

ORIGINAL

Generic Investigation- Smart Meters E-00000C-11-0328



0000129542

Mr. & Mrs. Arthur Gudith

Phoenix, AZ 85022

September 7, 2011

Arizona Corporation Commission
Commissioners Wing
1200 W. Washington
Phoenix, AZ 85007 - 2996

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2011 SEP 13 P 1:38

AZ CORP COMMISSION
DOCKET CONTROL

SEP 12 2011
Arizona Corporation Commission
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SEP 13 2011

DOCKETED BY [Signature]

NOTICE OF NO CONSENT TO TRESPASS AND SURVEILLANCE, NOTICE OF LIABILITY

Dear Chairman Pierce, Commissioners Burns, Kennedy, Newman, and Stump,

If you intend to install a "Smart Meter" or any activity monitoring device at the above address, you are hereby denied consent for installation and use of all such devices on the above property. Installation of any activity monitoring device is hereby refused and prohibited. Informed consent is legally required for installation of any surveillance device and any device that will collect and transmit private and personal data to undisclosed and unauthorized parties for undisclosed and unauthorized purposes. Authorization for sharing of personal and private information may only be given by the originator and subject of that information. That authorization is hereby denied and refused with regard to the above property and all its occupants. "Smart Meters" violate the law and cause endangerment to residents by the following factors:

1. They individually identify electrical devices inside the home and record when they are operated causing invasion of privacy.
2. They monitor household activity and occupancy in violation of rights and domestic security.
3. They transmit wireless signals which may be intercepted by unauthorized and unknown parties. Those signals can be used to monitor behavior and occupancy and they can be used by criminals to aid criminal activity against the occupants.
4. Data about occupant's daily habits and activities are collected, recorded and stored in permanent databases which are accessed by parties not authorized or invited to know and share that private data by those who's activities were recorded.
5. Those with access to the smart meter databases can review a permanent history of household activities complete with calendar and time-of-day metrics to gain a highly invasive and detailed view of the lives of the occupants.
6. Those databases may be shared with, or fall into the hands of criminals, blackmailers, corrupt law enforcement, private hackers of wireless transmissions, power company employees, and other unidentified parties who may act against the interests of the occupants under metered surveillance.
7. "Smart Meters" are, by definition, surveillance devices which violate Federal and State wiretapping laws by recording and storing databases of private and personal activities and behaviors without the consent or knowledge of those people who are monitored.
8. It is possible for example, with analysis of certain "Smart Meter" data, for unauthorized and distant parties to determine medical conditions, sexual activities, physical locations of persons within the home, vacancy patterns and personal information and habits of the occupants.
9. Your company has not adequately disclosed the particular recording and transmission capabilities of the

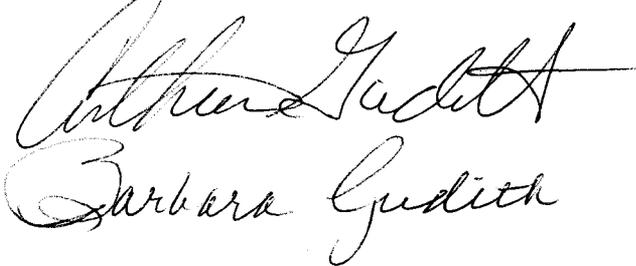
smart meter, or the extent of the data that will be recorded, stored and shared, or the purposes to which the data will and will not be put.

10. Electromagnetic and Radio Frequency energy contamination from smart meters exceeds allowable safe and healthful limits for domestic environments as determined by the EPA and other scientific programs.

I forbid, refuse and deny consent of any installation and use of any monitoring, eavesdropping, and surveillance devices on my property, my place of residence and my place of occupancy. That applies to and includes "Smart Meters" and activity monitoring devices of any and all kinds. Any attempt to install any such device directed at me, other occupants, my property or residence will constitute trespass, stalking, wiretapping and unlawful surveillance and endangerment of health and safety, all prohibited and punishable by law through criminal and civil complaints. All persons, government agencies and private organizations responsible for installing or operating monitoring devices directed at or recording my activities, which I have not specifically authorized in writing, will be fully liable for any violations, intrusions, harm or negative consequences caused or made possible by those devices whether those negative consequences are justified by "law" or not..

