32 regardless of the utility that provides service to that
33 customer.

34 3. A utility shall not do any of the following:

35 (1) Make the provision of any portion of utility
36 service to a customer contingent upon the customer's
37 receiving service through any meter or similar device other
38 than a traditional meter;

39 (2) Except as otherwise provided in this section,
40 impose any fee or disincentive on a customer for opting out
41 of or not accepting the installation of an advanced meter or
42 hub meter or use of advanced meter function;

43 (3) Install an advanced meter or upgrade the
44 functionality of the advanced meter after the effective date
45 of this section unless the customer has been properly
46 notified and has not opted out of the installation or new
47 functionality. If a customer has not opted out of the
48 installation, an on-site utility worker or his or her agent
49 shall nevertheless not install an advanced meter or upgrade
50 the functionality of the advanced meter if the customer has

51 posted a sign on the current meter forbidding installation
52 of an advanced meter or the customer orally informs the
53 worker at the time of installation not to install the
54 advanced meter or additional functionality.

55 4. A utility shall notify a customer in writing of the
56 utility's intention to install an advanced meter at the
57 customer's address or to upgrade the functionality of a
58 previously installed advanced meter. The notice shall be
59 sent by first-class mail and shall be separate from any
60 billing mailing. The utility shall keep a copy of each
61 mailed notice on file for review by the customer or the
62 commission.

63 5. Each notice described in subsection 4 of this
64 section shall do all of the following:

65 (1) Include the customer's name, service address, and
66 anticipated date of installation;

67 (2) State the utility's desire to install an advanced
68 meter at the customer's address, as well as the
69 functionality of the advanced meter, its method of
70 communication, and frequency of data communication;

71 (3) If the advanced meter the customer would be
72 receiving is a hub meter, explain how a hub meter differs
73 from other meters;

74 (4) State the customer's ability to choose a
75 traditional meter or nonhub meter and the customer's rights
76 under this section; and

77 (5) Clearly explain the process for a customer to opt
78 out of installation of an advanced meter or hub meter or the
79 use of an advanced meter function.

80 6. The commission shall promulgate opt-out procedures
81 that shall be composed of simple, easy-to-understand steps
82 that an average customer can easily understand and that do

83 not place any undue burden on the customer. After being
84 notified that they can opt out, customers shall be provided
85 with at least forty-five days to communicate with the
86 utility their desire to opt out, with a clear deadline
87 listed on the notice. Opt-out procedures shall be free of
88 charge other than the cost of regular mailing. An opt-out
89 procedure or process shall be narrow in construction so as
90 to inform the utility of the customer's intentions and not
91 be made contingent upon or contain language that would
92 require the customer's giving up any rights or making any
93 other ancillary agreements. A customer that does not opt
94 out when first notified does not give up any rights
95 regarding having an advanced meter removed in the future.

96 7. Within thirty days after receiving a customer's
97 request that an advanced meter be removed from the
98 customer's residence or business, a utility shall remove the
99 advanced meter and replace it with a traditional meter.
100 Limited to actual costs, a utility may charge a one-time all-
101 inclusive fee, not to exceed one hundred twenty-five
102 dollars, to remove the advanced meter and to provide and
103 install a traditional meter. However, a utility shall not
104 charge a fee if the utility installed the advanced meter in
105 violation of the notice requirements in this section or
106 before the effective date of this section. A utility shall
107 not charge a monthly fee for using a traditional meter
108 unless the customer is offered the opportunity, but is
109 unwilling, to read and report the customer's usage under
110 subsection 8 of this section. Any fee for using a
111 traditional meter shall not exceed five dollars per month.

