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May 1, 2013

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

Arizona Corporation Commission
DOCKETED

MAY 3 2013

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



Commissioners;

Regarding APS's preposterous request to charge ratepayers who do not want a toxic, surveillance, networking and metering device (AKA "smart" meter) on their property, I have reproduced below the Michigan Attorney General's statement on same.

It's a short read, and he makes excellent points such as:

- "An "opt-out" program that requires those customers who opt out to pay an unwarranted economic penalty for doing so does not afford customers ... a meaningful choice."
- The utilities "... intend to effectively penalize customers who choose to opt-out of smart meters."
- "Presumably, under the utilities proposals, customers who opt-out of smart meters would be required to pay rates covering both the costs of the smart meter program, and expansively defined incremental costs "of retaining traditional meters."

Sincerely,

Warren Woodward

Cc: Governor Jan Brewer, Attorney General Tom Horne

Opt-Out Provisions

Given the questionable benefit of smart meter program to customers, as well as the extensive public concern about the effect and potential intrusiveness

of smart meter infrastructure acknowledged in the Commission's January 12, 2012 Order in this matter, the Commission appropriately directed Michigan's electrical utilities deploying or proposing to deploy smart meters to provide information about their plans for allowing customers to opt out of having a smart meter, and how they intend to recover the cost of such an opt-out program.

The Attorney General respectfully submits that utility customers should be given a meaningful choice of whether to have smart meters installed and operated on their property. An "opt-out" program that requires those customers who opt out to pay an unwarranted economic penalty for doing so does not afford customers such a meaningful choice.

The information provided by Detroit Edison, and Consumers [Consumers Energy Company] in response to the Commission's Order does not sufficiently establish that they intend to offer customers a fair choice of whether to accept smart meters on their property. Detroit Edison's response on this subject is based upon the assertion that "Edison's AMI [Advanced Meter Infrastructure] program is beneficial for all customers." (Document No. 0148, p. 7). Proceeding from the unsubstantiated assertion, Detroit Edison apparently proposes to impose what it broadly describes as "all incremental costs" solely upon customers who choose not to accept installation of smart meters. (Document 0148, pp. 8-9). Consumers' submission similarly states that while it proposes to provide customers with the option to retain their existing meter equipment, it apparently intends to subject customers making such a choice to additional charges, including charges for "maintaining ready testing and billing traditional meters". (Document No. 0146, pp.16-17). While neither Detroit Edison nor Consumers provide details regarding their opt-out proposals and associated charges, both of their comments suggest that they intend to effectively penalize customers who choose to opt-out of smart meters. Presumably, under the utilities proposals, customers who opt-out of smart meters would be required to pay rates covering both the costs of the smart meter program, and expansively defined incremental costs "of retaining traditional meters. These proposals raise substantial questions as to whether their respective customers would, in fact, be afforded a fair and meaningful choice to "opt-out".

Another argument which may be important for the Commission to consider is whether a financial incentive to homeowners who allow smart meters to be installed in their home might be an alternative approach to a rate increase if a homeowner refuses to permit a smart meter to be installed.

Respectively submitted,
Bill Schuette
Attorney General

[From: ATTORNEY GENERAL'S COMMENTS PURSUANT TO THE MPSC ORDER DATED JANUARY 12, 2012 – <http://efile.mpsc.state.mi.us/efile/docs/17000/0408.pdf>]