

E-00000C-11-0328

OPEN MEETING AGENDA ITEM



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ORIGINAL

ARIZONA CORPORATION COMMISSION

UTILITY COMPLAINT FORM

Investigator: Jenny Gomez

Phone:

DOCKET CONTROL FAX

Priority: Respond Within Five Days

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Opinion No. 2012 - 107277

Date: 12/7/2012

Complaint Description: 19D Other - ACC Admin. Questions
N/A Not Applicable

Complaint By: First: Warren Last: Woodward

Account Name: Warren Woodward

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CBR:

State: AZ Zip: 86336

is: E-Mail

Utility Company: Miscellaneous ACC Questions

Division: Misc.

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Nature of Complaint:

*****DOCKET NO. E-00000C-11-0328*****

Subject: ACC smart meter guidelines = corrupt or just incompetent?

Warren Woodward

Sedona, Arizona 86336

December 3, 2012

Arizona Corporation Commission
Docket Control Center
1200 West Washington Street
Phoenix, Arizona 85007

Re: Docket # E-00000C-11-0328

Commissioners;

Arizona Corporation Commission

DOCKETED

DEC 10 2012

DOCKETED BY [Signature]

The eight "smart" meter guidelines proposed by your staff are an absolute affront to ratepayers. The "guidelines" seem to be straight from the utilities' wish list. The "guidelines" reflect none of the concerns raised by ratepayers at the open hearings convened by the Arizona Corporation Commission (ACC) in September 2011 and March 2012. Nor do the "guidelines" address any of the concerns submitted by ratepayers to the docket the ACC set up for "smart" meters. The "guidelines" therefore call into question the ACC staff's competence and integrity. Is staff corrupt or just incompetent? Either way, a thorough investigation is needed.

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I will go through the eight "guidelines" one by one.

Guideline #1:

Unless authorized by the customer or the Arizona Corporation Commission, electric usage measurement will not be specific to any particular appliance or electrical device. Meters with the capability to only measure a single electrical device or a group of such devices will be permitted under this guideline.

It is totally unacceptable and illegal for the ACC to "authorize" electrical usage measurement specific to any particular appliance or device. The ACC lacks this authority under any circumstances due to the 4th Amendment to the U.S. Constitution which states, "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated".- The ACC would also be in violation of state and federal wiretapping laws. In short, do not even think about it.

The second sentence above is so poorly written it is difficult to understand if the guideline is intended to mean that "smart" meters can only measure general, non-specific electrical use, or if "smart" meters can be used to measure one specific appliance, say a TV or groups of TVs, but no other appliance. If the latter then, again, do not even think about it.

Guideline #2:

Unless authorized by the customer, the utility will not share customer-specific data except with entities under contract with the utility and bound to comparable confidentiality provisions as would apply to the utility itself. However, such authorization is not required if the data is requested by law enforcement or other public agencies, including the Commission or its staff, or is used in conjunction with legitimate collection activities, or to provide safe and reliable service to the customer. Customer-specific data will never be sold without customer approval. Usage data unaccompanied by any other information that would associate the usage data with a specific customer (e.g., customer name, service address, telephone number, SS# or EIN, etc.) is not considered "customer-specific data" for the purposes of this guideline.

Utilities should not have any more customer usage data than what they received previously with analog meters. Gathering information from us then telling us to trust the utilities with it is not acceptable. The utilities' job is to provide electricity at the cheapest possible price, not to gather information.

At the last ACC "smart" meter meeting I witnessed the utilities admit they did not have the source codes for "smart" meters, and that therefore they really had no idea what data was being collected and who exactly could access it. That should shock anyone into realizing how totally insecure ratepayers' data in a wireless "smart" grid really is.

Any alleged "safeguards" such as are expressed in the above "guideline" are meaningless in today's world of hackers and warrant-less wiretaps and searches (even Gen. Petraeus found he was not exempt from a warrant-less search).

And speaking of Petraeus, just last March he was enthusing about the spying opportunities opened up by the new "internet of things". He was excited about the ability to turn people's electronic gadgetry and appliances into intelligence gathering stations. Read Wired.com's article, "CIA Chief: We'll Spy on You Through Your Dishwasher" here: <http://www.wired.com/dangerroom/2012/03/petraeus-tv-remote/> .

