



SEATTLE CITY COUNCIL

Legislative Summary

CB 119319

Record No.: CB 119319

Type: Ordinance (Ord)

Status: Passed

Version: 1

Ord. no: Ord 125648

In Control: City Clerk

File Created: 07/11/2018

Final Action: 08/17/2018

Title: AN ORDINANCE relating to the City Light Department's Advanced Metering Infrastructure (AMI) Program; adding a new Section 21.49.095 to the Seattle Municipal Code.

Notes:

Sponsors: Mosqueda

Attachments:

Drafter: patrick.wigren@seattle.gov

Date

Filed with City Clerk:

Mayor's Signature:

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published:

Yes

No

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Clerk	07/17/2018	sent for review	Council President's Office			
	Action Text: The Council Bill (CB) was sent for review. to the Council President's Office						
	Notes:						
1	Council President's Office	07/20/2018	sent for review	Housing, Health, Energy, and Workers' Rights Committee			
	Action Text: The Council Bill (CB) was sent for review. to the Housing, Health, Energy, and Workers' Rights Committee						
	Notes:						
1	City Council	07/23/2018	referred	Housing, Health, Energy, and Workers' Rights Committee			
	Action Text: The Council Bill (CB) was referred. to the Housing, Health, Energy, and Workers' Rights Committee						
	Notes:						

- 1 Housing, Health, Energy, 07/26/2018 pass 08/06/2018 Pass
and Workers' Rights
Committee
Action Text: The Committee recommends that City Council pass the Council Bill (CB).
In Favor: 3 Chair Mosqueda, Member Bagshaw, O'Brien
Opposed: 0
- 1 City Council 08/06/2018 passed Pass
Action Text: The Council Bill (CB) was passed by the following vote, and the President signed the Bill:
Notes:
In Favor: 8 Councilmember Bagshaw, Councilmember González , Council
President Harrell, Councilmember Herbold, Councilmember Johnson,
Councilmember Mosqueda, Councilmember O'Brien, Councilmember
Sawant
Opposed: 0
- 1 City Clerk 08/10/2018 submitted for Mayor
Mayor's signature
- 1 Mayor 08/17/2018 Signed
- 1 Mayor 08/17/2018 returned City Clerk
- 1 City Clerk 08/17/2018 attested by City Clerk
Action Text: The Ordinance (Ord) was attested by City Clerk.
Notes:
-

CITY OF SEATTLE

ORDINANCE 125648

COUNCIL BILL 119319

AN ORDINANCE relating to the City Light Department's Advanced Metering Infrastructure (AMI) Program; adding a new Section 21.49.095 to the Seattle Municipal Code.

WHEREAS, the City Light Department's ("Department") Advanced Metering Infrastructure (AMI) Program to allow meters to transmit usage data to the utility automatically was included in the 2013-2018 City Light Strategic Plan ("Plan"), which was adopted by the Seattle City Council ("Council") in 2012 and updated in 2014 and 2016; and

WHEREAS, the updates to the Plan in 2014 and 2016 included extensive customer engagement and Council due diligence on the privacy and security of data acquired through the AMI Program; and

WHEREAS, the Department began the planned deployment of new advanced meters for more than 400,000 residential and commercial customers under the AMI Program in 2017; and

WHEREAS, The City of Seattle's ("City") Privacy Principles, adopted by Resolution 31570 in 2015, require a Privacy Impact Assessment to outline the privacy impacts of any City project or program that collects, manages, retains, or shares personal information from the public; and

WHEREAS, the Department completed the AMI Privacy Impact Assessment in 2017, and in doing so provided clear guidelines for which types of data advanced meters can collect, who is able to access the data, and for which purposes the data can and cannot be used by the utility; and

1 WHEREAS, the Department developed and implemented the AMI Program’s opt-out policy for
2 residential customers who did not want an advanced meter to transmit their energy usage
3 data; and

4 WHEREAS, the Department is implementing the AMI Program with safeguards consistent with
5 the City’s Privacy Principles and designed to protect customers from having their
6 personal information disclosed; and

7 WHEREAS, adoption of these safeguards by ordinance will ensure long-term protections for
8 customers’ private data and information; and

9 WHEREAS, it is therefore appropriate for the City to reaffirm the AMI Program’s safeguards
10 protecting customers’ personal information and ensuring the program is used only for
11 utility-related purposes; NOW, THEREFORE,

12 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

13 Section 1. A new Section 21.49.095 is added to the Seattle Municipal Code as follows:

14 **21.49.095 Advanced metering infrastructure**

15 A. Definitions. The following definitions apply to this Section 21.49.095:

16 “Account data” means a customer’s name, address or partial address, dates of service
17 provided, phone/fax numbers, e-mail addresses, utility account numbers, device identifiers, serial
18 numbers, and other information specific to identifying an individual’s utility service.

19 “Advanced meter” means an electronic device capable of measuring electrical
20 consumption multiple times per billing cycle.

