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HOUSE BILL 2756

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State of Washington

66th Legislature

2020 Regular Session

By Representatives Shea and Kretz

Read first time 01/20/20. Referred to Committee on Environment & Energy.

1 AN ACT Relating to advanced metering infrastructure; amending RCW  
2 19.29A.010; and adding a new section to chapter 19.29A RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 19.29A.010 and 2019 c 222 s 2 are each amended to  
5 read as follows:

6 The definitions in this section apply throughout this chapter  
7 unless the context clearly requires otherwise.

8 (1) "Biomass generation" has the same meaning as "biomass energy"  
9 defined in RCW 19.285.030.

10 (2) "Bonneville power administration system mix" means a  
11 generation mix sold by the Bonneville power administration that is  
12 net of any resource specific sales.

13 (3) "Commission" means the utilities and transportation  
14 commission.

15 (4) "Conservation" means an increase in efficiency in the use of  
16 energy use that yields a decrease in energy consumption while  
17 providing the same or higher levels of service. Conservation includes  
18 low-income weatherization programs.

19 (5) "Consumer-owned utility" means a municipal electric utility  
20 formed under Title 35 RCW, a public utility district formed under  
21 Title 54 RCW, an irrigation district formed under chapter 87.03 RCW,

1 a cooperative formed under chapter 23.86 RCW, or a mutual corporation  
2 or association formed under chapter 24.06 RCW, that is engaged in the  
3 business of distributing electricity to more than one retail electric  
4 customer in the state.

5 (6) "Declared resource" means an electricity source specifically  
6 identified by a retail supplier to serve retail electric customers. A  
7 declared resource includes a stated quantity of electricity tied  
8 directly to a specified generation facility or set of facilities  
9 either through ownership or contract purchase, or a contractual right  
10 to a stated quantity of electricity from a specified generation  
11 facility or set of facilities.

12 (7) "Department" means the department of commerce.

13 (8) "Electric meters in service" means those meters that record  
14 in at least nine of twelve calendar months in any calendar year not  
15 less than two hundred fifty kilowatt-hours per month.

16 (9) "Electric utility" means a consumer-owned or investor-owned  
17 utility as defined in this section.

18 (10) "Electricity" means electric energy measured in kilowatt-  
19 hours, or electric capacity measured in kilowatts, or both.

20 (11) "Electricity product" means the electrical energy produced  
21 by a generating facility or facilities that a retail supplier sells  
22 or offers to sell to retail electric customers in the state of  
23 Washington, provided that nothing in this title shall be construed to  
24 mean that electricity is a good or product for the purposes of Title  
25 62A RCW, or any other purpose. It does not include electrical energy  
26 generated on-site at a retail electric customer's premises.

27 (12) "Electricity product content label" means information  
28 presented in a uniform format by a retail supplier to its retail  
29 customers and disclosing the information required in RCW 19.29A.060  
30 about the characteristics of an electricity product.

31 (13) "Fuel attribute" means the characteristic of electricity  
32 determined by the fuel used in the generation of that electricity.  
33 For a renewable resource, the fuel attribute is included in its  
34 nonpower attributes.

35 (14) "Fuel mix" means the sources of electricity sold to retail  
36 electric customers, expressed in terms of percentage contribution by  
37 resource category. The total fuel mix included in each disclosure  
38 shall total one hundred percent.

39 (15) "Governing body" means the council of a city or town, the  
40 commissioners of an irrigation district, municipal electric utility,

1 or public utility district, or the board of directors of an electric  
2 cooperative or mutual association that has the authority to set and  
3 approve rates.

4 (16) "Investor-owned utility" means a company owned by investors  
5 that meets the definition of RCW 80.04.010 and is engaged in  
6 distributing electricity to one or more retail electric customers in  
7 the state.

8 (17) "Nonpower attributes" has the same meaning as defined in RCW  
9 19.285.030.

10 (18) "Private customer information" includes a retail electric  
11 customer's name, address, telephone number, and other personally  
12 identifying information.

