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

APR 29 2013
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AZ CORP COMMISSION
DOCKET CONTROL

April 25, 2013

Re: Docket # E-01345A-13-0069

2013 APR 29 AM 10 35

Dear Commissioners:

Subject: Opposition to APS "Application for Approval of Automated Meter Opt-Out Service Schedule 17"

Per page 6 of this application, APS seeks permission to charge each customer who opts-out of having a digital meter installed, both a \$75 up-front opt-out charge and a \$30 per month meter reading charge to keep their analog meter. I strongly oppose these charges, for the following reasons.

Charging an existing customer who already has a functioning analog meter \$75 just to keep that meter is unreasonable, discriminatory, and arbitrary. This charge is unreasonable because an analog meter is already in place and functioning properly, and should only require periodic maintenance or replacement upon failure at no cost to the customer, as in past practice. This charge is discriminatory because other customers are not being charged for actual installation of a new digital smart meter. This charge is arbitrary, since it requires some customers to pay \$75 to keep their analog meter, while everyone else gets a brand new digital meter for FREE.

According to APS, digital meter readings will now be done electronically rather than manually for over 99.5% of APS customers. This will result in substantial savings to APS in manual meter reading costs. However, charging \$30 per month for analog meter reading to customers who opt-out is unfair, unjust, unreasonable, and discriminatory. This monthly charge would be a HUGE, unreasonable increase in the meter reading charge for ONLY a very small, 0.5% segment of the APS customer base. This charge is unfair, discriminatory and unjust because it would not apply to the other 99.5%.

Consequently, the present very reasonable meter reading charge for all customers should remain in place, or be reduced. Digital meter readings will still need to be done electronically in order to calculate monthly billing charges. The savings from not having to manually read 99.5% of meters should more than cover any increased costs of manually reading the tiny 0.5% segment of the remaining analog meters. The present monthly charge is fair, reasonable, just, non-discriminatory (affects all customers equally), and should therefore be retained as is or reduced.

It would be unfair and unjust to charge opt-out analog customers \$30 per month, and then charge digital customers the present low monthly meter reading fee, and let APS pocket all the savings. To do so would be a mockery of the statutes under which the Commission operates.

As explained above, these proposed onerous opt-out charges are discriminatory, prejudicial, disadvantageous, and an "unreasonable difference"--in violation of this ACC statute (underlines added):

40-334. Discrimination between persons, localities or classes of service as to rates, charges, service or facilities prohibited

A. A public service corporation shall not, as to rates, charges, service, facilities or in any other respect, make or grant any preference or advantage to any person or subject any person to any prejudice or disadvantage.

B. No public service corporation shall establish or maintain any unreasonable difference as to rates, charges, service, facilities or in any other respect, either between localities or between classes of service.

C. The commission may determine any question of fact arising under this section.

As noted and explained above, such opt-out charges are both unjust and unreasonable, under this portion of the statute:

40-361. Charges by public service corporations required to be just and reasonable; service and facilities required to be adequate, efficient and reasonable; rules and regulations relating to charges or service required to be just and reasonable

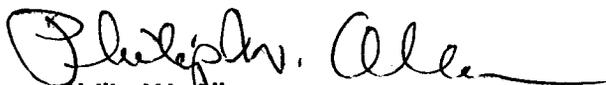
A. Charges demanded or received by a public service corporation for any commodity or service shall be just and reasonable. Every unjust or unreasonable charge demanded or received is prohibited and unlawful.

B. Every public service corporation shall furnish and maintain such service, equipment and facilities as will promote the safety, health, comfort and convenience of its patrons, employees and the public, and as will be in all respects adequate, efficient and reasonable.

C. All rules and regulations made by a public service corporation affecting or pertaining to its charges or service to the public shall be just and reasonable.

I am a senior citizen living on a limited retirement income. I have opted-out for medical reasons, because of the dangers that radiations from a digital meter would pose to my health. These proposed opt-out charges, if allowed by you, will severely impact low-income families and individuals like myself who are presently trying to survive and pay their APS bills on time and on very limited incomes. Have a heart. **These proposed APS opt-out charges are neither fair nor just, and would be in flagrant violation of the very statutes under which you operate.**

Sincerely,



Philip W. Allen
2515 Thunder Mountain Road
Sedona, AZ 86336

CC: Governor Jan Brewer
Attorney General Tom Horn
Residential Utility Consumer Office
Governor's Office of Energy Policy
Arizona legislators, Yavapai County
Supervisors, Sedona City Council
members, and others too numerous to
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