

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
P.O. Box 3265, Harrisburg, PA 17105-3265**

Public Meeting held October 16, 1998

Commissioners Present:

*John M. Quain, Chairman
Robert K. Bloom, Vice Chairman
David W. Rolka
Nora Mead Brownell
Aaron Wilson, Jr.*

**Advanced Meter Deployment for Electricity
Providers;
52 Pa. Code §§57.251-57.259**

Docket No. L-00970128

REVISED FINAL RULEMAKING

BY THE COMMISSION:

INTRODUCTION

On June 8, 1998, both the Senate Consumer Protection and Professional Licensure Committee and the House Consumer Affairs Committee voted to disapprove the final regulations at this docket. On June 18, 1998, the Independent Regulatory Review Commission (IRRC) disapproved these final regulations. On September 21, 1998, the Public Utility Commission (Commission) received formal notice from the IRRC as to the disapproval of the regulations. On September 24, 1998, the Commission provided the Governor, the Senate Consumer Protection

and Professional Licensure Committee, the House Consumer Affairs Committee and the IRRC with formal notification pursuant to §7 (a)(2) of the Regulatory Review Act, 71 P.S. §745.7(a)(2) of the agency's intention to proceed further with a modified version of the regulation in accordance with §7(c) of the Regulatory Review Act.

History of Proceeding

On December 3, 1996, Governor Tom Ridge signed into law the Electricity Generation Customer Choice and Competition Act" (Act). The Act revised the Public Utility Code, 66 Pa. C.S. §§101, et seq. by inter alia, adding Chapter 28, relating to restructuring of the electric utility industry. 66 Pa. C.S. §§2801-2812.

The purpose of the Act is to provide for an orderly transition of the Pennsylvania electric industry from a vertically integrated monopoly to a structure which would support the development of a competitive retail generation market. The ultimate goal is to permit all Pennsylvania retail electric customers (customers) to have direct access to a competitive generation market while simultaneously enjoying continued reliable and safe electric service.

In response to this legislative mandate, on March 10, 1997, the Commission instituted a rulemaking proceeding to develop regulations which establish uniform procedures, standards and education strategies for the deployment and customer selection of a qualified advanced meter or coordination with an electric distribution company (EDC) for the installation of a qualified advanced meter

network while maintaining system safety and reliability in this Commonwealth. The Commission believes that this structure will facilitate the marketing and deployment of advanced meters.

By order entered April 25, 1997 at Docket M-00960890F0009, the Commission requested comments concerning certain outlined metering questions. The order was distributed to all jurisdictional EDCs, the Office of Consumer Advocate (OCA), Office of Small Business Advocate and Electric Competition Legislative Stakeholders with a thirty-day comment period.

Based upon comments received, the Commission promulgated proposed regulations on November 21, 1997 to amend Chapter 57 of its regulations by adding Subchapter O. On January 16, 1998, a copy of the proposed rulemaking was submitted to the IRRC and the Chairpersons of the House Consumer Affairs Committee and the Senate Consumer Protection and Professional Licensure Committee. The proposed amendments were published in the *Pennsylvania Bulletin* on January 31, 1998, at 28 Pa.B. 493, with a thirty (30) day comment period.

Written comments were received from: the Consumer Advisory Council of the Pennsylvania Public Utility Commission (CAC); CellNet Data Systems Inc. (CellNet); Connex; Energy Monitoring Products Corporation (E-MON); ENRON Power Marketing Inc. (ENRON); Environmentalists; the International Brotherhood of Electrical Workers' Pennsylvania Utility Caucus (IBEW); IRRC; ITRON Inc.

(ITRON); OCA; the Mid-Atlantic Power Supply Association (MAPSA); New Energy Ventures (NEV); the Pennsylvania Electric Association (PEA); PECO Energy (PECO); the Pennsylvania Gas Association (PGA); Pennsylvania Power and Light Company (PP&L); the Pennsylvania Rural Electric Association (PREA); Representative Frank Tulli; Representative William Lloyd; Senator Allen Kukovich; UGI Utilities, Inc.-Electric Division (UGI); and Williams (an interstate natural gas pipeline company).

The Commission approved the final regulations at this docket on May 14, 1998. On May 18, 1998 the Commission delivered the final regulations to the Senate Consumer Protection and Professional Licensure Committee, the House Consumer Affairs Committee and the IRRC.