13 (19) "Proprietary customer information" means: (a) Information  
14 that relates to the source, technical configuration, destination, and  
15 amount of electricity used by a retail electric customer, a retail  
16 electric customer's payment history, and household data that is made  
17 available by the customer solely by virtue of the utility-customer  
18 relationship; and (b) information contained in a retail electric  
19 customer's bill.

20 (20) "Renewable energy certificate" means a tradable certificate  
21 of proof of one megawatt-hour of electricity from a renewable  
22 resource. The certificate includes all of the nonpower attributes  
23 associated with that one megawatt-hour of electricity, and the  
24 certificate is verified by a renewable energy certificate tracking  
25 system specified by the department.

26 (21) "Renewable resource" has the same meaning as defined in RCW  
27 19.285.030.

28 (22) "Resale" means the purchase and subsequent sale of  
29 electricity for profit, but does not include the purchase and the  
30 subsequent sale of electricity at the same rate at which the  
31 electricity was purchased.

32 (23) "Retail electric customer" means a person or entity that  
33 purchases electricity for ultimate consumption and not for resale.

34 (24) "Retail supplier" means an electric utility that offers an  
35 electricity product for sale to retail electric customers in the  
36 state.

37 (25) "Small utility" means any consumer-owned utility with  
38 twenty-five thousand or fewer electric meters in service, or that has  
39 an average of seven or fewer customers per mile of distribution line.

1 (26) "Source and disposition report" means the report required in  
2 RCW 19.29A.140.

3 (27) "State" means the state of Washington.

4 (28) "Unspecified source" means an electricity source for which  
5 the fuel attribute is unknown or has been separated from the energy.

6 (29) "Advanced metering infrastructure" means an integrated  
7 system of smart meters, communications networks, and data management  
8 systems that enables two-way communication between electric utilities  
9 and retail electric customers.

10 (30) "Smart meter" means an advanced metering infrastructure  
11 device that uses a fixed wire, radio signal, or other wireless means  
12 to enable two-way communication between the device and an electric  
13 utility.

14 NEW SECTION. Sec. 2. A new section is added to chapter 19.29A  
15 RCW to read as follows:

16 (1) An electric utility must provide an option for retail  
17 electric customers to opt out of smart meter installation on the  
18 customers' premises. The electric utility must provide an opt-out  
19 form to retail electric customers upon request and may provide a  
20 method for customers to opt out electronically through the utility's  
21 internet web site.

22 (2) An electric utility may assess a one-time fee or a recurring  
23 fee to recover costs associated with an opt-out option, except that  
24 such a fee may not be assessed for the cost of the smart meter  
25 itself. Any one-time fees or other up-front charges imposed by an  
26 electric utility must be cost-based and mitigated to the fullest  
27 extent possible so as not to create a disincentive for customers to  
28 select their preferred option.

29 (3) An electric utility must provide general information and  
30 notices about advanced metering infrastructure deployment and grid  
31 modernization efforts through bill inserts or on its internet web  
32 site. An electric utility must also issue individualized customer  
33 notices, such as through a bill insert, separate mailing, door  
34 hanger, or electronic notification. The information provided in the  
35 individualized notices must include:

36 (a) An explanation of the utility's infrastructure changes;

37 (b) The ratepayer benefits of advanced metering infrastructure  
38 and grid modernization upgrades;

1           (c) An estimated timeline for installation in the customer's  
2 area;  
3           (d) An explanation of opt-out options or where to find additional  
4 information; and  
5           (e) Company contact information for further inquiries.  
6           (4) An investor-owned utility that pursues advanced metering  
7 infrastructure technologies must file an opt-out tariff with the  
8 commission before installing any smart meters in its Washington  
9 service territory.  
10          (5) The rates, terms, conditions, and customer notification of a  
11 consumer-owned utility's opt-out option must be approved by the  
12 governing body of the consumer-owned utility before the installation  
13 of any smart meters in the utility's service territory.

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