112 8. (1) A utility shall allow each customer to read
113 and report that customer's service usage if the customer
114 reports reasonably accurate usage on a regular basis. A

115 utility shall provide a customer with a pre-addressed
116 envelope and form upon request or permit a customer to
117 report meter readings on a secure website, by telephone, or
118 by other reasonable means. At least once every twelve
119 months, the utility shall obtain an actual meter reading of
120 a customer's energy usage to verify the accuracy of readings
121 reported under this section. Notwithstanding this
122 subsection, a representative of a utility may manually read
123 a customer's meter on a regular basis as otherwise permitted
124 by law and correct a reading as necessary. If a customer
125 fails to report usage or the utility does not receive a
126 customer's service usage on time, the utility may manually
127 read a customer's meter or charge that customer based on an
128 estimate of prior energy use in a manner approved by the
129 commission. A customer that intentionally reports
130 inaccurate information may be assessed a reasonable penalty
131 under rules promulgated by the commission and may be subject
132 to any other penalties provided by law.

133 (2) For purposes of this subsection, the following
134 terms mean:

135 (a) "Inaccurate information", the intentional under-
136 reporting of meter data in an effort to not pay for
137 services. Inaccurate information does not mean minor
138 differences in readings by less than five percent to account
139 for variations based on the time of day that the meter is
140 read and similar factors;

141 (b) "Regular basis", once per billing cycle.

142 9. Subject to subsection 2 of this section, the
143 commission shall not approve a utility tariff that alters
144 rates for customers that do not use an advanced meter. The
145 commission shall consider the ability to self-read meters as
146 a part of any proceeding and shall fully recognize and value

147 that customers have a legitimate interest in controlling
148 third-party equipment placed onto their property that is not
149 inherently necessary as a condition to receiving service.

150 10. A customer's energy use data and internet user
151 information are private and confidential and shall not be
152 sold, rented, or shared by a utility or its agents except as
153 provided by competent court order or law. A utility may
154 report data relating to electric or compressed natural gas
155 vehicle fueling to the department of revenue. That
156 information shall be used by the state strictly for taxation
157 purposes, shall not be shared with law enforcement without a
158 warrant, and is not subject to disclosure under chapter 610,
159 except for aggregate data used for research purposes in a
160 nonidentifying manner.

161 11. A utility shall ensure that any data from an
162 advanced meter communicated by networking technology is
163 sufficiently encrypted so that the data cannot be
164 intercepted by a device other than a device used by the
165 utility. A utility shall not communicate by networking
166 technology meter use data that include a residential
167 customer's name, Social Security number, address, or other
168 identifying information except for an independent and unique
169 customer identification number that is assigned by the
170 utility. The customer identification number shall be
171 assigned in a manner that includes safeguards to prevent a
172 device not owned by the utility from associating the number
173 with a particular customer or address.

174 12. A utility shall not post a customer's energy use
175 data or bill on the internet, except over a secured transfer
176 protocol or similar secured connection that uses one or more
177 additional security measures, such as a customer-selected

178 password, to ensure that only the customer can access the
179 information.

180 13. A utility shall not wirelessly or otherwise
181 remotely shut off service to a customer unless both of the
182 following requirements are met:

183 (1) At least forty-eight hours before shutoff, a
184 utility representative visits the property to which the
185 service is to be shut off, verifies that it is the correct
186 address, and follows all other shutoff procedures required
187 by law; and

188 (2) The utility has a commission-approved,
189 comprehensive security program that reasonably ensures that
190 a customer's service will be shut off only through
191 authorized access to the utility's computer system, that is
192 open to inspection and audit by the commission, and that is
193 designed to prevent unintentional shutoff due to network
194 hacking or terrorism.

195 14. The commission shall promulgate rules to implement
196 the provisions of this section. Any rule or portion of a
197 rule, as that term is defined in section 536.010, that is
198 created under the authority delegated in this section shall
199 become effective only if it complies with and is subject to
200 all of the provisions of chapter 536 and, if applicable,
201 section 536.028. This section and chapter 536 are
202 nonseverable, and if any of the powers vested with the
203 general assembly pursuant to chapter 536 to review, to delay
204 the effective date, or to disapprove and annul a rule are
205 subsequently held unconstitutional, then the grant of
206 rulemaking authority and any rule proposed or adopted after
207 August 28, 2024, shall be invalid and void.

✓