

ORIGINAL



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OPEN MEETING AGENDA

INTERVENTION

BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

BOB STUMP-Chairman
GARY PEIRCE
BRENDA BURNS
BOB BURNS
SUSAN BITTER SMITH

IN THE MATTER OF THE COMMISSION'S
OWN GENERIC INVESTIGATION OF THE
ENERGY POLICY ACT OF 1992.

DOCKET NO. E-00000C-11-0328

**NOTICE OF SPECIFIC
AUTHORIZATION AND ACCEPTANCE**

NOTICE is hereby given that the Electromagnetic Safety Alliance, Inc., (hereinafter "ESAI") hereby ratifies and confirms that the Motion to Intervene filed in this matter on January 28, 2013 by ELIZABETH KELLEY, a person who is not a member of the State Bar of Arizona, but who was duly authorized to file said Motion and that at a meeting of the BOARD of DIRECTORS of ESAI held March 4, 2013, specifically authorized her to represent ESAI in all proceedings in this matter and that all duties performed by her in this matter are secondary to duties in operation or management of ESAI and she is not accepting any separate or additional compensation for said representation and,

ACCORDINGLY it is requested that ESAI's Motion to Intervene be granted and that notice is hereby given that all communications concerning this matter should be sent to this intervener's representative who hereby accepts appointment.

Dated this 4th day of March, 2013.

Electromagnetic Safety Alliance, Inc.

Elizabeth Kelley
ELIZABETH KELLEY, Director
Electromagnetic Safety Alliance, Inc.
3031 N. Gaia Place
Tucson, AZ

Arizona Corporation Commission

DOCKETED

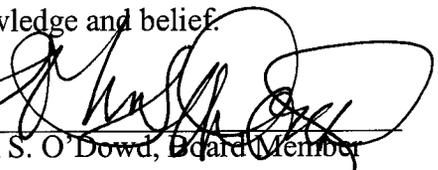
MAR 12 2013

DOCKETED BY *LSM*

1 STATE OF ARIZONA)
2 County of Pima) ss.

3 John S. O'Dowd and William Dingeldein, being duly sworn, states as follows:

4 That they are Board Members of the Electromagnetic Safety Alliance, Inc., and that the
5 foregoing Notice of Specific Authorization and Appearance is accurate and complete to the best of their
6 knowledge and belief.

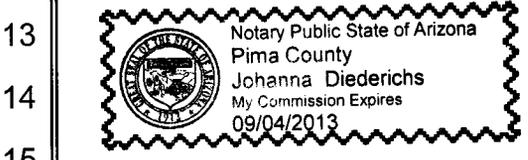
7 
8 John S. O'Dowd, Board Member


William Dingeldein, Board Member

9 SUBSCRIBED AND SWORN TO before me this 4 day of March, 2013.
10 by John S. O'Dowd and William Dingeldein.

12 My Commission Expires:


NOTARY PUBLIC



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1 Copies of the forgoing mailed
this 4th day of March, 2013.

2 Frank Mead
3 SAFER UTILITIES NETWORK
2141 E. Highland Ave., Suite 105
4 Phoenix, AZ 85016

5 Thomas Mumaw
PINNACLE WEST CORPORATION
6 P.O. BOX 53999, Station 8695
Phoenix, AZ 85072-3999

7 Jeffrey Johnson
8 ARIZONA PUBLIC SERVICE CO.
P.O. Box 9905
9 Phoenix, AZ 85072-3999

10 Michael Curtis
William Sullivan
11 501 E. Thomas Road
Phoenix, AZ 85012
12 Attorneys for the Arizona Municipal Power Users' Association

13 Charles Moore
1878 W. White Mountain Blvd.
14 Lakeside, AZ 85929

15 Peggy Gilman
Tyler Carson
16 MOJAVE ELECTRIC CO-OP
P.O. 1045
17 Bullhead City, AZ 86430

18 Bradley Carroll
M. Jo Smith
19 UNS/TEP
88 E. Broadway Blvd., MS HDQE910
20 P.O. Box 71
Tucson, AZ 85702

21 Michael Patton
22 ROSKA, DEWULF & PATTEN
One Arizona Center
23 400 E. Van Buren, Suite 800
Phoenix, AZ 85004

24 John Wallace
25 GRAND CANYON STATE ELECTRICAL CO-OP ASSOCIATION, INC.
120 N. 44th St. Suite 100
26 Phoenix, AZ 85034

27

28

Electromagnetic Safety Alliance, Inc.
3031 N. Gaia Place, Tucson AZ 85745
www.electromagneticsafety.org