The Senate Consumer Protection and Professional Licensure Committee and the House Consumer Affairs Committee concerns centered on provisions in the final regulations which:

Added New Language in §57.251 and §57.255(f)

1. §57.251- Moreover, while this subchapter does not require the unbundling of meter services to facilitate the deployment and use of advanced metering equipment, nothing in this subchapter precludes the Commission from granting a petition by an EDC or other interested party to unbundle meter services in order to promote competitive services; and

2. §57.255(f)- The EDC's responsibilities described in this section are not applicable to an EDC if the Commission has issued an order directing the unbundling of meter services in the EDC's service territory.

Deleted Existing Language in §57.255

3. §57.255- references to "EDC employees" in subsections (b),(d) and (e); and

4. §57.255(d)- An employee of the EDC shall physically read an automated meter in compliance with §56.12(5)(ii) (relating to remote meter readings).

The IRRC's concerns centered on:

Need for Clarification in §57.253 and §57.257

1. §57.253(a)(2)(i)- The Metering Committee will be making a recommendation to the Commission regarding the inclusion of certain technologies in the Advanced Meter Catalog (Catalog);

2. §57.257(a) and (b)- Dispute resolution options; and

Need for Additional Language in §57.253

3. §57.253(a)(2)(iv)- An EDC will be provided an opportunity to respond to the Metering Committee regarding costs and

incompatibility associated with a particular advanced meter request for inclusion in the Catalog.

In order to solicit input from the various stakeholders on the designated standing committees' concerns, the Commission reconvened the Metering Working Group on August 6, 1998. Representatives of EGSs, EDCs, advanced meter companies, the IBEW, the OCA, and the American Association of Retired Persons (AARP) were present at this meeting. The Metering Working Group deferred resolution of these issues to the IBEW, PEA and the Commission.

After discussions on the issues of concern to the Senate Consumer Protection and Professional Licensure Committee and the House Consumer Affairs Committee, both the IBEW and PEA agreed to:

Delete Existing Language in §57.251

1. **§57.251-** Moreover, while this subchapter does not require the unbundling of meter services to facilitate the deployment and use of advanced metering equipment, nothing in this subchapter precludes the Commission from granting a petition by an EDC or other interested party to unbundle meter services in order to promote competitive generation services; and

Replace with New Language in §57.251

§57.251- Nothing in this subchapter shall preclude the Commission from approving a restructuring settlement agreement

which incorporates advanced meter provisions contrary to the requirements provided in §57.255. In the event that the Commission takes such action, the EDC and EGS shall be exempt from complying with §57.255(a) through (g) to the extent necessary to comply with the restructuring settlement agreement. However, under all circumstances, the EDC and EGS shall comply with the remaining sections contained within this subchapter including §57.255(h).¹

Delete Existing Language in §57.255(f)

2. §57.255(f)- The EDC responsibilities described in this section are not applicable to an EDC if the Commission has issued an order directing the unbundling of meter services in the EDC's service territory; and

Add New Subsection- §57.255(h)

§57.255(h)- In the event that the Commission approves a restructuring settlement agreement incorporating EDC metering responsibilities contrary to the provisions in any section of this

¹ The Commission notes that the scenario addressed in this compromise language which opens metering to competition has already occurred in several EDC service territories. Similar outcomes may also occur as a result of other restructuring settlement agreements. The Commission adds that the Metering Working Group, at a meeting held on September 25, 1998, supported the various concepts articulated in the compromise language. Representatives of EDCs, EGSs, IBEW, metering companies, AARP, and the Pennsylvania Utility Law Project were in attendance at this meeting.

subchapter, the terms and conditions of such agreement shall, to the extent applicable, govern the EDC responsibilities.

Delete Existing Language in §57.255

3. ~~§§57.255(b),(d) and (e)~~- reference to “EDC employee”: and

Add New Subsection- §57.255(g)

~~§57.255(g)~~- An EDC responsible for providing metering services on a customer’s premises shall ensure that the work be done by responsible individuals whose activities in the performance of these services are under the control of the EDC and who are qualified to perform the work according to the EDC’s specifications and good utility practices.

Reinsert Deleted Subsection- §57.255(d)

4. ~~§57.255(d)~~- An EDC shall physically read an automated meter in compliance with §56.12(5)(ii) (relating to physical reads of remote meters).²

In response to the concerns of the Senate Consumer Protection and Professional Licensure Committee and the House Consumer Affairs Committee, the Commission hereby adopts the compromise language agreed to by the IBEW and PEA as previously discussed herein.