According to a very recent MIT Technology Review article, "Government and law enforcement demands that Google share user data are growing 25 percent every six months." As government fishing expeditions increase, it is not a stretch of the imagination to think that something similar will happen with ratepayers' electrical usage data. (article: <http://www.technologyreview.com/view/507441/the-us-governments-growing-appetite-for-google-users-data/>)

For over a year now, the cyber insecurity of "smart" meters has been pointed out repeatedly to the ACC by myself and many others, both in person and in writing. When will the ACC start paying attention? Why has

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the ACC staff ignored the very real and documented vulnerability "smart" meters pose to ratepayers? Why is the ACC parroting the utilities' paper promises? Why isn't the ACC focused on making the utilities provide us with electricity at the cheapest possible price instead of enabling them to spy on us?

Guideline #3:

Customer specific data wirelessly transmitted between meters and the utility must be encrypted and/or password protected. The utility will use recognized industry security practices and controls and will continue to evaluate emerging technologies and standards in order to update its security practices, as appropriate, to protect customer specific data.

These sentences are just more empty promises. Everything is hackable. In today's world, once any information leaves someone there can be no guarantee that the information will remain private - none.

Cyber insecurity is why former CIA director James Woolsey has deemed the "smart" grid "stupid". Watch him say that here: <http://www.energynow.com/video/2011/08/10/preview-mix-james-woolsey> . Who would know more about security, the ACC and the utilities or him?

Guideline #4:

Data from each meter must use unique identifier(s) associated with the customer's service to ensure that each customer is billed only for his/her own usage.

Sounds great but this, too, is hackable.

As investigative reporter Jon Rappoport asks:

Remember Jonathan James, who at the age of 16 put a back-door into DOD's Defense Threat Reduction Agency's server, and stole software from NASA computers that set temperature and humidity at the International Space Station?

Recall Adrian Lamo, who hacked into security systems at B of A, Citigroup, and Cingular?

Keven Poulsen, who hacked into federal computers that record wiretaps?

Tsuromu Shimura, who used a simple cell phone to to hack into phone calls all over Capitol Hill?

The 18-year-old Greek boy, "n-splitter," who was arrested for hacking into systems at Interpol, the Pentagon, the FBI, and the NSA?

I won't even bother mentioning hackers who are hired by the NSA and other agencies.

And, although I could, I won't bother listing even more hacking reports, including personal ones.

If you do not understand how vulnerable the so-called "smart" grid and "smart" meters are by now then you never will, and at some point we will all suffer from your ignorance and neglect of this issue.

Guideline #5:

The utility will not control or shut off individual appliances without customer consent or unless authorized by an approved Arizona Corporation Commission tariff or program.

This sounds reasonable but in fact it opens the door to a future in which the ACC could in fact decide what appliances they could remotely shut off. Nobody should have that kind of power.

Guideline #6:

The utility may shut off electric service per Arizona Corporation Commission rules or other Commission-

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approved procedures. The utility will abide by current regulations or other Commission-approved procedures with respect to shut-off of service and curtailment in power emergencies.

So, if there is no change to ACC "rules and procedures", why is this item here? Is it here to lend some kind of legitimacy to the rest of the nonsense? To make it seem like there really are safeguards?

Guideline #7:

The utility will only use equipment that limits data transmission, so as to keep radio frequency exposure within the limits established by the Federal Communications Commission.

Here is where I start to wonder if the ACC staff is not just incompetent but corrupt. How else can hours of testimony and pages of emails from those suffering from the effects of overexposure to wireless "smart" meter microwave radiation be so easily ignored?

In the ACC staff's cover letter accompanying these proposed "guidelines", staff claims to have formulated the "guidelines" "based on a review of filings in the docket and the Utilities' comments". Baloney is the polite word to describe staff's self-assessment of their "review". The filings in the docket are loaded with both personal accounts and scientific reports concerning the dangers of "smart" meter radiation to the health of humans and all that lives. Likewise, the filings in the docket are loaded with the failure of the FCC to acknowledge the issue.