Docket NO. E-00000C-11-0328

March 8, 2013

COMMISSIONERS

**BOB STUMP
GARY PIERCE
BRENDA BURNS
BOB BURNS
SUSAN BITTER SMITH**

Dear Arizona Corporation Commissioners

This letter transmits the revised petition maintained by Arizonans for Safer Utility Infrastructure, now signed by over 100 Arizona residents, which continue to ask you to take action by addressing multiple issues of concern regarding the health, safety and privacy issues we have brought to you.

Many Arizonans are highly concerned about the uncertainties brought on by utility plans to install, or actual installations, of wireless digital automated meter readers. These concerns encompass the AMI (Automated Metering Infrastructure "Smart" Meters, AMR (Automated Meter Readers), and the PLC (Power Line Communications) meters. These meters, being installed for the purpose of more efficiently collecting and reporting electricity, water and gas usage data on customers and property owners are also placing a unnecessary burden on property owners and tenants who are utility customers in Arizona.

The stated purpose is purportedly to gain customer participation in achieving statewide energy efficiency goals, set forth in the Arizona state energy efficiency plan, by 2020. According to the plan, emphasis is being placed on implementing Demand Side Management (DS) strategies and encouraging the increased reliance on renewable energy sources. Yet, many utility customers have concerns about their health, safety, privacy and property values which are not being addressed in a transparent manner. These concerns could be much better handled than they have been to date. Consequently, people in Arizona, as well as in other states are left on their own to trying to understand and resolve this with their local utilities. In fact, there are administrative appeals underway in many states, especially in California where 57 California cities and counties have passed resolutions or ordinance banning smart meters. While these bans are not enforceable they signify the dissatisfaction many Californians have with the new meters. Other states, like Maine and Vermont. are conducting health assessments, which is after the fact but are essential in order to provide some information about Re:

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reported adverse health effects. There are at least two lawsuits filed in Federal court challenging the smart grid deployment on constitutional grounds, on invasion of privacy and for causing actual harm to health. Some states offer free opt out, other charge flat fees or a two tiered fee schedule to accommodate low income customers. Several reports have been issued questioning the cost effectiveness and vulnerability to cyber security breaches due to the management and implementation of the smart grid overall. For example, former CIA Director, James Woolsey, has warned of the potential for serious cyber security vulnerabilities that places national security and individual privacy at risk.

Docket No. E-00000C-11-0328 was opened by the AZCC in August 2011 for the purpose of receiving input from all Arizonans regarding their concerns about automated meter readers. The AZCC has since received hundreds of letters, documents and other information from utility customers in this state, expressing their concern and asking for remedies, especially an opt out policy for customers who prefer to keep or have reinstalled an analogue electro-mechanical meter. Open public workshops were held on this issue in October 2011 (or thereabouts) and in March, 2012. Again, many people testified in person or remotely by phone.

The AZCC issued draft opt out guidelines, which we assume would be voluntary for compliance by the utilities regulated by AZCC, for public review and comment on October 23, 2012. There was no due date given for comment-making and AZCC has not taken further action to issue these guidelines in final form. Meanwhile, the regulated utilities in the state have continued to rapidly install wireless digital automated utility meters.

We do not feel that the needs and rights of Arizonans who are utility customers are not being well being served in the midst of all these changes. We have received reports almost daily from utility customers who are unable to communicate effectively with their utility to arrange to be placed on an opt out list or, to find out what the fee schedule is if there is one, so they can decide whether they can afford the initial fee and monthly charges that would be levied in order to opt out. When an automated meter is installed on their property, some people go through a very difficult experience in reaching the right people who can be of help at their utility companies. The utility companies can get stressed over these calls, too. One utility customer care representative told a customer who called them that if she did not like the meter "she should move!" In short, confusion reigns.

