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2013 JUL -2 P 2: 51

July1, 2013

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

Arizona Corporation Commission
DOCKETED
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Re: Docket # E-00000C-11-0328

Commissioners,

I knew your May 9, 2013 press release entitled "Commission Addresses Public Concerns Over Smart Meters" was insincere and just a lame attempt at damage control, and I said so in a letter to you dated May 15. (posted here: <http://images.edocket.azcc.gov/docketpdf/0000144894.pdf>)

Steven Olea, your Utilities Division Director, just proved me right with his June 28th docket posting.

To refresh your memories, the press release promised "due diligence". There were noble and lofty quotes from ACC Chairman Bob Stump and Commissioners Brenda Burns and Gary Pierce. We were promised:

- "... as much data as possible on this important issue." ~ Stump
- a "... look at all related issues, thoroughly." ~ Burns
- the "... intent to gather accurate information ..." ~ Pierce

What Olea submitted to the docket falls far short of all three of those stated goals. He has also failed badly at meeting the Utilities Division's "Mission":

"To recommend thoroughly researched, sound regulatory policy and rate recommendations to the commissioners, which are based on a balanced analysis of the benefits and impacts on all stakeholders and are consistent with the public interest.

Worse, because of his direct association with the "smart" meter cheer-leading outfit, NARUC (National Association of Regulating Utility Commissioners), Olea's grossly inadequate and biased submission appears to me to be by design, not due to incompetence. Of

course incompetence should not be ruled out. Olea already demonstrated his incompetence at your March 23, 2012 “smart” meter workshop in which it was obvious he did not know the difference between microwave radiation and magnetic field.

Of the thousands of studies available, it is very revealing that Olea chose three of the worst:

1. “Project Relating to Advanced Metering Issues” by the Public Utilities Commission of Texas (interestingly, also used by APS in their propaganda efforts)
2. “Radio Frequency Radiation and Health: Smart Meters” by Vermont Department of Health
3. “An Evaluation of Radio Frequency Fields Produced by Smart Meters Deployed in Vermont” by Richard Tell Associates

If this is Olea's idea of “thoroughly researched” and “balanced analysis” he should be fired at once. If this is the ACC's idea of “due diligence” then may God help us.

Richard Tell of Richard Tell Associates is well known as an industry shill, and his “An Evaluation of Radio Frequency Fields Produced by Smart Meters Deployed in Vermont” is basically a propaganda piece dressed up as science.

In his bio at his website one can see Tell is trained in physics, math and radiation sciences. His expertise is not health or epidemiology yet he implies many health claims throughout his report, all of which are based on “compliance” with FCC rules which – guess what? – he helped write!

From his bio (<http://www.radhaz.com/company.php?id=4>):

During his tenure at the EPA, his program provided technical support to the Federal Communications Commission (FCC) as the FCC adopted new rules for human exposure to RF fields.

I'll get into the bogus FCC human exposure “rules” later but first I want to mention something about Tell's report which is a hallmark of propaganda pieces – distracting comparisons, a variation on the old shell game.

Towards the end of Tell's report it is hard to keep track of how often he compares “smart” meter Radio Frequency (RF) to that of other RF emitting things like microwave ovens, cordless phones, wireless routers and even big radar installations. This is totally off-subject nonsense and has no business being in a supposedly scientific report on “smart” meter RF.

With the exception of big radar, all the items Tell mentions are ones that someone can choose – or not. They are not forced on people. Use is voluntary. And even the radar could be

moved away from.

Tell and the monopoly utility companies are constantly trying to make it seem that because people might have some of these RF emitting items in their homes that it is then OK for utilities to park their microwave transmitter at people's homes also.

Not OK! Not OK for so many reasons. For one, taking and using property without permission is trespass and theft. The utilities have easement for a meter, not for radio broadcasting networking equipment, which is essentially what “smart” meters are. Via the “smart” grid, utilities are no longer just delivering a commodity to our property and measuring same. They are now *taking* our property without permission or compensation for purposes related solely to their own profits. You must ask yourselves if you want to be complicit in this blatant violation of the 5th Amendment and in trespass and theft.

Also, “smart” meters are broadcasting constantly. Does the microwave oven emit RF constantly? No.

