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ARIZONA CORPORATION COMMISS

UTILITY COMPLAINT FORM

Investigator: Carmen Madrid

Phone:

Fax:

Priority: Respond Within Five Days

Opinion No. 2011 98743

Date: 9/6/2011

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

First:

Last:

Complaint By: Robert F. & Nancy F. Burns

Account Name: Robert F. & Nancy F. Burns

Home: (000) 000-0000

Street:

Work: (000) 000-0000

City: Scottsdale

CBR:

State: AZ Zip: 85255

is:

RECEIVED
2011 SEP 27 P 3 03
AZ CORPORATION COMMISSION
DIST CONTROL

Utility Company: Arizona Public Service Company

Division: Electric

Contact Name: For assignment

Contact Phone:

Arizona Corporation Commission
DOCKETED

SEP 27 2011

Nature of Complaint:

Robert F. & Nancy F. Burns

Scottsdale, AZ 85255-2424

DOCKETED BY [Signature]

August 30, 2011

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

Dear Arizona Public Service Co. and all agents, officers, employees, contractors and interested parties,

You and all other parties are hereby denied consent for installation and use of all such devices on the above listed property. Installation of any activity monitoring device is hereby refused and prohibited and must be removed. 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.

ARIZONA CORPORATION COMMISSION

UTILITY COMPLAINT FORM

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.

We forbid, refuse and deny consent of any installation and use of any monitoring, eavesdropping, and surveillance devices on our property, our place of residence and our 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 us, 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 we 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.

Robert F. Bums Nancy F. Burns

cc: Arizona Corporation Commission
End of Complaint

Utilities' Response:

Investigator's Comments and Disposition:

ARIZONA CORPORATION COMMISSION

UTILITY COMPLAINT FORM

9/6/11 opinion noted and filed in Docket No. E-00000C-11-0328. closed
End of Comments

Date Completed: 9/26/2011

Opinion No. 2011 - 98743