² This subsection now becomes the new §57.255(e). The present §57.255(e) becomes the new §57.255(f).

In addition, as a result of the delays associated with the designated standing committee disapproval and IRRC disapproval and the resubmission process, the Commission modifies the date of the Metering Committee's Initial Report to the Commission to 1999 as provided in §57.253(a)(3). This change will ensure adequate preparation time for the initial report. The Commission also modifies §57.252 (Definition of Metering Committee) and §57.253 (a)(1) (Approval of Advanced Meters) to include EDC electrical worker union interests since this group is a stakeholder in metering issues. The PEA concurred that union interests should be included on the Metering Committee.

In response to IRRC concerns we:

Add New Language in §57.253

1. §57.253(a)(2)(i)- The Committee will include *recommendations to the Commission* in the catalog for a variety of technologies that support the demands of customers and the services of EGSs expected in the market;

Delete Existing Subsections- §§57.257(a)&(b)

2. §57.257(a)&(b)- The Commission already has formal dispute resolution procedures; and

Add New Language in §57.253

3. **§57.253(a)(2)(iv)**- Upon receipt of a written request for inclusion of an advanced meter in the Catalog, the Committee shall serve notice on an affected EDC. The EDC shall have thirty (30) days from the date of receipt of the notice to respond to the Committee regarding costs and incompatibility.

In order to fulfill our legislative mandate to provide for an orderly transition of the Pennsylvania electric industry from a vertically integrated monopoly to a structure which will support the development of a competitive retail generation market, the Commission amends its regulations to facilitate the deployment of advanced metering equipment and the associated development of generation service based upon such technologies while maintaining the safety and reliability of the electric system in this Commonwealth.

The Commission believes that the modifications herein address the concerns of the designated standing committees of the General Assembly and IRRC and moreover are in the public interest. This order sets forth, in Annex A, final regulations governing advanced metering in the Commonwealth.

Accordingly, pursuant to Sections 501 and 2807 of the Public Utility Code, 66 Pa. C.S. §§501, 2807(a) and (d), and the Commonwealth Documents Law (45 P.S. §§1202, et. seq.) and the regulations promulgated thereunder at 1 Pa. Code

§§7.1-7.4, the Commission adopts the regulations at 52 Pa. Code 57.1-57.141, as noted above and as set forth in Annex A; **THEREFORE,**

IT IS ORDERED:

1. That this revised final rulemaking containing the response and recommendations of this Commission which includes Annex A, consisting of the final-form regulation and the findings of the Independent Regulatory Review Commission shall be served forthwith upon the designated standing committees of each House of the General Assembly, the Independent Regulatory Review Commission, the Office of the Attorney General, and the Governor's Budget Office.

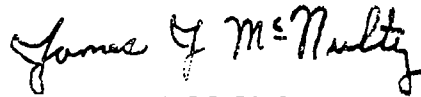
2. That, upon approval or acquiescence in accordance with 71 P.S. §745.7(a)(2), the Secretary shall duly certify this order and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. That a copy of this order and Annex A be served upon all jurisdictional electric utility companies, the Office of Consumer Advocate, the Office of Small Business Advocate, and Electric Competition Legislative Stakeholders and all other Commentators.

4. That this regulation shall become effective upon publication in the *Pennsylvania Bulletin*.

5. That the contact persons for this rulemaking are Charles F. Covage. Bureau of Conservation, Economics and Energy Planning. (717) 783-3835 (technical) and Stephen Gorka. Law Bureau. (717) 772-8840 (legal).

BY THE COMMISSION:



**James J. McNulty,
Secretary**

(SEAL)

Order Adopted: October 16, 1998

Order Entered: OCT 19 1998

ANNEX A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

CHAPTER 57. ELECTRIC SERVICE

Subchapter O. ADVANCED METER DEPLOYMENT

§ 57.251. Purpose.

The purpose of this subchapter is to facilitate the deployment of advanced metering equipment and the associated development of generation services based on such technologies. This subchapter will establishes a procedure for identifying and providing for customer selection of qualified advanced meters, meter-related devices and or deployment of automatic meter reading network equipment from the electric distribution company while maintaining the safety and reliability of the electric system in this Commonwealth. This subchapter does not require the public to participate in an advanced metering program. [Moreover, while this subchapter does not require the unbundling of meter services to facilitate the deployment and use of advanced metering equipment, nothing in this subchapter precludes the Commission from granting a petition by an EDC or other interested party to unbundle meter services in order to promote competitive generation services.]