“Smart” meters are often on walls of bedrooms (broadcasting constantly) or other places where people spend many hours a day. Is the microwave oven? No, it's in the kitchen.

But “smart” meters broadcasting constantly is one thing Tell got right. The duty cycle of the meters as reflected in figures 31 & 32 on page 64 of his report is almost constant.

Despite many utilities false and deceptive claims to the contrary, that is how “smart” meters function, with an almost constant duty cycle. PG&E for example was forced to admit under oath that their “smart” meters broadcast as many as 190,000 times in one day!

Tell is trying to use familiarity with other RF emitting products to make property theft and trespass by utilities seem “normal”. He is also trying to make it seem like it is OK for utilities to bombard us with RF because we are likely doing it to ourselves anyway with other things we may own – as if to say, “Hey, what's a little more amongst friends?” Only it's really a lot more, and we aren't friends.

Tell discredits himself and exposes himself as an industry shill with the inclusion of this off-subject propoganda and lame attempt at perception manipulation.

A quick word about the big radar that Tell thinks is OK: Read Dr. Sam Milham's book, *Dirty Electricity*. You might think twice about wanting to live next to a radar installation. Milham, an MD and epidemiologist (neither of which is Tell), discusses cancer clusters around the Loran installation at Nantucket.

Now, getting to the FCC rules that Tell helped write, with the exception of Steven Olea, this should be obvious to anyone reading Tell's report. He keeps mentioning how the FCC rules are based on 30 minute exposure time spans. Hello? How about 24/7/365 time spans, which is the real world, and especially the real world of “smart” meter emissions.

On page 27 Tell describes the FCC rules:

“...present day RF exposure limits are based on time-averaged values of RF power densities....”

Again, with the exception of Steven Olea, it should be obvious to anyone that it is absurd to average power over time to make that power seem OK. Think about it. If I hit you with a hammer will it feel better if we “time-average” that “power density”?

Would you like to try that? I can show you on paper how, when averaged out over time, you'll hardly feel anything.

The FCC rules are totally inadequate and out of date (they date to 1996). For Tell to harp on the fact that the “smart” meters he measured comply with FCC rules he helped write is meaningless in any serious health discussion.

The FCC rules only involve protection against thermal radiation – when human tissue is heated. British physicist Cyril M. Smith, co-author of the best-seller *Electromagnetic Man*, dubbed this inadequate standard the English Muffin Syndrome – *If it's not burnt, it's all right*.

Additionally, FCC guidelines were based on a test population of average weight males. What about sensitive populations such as children and pregnant women?

Sadly – and negligently – FCC exposure guidelines do not cover non-thermal, low intensity radiation generated by “smart” meters and other wireless devices at the lower end of the microwave range. The FCC exposure guidelines are thus completely inapplicable for the microwave radiation emitted by “smart” meters. Indeed, the Santa Cruz County Department of Health “smart” meter study, which I have previously sent you, calls the the FCC rules “... **irrelevant and cannot be used for any claims of SmartMeter safety....**”

Here are two explanations of what I have just stated. They are written for the layperson.

SERIOUS FLAWS WIITH THE FCC RF//MW SAFETY STANDARDS by the ERM Network
<http://www.emrnetwork.org/pdfs/flaws.pdf>

“A Primer on FCC Guidelines for the Smart Meter Age” by Amy O'Hair
<http://stopsmartmeters.org/2012/03/09/a-primer-on-the-fcc-guidelines-for-the-smart-meter-age/#skipmath>

And here is a Sage Associates report that goes into more scientific detail: *Assessment of Radiofrequency Microwave Radiation Emissions from Smart Meters* (<http://sagereports.com/smart-meter-rf/>). There are of course many other independent reports on FCC inadequacy for anyone who cares to look.

The Sage Associates report is 100 pages. I am weary of being an unpaid researcher for

the ACC and of spending a small fortune making 14 hard-copies of report after report which none of you or your staff seem capable of reading or of comprehending if you do in fact read them. So if you want to read those aforementioned articles you can download them yourselves. Just remember, when the lawsuits start over this issue, you will likely be held personally liable for the information you were given but willfully chose to ignore.