Finally, we advise you that A.M Best (www.ambest.com) an internationally respected liability expert, just released a statement to all insurance underwriters advising that they have placed cyber security as the second top emerging technology-based risk

In their *Best Briefing* report dated February 14, 2013, Best states:

"Significant data breaches have become common (e.g., Citigroup, the International Monetary Fund, JP Morgan Chase & Co., Sony Online Entertainment, Hilton Worldwide, Marriott International Inc.,

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Verizon, and Heartland Payment Systems). These can involve, for example, loss of sensitive financial information, personal data, and proprietary secrets. Identity theft alone is estimated to cost consumer and companies roughly \$5 billion and \$50 billion, respectively, each year. A 2009 study found that lost data cost U.S. companies in excess of \$200 per lost customer file. In a 2011 study conducted among large U.S. companies more than 80% of information technology executives said that they had detected one or more recent attacks. Such exposures continue to evolve as companies are increasingly storing sensitive and confidential information with cloud vendors – a vendor that provides other companies with an infrastructure on which to store data or run applications – exposing data to new types of breaches on a massive scale. Everyone's privacy is at risk.

The first emerging technology-based risk is radiofrequency radiation. The focus of best's concern is on workers who are usually more highly exposed. But there are many others who may be overexposed to radio frequency radiation as well, not only from cell phone antennas but from wireless digital utility meters that are installed on private property. There was sufficient scientific evidence available for the World Health Organization to classify radiofrequency radiation (RFR) from not just cell phones, but all RFR sources, as a possible human carcinogen in 2011. Therefore more precaution is being advised, especially in installing wireless enabled infrastructure, such as the smart grid. The risk of future liability needs to be taken seriously. For more information, see www.ambest.com

We hope that the AZCC will take the submissions to Docket No. E-00000C-11-0328 more seriously and that it will convene a public hearing to examine these issues of concern in the very near future.

Sincerely,



Elizabeth Kelley, MA

Coordinator, Arizonans for Safer Utility Infrastructure

Director, Electromagnetic Safety Alliance, Inc.

www.electromagneticsafety.org

Petition from Arizonans for Safer Utility Technology Infrastructure

We, the undersigned, call upon the Arizona State Legislature and the Arizona Corporation Commission to take immediate action to address growing concerns by the general public about the installation of wireless smart meters on homes and businesses that are being used to transmit electricity, gas and water utilization data to the utility, whether investor owned or municipally owned and operated. We are also concerned about the increasing proliferation of wireless communications antenna arrays that support wireless broadband communications technologies in the state of Arizona. We call for open, public hearings so that our concerns can be heard and discussed in a public forum and decisions can be made that serve the public interest.

On May 31, 2011, the WHO/International Agency for Research on Cancer (IARC) classified radiofrequency electromagnetic fields as possibly carcinogenic to humans (Group 2B), based on an increased risk for glioma, a malignant type of brain cancer), associated with wireless phone use. This follows on the classification of extremely low frequency electromagnetic fields in 2002 by the WHO/International Agency for Research on Cancer (IARC) as being possibly carcinogenic to humans (Group 2B) based on a link between childhood leukemia and power lines. These determinations change the debate from “whether artificial electromagnetic fields are safe”, to “What can we do to make EMF emitting technologies safer?”

People across the country and worldwide are reporting problems caused by the mandatory siting of wireless smart meters and other wireless antennas near their homes, schools and workplaces. The common concerns being raised about wireless smart meters are personal health, privacy, erroneous bills, rate hikes, cyber security, fire dangers and, job loss for manual meter readers. We are particularly concerned about the potential for adverse health effects related to chronic, involuntary exposure to electromagnetic radiation. We understand there is no public oversight by the federal or state government to assure the public is protected from harm and that local control over siting and management of wireless antennas has been preempted by the Federal Communications Commission.

We are concerned about protecting the environment and conserving natural resources but do not agree with the marketing message that smart meters will result in increased energy conservation nor that they will create a more sustainable world with more reliance on renewable energy sources. In fact, some

projections indicate increased energy demand to support more and more wireless transmitters. For some people, certain models of wired smart meters may be workable. For others, total opt out (meaning no electric utilities) is the only choice. We request there be a public dialogue about changes in utility metering that take into account the issues we raise aimed at finding solutions that work for all.

Meanwhile, we advocate use of safer meters or continuation of existing meters. We do not believe that use of wireless signals to transmit utility data from the subscriber location to the utility offers a “greener” solution than use of use of wired smart meters that use phone lines, and fiber optic cables. Continued use of the existing analog electro-mechanical meters or a safer wired metering option is preferable, with the exception of use of power lines for transmission, which some experts object to for power quality reasons, offer a safer, more reliable solution that is less vulnerable to privacy or cyber security breeches.