Nothing in this subchapter shall preclude the Commission from approving a restructuring settlement agreement which incorporates advanced meter provisions contrary to the requirements provided in §57.255. In the event that the Commission takes such action, the EDC and EGS shall be exempt from complying with §57.255 (a) through (g) to the extent necessary to comply with the restructuring settlement agreement. However, under all circumstances, the EDC and EGS shall comply with the remaining sections contained within this subchapter including §57.255(h).

§57.252. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Advanced meter network or network -- A communications infrastructure installed in conjunction with that upgrades an existing electronic watt-hour meter which allows system in an EDC service territory to provide for automated meter reading or other services and is used for customer billing.

Advanced meter standards -- A set of general guidelines standards which define minimum compatibility, accuracy and functional requirements for an advanced meter, meter-related device, or network as applicable.

Commission -- The Pennsylvania Public Utility Commission.

EDC - Electric distribution company -- An electric distribution company as defined by 66 Pa. C.S. §2803 (relating to definitions). A public utility providing

facilities for the jurisdictional transmission and distribution of electricity to retail customers, except building or facility owners/operators that manage an internal distribution system which serves a building or facility and which supplies electric power and other related electric power services to occupants of that building or facility.

EGS - Electric generation supplier -- An electricity supplier as defined by 66 Pa. C.S. §2803. A person or corporation, including municipal corporations which choose to provide service outside their municipal limits except to the extent provided prior to January 1, 1997, brokers, and marketers, aggregators or other entities, that sells to end-use customers electricity or related services utilizing the jurisdictional transmission or distribution facilities of an electric distribution company or that purchases, brokers, arranges or markets electricity or related services for sale to end-use customers utilizing the jurisdictional transmission and distribution facilities of an electric distribution company. The term excludes building or facility owner/operators that manage the internal distribution system serving such building or facility. The term excludes electric cooperative corporations except as provided in 15 Pa.C.S. Ch.74 (relating to generation choice for customers of electric cooperatives).

Metering committee or committee -- An advisory body to the Commission which advises on advanced metering matters and which consists of, to the extent

possible, an equal number of representatives of EDCs, EGSs, as well as consumer, and environmental and EDC electrical worker union representatives.

Meter-related device -- A device identified through the process established pursuant to this subchapter which may be attached to an existing standard meter that supports the provision of generation services in a competitive market and meets certain advanced meter standards.

Modify a profile interval -- A function which permits a meter to store information on a variety of sub-hourly and hourly time intervals.

Multiple callout capability -- A function which permits more than one party to have remote access to an advanced meters. ~~to call more than one telephone number to report electric usage information.~~

Net incremental cost -- An analysis of the difference between the costs associated with existing standard meters and those with the advanced capabilities of the particular advanced meter or meter-related device at issue. The analysis should take into account the acquisition cost of the meter or meter-related device, including economies of scale, as well as costs associated with its installation, reading, and maintenance.

Password protection -- A function which permits a meter to provide information only to parties with legitimate access rights.

Pulse output -- A function which permits a meter to provide pulses, where each pulse represents a specific amount of electric usage.

Qualified advanced meter -- An electronic watt-hour customer's billing meter identified through the process established pursuant to these regulations that supports the provision of generation services in a competitive market and meets certain advanced meter standards established by the Commission.

Retail electric customer or customer -- A direct user of electric power as defined by 66 Pa. C.S. §2803.

Small commercial customer -- An individual, partnership, corporation, association or other business entity which employs fewer than 250 employees and which receives public utility service under small commercial, small industrial, or small business rate classification.

§ 57.253. Advanced meter deployment Approval of advanced meters.

(a) Upon written request from both a customer and the generation supplier of that customer, an employee of the EDC shall make available and install and make available for use a qualified advanced meter.

(b)(a) A qualified advanced meter, meter-related device or network shall be one the customer's billing meter and must meet certain advanced meter standards as approved established by the Commission according to the following process:

- (1) The Office of the Executive Director shall will appoint and chair a Metering Committee (Committee) composed of, to the extent possible, a balanced number of representatives of

from EDCs and suppliers EGSs, as well as representatives of consumer, and environmental and EDC electrical worker union interests. The Committee will be designated an advisory body to the Commission as provided in this subsection.

