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AZ CC Docket No. E-01345A-13-0069

Dear Arizona Corporation Commissioners:

I am submitting my 13 hard copies so that your staff can use my tax payer money duplicating what I had already typed and submitted via email to the "mailmaster" to submit to both dockets, costing me money to make copies and postage sending the testimony. First, he sends me an email telling me he's entered this testimony on the dockets. Then he calls to say that he DID NOT enter them. I don't know what is up with AZ CC, but whatever it is, it is totally opaque to consumers.

I agree 100% with Judge Joseph Howe's testimony given at your "Special Open Meeting" on March 23, 2012, reproduced below to Arizona Corporation Commission Dockets

Nancy Baer
APS Consumer
245 San Patricio Drive
Sedona, AZ 86336

Nancy Baer

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**03/23/13 Arizona Corporation Commission, Special Open Meeting
Quote from retired Superior Court Judge Joseph Howe, 51 years as an attorney.
Time code: 01:35:35 - 01:38:46**

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"I see your role as that, in part, of a judge. That is you hear from a power company that wants more money and more power. You hear from a few of us; somebody said 1% of us come to the meetings. We don't know you exist and it's your job to without hearing from us to represent us. And so you must judge. But you do not judge as I did here in the Superior Court. You judge as a representative of the populace.

One of the courses I taught was "Public Utility Regulation." Now, these people are public utilities. They are guaranteed a monopoly. That means there is no competition. We, the consumers, have no choice. If you don't like the pharmacist the way he behaves, you can say I'm going to another pharmacy. If you don't like the way your car dealer treated you, you can go to another car dealer, but if you don't like the electricity and you don't like these meters, you can't go anywhere else. The consumer is helpless. And so the law of Public Utility Regulation was created, because we wanted monopolies so we wouldn't have wires from lots of companies running everywhere, but we realize that monopolies are dangerous. If you give people power, they will use it and usually they will abuse it.

Your job, ladies and gentlemen is to defend us against these people. You give them seats at the front and microphones at their own tables and we come up from other towns to talk to you and talk on the telephones, That's not a balance. You've got to represent us.

You must be absolutely positive that this new technology is going to benefit us. It's going to benefit them. They say they can save money when the power bills go down. If they took this bribe, why don't they just lower our power bills with it and forget the meters? They now can encourage us to use our power at night because there is not much of a demand, and we will do that and their meters will let them know how much power we are using. **But they are wanting to use YOU, or maybe to bypass you to invade your houses, to meter your activities in your own homes and to broadcast that information. And if you think that their assurances that they will code it and keep it private are of any good, have you heard of Wikileaks?"**

Time code: 05:36:18 - 05:47:20

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"I want to talk about opt out. It seems presumed . . . oh and on the record it should show that I am not speaking to the Commission; the Chairman is here and everyone else has gone, and has been gone for the last two hours. I am not sure what kind of a meeting this has become, but I appreciate Mr. Pierce having the courage to stay."

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Commissioner Pierce explains that the other commissioners had prior commitments and were unaware that the meeting would be continuing for such a long time.

"I thank you for being here. And I hope the others are doing useful work. But, nevertheless, it's a strange meeting to talk to empty chairs. I wish to talk about opt-out. It appears to me that the Commission and the utilities have decided that this project will go forward. I understand the utility companies have received massive amounts of government money and they are not putting a drop of their own capital into buying these meters, or installing them, but they want money to take them off, as it turns out, they made a mistake. **That's wrong. The premise of this meeting should be that it is up to the utilities to prove to this Commission that these meters are safe and that they will save money.** And they are not doing that. And obviously there's a lot of information out here that has been introduced here to the Commission. I have heard a lot of it myself first time today. But this is a premature time to say "oh we're doing this and if you opt out, you'll have to pay." It's nice to hear APS say that well "we don't want to punish people," but of course they will have to pay to have the status quo. This meeting is upside down.

This orientation of the debate here is upside down. **The premise should be that if your service remains unchanged, your meter remains unchanged, your bill remains unchanged.**

These people having had meters provided, and the money provided by the government, want to charge to put in one of the new meters. They could ask the customer. 'if you want to have one of these new meters, then you pay to put it in and then they can be in our savings plan.' And 'if you don't pay to have the new meter, then there is no change for you.'

But all the burden is being put on people who are suffering the new meter being installed. And APS has been apparently gone on to thousands and thousand of these meters put on homes of ignorant people who have no idea about the privacy invasion of their houses. They have no idea about the health concerns that may happen the rest of their lives. This company was not ordered to do it. The federal law says that they "have the opportunity to do it." This Corporation's order 69736 says that they "shall offer" this to the consumers.

APS has just gone in and done it. Well, if they have to take the meters off, that's their problem. The consumers should not subsidize that and the corporation (the Commission) should protect the consumer against such operations by this corporation which is a monopoly that thinks it can do anything it wants. **It's done a whole bunch of stuff without notice, without education, without a mandate at all. It's done it on its own.**

If they have to take off thousands of meters because they shoved this down people's throats, let them pick up the check. In fact, the taxpayers have already picked up the check for them. Maybe they just won't make quite so much money out of the grants they get from the government.

As the Corporation Commission you have to protect us and you have to protect us against this stuff. And you've got to say to these people, "Hey, you can't charge folks for staying put. You can't charge folks for giving them nothing, for leaving them with the meter they have already had on their houses, for leaving them with health they've already got, and for leaving them with privacy they've already got. If you make us pay for this, **it is . . . what would be the word . . . it sounds like the Mafia a little bit; you pay the protection, and then you can stay with your privacy and with your health. But if you don't pay the protection, then we are going to slam the meter on you. So you've got to protect us, and I hope you do. Thank you.**"