The docket would have even more information but it has recently come to my and others' attention that not all of our submissions have been posted. So once again the question must be asked: Is that because of incompetence or corruption?

For more than a year now, it has been repeatedly pointed out to the ACC that the FCC exposure limits are hopelessly out of date and terribly inadequate. Again, when will the ACC pay attention? People's health, their very lives are at stake. The ACC has heard first hand accounts of people who can no longer live in their wireless "smart" metered houses and neighborhoods yet the ACC just blows them off?! Are you afraid of the utilities you are supposed to regulate? Are you stupid? Lazy? Are you taking graft? What is it? Is it because those who suffer are a minority of the population that they can be so callously brushed aside in the utilities' pursuit of profit?

Relying on the FCC's radio frequency exposure guidelines is a pathetic excuse for inaction. They date to 1996. The FCC data only involves protection against thermal radiation (when human tissue is heated), and even then the FCC findings are not protective of sensitive populations such as children and pregnant women since the test population was average weight males.

Sadly - and negligently - FCC exposure guidelines do not cover non-thermal, low intensity radiation generated by "smart" meters and other wireless devices at the lower end of the microwave range. The FCC exposure guidelines are thus completely inapplicable for the microwave radiation emitted by "smart" meters. Again, this has been pointed out over and over to the ACC for more than a year now.

Here are two explanations of what I have just stated. They are written for the layperson. Read them.

SERIOUS FLAWS WITH THE FCC RF//MW SAFETY STANDARDS

<http://www.emrnetwork.org/pdfs/flaws.pdf>

A Primer on FCC Guidelines for the Smart Meter Age

<http://stopsmartmeters.org/2012/03/09/a-primer-on-the-fcc-guidelines-for-the-smart-meter-age/#skipmath>

If there is anyone at the ACC who can understand scientific literature then here is a report that goes into more detail. The ACC has received this report many times before but evidently chose to ignore it. Assessment of Radiofrequency Microwave Radiation Emissions from Smart Meters - <http://sagereports.com/smart-meter-rf/>

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Guideline #8:

The utility shall allow customers to request, and have installed, meters that do not transmit data wirelessly. For those customers that request to have a meter that is not capable of transmitting data wirelessly and where the utility is using only meters that transmit data wirelessly, the utility may propose a tariff, for Arizona Corporation Commission consideration, that would recover appropriate costs from such a customer.

Here is another guideline that causes me to question staff's integrity. Just whose side are they on and why? Are they getting paid to do the utilities' bidding? We need to know.

It is the utilities, in their insatiable greed, who want opt-out fees. And again, as has been pointed out to the ACC repeatedly both in person and in writing by myself and many others, opt out fees are bogus.

For the umpteenth time: There is no federal mandate requiring companies to force smart meters on customers. The Energy Policy Act of 2005, Section 1252, "smart meters", states that electric utilities shall provide such meters to those customers who request them. Therefore, people should have to "opt in". We should not have to "opt out". (Energy Policy Act is here: <http://www.gpo.gov/fdsys/pkg/PLAW-109publ58/html/PLAW-109publ58.htm>)

In addition, there is no mandate that "smart" meters be wireless. Fiber optic would have been a safer alternative. Yet the utilities, bolstered by junk, tobacco-company-style "science", rushed headlong into applying a bio-hazardous wireless technology. The utilities were allowed to get away with this due to the ACC's apparent ignorance and subsequent neglect of its duty to protect the public.

What is remarkably callous and inexcusable is that even after being informed of the wireless microwave radiation dangers by scientists, medical professionals and people who actually suffer from radio frequency overexposure, the ACC still allows wireless "smart" meters and now has the audacity, the effrontery to propose a fee for those who wish to avoid it!

People will also want to opt out to avoid the other dangers "smart" meters pose. House fires, appliance damage, medical implant interference, over-billing, spying - these hazards have all been documented and brought to the ACC's attention. We are now expected to pay a fee to avoid these hazards?! Are you co-conspirators in a protection racket or what?!