We recommend you consider taking the following action steps to protect the health, welfare and privacy of those who live and work in the state from exposure to electromagnetic radiation, particularly children, pregnant women, the unborn and persons with damaged immune systems, electromagnetic hypersensitivity, surgically implanted metal devices or other functional impairments that make them particularly at risk to electromagnetic radiation exposure.

Therefore, we urge the Arizona State Legislature and the Arizona Corporation Commission to consider the following recommendations:

1. Impose a moratorium on new smart meter installations in order to review the potential health risks of smart meters, other issues like privacy, erroneous bills and cyber security, and hold public hearings to permit state residents the opportunity to present their concerns in public forum. Explore alternative means of transmitting data, including the use of utility meters that can be read on site, transmit data through wires or, function as wired pre-paid meters.

2. We ask the Arizona State Legislature to direct the State Department of Health to conduct a health and safety review of the current wireless communications infrastructure to ensure FCC safety limits are not being exceeded and to predict how much radio frequency radiation emissions would be added to the infrastructure through installation of the emerging 4th generation broadband infrastructure and more proprietary antennas dedicated to smart meter data transmissions.

3. We ask that the Arizona State Legislature undertake a review of the developing smart grid infrastructure by all utilities in the state, both public and investor owned to obtain full disclosure of the EMF emissions of smart meter devices and transmitting antennas; a review of wired alternatives to wireless communications for smart meter data transmission, e.g. some utility companies are selecting a fixed wired systems for data transmission; and, a review of how utility companies are responding to concerns about potential adverse health effects and privacy.

4. We request that State Attorney General undertake an investigation of the utility companies that would include a subpoena of all records related to consumer complaints, especially actual or anticipated health problems related to smart meters, including phone conversations, correspondence, and contacts with customers, including site visits; and, related issues, such as cost effectiveness, right-to-privacy, accurate billing and, ensure full public disclosure of the goals set by the purveyors of smart meter technologies.

5. We request that the electrical, gas and water utilities in the state, that have already selected smart meters for data transmission, adopt an “opt out” policy alternative for any customer as a matter of right.

6. We request that the existing analog meters not be disposed of by each utility and that they be securely stored by the utility company until this matter is satisfactorily resolved.

7. We ask the U.S. Congress to repeal section 704 of the Federal Telecommunications Act of 1996 to restore state control over antenna siting and management, and repeal other provisions that establish the FCC human exposure guidelines as the “law of the land” until these guidelines are subjected to an independent scientific review and, that give liability protection to manufacturers and service providers.

8. We ask the U.S. Congress to enact legislation to authorize a sustained federally sponsored, independent EMF research program that is interdisciplinary, draws upon the expert resources in the federal public health agencies and the federal agencies who manage applications of the EMF spectrum and require the National Institute of Environmental Health Sciences to accelerate the completion of its toxicological review of radiofrequency radiation science to determine whether it is an environmental toxin. A potential source of funding for such a program could be the Universal Service Fund maintained by the Federal Communications Commission.

9. We appeal to U.S. President Obama to balance his promotion of a national wireless broadband infrastructure with an independent and comprehensive review of the scientific evidence that shows there may be serious and irreversible damage to human health and the environment due to technological innovations that use electromagnetic radiation.

10. We ask U.S. President Obama to ensure that the wireless communications standards currently under development by the U.S. National Standards and Technology Administration to support Smart Grid Wireless Broadband requirements undergo transparent consideration by the experts in the federal public health agencies and by the general public prior to implementation and take into account recommendations by the National Academy of Sciences 2008 report, *Identification of Research Needs Relating to Potential Biological or Adverse Health Effects of Wireless Communication*.

http://www.nap.edu/catalog.php?record_id=12036.

Signed:

Yvette Arata, Tucson AZ
Robert Arthur, Sun City, AZ
Lena Baker, Tucson, AZ
Ariel Barfield, Tucson, AZ
Michael Barfield, Tucson, AZ
Susan L Benson, Tucson, AZ
Cynthia Black, Phoenix, AZ
Mary Budinger, Phoenix, AZ
Eve Buellis, Winslow, AZ
Leon Byerley, Tucson, AZ
Emily Cabot, Prescott, AZ
Roberta Carichner, Tucson, AZ
Michael Chechel, Tucson, AZ
Frank Chupp, Cornville, AZ
Greg Conrad, Snowflake, AZ
Jacqueline Colson, Snowflake, AZ
Allan Davis, Prescott, AZ
Eileen Davis, Prescott, AZ
Elaine Day, Tucson, AZ
Larry Day, Tucson, AZ
Virginia DuBray, Prescott, AZ
David Eakle, Picture Rocks, AZ
Gayle Ebersole, Phoenix, AZ
Gary Ehlenberger, Sedona AZ
Betty Eisenhauer, Concho, AZ 85924
Diane Ensign, Tucson, AZ
Patricia Ferre, Payson, AZ

