

ORIGINAL

OPEN MEETING AGENDA ITEM

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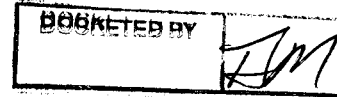
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May 15, 2013

ARIZONA CORPORATION COMMISSION  
DOCKET CONTROL  
Arizona Corporation Commission (ACC)  
1200 West Washington Street  
Phoenix, Arizona 85007

Arizona Corporation Commission  
**DOCKETED**  
MAY 16 2013



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

Commissioners,

It is my opinion that gross negligence on the part of the ACC is reflected in your May 9<sup>th</sup> press release entitled "Commission Addresses Public Concerns Over Smart Meters".

Quotes from several Commissioners are given in the press release.

In what appears to be a reference to the press release's mention of "re-opening" the "smart" meter docket, ACC Chairman Bob Stump says, "This step will help Commissioners do their due diligence by ensuring we have as much data as possible on this important issue."

"Due diligence"? Look it up. Due diligence is something one does *in preparation*, not later on, after the fact. **Damage control**, not "due diligence", is more likely what is occurring here.

Commissioner Brenda Burns said, "We will look at all related issues, thoroughly,"

Shouldn't "all related issues" have been examined well before the first "smart" meter was installed in Arizona?

"It is the Commission's intent to gather accurate information relative to smart meters in order to ensure privacy protection and the public's health and safety," said Commissioner Gary Pierce.

Again, shouldn't that "accurate information" concerning privacy, health and safety have been gathered first? Isn't the ACC negligent for not having examined those issues first?

Additionally, as important as they are, there are more issues involved than privacy, health and safety. For example, as I have pointed out repeatedly, a cost/benefit analysis should have been done before the "smart" meter boondoggle started. A cost/benefit analysis should be part of any "due diligence".

The cost/benefit analysis should also include what APS intends to pay ratepayers for

siting broadcasting antennas and networking apparatus on our private property. Again, as I have said repeatedly, that is what “smart” meters truly are. APS has easement for electricity consumption measuring devices – real analog meters – but not for what is essentially cellular network equipment.

The ACC press release stated, “However, the Corporation Commission has conducted hearings in which several ratepayers have raised safety and health issues caused by smart meters.” Again, more issues than safety and health have been raised. Those issues are not going away simply because the ACC pretends not to recognize them.

Also, the two meetings held were definitely not “hearings”. Do not re-write history. The meetings were actually “workshops”, an important distinction since at hearings people are under oath and at “workshops” they are not. It is unfortunate the meetings were “workshops” since APS was able to lie with impunity.

The ACC press release stated, “In order to ensure that smart meters are conforming to the public interest, the Commission has sought to investigate these concerns.”

I guess it's never too late but the ACC's docket is already loaded with information on “these concerns”. Others and I have each spent hundreds of hours researching every aspect of “smart” meters and posting our findings to the docket for years. We have done our “due diligence”. The tragedy for Arizonans is that their elected regulators have not. That was obvious at the two “smart” meter meetings the ACC held during the last two years. Indeed, at one of the meetings the head of the ACC's Utilities Division showed that he did not know the difference between microwaves and magnetic fields! And Commissioner Robert Burns' recent newspaper editorial – which was essentially a parroting of unsubstantiated APS propaganda – showed a miserably inadequate grasp of the subject.

In any case, why is it up to ordinary citizens to do the work the ACC should have done from the get-go?

For but one example, several times over the last 2 years I told the ACC they needed to measure APS's “smart” meter broadcasts. When it became clear the ACC was not interested in doing this very basic “due diligence”, I bought a microwave measuring device (at no small cost!) and measured the APS “smart” meter broadcasts myself. I found that APS was just plain lying. I brought my findings to the ACC but there was no follow-up investigation by the ACC that I know of. That was months ago and now the ACC issues a press release about “due diligence”?! Where has the ACC been, asleep?

The above is only one example. Others and I have been presenting reams of information on every aspect of “smart” meters to the ACC over the last several years yet the APS “smart” meter installation binge continues. In addition to the information we have provided, the ACC has heard personal testimonials of people made physically ill by 'smart' meters, people who have had to move out of their homes to sleep in their cars someplace in the middle of nowhere away from “smart” meters. How many ill people does the ACC need to hear from? 10? 100? 1,000? At what number of sick people do “smart” meters become a health issue for Arizona's

regulators?

The ACC press release says, "The Commission will incorporate the findings in a final decision that will culminate in a set of guidelines."

"Guidelines"? How will guidelines help someone living in an apartment opposite a bank of 100 "smart" meters? By the way, I measured one bank at 10 times the strength of a cell tower. Is that someplace you would want to live?

"Guidelines"? How will "guidelines" make violating people's private property OK?

How will "guidelines" secure a wireless network? How many hackers pay attention to "guidelines"?

How will "guidelines" stop APS from making a bundle of money on their guaranteed 8 to 10% return on their investment in this boondoggle, er, "capital improvement"? Will "guidelines" lower anyone's rates?

If the "guidelines" are anything like the ones your staff proposed last year then may God help us. One by one I thoroughly debunked those as an absolute affront to ratepayers and as straight from the utilities wish list. You can read my detailed critique filed in the docket on 12/10/2012, bar code #0000140888, or online here <http://sedonaeye.com/arizona-judge-calls-aps-smart-meters-extortion> .

To conclude, if you are finally and at long last truly serious about doing *real* "due diligence" – and not just feigning concern – then, at the very least, shouldn't an **immediate moratorium** be placed on further "smart" meter installations? I think so.

And shouldn't APS be enjoined from making further false, misleading and threatening statements? Just a few examples: For months I have been getting reports from ratepayers who request "smart" meter removal that APS has attempted to bamboozle and deter them by telling them there will "definitely" be an extra charge for not having one. And APS's "smart" meter "Myth vs Fact" sheet that they mail out and have posted on their website is filled with misinformation. Shouldn't they be enjoined from misleading the public? I think so.

If you are acknowledging the need for "due diligence" now, then aren't you admitting you were negligent by not doing "due diligence" first? I think so.

Sincerely,



Warren Woodward

Cc: Governor Jan Brewer, Attorney General Tom Horne