This is legal notice. After this delivery the liabilities listed above may not be denied or avoided by parties named and implied in this notice. Civil Servant immunities and protections do not apply to the installation of smart meters due to the criminal violations they represent.

Notice to principal is notice to agent and notice to agent is notice to principal. All rights reserved.

The image shows two handwritten signatures in cursive. The top signature is for Arthur Gudith, and the bottom signature is for Barbara Gudith. Both signatures are written in black ink and are positioned above their respective printed names.

Arthur Gudith
Barbara Gudith

cc: APS

John LeSueur

From: Karen Mackean [mackeank@yahoo.com]
Sent: Wednesday, September 07, 2011 9:50 AM
To: Pierce-Web; Burns-Web
Subject: Smart Meters Hearing

ARIZONA CORPORATION COMMISSION

Subject: Smart Meters hearing

Dear Mr. Pearce and Ms Burns,

I'm forwarding a letter Jim Staffnik EdD, sent to you on September 6th. I feel it's important attention be brought to the AZCC on this matter of Smart Meter installation on our homes without our consent or knowledge. Many individuals including myself in the White Mountains area are concerned with the recent installation by Navopache Electric of so-called Smart Meters. Concerns include but are not limited to installation without informed consent, potential health risks, privacy, interference with existing wireless internet services, potential for monitoring household activities by proxy, and so on. It has come to my attention that a special hearing is to be held on the matter (**Special Hearing on these meters on September 8, 10:00 am**, Arizona Corporation Commission, Main Hearing Room, 1200 W. Washington. Public comments will be taken.) although I can find no official reference on the Corporation Commission website. If no hearings are presently scheduled, I urge you to do so. Speaking for myself, I oppose the installation of smart meters especially without my written consent, and I believe that as a property owner the utility should comply with my wish to have the Smart Meter removed.

Is a hearing scheduled? How can I contribute to the public comments if I am not able to attend the meeting personally? Any information on upcoming hearings about Smart Meters would be appreciated.

Sincerely,

Karen M. MacKean
Navajo County Committee, Chairman

520.444.6880

www.navajocountyrepublicans.com

John LeSueur

From: John and Mary Ann Baunoch [thebaunochs@gmail.com]
Sent: Wednesday, September 07, 2011 9:48 AM
To: Pierce-Web; Burns-Web; Stump-Web; Newman-Web; Kennedy-Web
Subject: Smart Meters

We just found out about this morning's hearing so we will not be able to attend. However we would like to give you our opinion. We feel each homeowner should have the choice of whether or not to have a smart meter installed on their residence. We now have one but were not told whether or not we had a choice, just that they were putting a new meter on our house and the power would go out for a few minutes. Now we find they may not be stable or safe. All future installations should be preceded by information as to the homeowner's rights. And those of us who already have them should be given similar information and the option of having them removed.

Thank you,
John and Mary Ann Baunoch

Mr. Pierce

8-31-11

I am Ernestine Stewart and I am writing this letter on the matter of the "Smart Meter". This system has it failures because it happen to me last yr towards the end of summer probably around Sept the smart meter relaid back to where the meter is read the wrong KWH used and I was charged and extra \$48.00. I wasn't aware of this error until I got a notice from APS. I called and I was told that the meter read my meter wrong so therefore I didnt have to pay Nov and Dec APS bills. Also in your meeting to APS I would like for you to make mention why I am being charged for meter reading when I have the smart meter. Also why does APS charge \$16.00 to put a door hanger notice on people's door. I found out you do have a choice not to be charged by telling APS. I do not want one anymore There is no need for such a cost why can't APS note it in your state ment that this

charge would happen if your bill is not paid in a timely date just another way for APS to squeeze more money out of the consumer

Thank you

ps.

Inclosed are July and Aug APS state ment for an example how I was charge notes on the statements from me also I did for the APS bills to your dept for the over charge for 2010 you have my permission to ask APS for the statements for the over charge.