Here is one more thing about the FCC parameters which is quite interesting. For years the Russians bombarded the U.S. embassy in Moscow with microwave radiation, and many of the embassy workers got cancer, more than what would be normal. The bombardment was within the FCC guidelines.

The clandestine activation of what became called the "Moscow Signal" would mark the beginning of a twenty-three year undetectable assault on the diplomatic staff of more than 1800 representing the US State Department. According to the famous Lilienfeld Report, the embassy staff would be bathing in a constant field of radio waves for about fifty hours per week that measured between 20 and 100 microwatts. These are levels well within the US safety standards today.

It would be another dozen years before the US Government uncovered this covert operation and not until 1976 before the US Embassy staff would finally be informed. But it would be too late for the three ambassadors, who had served in Moscow. All three died of cancer, two of adult leukemia, which is strongly environmentally-linked. It would be too late for the hundreds of other embassy employees, who fell to a variety of cancers, including breast, prostate, brain, lymphoma and leukemia reaching the alarming rate of eight times the expected mortality rate! It would be too late for more than half the staff who suffered chromosome damage from the menacing rays.

~ Ann Louise, *Accidental Conspiracy* <http://www.annlouise.com/articles/338>

For more information, see Legal Implications of the Soviet Microwave Bombardment of the U.S. Embassy Larry B. Guthrie and also the book, *The Microwave Debate*, by Nicholas Steneck, 1984. From page 94: [in late 1960s] "The State Department and the military eventually learned they were dealing with a low-intensity (about 0.1 - 24 $\mu\text{W}/\text{cm}^2$ in the Embassy building) high-frequency (in the gigahertz range) modulated signal"

Ultimately the proof is in the pudding. Studies or not, people are getting sick. Almost all the people I know or have read about who have gotten sick from "smart" meters did not know they had a "smart" meter or even what one was. In other words, they are not psychosomatic.

Tell can help write guidelines and then make a living showing how toxic microwave emissions are OK because they fall within those. But people are still getting sick and your docket contains their testimony. As I have asked in past, at what point does the safety recall start? When 10 people get sick? 100? 1,000? What's your body count?

Another of Olea's picks, the report from the Public Utility Commission of Texas (PUCT),

“Project Relating to Advanced Metering Issues”, is just more propaganda. PUCT staff cobbled it together from “smart” meter promotional sources. It is not based on independent research.

The three sources PUCT relied on are the California Council on Science and Technology (CCST), Lawrence Berkeley National Laboratory (LBNL) and the Electric Power Research Institute (EPRI).

EPRI, the self-described “industry collaborative”, is primarily comprised of electric companies. EPRI boasts that members “pool their resources to fund research”. Doesn't everyone know – except of course Steven Olea – that industry-funded research yields industry-desired results?

LBNL is funded by the U.S. Department of Energy, the same U.S. Department of Energy that subsidized “smart” meters nationwide to the tune of \$3.4 billion. I think it is safe to say they are “smart” meter promoters.

Via the LBNL, the CCST is also corrupted by U.S. Department of Energy funding. In CCST's 2012 annual report, under the heading of “Sustaining Members”, LBNL is listed along with this admission: “CCST also has strong connections to industry through its membership.”

Reflecting those “strong connections”, the CCST study, "Health Impacts of Radio Frequency from Smart Meters" is a favorite of the utilities, including APS, but it is not primary research. Its conclusions are based on cherry picked information. It is science by consensus, science for a preconceived outcome.

For example, contributors to the report whose findings did not support the preconceived outcome – that “smart” meters posed no public health problems – had their submissions removed but they were still listed as contributors! It doesn't get much more intellectually dishonest than that.

“Radio Frequency Radiation and Health: Smart Meters” by the Vermont Department of Health (VDH) is another miserably inadequate report Olea submitted.

The independent, non-profit EMR Policy Institute did a thorough debunking of VDH's report. Do a search for “Deficiencies in Vermont Department of Health (VDH) February 10, 2012 Smart Meters Report”. Among its conclusions the EMR Policy Institute found that:

- “... the VDH's Smart Meter study uses measurement protocols and equipment that are questionable.”
- “While no reference list is found in VDH's Report, it appears to ignore the wealth of peer-reviewed scientific literature that demonstrates adverse biological effects at exposure levels well below the US FCC RF exposure guidelines.”