(2) The Committee shall will meet as necessary in order to establish and modify from time to time recommendations to the Commission for a catalog of qualified advanced meters, meter-related devices and networks or to review recognized changes and improvements in metering technology.

(i) The Committee shall will seek to include recommendations to the Commission in the catalog for a variety of technologies that support the demands of customers and the services of suppliers EGSs expected in the market. These technologies may include: networks, two-way communication, time of use capabilities, load management, net metering for self-generation and similar services. Qualified advanced meters, meter-related devices, and networks shall meet the standards described in §57.254 (relating to advanced meter standards)

(ii) The Committee will consider applicable technical standards, manufacturers' information, another state's approval of a particular type of meter, meter-related device or network and other appropriate areas in its meter catalog deliberations.

(iii) An interested party shall request, in writing, to have an advanced meter, meter-related device, or network to be considered for review by the Committee. The written request shall include a brief description of the subject meter, meter-related device, or network, manufacturers' information, any proposal to use the device other than on a statewide basis, a statement claiming compliance with applicable standards in §57.254 of this subchapter, and other information necessary for a Committee recommendation.

(iv) Upon receipt of a written request for inclusion of an advanced meter in the Catalog, the Committee shall serve notice on an affected EDC. The EDC shall have thirty (30) days from the date of receipt of the notice to respond to the Committee regarding costs and incompatibility. In the absence of an EDC

response to costs and incompatibility, the
Committee may assume that the subject device
is compatible and incremental costs are de
minimis.

(v) The Committee will make a recommendation to the
Commission regarding the subject meter, meter-
related device or network within sixty (60) days from
the date the request is received. The interested party
that proposed the meter or device, and any other
interested party, shall have fourteen (14) days to
submit comments to the Commission concerning the
Committee's recommendation.

(vi) Upon receipt of the Committee's recommendations,
the Commission will serve the recommendations on
affected parties consistent with a service list
developed by the Office of Executive Director,
including all EDCs, the OCA, the Office of Small
Business Advocate (OSBA), and the Office of Trial
Staff. The Commission will issue a decision
regarding approval of the subject meter, meter-

related device or network within sixty (60) days of
the receipt of the Committee's recommendation.

(3) The Committee shall will submit a Report to the Commission no
later than September October 1, 199[8]9 and at least annually thereafter,
with its considerations and recommendations.

(4) The Committee shall include in its reports to the
Commission facts concerning anticipated net incremental costs
of qualified advanced meters or meter-related devices and
recommendations concerning the appropriate level and manner of
payment of such charges if any.

(c)(b) Consumers Customers and/or suppliers EGSs shall be responsible for
any net incremental costs incurred by the EDC as a result of using a qualified
advanced meter or meter-related device.

(1) Consumers Customers using a qualified advanced meter or
meter-related device may be assessed a bill surcharge by the EDC to cover
any net incremental cost associated with the choice to use an advanced
meter, such as physical installation, meter reading, and maintenance.

(2) In lieu Instead of a customer surcharge, the supplier EGS may
pay the EDC for net incremental costs.

(3) The customer and supplier EGS may mutually agree to allocate
such charges between them.

~~(d) The Committee shall include in its reports to the Commission facts concerning the anticipated net incremental costs of qualified advanced meters and recommendations concerning the appropriate level and manner of payment of such charges.~~

~~(e)(c) Any customer surcharge or supplier EGS payment for qualified advanced meters or meter-related devices shall be incorporated in a the tariff of each EDC approved by the Commission.~~

~~(f) An EDC may deploy a network for automatic meter reading capability provided that the following conditions apply:~~

~~(1) The network is compatible with market requirements as a qualified advanced meter based on the Metering Committee review and recommendations as adopted by the Commission.~~

~~(2) The application shall include proposed tariffs concerning any charges for deployment of such network.~~

~~(3) The application shall include, at a minimum:~~

~~(i) A description of the system.~~

~~(ii) Implementation timeframe.~~

~~(iii) Certification on compliance with applicable standards.~~

~~(iv) Implementation costs.~~

~~(v) Summary of educational materials on the new technologies.~~

~~(vi) Impacts on customer electric bills.~~

~~(vii) Impacts on existing and anticipated advanced metering equipment and generation services.~~

§ 57.254. Advanced meter standards.

(a) A *qualified* advanced meter, *meter-related device* and a network shall conform to existing regulations contained in §§57.20-57.25 (*relating to meter testing*) and American National Standards Institute Standard C12, *as applicable*, or as these standards may be ~~amended~~ *updated*.