Antonio Gill

From: Rick Hanson [Rick.Hanson@co.yavapai.az.us]
Sent: Tuesday, August 30, 2011 4:24 PM
To: 'aps@aps.com'
Cc: Newman-Web; Burns-Web; Pierce-Web; Stump-Web; Kennedy-Web; rlhanson@cableone.net
Subject: My Bill!

Account [REDACTED]

To whom it may concern,

I live at [REDACTED], Prescott Valley, Arizona. I have lived in my same residence for thirty years I have evaporative cooling, solar hot water, and heat with wood, I also have a capacitance power saver.

In the thirty years living in my residence I have never had an electric bill over \$105.00. It has always averaged less than \$100.00.

Since the "Smart Meter" was install my bill has gone up over Sixty dollars.

This is quite unacceptable. The excuse of my old analog reads slow is not acceptable.

I hope this issue can be addressed to my satisfaction.

Rick Hanson | CompTIA A+ | A.S. Electronic Technology

HP Certified Technician  Since 1998

Computer Assistance Specialist III | Yavapai County MIS

Email: [REDACTED]

Phone: [REDACTED]

Fax: [REDACTED]

Julie Junod
1901 W. Deuce of Clubs #104
Show Low Arizona 85901

September 7, 2011

VIA CERTIFIED MAIL Return Receipt Requested
Receipt No. 7009-0080-0002-3634-0129

Navopache Electric Cooperative
1878 W. White Mountain Blvd.
Lakeside, AZ 85929

RE: **NOTICE OF NO CONSENT TO TRESPASS AND SURVEILLANCE, NOTICE OF LIABILITY**

Dear Navopache Electric Cooperative and all agents, officers, employees, contractors and interested parties:

If you intend to install a "Smart Meter" or any activity monitoring device at the above address, you and all other parties are hereby denied consent for installation and use of all such devices on the above property for the referenced apartment. Installation and use of any activity monitoring device is hereby refused and prohibited. Informed consent is legally required for installation of any surveillance device and any device that will collect and transmit private and personal data to undisclosed and unauthorized parties for undisclosed and unauthorized purposes. Authorization for sharing of personal and private information may only be given by the originator and subject of that information. That authorization is hereby denied and refused with regard to the above property and all its occupants. "Smart Meters" violate the law and cause endangerment to residents by the following factors:

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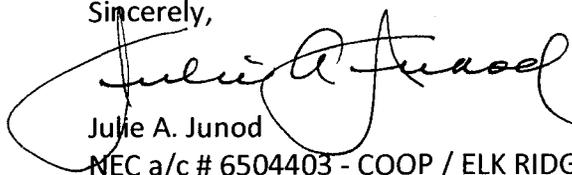
8. It is possible for example, with analysis of certain "Smart Meter" data, for unauthorized and distant parties to determine medical conditions, sexual activities, physical locations of persons within the home, vacancy patterns and personal information and habits of the occupants.
9. Your company has not adequately disclosed the particular recording and transmission capabilities of the smart meter, or the extent of the data that will be recorded, stored and shared, or the purposes to which the data will and will not be put.
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Sincerely,



Julie A. Junod

NEC a/c # 6504403 - COOP / ELK RIDGE APT A-104

cc: Elk Ridge Apartments, 1901 W. Deuce of Clubs, Show Low AZ 85901
Arizona Corporation Commission, 1200 W. Washington St., Phoenix AZ 85007
Paul Newman, Commissioner, ACC, 1200 W. Washington St., Phoenix AZ 85007
Brenda Burns, Commissioner, ACC, 1200 W. Washington St., Phoenix AZ 85007
Gary Pierce, Commission Chairman, ACC, 1200 W. Washington St., Phoenix AZ 85007
Bob Stump, Commissioner, ACC, 1200 W. Washington St., Phoenix AZ 85007
Sandra D. Kennedy, Commissioner, ACC, 1200 W. Washington St., Phoenix AZ 85007

cc only: Please go to <http://stopsmartmeters.org/> for further information.