Sue Fischer, Scottsdale, AZ
Howard Gardner, Oro Valley, AZ
Marjean Gardner, Oro Valley, AZ
Patricia Gilmore, Sun City, AZ
Dawn Grenier, Snowflake AZ
Gordon Griffo, Snowflake, AZ
Cori Gunnells, Prescott, AZ
Kristin Harper, Lake Havasu City, AZ
Linda Heaney, Tucson, AZ
Kim Hemmerlin, Apache Junction, AZ
Michael Hendricks, Prescott, AZ
Dorothy Holosek, Snowflake, AZ
Patty Hueth, Flagstaff, AZ
Randy Humber, Oracle, AZ
Melinda Honn, Snowflake, AZ
Gabriele Renaud Hungate, Tucson AZ
Steen Hviid, Snowflake, AZ
Valerie Kappas, Mesa, AZ
Joyce Kaye, MSW, Sedona, AZ
Elizabeth Kelley, Tucson, AZ
Melinda Kinard, Tucson, AZ
Lee Klopfenstein, Dolan Springs, AZ
Kristine Kopp, Prescott, AZ
Jean Lasher, Prescott, AZ
Susan MacKay, Snowflake, AZ
Crista Malick, Tucson, AZ
David Marisco, Sedona, AZ
Jana Marisco, Sedona, AZ
Natalie Jean Marion, Tucson AZ
Ginger Marth, Picture Rocks, AZ
Misha Metzler, Snowflake. AZ
Dorothy Miller, Laveen, AZ
Susan Molloy, MA, Snowflake, AZ
Rolf Muertten, Oro Valley, AZ
Kathleen Oehme, Tucson, AZ
Kata Orndorft, Tucson, AZ
Mike Pellegatti, Wild Visions, Inc., Phoenix, AZ
Janell Pierre, Casa Grande, AZ
Andrea Pinnow, Snowflake, AZ
Richard Pitcarin, Sedona, AZ
Susan Pitcarin, Sedona, AZ
George Post, Phoenix, AZ
Craig Ramsell, Sedona, AZ
Monnie Ramsell, Sedona, AZ
Judy Rath, Tucson, AZ
Stan Rath, Tucson AZ

Susan Renaud, Tucson AZ
Sue Riley, Tucson AZ
Madeline Rivera, Tucson, AZ
Greg Roberson, Tucson, AZ
David Roberts, Gold Canyon, AZ
Dawn Roberts, Gold Canyon, AZ
Steve Ross, Tucson, AZ
Juleen Ross, Tucson, AZ
Loni Rosser, Mesa AZ
Bruce Rundlett, Oracle, AZ
Doris Siefker, Glendale, AZ
Alan L. Simms, Tucson, AZ
Stephanie Smith, Snowflake, AZ
Robert Snyder, Tucson AZ
Ward Stalnaker, Snowflake, AZ
Joy Staveley, Arizona
Alexandra Steed, Marana, AZ
Catherine Summers, Snowflake, AZ
Dianne Timbers, Tucson, AZ
Gerard Wayne Tweedel, Tucson, AZ
Marie Annette Tweedel, Tucson, AZ
Nissa Marie Tweedel, Tucson AZ
Alison Van Gorp, Hereford, AZ
Elantra Vedenetra, Prescott, AZ
Gary Walklin, Snowflake, AZ
Michelle Wallach, Tucson, AZ
Ron Wallach, Tucson, AZ
Curt Weaver, Prescott, AZ
Miriam Weber, NMD, L.A.C, Tucson, AZ
Janet Weir, Fort Huachacua, AZ
Melinda Wilson, Snowflake, AZ
Natasha Winnick, Tucson AZ
Sheila Winter, Prescott Valley, AZ

Updated as of February 28, 2013 by the Electromagnetic Safety Alliance, Inc.
www.electromagneticsafety.org