(b) A *qualified* advanced meter, *meter-related device and network shall be the customer's billing meter* and *must* meet ~~such the~~ standards adopted by the Commission from time to time after consideration of the recommendations of the ~~Metering~~ Committee. *Qualified advanced meters, *meter-related devices*, or networks should shall* possess open, non-proprietary communications capabilities *which to* allow both *an EGS supplier* and *an* EDC to access information in a standard data format, ~~with multiple call-out capability, unless the qualified advanced meter is to be used in conjunction with a second meter~~. In addition, a *qualified advanced meter, *meter-related device or network** must be capable of *measuring hourly usage and may support one or more functional requirements, such as the ability to do one or more of the following:*

(1) *Modify a profile interval.*

(2) *Provide a communications port for a customer to monitor usage.*

(3) *Provide a pulse output to allow for usage monitoring.*

(4) Provide password protection.

(5) Operate *Measure* in two directions.

(6) *Multiple callout capability*.

(c) *Access to meter reading information shall be limited only to the customer, the EDC or the current EGS.*

(~~e~~)(d) A meter, *meter-related device and network* that meets requirements provided in subsections (a) and (b) shall be considered a qualified advanced meter. *meter-related device and network* and shall be subject to applicable surcharges and other requirements of this subchapter. The Commission will periodically review and revise these requirements as necessary.

§ 57.255. EDC responsibilities regarding advanced metering.

(a) Upon written request from both a customer and the EGS of that customer, the EDC shall make available and install for use a qualified advanced meter or meter-related device. The qualified advanced meter shall be the customer's billing meter and must meet certain standards established by the Commission provided in §57.254.

(~~a~~)(b) A qualified advanced meter, *meter-related device and network*, as well as related infrastructure, shall be owned and operated by the EDC as part of its regulated local distribution function. A network may be owned by an EDC or its chosen network provider. An [~~employee of the~~] EDC shall be responsible for compliance with all the applicable requirements related to installation, calibration.

maintenance, testing, physical reading, safety, and reliability, as well as installing and maintaining associated infrastructure as applicable.

(b)(c) An EDC shall provide meter reading for billing purposes except when the customer has chosen to receive a separate generation supply bill from its EGS. A supplier serving the customer may perform automated meter reading activities.

(e)(d) An [employee of the] EDC shall install and make operational a qualified advanced meter or meter-related device within fifteen (15) twenty (20) business days from the date the request is received by an EDC.

[(d)](e) An [employee of the] EDC shall physically read an automated meter in compliance with §56.12(5)(ii) (relating to remote meter reading; estimated billing; ratepayer readings.)

[(e)](f) The EDC shall develop a ~~protocol~~ procedure that to ensures that qualified advanced meters or meter-related devices are available for installation as required in this subchapter. The EDC may purchase and stock the meters, meter-related devices or may otherwise arrange with suppliers EGSs and other EDCs for the most economical way to ensure availability.

[(f) The EDC responsibilities described in this section are not applicable to an EDC if the Commission has issued an order directing the unbundling of meter services in the EDC's service territory.]

(g) An EDC responsible for providing metering services on a customer's premises shall ensure that the work be done by responsible individuals whose activities in the performance of these services are under the control of the EDC and who are qualified to perform the work according to the EDC's specifications and good utility practices.

(h) In the event that the Commission approves a restructuring settlement agreement incorporating EDC metering responsibilities contrary to the provisions in any section of this subchapter, the terms and conditions of such agreement shall, to the extent applicable, govern EDC responsibilities.

§ 57.256. EDC responsibilities regarding network deployment.

An EDC may deploy a network for automatic meter reading capability provided that the following conditions apply:

(1) The network is compatible with market requirements as a qualified advanced meter based on Committee review and recommendations as adopted by the Commission.

(2) The application shall include proposed tariffs concerning any charges for deployment of the network.

(3) The application shall include, at a minimum,:

(i) A description of the system.

(ii) Implementation timeframe.

(iii) Certification on compliance with applicable standards as provided in §57.254 (relating to advanced meter standards).

(iv) Implementation costs.

(v) Summary of educational materials on new technologies.

(vi) Impacts on customer electric bills.

(vii) Impacts on existing and anticipated advanced metering equipment and generation services.

§ 57.256 7. Disputes concerning advanced metering.