21 “Aggregated and anonymized data” is a dataset containing no account data or other
22 personally identifying customer information, and combining data elements from multiple
23 customers, such that re-identifying any individual customer or their customer electrical

1 consumption data from that dataset is impossible by any party and by all means reasonably likely
2 to be used to do so.

3 “AMI Program” means the Department’s Advanced Metering Infrastructure Program.

4 “Customer electrical consumption data” means data about a customer’s electrical usage
5 that is collected via an advanced meter, including raw meter data and customer energy usage
6 data, whether or not maintained in conjunction with account data.

7 “Third-party contractor” means any entity in a contractual relationship with the
8 Department relating to the AMI Program.

9 B. Customer electrical consumption data protections

10 1. The Department and its third-party contractors, or other City departments, shall
11 not use, share, disclose, sell, or otherwise make accessible to any third-party any customer
12 electrical consumption data, except as provided in subsection 21.49.095.C.

13 2. The Department and its third-party contractors shall not provide an incentive or
14 discount to any customer for any use, sharing, disclosure, sale, or other third-party access to
15 customer electrical consumption data.

16 3. The Department shall not be held responsible for any violations committed by
17 its third-party contractors under this Section 21.49.095.

18 C. Exceptions

19 1. The Department and its third-party contractors, or other City departments, may
20 use customer electrical consumption data only for purposes related to: providing utility service to
21 that customer; implementing energy efficiency programs; managing the electrical grid, including
22 but not limited to planning, designing, and operating the Department’s electrical systems; and/or
23 managing equipment failures.

1 2. The Department may share, disclose, or otherwise make accessible to a third-
2 party contractor customer electrical consumption data only if that third-party contractor is
3 contractually bound to the protections set forth in subsections 21.49.095.B and 21.49.095.C.1.

4 3. The Department may share, disclose, or otherwise make accessible to a third-
5 party contractor aggregated and anonymized data for developing and implementing energy
6 efficiency programs and services. Any third-party contractor who receives the data may not
7 share, disclose, or otherwise make it accessible to any other entity and shall be contractually
8 bound to the protections set forth in subsections 21.49.095.B and 21.49.095.C.1.

9 4. If the Department or its third-party contractors allow a customer access to that
10 customer's electrical consumption data, such access shall not be conditioned upon any agreement
11 to the sharing of account data or electrical consumption data with any third party.

12 D. Personal information

13 1. Customer electrical consumption data and account data constitute personal
14 information as the term is defined in the City's Privacy Program, Attachment A to Resolution
15 31570.

16 2. The Department must delete customer electrical consumption data as soon as
17 such data is no longer required for the purposes set forth in subsection 21.49.095.C.1, unless
18 otherwise required by superseding law.

19 E. Opt-out. The Department shall provide residential customers an option to opt out of
20 the AMI Program, and program eligibility and fees shall be publicized through AMI Program
21 customer communications and materials. Any customer exercising such an opt-out will be
22 provided an alternative to the advanced meter. Customers choosing to opt out prior to installation
23 of an advanced meter may not be charged any additional fee for opting out, other than the one-

1 time administrative fee and an additional meter-reading fee, which may only be assessed once
2 per reading cycle, and only if an actual reading at the meter occurs. Any such fee may not exceed
3 the actual costs associated with manually reading a customer's meter.

4 F. Security procedures. The Department shall use industry best practices, including robust
5 encryption, anonymization, and/or limiting remote access, to protect customer electrical
6 consumption data from unauthorized access, destruction, use, modification, or disclosure, and
7 shall require any third-party contractor who may have access to any such data to do the same.

8 G. Disclosures required by law. Nothing in this Section 21.49.095 shall preclude the
9 Department from disclosing information or records as required under state or federal law.

10 H. Third-party contractors. The Department intends to hold each and every third-party
11 contractor accountable to all the privacy and security provisions set forth in this Section
12 21.49.095, and to report any potential and actual breaches of electronic security to the City
13 Council within 30 days of detecting such a breach.

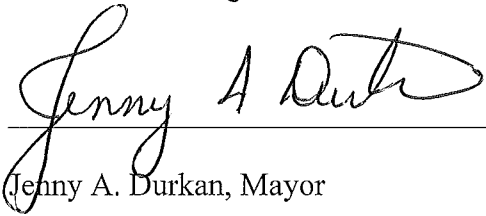
1 Section 2. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 6th day of August, 2018,
5 and signed by me in open session in authentication of its passage this 6th day of
6 August, 2018.

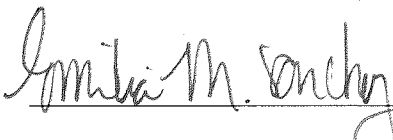
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8 President _____ of the City Council

9 Approved by me this 17th day of August, 2018.

10 
11 Jenny A. Durkan, Mayor

12 Filed by me this 17th day of AUGUST, 2018.

13 
14 for Monica Martinez Simmons, City Clerk

15 (Seal)