Legislative Roundup -- Smart Grid

Utilities around the world are increasingly deploying smart meters to customer households as regions prepare to shift their energy infrastructure to digital smart grids (https://www.privacyassociation.org/publications/2010_07_01smart_grids_are_the_future_but_what_t hat_means_for_future_privacy/), a move that will revolutionize the way utilities and consumers measure and monitor electricity usage. But the shift creates space for potential dangers and opportunities when it comes to privacy and security, and though much progress has been made in the last year or so, questions remain—especially when it comes to the granular customer data that smart meters will provide and what may or may not be done with that data.

Legislation aimed at protecting consumer data is fledgling in some regions and nonexistent in others. The following is a roundup of legislation in Europe and the U.S. as it relates to the smart grid.

**European Union**

- **4/12/2011 Communication** – Sets policy directions to drive forward the deployment of future European electricity networks

- **Data Protection Directive – 95/46/EC** – Applies restrictions to data controllers and processors whether or not the controller and/or processor is located in the EU. If the controlling or processing is done through equipment located in the EU, this directive applies to them.


- **Formation of EU Smart Grid Task Force**
  - **Recent meeting** (Related documents –> 15 June 2011, Brussels –> SG-EG2 SteCo 15 June 2011 v0 7)
    - Most data used by smart grid technology should already be protected under current laws
      - **Working Party Opinion 183** – Data from Smart Grid is Personal Data
      - **Decision 768/2008/EC** – Utilize CE marking for all components of Smart Grid

**United States Federal**
Presently, no bills have been passed that directly speak to smart grid technology. There have been proposed bills that seek public comment. There have also been reports issued by the Department of Energy. For now, individual states are primarily responsible for promulgating their own smart grid regulations. One related bill, The GRID Act, passed the House but was not voted on by the senate nor signed by the president.

- **75 FR 7526 – Request for Public Comment – February 19, 2010**
  - Summary of Smart Grid technology and request for public comment on potential issues
- **75 FR 18819 – Request for Public Comment – April 13, 2010**
  - Summary of updated NISTR 7628 Smart Grid Cyber Security Strategy and Requirements Proposal with answers to questions
- **10/5/2010 DOE Report – Communications Requirements of Smart Grid Technologies**
  - The report explores the communication requirements needed for successfully implementing Smart Grid Technology
  - The report addresses the concerns about privacy protection for energy use data given the potential of third parties to access energy consumption data through the use of the Smart Grid technologies
- **H.R. 5026 – Grid Reliability and Infrastructure Defense Act**

### U.S. States

**Maine**

- **35 AMRS 3143 – Declaration of Policy on Smart Grid Infrastructure**
  - State enacted legislation for the implementation of smart grid technology
- **Public Utilities Commission Order**
  - Consumers have option to “opt out” of new smart meter technology

**Vermont**

- The power companies of Vermont have petitioned for approval of their smart metering plans. No legislation has been passed. With plans to implement smart meter networks in the works, the Public Service board and other advocacy groups are [beginning to cause a stir](#) about related health and privacy issues.

**Connecticut**

- Like Vermont, there is no legislation currently, but there are applications from the state’s power companies for approval of their smart meter plans. However, [CT is waiting](#) for NIST to release their revised standards for smart meters before making a decision. Additionally, the state’s energy commissioner is waiting while is agency prepares a new statewide meter policy.

**California**
- **Public Utilities Commission 08-12-009** – California became the first state to adopt rules to regulate the privacy and data protection issues inherent with the smart grid technology.
- Despite the adopted privacy rules, some customers are still **demanding their smart meters be replaced** with analog meters citing various health issues associated with the wireless communications being transmitted by the meters

**Colorado**

- **CRS 40 4-118-2011** – formation of a smart grid task force to provide technical expertise and suggest policy recommendations to the commissioner and general assembly relating to smart grid and smart meters.
- Xcel Energy started a pilot project in the city of Boulder, but because the company was relying heavily on coal instead of renewable energies, **citizens of Boulder voted** to publically take over the utility and make it greener and locally responsible

**Maryland**

- **Md. Public Utilities Code Ann. § 7-211** (2011) – State utility companies will develop plans to become more energy efficient
- While Maryland’s Public Service Commissioner vetoed plans for Baltimore Gas & Electric company to install smart meters. Particularly, critics are skeptical of the new rate plan that charges customers less money for using electricity at non-peak times and more money for using electricity at peak times. Heavily involved was AARP, arguing that the new rate system would target low-income and minority groups the most
- In **August, 2010**, the MD Public Service commission authorized PEPCO to install smart meters in its Maryland service area.