

ORIGINAL

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DOCKET CONTROL

March 2, 2013

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Arizona Corporation Commission
DOCKETED

MAR 7 2013

DOCKETED BY
LM

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

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

Commissioners;

APS is not the only player in the Great "Smart" Meter Con to be found lying. It appears the ACC itself is lying as well.

In a phone conversation with a member of commissioner Pierce's staff last January, I was told that the ACC could not define what an electric meter was.

Really.

What a sad, pathetic state of affairs when a regulatory agency cannot define what it is regulating, and is purposely or unconsciously ignorant of the very statutes under which it operates.

I had made the point with the staffer that a so-called "smart" meter was actually a microwave radio that also happened to have metering capability. I said utilities have easement for a meter but not for a microwave radio station, not for company networking equipment.

The staffer countered that the ACC lacked the authority to define what a meter was. He said it was up to the state legislature to define what a meter was. He was even so emphatic as to say that if the ACC tried to define a meter that utilities would win in court over the issue. Absurd as this was, he gave a convincing performance.

In addition to being astonished by this news I was curious enough to phone one of the representatives of my legislative district, Brenda Barton, to get her opinion on what seemed to me like a rather new and bizarre legislative power.

Representative Barton seemed intrigued by the news. She said she would be meeting with one of the ACC commissioners in a few days and would find out what's up and get back to me.

Barton never did. Despite probably more than a dozen follow-up inquiries from me – by email, phone and even snail-mail over the course of at least a month – Barton never got back to me like she said she would.

Suspicious, I checked followthemoney.org to see who was financing Barton. Pinnacle West, APS's parent company, was Barton's most generous 2012 campaign donor.

If only I had more money than Pinnacle West!

Meanwhile, an email exchange has come into my possession in which Trish Meeter of ACC's Utilities Division repeats the lie concerning the ACC's ability to regulate meters. I have enclosed this exchange.

Note that Meeter did not deny her phone conversation in which she is quoted as saying, "The ACC does not have authority, or jurisdiction, to mandate what kind of meter APS can or cannot use." Indeed, Meeter reaffirms that mandating meters is something the ACC simply does not do.

Someone sane must have written the actual law on the matter since it says otherwise. A.R.S. 40-321.A states:

"When the commission finds that the equipment, appliances, facilities or service of any public service corporation, or the methods of manufacture, distribution, transmission, storage or supply employed by it, are unjust, unreasonable, unsafe, improper, inadequate or insufficient, the commission shall determine what is just, reasonable, safe, proper, adequate or sufficient, and shall enforce its determination by order or regulation."

Clearly this statute gives the ACC control over the power companies' "equipment" and "appliances", which would include meters.

Clearly that makes sense and is as it should be.

Clearly I was misled by Pierce's staffer.

Clearly, Meeter is misleading also.

The only question is, are the lies intentional or by mistake?

But how could people working for the state agency that regulates utilities not know what they can and cannot regulate?

Is "*We don't do meters*" the new party line at an ACC set on avoiding responsibility and liability for "smart" meters? If so, who came up with this weaselly line of baloney? Whose idea was it?

In a previous letter to the ACC I wrote, "There seems to be a pattern of the ACC not being able to follow its own rules." I gave several examples of rule breaking. I guess ignoring state statutes is something that can be added to this pattern of lawlessness.

Since you commissioners never answer my questions, perhaps the Attorney General or the Governor could do some poking around – "watch the watchers" as it were – and find out just what the heck is going on at the ACC. Whenever I poke I am reminded of my deck. I find more rot than I knew existed.

Maybe state legislators not in the pay of Pinnacle West could help "watch the watchers" also (especially GOP members – in case you haven't noticed, the commissioners are becoming quite an embarrassment to the party).

Sincerely,



Warren Woodward

PS – It seems APS is arrogantly confident that they have the ACC in their pocket. APS is now telling people who want their "smart" meter removed that "there will definitely be a charge for it" but that they have just not gotten ACC approval yet. "Blatant scandal" are the two words that come to my mind.

Cc: Governor Jan Brewer, Attorney General Tom Horne

Begin forwarded message:

From: Trish Meeter <TMeeter@azcc.gov>

Subject: RE: Need clarification please

Date: February 22, 2013 10:49:50 AM MST

To: 'P'

P,

You are correct in understanding the Commission does not mandate the type of meter used by utilities.

You will need to verify with APS in how they purchase the meters used within their service area.

The Arizona Corporation Commission has jurisdiction over the quality of service and rates charged by public service utilities.

The Utilities Division monitors the rates approved by the Commissioners.

A more detailed description of the Commission can be found on the website homepage by clicking on "About Us" and using the dropdown "Background and Organization".

From: P

Sent: Thursday, February 21, 2013 10:36 PM

To: Trish Meeter

Subject: Fwd: Need clarification please

Dear Trish,

Thank you for pointing me in the direction of the docket and proposed guidelines posted there but I knew about those.

What I wanted clarification on was what I thought you said during our phone conversation. I need clarification so that I fully understand what the ACC can and cannot do. Then I can respond properly to the proposed guidelines.

Here's what I thought you said. Do I have it right?

"The ACC does not have authority, or jurisdiction, to mandate what kind of meter APS can or cannot use. APS goes to a manufacturer to obtain whatever meter they want to obtain. What the ACC does regulate is rates, how rates are determined, tariffs and rules of tariffs.

Thanks,

P