

AMENDED IN SENATE APRIL 5, 2010

SENATE BILL

No. 1476

Introduced by Senator Padilla

February 19, 2010

An act to ~~repeal and add Section 393 to, and to add Section 387.7 to,~~ *add Sections 387.7 and 714 to, and to repeal Section 393 of,* the Public Utilities Code, relating to public utilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1476, as amended, Padilla. Public utilities: customer ~~privacy:~~ *privacy: advanced metering infrastructure.*

(1) Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including electrical corporations *and gas corporations*, as defined. The existing Public Utilities Act requires every public utility to furnish and maintain adequate, efficient, just, and reasonable service, instrumentalities, equipment, and facilities as are necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public.

Existing law requires the commission to conduct a pilot study of certain customers of each electrical corporation to determine the relative value to ratepayers of information, rate design, and metering innovations using specified approaches, but prohibits this data from being used for any commercial purpose, unless authorized by the customer.

This bill would repeal the provisions relating to the study, and would ~~prohibit~~ *require* an electrical corporation, ~~3rd-party provider gas corporation,~~ or local publicly owned *electric* utility ~~with access to the electrical usage information output of a residential or small business customer from using that information output for any commercial purpose unless specifically authorized by the customer~~ *that utilizes an advanced*

metering infrastructure that allows a customer to access the customer’s consumption data to ensure that the customer has an option to access that data without relinquishing personally identifiable information to a 3rd party. The bill would require an electrical corporation, gas corporation, or local publicly owned electric utility to keep such consumption data securely and not accessible by a 3rd party, except as provided.

(2) Under existing law, a violation of any provision of the Public Utilities Act, or of any of the rules or orders issued under the act, is a crime.

Because the provisions of this bill are within the act ~~and require action by the commission to implement its requirements~~, a violation of these provisions would impose a state-mandated local program by creating a new crime.

~~The~~

(3) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 387.7 is added to the Public Utilities
2 Code, to read:
3 387.7. (a) A local publicly owned electric utility that utilizes
4 an advanced metering infrastructure that allows a customer to
5 access the customer’s electric consumption data shall ensure that
6 the customer has an option to access that data without
7 relinquishing personally identifiable information, including electric
8 consumption data, to a third party.
9 (b) Unless a customer chooses to access the customer’s electric
10 consumption data, made available as part of an advanced metering
11 infrastructure, from a third party after being given the option
12 described in subdivision (a), that data shall be securely kept by
13 the local publicly owned electric utility and shall not be accessible
14 by a third party.

1 SECTION 1.

2 SEC. 2. Section 393 of the Public Utilities Code is repealed.

3 SEC. 2. ~~Section 393 is added to the Public Utilities Code, to~~
4 ~~read:~~

5 ~~393. To ensure customer privacy, an electrical corporation or~~
6 ~~third-party provider with access to the electrical usage information~~
7 ~~output of a residential or small business customer shall not use~~
8 ~~that information output for any commercial purpose unless~~
9 ~~specifically authorized by the customer.~~

10 SEC. 3. ~~Section 387.7 is added to the Public Utilities Code, to~~
11 ~~read:~~

12 ~~387.7. To ensure customer privacy, a local publicly owned~~
13 ~~electric utility or third-party provider with access to the electrical~~
14 ~~usage information output of a residential or small business~~
15 ~~customer shall not use that information output for any commercial~~
16 ~~purpose unless specifically authorized by the customer.~~

17 SEC. 3. *Section 714 is added to the Public Utilities Code, to*
18 *read:*

19 *714. (a) An electrical or gas corporation that utilizes an*
20 *advanced metering infrastructure that allows a customer to access*
21 *the customer's electric and gas consumption data shall ensure*
22 *that the customer has an option to access that data without*
23 *relinquishing personally identifiable information, including electric*
24 *or gas consumption data, to a third party.*

25 *(b) Unless a customer chooses to access the customer's electric*
26 *or gas consumption data, made available as part of an advanced*
27 *metering infrastructure, from a third party after being given the*
28 *option described in subdivision (a), that data shall be securely*
29 *kept by the electric or gas corporation and shall not be accessible*
30 *by a third party.*

31 SEC. 4. No reimbursement is required by this act pursuant to
32 Section 6 of Article XIII B of the California Constitution because
33 the only costs that may be incurred by a local agency or school
34 district will be incurred because this act creates a new crime or
35 infraction, eliminates a crime or infraction, or changes the penalty
36 for a crime or infraction, within the meaning of Section 17556 of
37 the Government Code, or changes the definition of a crime within

- 1 the meaning of Section 6 of Article XIII B of the California
- 2 Constitution.

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