Antonio Gill

From: Lynne Breyer [humingway@gmail.com]
Sent: Tuesday, September 13, 2011 10:02 AM
To: Pierce-Web; Newman-Web; Kennedy-Web; Burns-Web; Stump-Web
Subject: Energy Policy Act of 2005

Dear Commissioners:

As elected officials to the ACC, you are charged with the responsibility of protecting residents in Arizona, regardless of your personal views or experiences. Below is some research about the Energy Policy Act of 2005. If you will take the time to review this, you will find that consumers are NOT required to accept smart meters and utility companies CAN NOT force these meters on us:

Federal and State Laws About the Smart Meter Program: Is the SmartMeter Really Mandatory? Often, when people say no to the utility employees who come to install the meters, they are told that the meters are mandatory. There is no stopping them. I was told by a PG&E representative that the only way that I could refuse the SmartMmeter is to get off the grid. Is this really true? According to the federal Energy Policy Act of 2005, which is the bill that is behind the smart grid and SmartMeters' plan, are they mandatory?

I asked this question of attorney John Schlafly, the son of Phyllis Schlafly, founder and national president of Eagle Forum, the conservative organization that has always stood for the protection of life, liberty, property, and privacy rights. John sent me the following information:

Yes, I found the Energy Policy Act of 2005 at <http://www.gpo.gov/fdsys/pkg/BILLS-109hr6enr/df/BILLS-109hr6enr.pdf>. The entire bill is 550 pages of very fine print. Section 1252 is on pages 370-374. Here is another place to find the bill <http://thomas.loc.gov/cgi-bin/bdquery/z?d109:h.r.00006>: (click on Text of Legislation)

I think the purpose of this section is to encourage all electric utilities to use "time-based metering" and "time-of-use pricing." The goal of this is that if you know exactly how much it costs to operate each of your appliances at different times of the day, you will tend to run them when it is cheaper.

As I read this federal law, it does not mandate the utilities to install SmartMeters in homes. It only mandates the utilities to "offer" them and to install them "upon customer request."

So, if any of you hear the same statements that the meters are mandatory, just quote the above from the Energy Policy Act. The installation is not mandatory. It should only be installed "upon customer request." You are the customer and you do not request them. You refuse them!

(quote)

<http://www.scribd.com/doc/55484389/Just-Say-No-Big-Brothers-Smart-Meters>

Additional information:

According to the federal Energy Policy Act of 2005, the federal bill behind the smart grid and smart meter plan, Section 1252 (pages 370-374) calls for "time-based metering and "time-of-use pricing" shown below. The federal law does not mandate the utilities to install smart meters on homes, it only mandates, "the "utilities offer them and install them upon customer request". A complete copy of the 550 page law can be found online at: <<http://www.gpo.gov/fdsys/pkg/CRPT-109hrpt215/pdf/CRPT-109hrpt215-pt1.pdf>>.

Section 1251. Net metering and additional standards

Section 1251 requires each state and non-regulated electric utility to consider whether to require each electric utility to make available upon request net metering service as set forth under Section 111 of the Public Utilities Regulatory Policies Act of 1978

(PURPA). The section requires state regulatory authorities to consider standards for such service with certain exceptions.

Section 1252. Smart metering

Section 1252 requires each state and non-regulated electric utility to consider whether to require each electric utility to make available upon request time-based metering service as set forth under Section 111 of PURPA. The section requires state regulatory

authorities to consider standards for such service, including time of use, critical peak and real-time pricing, and peak load reduction plans with customers with large electric loads with certain exceptions. The Secretary of Energy shall provide technical assistance on demand response.

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Please delete ALL names and e-mail addresses before forwarding, and send only as BLIND CARBON COPY (Bcc). Thanks.

For liberty,

Lynne F Breyer

Arizona Freedom Alliance arizonafreedomalliance.org

AZ 2012 Project, Elections & Legislation Committees

Four Score Patriots

Delegate: Northern Arizona Tea Party Coalition

"It's surprising how much you can accomplish if you don't care who gets the credit." - Abraham Lincoln

"The heart of the wise inclines to the right,

but the heart of the fool to the left." Ecclesiastes 10:2 (NIV)