

E-000000-11-0328

ORIGINAL



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ARIZONA CORPORATION COMMISS

UTILITY COMPLAINT FORM

Investigator: Carmen Madrid

Phone:

Fax:

Priority: Respond Within Five Days

Opinion No. 2011 99148

Date: 9/16/2011

Complaint Description: 01H Billing - Smart Meter
N/A Not Applicable

Complaint By: First: Louis Last: Bourque

Account Name: Louis Bourque

Home: (000) 000-0000

Street:

Work: (000) 000-0000

City: Cornville

CBR:

State: AZ Zip: 86325

is:

Utility Company: Arizona Public Service Company

Division: Electric

Contact Name: For assignment Arizona Corporation Commission

Contact Phone:

Nature of Complaint:

DOCKETED

SmartMtrsOptLtr

SEP 19 2011

9/11/11 8:44 AM

State legislators: ;

YavapaiCounty supervisors: - ;

DOCKETED BY [Signature]

So, again, my point is: Only you can help you. Only you can withdraw your "implied consent". No one can do that for you. And only you can protect your meter (and your health....and your liberties).

TO: APS (Arizona Public Service)
P0 Box 53933 Sta. 3200
Phoenix, AZ 85072-3933

FROM:.,Louis Bourque
Date : September 13, 2011

RE: NOTICE OF NO CONSENT TO TRESPASS AND/OR CONDUCT SURVEILLANCE; NOTICE OF LIABILITY

Dear Arizona Public Service (APS) and all agents, officers, employees, contractors and interested parties, If you plan to install a "Smart Meter" or any similar activity-monitoring device at the above address, I hereby deny you and all other parties consent for installation and use of all such devices on the above properties. Installation and use of any activity- monitoring device is hereby refused and prohibited.

Under the protections in the 4th amendment to the Constitution of the United States of America, which is the supreme law of the land, 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. The text of the 4th Amendment of the Constitution is cited immediately below:

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The 4th Amendment to the Constitution:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Authorization for sharing of personal and private information may only be given by the originator and subject of that information. Such authorization is hereby denied and refused with regard to the above property and its occupants.

"Smart Meters" violate constitutional and state laws 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 constitutional rights and domestic security.
 3. They transmit wireless signals that 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, by these devices, in permanent databases which are accessed by parties not authorized or invited to know and share that private data by those whose 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. This is a clear violation of the 4th Amendment of the Constitution of the United States of America.
 6. Those data bases may be shared with, or fall into the hands of criminals, blackmailers, unauthorized 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 entities.
 11. The fact that APS's own website states that potential health impacts are "generally stated" and "no (non) conclusive" and that "no exposure standards have been developed by any regulatory body in Arizona or at the federal level"
- (---) (Technical Questions; item 3) leads me to elect to refuse having any form of "Smart Meter" installed on my property.

Therefore, I hereby forbid, refuse and deny consent (express or implied) of any installation and use of any monitoring, eavesdropping, and surveillance devices on my property, my place of residence and my place of occupancy. This applies to and includes "Smart Meters" and activity monitoring devices of any and all kinds.

You are hereby advised or otherwise given written, certified notice that 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 unconstitutional and all prohibited and punishable by law through criminal and civil complaints.

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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.

Yours truly,

Name (Legal owner of above listed property) Louis Bourque

Address:

Cornville, AZ 86325

cc: AZ Corporation Commission,
Consumer Services,
1200 W. Washington St,
Phoenix, AZ 85007
End of Complaint

Utilities' Response:

Investigator's Comments and Disposition:

Opinion noted and filed in Docket No. E-00000C-11-0328. closed
End of Comments

Date Completed: 9/16/2011

Opinion No. 2011 - 99148