Opt out fees are extortion. As was pointed out by retired Arizona Superior Court Judge Howe at the March 23, 2012 hearing, charging ratepayers a fee to keep the safe analog meters they already have in order to avoid a rights-violating, bio-hazardous, not-UL-certified "smart" meter amounts to extortion.

There are no "appropriate costs" for any utility to "recover". That is sheer fiction. Meter reading is not an additional or new cost to the utilities that needs to be "recovered". It is part and parcel of the utilities' business, something they have been doing since day one.

Doing away with meter readers, their vehicles and etc. has not saved any ratepayers anywhere one dime. The "operational savings" the utilities talk about do not go to the customer and are not reflected on bills.

Indeed, APS is still charging meter reading fees for those who have "smart" meters! When questioned about this at the last ACC "smart" meter meeting, APS said there were still costs associated with "infrastructure". APS wants it both ways so ratepayers get charged no matter what. I think that's fraud.

APS's CEO made \$5.66 million, up more than a million from the year before not a bad raise in a down economy. Perhaps the "operational savings" are reflected in his and other executives' excessive compensation. (Sickening side note: \$1.44 million of the APS's CEO pay was an "incentive plan" as if his other \$4.22 million was not "incentive" enough!)

In any case, when APS stops wasting money on advertising (which buys a compliant media), political

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donations (which buy compliant politicians), and charitable pursuits (which buy respect and legitimacy), when APS stops giving energy glutton businesses a better rate than homeowners, when executive pay for running a public monopoly is not obscenely excessive, then maybe a talk about fee increases would be appropriate. Under present circumstances it is definitely not.

It has also been repeatedly pointed out to the ACC by myself and many others that if meter reading is such a huge, costly concern then ratepayers could read their own meters and send in the results on a postcard or via email with a picture of the meter. This has been done successfully in rural areas, and one of the utilities even agreed this was viable at the last meeting. So again, this begs the question: Why is staff recommending what amounts to a rate increase?

Additionally - and this is most important - inherent in this guideline is the supremely arrogant assumption that utilities have some kind of right to set up a radio broadcasting station on the private property of ratepayers. Pay attention: Utilities have easement for a meter. Utilities do not have easement for a microwave radio broadcasting station that doubles as a meter with surveillance capabilities. Taking private property to set up radio stations is theft and trespass.

In conclusion, as a ratepayer, taxpayer and concerned citizen, the absolute ineptitude reflected in these guidelines, the total disregard for ratepayers and the blatant shilling for the monopoly utilities is a huge, huge disappointment. The proposed "guidelines" reflect the complete failure of the ACC to represent and respect the citizens who elected them.

At the March 23, 2012 hearing, it was pointed out that ACC staff had incompetently used the wrong device to analyze the radio frequency of a "smart" meter. I followed up on this in a letter hand delivered to each Commissioner asking what measures, if any, had been taken to correct staff. I asked, "Will they lose their jobs for this? Will pay be docked? Will someone at least correct them and tell them they need to do better?"

I was ignored, but my point - which was that staff gets a paycheck regardless of their performance - remains and is underscored by these pathetic and totally unacceptable "guidelines". This is the sort of "work" myself and other Arizonans are paying for? It's a disgrace, and a disgrace made worse by the fact that all the Commissioners and their staff had to do is listen to us. We, the unpaid and independent volunteer voices are the only ones without an ulterior motive or corporate agenda. We have done all your work for you. We have researched this issue with a thoroughness that not one of you or your staff have done. We have been sending you the results of our research for well over a year now. Have you listened to anything we've said, read anything we've sent? It certainly does not seem so.

We elected you. We did not elect your staff or the monopoly utilities, yet they seem to be calling the shots. Your staff has proved themselves useless in looking out for ratepayers. That should be your job anyway. When will you do it?

Sincerely,

Warren Woodward

Cc: Governor Jan Brewer, Attorney General Tom Horne, Commissioner-elect Robert Burns, Commissioner-elect Susan Bitter Smith
End of Complaint

Utilities' Response:

Investigator's Comments and Disposition:

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Noted and filed for the record in Docket Control.
End of Comments

Date Completed: 12/7/2012

Opinion No. 2012 - 107277