- “VDH’s Report ignores the analysis of the 2008 NAS [National Academy of Sciences] Report that delineates the flawed scientific record upon which FCC’s RF safety guidelines are based. Instead VDH finds that “current regulatory standards for RFR from smart meters are sufficient to protect public health.””
- “VDH’s Report did not carry out an in-depth analysis to determine if its reliance on the current US FCC RF radiation exposure limits based on science published prior to 1986 fulfills VDH’s stated first priority to “focus on prevention, which is perhaps the best investment that can be made in health.””
(http://www.emrpolicy.org/files/14mar2012_emrpi_VDH_open_letter_SM_Report.pdf).

Lastly, in a classic example of bureaucratic buck passing, Olea proposes that:

“If the Commission desires to have its own independent study of the health effects of smart meters, Staff recommends that the Commission request that such a study be conducted by the Arizona Department of Health Services.”

What a great idea! After all, Arizona Department of Health Services is known the world over as one of the leading independent authorities in microwave radiation and dirty electricity research. Besides, others and I have simply not given you enough health studies and evidence over the last two years to recall “smart” meters. And no one has given you any testimony of their illnesses, so they must have complained to the Department of Health Services. Sure, they’ll know.

In conclusion let’s review where we are at with the players at the ACC in this “smart” meter fiasco. And again, let’s all remember that Commissioners who ignore information before making a decision may be held personally liable later.

- We have the head of the Utilities Division – a committee member of “smart” meter promoter NARUC and someone who doesn’t know the difference between microwaves and magnetic field – submitting what is essentially misinformation and pro-“smart” meter propaganda to the docket.
- We have the ACC Chairman, Bob Stump, sitting on “smart” meter promoter NARUC’s Board of Directors. In its promotion of “smart” meters, NARUC has attempted to marginalized our 4th Amendment right to privacy with a bunch of Orwellian language “guidelines”. NARUC rationalizes: “Rules that govern data access must balance privacy with innovation.” Stump has not disavowed his complicity in this open conspiracy to violate the 4th Amendment even after I called him out in a letter dated March 23, 2013. (posted here:

<http://images.edocket.azcc.gov/docketpdf/0000143713.pdf>)

- We have ACC Commissioner Robert Burns who, in an Arizona newspaper, unabashedly repeated power company propaganda about “cost savings” which will magically accrue to ratepayers as a result of “smart” meters. Yet when asked to substantiate his claim with real numbers of saved dollars per month in my letter dated May 7, 2013, he suddenly went silent. (posted here: <http://images.edocket.azcc.gov/docketpdf/0000144752.pdf>)
- We have ACC Commissioner Susan Smith who was paraphrased by the Arizona Daily Star as saying “it's not for the commission to weigh all of the conflicting claims about the effects of the radio waves coming off the meters.” This, despite Arizona Revised Statutes saying it is precisely the ACC's duty to determine safety. Smith has still not retracted her remarks despite my calling her out in a letter dated May 21, 2013. (posted here: <http://images.edocket.azcc.gov/docketpdf/0000145081.pdf>)

The foregoing raises the following questions.

Shouldn't Olea be fired or demoted for incompetence and failure to meet the stated “Mission” of the Utilities Division? Why did he ignore the studies that would show cause for a safety recall of “smart” meters? Why is it up to the public to submit those studies?

Shouldn't ACC Commissioners Bob Stump, Bob Burns and Susan Smith resign their positions?

At the very least, shouldn't they recuse themselves from any future decisions involving “smart” meters?

Shouldn't the two remaining ACC Commissioners, Brenda Burns and Gary Pierce, be demanding some kind of action to rectify what seems to be a very prejudiced, ignorant and possibly corrupt ACC?

Shouldn't Arizona Republicans be ashamed at the shambles their fellow Republicans have made of the regulatory process at the ACC? Shouldn't they be demanding some sort of action as well?

Shouldn't a moratorium be placed on further “smart” meter installations or has the ACC already determined “smart” meters are safe and not a violation of privacy and property?

Sincerely,



Warren Woodward

Cc: Governor Jan Brewer, Attorney General Tom Horne