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Town of Olive
Resolution # 18 of 2015
Olive Consumers' Options to Elect to Not Use Smart Meters
And not be charged a Fee

WHEREAS, the Olive Town Board is supportive of NYS Assembly Bill A4354 and NYS Senate Bill S 5083 An act to amend the public service law, in relation to providing consumers the option to elect not to use transmitting utility meters; and

WHEREAS, it is the intention of the Town Board to allow Olive residents to retain their Electro-Mechanical Analog Utility Meter and not be charged a fee; therefore

Section 1. Definitions

Utility Consumer: Means New York State utility rate payer and non-ratepayer occupants, including, but not limited to renters, business owners and any other consumer of electric, utility services.

Utility Provider: Means an electric company, whether owned privately or publicly, or by another utility providers or other third party contractors/sub-contractors for such purpose.

Electro-Mechanical Analogy Utility Meter: Means an Electro-Mechanical Analog Utility Meter, ANSI approved (hereinafter referred to as "Analog Utility Meter") relating to, or denoting a mechanical device that is electrically operated. This is a purely mechanical device, using no electronic components, no switch mode power supply, no transmitter, no antenna and no radio frequency emissions.

Transmitting Smart Digital Utility Meter: Means any metering device with electronic components and/or any electric or battery operated meter that is capable of measuring, recording and sending data from a utility consumer or member to a public utility, municipality or cooperative association in a manner utilizing one-way communication, two-way communication or a combination of one-way and two-way communication with any entity or device. Common names include, but are not limited to, AMR, ERT, AMI, LAN, Network, bubble-up, wake-up, "smart meter", and Power Line Carrier PLC.

Non-Transmitting Digital Utility Meter: Means the digital utility meter currently being offered, with a fee, to residential Utility Consumers, by Central Hudson. It is an electronic digital meter that is the basic platform for the advanced Transmitting Smart Digital Utility Meter system. A meter that the Utility Provider can, at any time, without permission of the Utility Consumer, upgrade to be an advanced Transmitting Smart Digital Utility Meter. It may or may not contain a transmitter.

Trojan Utility Meter: Means Transmitting Smart Digital Utility Meter or any type of transmitter concealed under an Analog Utility Meter face.

Section 2. Resolution

A Resolution petitioning the NYS Public Service Commission to order Central Hudson , an electric Utility Provider, to allow Utility Consumers to retain an Analog Utility Meter and/or to replace any digital meter previously installed, (transmitting or non-transmitting), with a remanufactured, ANSI approved, Analog Utility Meter with no fees or penalties.

Further, Central Hudson shall provide Utility Consumer a 30-day written notice in advance of installing any type of digital meter, at no additional charges (monthly or otherwise). In addition, Central Hudson must fully inform Utility Consumers of their right to retain their Analog Utility Meter. If a Utility Consumer decides to retain their Analog Utility Meter they will not incur any fees or penalties. Central Hudson will also allow Utility Consumer to request removal of a previously installed digital meter with a remanufacture, ANSI approved, Analog Utility Meter, for any reason, with no fees or penalties for such removal.

Section 3. Purpose

A. All Utility Consumers shall have the right to retain their Analog Utility Meter at no cost. Each Electric Utility Provider and the New York State Public Service Commission shall adhere to a "no questions asked", no fee and no time limit imposed by Utility Provider for retaining an Analog Utility Meter.
B. Electric Utility Providers shall maintain a reasonable supply of refurbished Analog Utility Meters in stock for the Opt-Out Program.
C. Where Electric Utility Providers have already installed Non-Analog Transmitting Smart Digital Utility Meter(s) or Non-Transmitting Smart Digital Utility Meter(s), Utility Providers shall be required to replace installed Transmitting Digital Utility Meter(s) or Non-Transmitting Digital Utility Meter(s) with remanufactured, ANSI approved, Analog Utility Meter(s), within one week of the Utility Consumer's request. Each Utility Provider and the New York State Public Service Commission shall adhere to a "no questions' asked", no fee and no time limit imposed by Utility Provider for reinstalling an Analog Utility Meter.
D. In the future, the Electric Utility Consumer's Analog Utility Meter needs repair or has to be replaced for any reason, said Utility Consumer would have the right to a remanufactured, ANSI approved, Analog Utility Meter.
E. Provide Electric Utility Consumer with prior written notice indicating when a Transmitting Smart Digital Utility Meter--ERT or Non-Transmitting Digital Utility Meter will be installed and inform them of their rights of refusal.
F. Electric Utility Providers shall be prohibited from penalizing or charging Utility Consumers for any of the above request. Prohibited actions include, but are not limited to, interrupting or threatening to interrupt Utility Consumers' service or any other form of intimidation.
G. The use of Trojan Utility Meters by Electric Utility Providers shall be prohibited.

Be it Resolved, the Olive Town Board adopts this resolution in its entirety, and further more
Be it Resolved, the Olive Town Board petitions the Public Service Commission to implement this resolution in its entirety, and furthermore,
Be it Resolved, the Olive Town Board instructs the Town Clerk to send a certified copy of this Resolution to:

Kathleen Burgess, Secretary, Public Service Commission

3 Empire State Plaza, 19th Floor
Albany, NY 12223-1350

Be it Resolved, the Olive Town Board instructs the Town Clerk to send a certified copy of this Resolution to the following individuals:

Hon. Mike Hein, Ulster County Executive
Hon. John R. Parete, Chairman, Ulster County Legislature
Hon. Kevin Cahill, 103rd Assembly District
Hon. James Seward, 51st Senatorial District
NYS Public Service Commission
Central Hudson Gas & Electric

AND MOVES ITS ADOPTION

Motion made by: Supervisor Rozzelle
Seconded By: Board Member Friedel
A Vote was Duly Taken:

	AYE	Nay
Sylvia Rozzelle, Supervisor	_X__	____
Don VanBuren, Board Member	_X__	____
Scott Kelder, Board Member	_X__	____
Jim Sofranko, Board Member	_X__	____
Peter Friedel, Board Member	_X__	____

Whereupon, the motion was duly adopted.

Dated this 11th day of August 2015

Dawn Giudlitta

Dawn Giudlitta, Olive Town Clerk

CLERK OF THE CIRCUIT COURT
MILWAUKEE COUNTY