



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.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Mosqueda

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments:

Drafter: patrick.wigren@seattle.gov

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

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

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

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

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

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

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

21.49.095 Advanced metering infrastructure

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

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

"Advanced meter" means an electronic device capable of measuring electrical consumption multiple times per billing cycle.

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

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

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

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

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

B. Customer electrical consumption data protections

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

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

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

C. Exceptions

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

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

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

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

D. Personal information

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

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

E. Opt-out. The Department shall provide residential customers an option to opt out of the AMI Program, and program eligibility and fees shall be publicized through AMI Program customer communications and materials. Any customer exercising such an opt-out will be provided an alternative to the advanced meter. Customers choosing to opt out prior to installation 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.

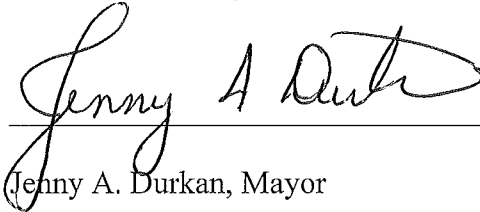
Section 2. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

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

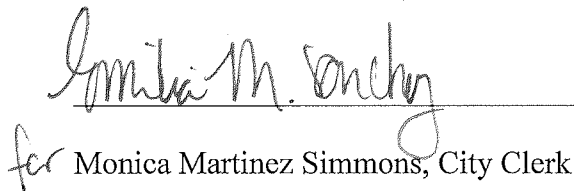


President _____ of the City Council

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


Jenny A. Durkan, Mayor

Filed by me this 17th day of August, 2018.


for Monica Martinez Simmons, City Clerk

(Seal)

STATE OF WASHINGTON -- KING COUNTY

--SS.

365493

No.

CITY OF SEATTLE, CLERKS OFFICE

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:125640-125648 TITLE

was published on

09/04/18

The amount of the fee charged for the foregoing publication is the sum of \$184.25 which amount has been paid in full.



Affidavit of Publication

A handwritten signature in dark ink, appearing to be "M. J. L.", written over a horizontal line.

Subscribed and sworn to before me on

09/04/2018

A handwritten signature in dark ink, appearing to be "J. Eads", written over a horizontal line.

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

The full text of the following legislation, passed by the City Council on August 06, 2018, and published below by title only, will be mailed upon request, or can be accessed at <http://seattle.legistar.com>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>.

Ordinance 125640

Council Bill 119323

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 39 of the Official Land Use Map to rezone property located at 7009 Greenwood Avenue North from Neighborhood Commercial 2 with a 40-foot height limit to Neighborhood Commercial 2 with a 55-foot height limit and mandatory housing affordability suffix, and accepting a Property Use and Development Agreement as a condition of rezoning approval. (Petition by 70th & Greenwood Ave. LLC, C.F. 314356, SDCI Project 3023260)

Ordinance 125641

Council Bill 119324

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Ordinance 125642

Council Bill 119317

AN ORDINANCE relating to historic preservation; imposing controls upon the Century 21 Coliseum/KeyArena, a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.

Ordinance 125643

Council Bill 119318

AN ORDINANCE relating to historic preservation; imposing controls upon the Bressi Garage, a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.

Ordinance 125644

Council Bill 119315

AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the acquisition of real property commonly known as 920 Randolph Avenue; authorizing acceptance and recording of the deed for open space, park, and recreation purposes; and ratifying and confirming certain prior acts.

Ordinance 125645

Council Bill 119321

AN ORDINANCE relating to the Department of Parks and Recreation; amending Ordinance 125493, which amended the 2018 Budget (Ordinance 125475), including the 2018-2023 Capital Improvement Program (CIP); reallocating funding from the Acquisition Category to the Opportunity Fund Category of the 2008 Parks and Green Spaces Levy; and revising project allocations in the 2018-2023 CIP; all by a 3/4 vote of the City Council.

Ordinance 125646

Council Bill 119322

AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the acquisition of real property commonly known as 7137 38th Avenue Southwest; authorizing acceptance and recording of the deed for open space, park, and recreation purposes; and ratifying and confirming certain prior acts.

Ordinance 125647

Council Bill 119311

AN ORDINANCE relating to funding for housing and community development programs; adopting the 2018-2023 Consolidated Plan for Housing and Community Development ("Plan") and authorizing its submission to the United States Department of Housing and Urban Development (HUD); authorizing acceptance of grant funds from HUD for programs and activities included in the Plan; amending Ordinance 124496, which adopted the 2014 Annual Action Plan to the 2014-2017 Consolidated Plan for Housing and Community Development, to repurpose funds to the Office of Economic Development; amending Ordinance 125493, which amended the 2018 Budget (Ordinance 125475); and ratifying and confirming certain prior acts; all by a 3/4 vote of the City Council.

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.

Date of publication in the Seattle Daily Journal of Commerce, September 4, 2018.

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