[(a) Disputes or operational problems between suppliers and an EDC concerning the use of advanced metering shall may in the first instance be brought forward for review and resolution, to the extent possible, by the Metering Committee.

[(b) An unresolved dispute or operational problem concerning advanced metering between an EDC and an supplier EGS may will be referred to the Office of Administrative Law Judge for resolution using Alternative Dispute Resolution, if possible, or through other such proceedings as may be necessary. Upon the request of the Office of Administrative Law Judge, Commission staff will provide such technical expertise as is necessary to resolve a dispute related to advanced metering.]

[(e)](a) A dispute between an EDC and a residential or small commercial customer, or between an supplier EGS and a residential or small commercial customer, may shall be filed with the Bureau of Consumer Services as an Informal Complaint for mediation and dispute resolution consistent with this title. §§3.111, 3.112 (relating to informal proceedings) and §§56.161 - 56.224 (relating to standards and billing practices). The Bureau of Consumer Services will provide a notice of the dispute and notice of the opportunity to participate to the EDC, EGS and to other parties associated with the complaint.

[(d)](b) When a customer, applicant or other interested party expresses dissatisfaction with an EDC or supplier EGS decision or explanation of its actions covered by this subchapter, the EDC or supplier EGS shall inform the customer, applicant or other interested party of the right to have the problem considered and reviewed by the Commission as an informal or formal complaint. The EDC or supplier EGS shall explain how to file such a complaint and otherwise comply with the provisions of §§3.111, 3.112 and §§56.161 - 56.224 .

§7.257 8. Record retention and reporting requirements.

(a) An EDC shall maintain the following records:

(1) Updated lists of all qualified advanced meters and meter-related devices.

(2) General summary of procedures for advanced meter or meter-related device acquisition and installation.

(3) The date of advanced meter purchase request by customer and supplier and date of installation.

(4) The summary of qualified advanced meters deployed, including name of manufacturer and serial numbers.

(5) The summary of characteristics and capabilities of each qualified advanced meter *deployed*.

~~(6) The summary of operational problems experienced.~~

~~(7) The summary of educational activities concerning advanced metering in general and specific qualified advanced meters.~~

~~(8) The summary of advanced meter network activity under this subchapter.~~

~~(9) Other information deemed appropriate.~~

(b) An EDC shall *retain and make available to the general public upon request* submit to the Commission an Annual Report by April 1 of each year including the information required under subsections (a)(1) and (a)(2). An EDC shall retain and make available to the Commission upon request the information required under subsections (a)(3),(a)(4) and (a)(5). The EDC shall retain the information required under subsections (a)(3),(a)(4), and (a)(5) for a period of one (1) calendar year from the date of qualified advanced meter or meter-related device deployment.

(c) An EDC and supplier EGS shall retain an summary of executed customer terms of service disclosure statements which includes advanced metering provisions as provided in §57.2589 of this subchapter, (relating to customer education on advanced metering) and shall be available for Commission review upon request. The EDC and EGS shall retain the summary information regarding an individual customer for a three (3) year period commencing from the date of execution of the terms of the service disclosure statement.

§ 57.258 9. Customer education on advanced metering.

(a) An EDC shall provide an initial summary statement to its customers which describes the availability and general uses of advanced metering. The initial summary statement may be distributed as part of a regularly scheduled customer electric usage bill or other regularly scheduled customer communications as applicable.

(a)(b) The supplier EGS shall ensure that a customer is informed as to the capabilities, advantages and disadvantages of a qualified advanced meter prior to installation or participation in a generation service program utilizing advanced metering. An EGS must provide to the customer a terms of service disclosure statement that addresses advanced metering.

(b) An EDC and supplier must provide a terms of service disclosure statement that covers advanced metering.

(c) An EDC shall provide, as part of the consumer customer education as part of its consumer information program, information addressing the use of an advanced meter, basic meter operations and capabilities, advantages and disadvantages of advanced metering, including qualified advanced meter options, applicable costs/surcharges meter operations and capabilities and how methods to obtain more additional information.

(d) An EDC shall comply with §57.257 of this subchapter (regarding record retention and reporting requirements):

(d) The informational and promotional materials are required to:

(1) Comply with applicable requirements of the Act and existing truth-in advertising requirements.

(2) Prominently disclose that additional information is available from either the local EDC, the customer's EGS, or the Commission.

(3) State that the available advanced meters are qualified to meet current Commission performance and technical standards.
