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Fools Rule at the ACC

Report on the Arizona Corporation Commission's 12/12/14 "Smart" Meter Meeting Information & Perspective by Warren Woodward

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Three "smart" meter dockets were discussed at the ACC. One dealt with health, one confidentially, and one extortion. The upshot was that the commissioners voted unanimously to continue to allow utilities to bombard people with microwaves and to extort \$5 per meter from people trying to avoid that and other "smart" meter related harm.

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The commissioners were spectacular in their near complete ignorance of the subject matter, or even the English language.

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The first docket discussed was the "generic inquiry into smart meters" docket, which has morphed into basically a health concerns docket despite there being many other concerns about "smart" meters. The Commission's M.O. is to simply ignore issues it cannot or does not want to deal with. The health issue is one that, try as they might, the commissioners could not ignore, hence the Arizona Dept. of Health Services "smart" meter whitewash - I mean, "study" - and subsequent health discussion at the meeting.

What I call the Steam Vent Process was in place. The Steam Vent Process is when they listen to us patiently, thank us for our comments, then do what it was they wanted to do in the first place. The Steam Vent Process is essential to maintain the facade of democracy and legitimacy. It is used at almost all levels of government.

And so it was that our expert witness, Dr. Martin Blank, was given 20 minutes to present information on how low intensity EMF does damage at the cellular level. He then got more time for uninformed questions and harassment from the commissioners.

Displaying her ignorance while trying to appear smart, commissioner Susan Smith asked Dr. Blank something about how his work in EMF could pertain to RF, as though RF was something different. While Dr. Blank was gracious enough not to make her look stupid in his reply, I was saddened at the missed opportunity.

Commission chairperson Bob Stump thought he "had" Dr. Blank after Blank suggested "smart" meters be removed yet at the same time said he used WiFi judiciously, turning it off when not in use. This gave Stump what he thought was his opportunity to harp on Blank for a perceived inconsistency. All it really showed was that Stump had not read or comprehended anything we've sent him in over 3 years that pointed out the difference between "smart" meters and other sources of RF - one is forced and not under the individual's control, while the other is voluntary and use is subject to individual desire. Besides, for years we have turned off and left off the WiFi feature on our wired router and never once have we gotten a bill for "opting out".

Blank handled the harassment well, and Stump just looked like an obnoxious brat.

As part of the Steam Vent Process, I and other interveners were given 10 minutes to speak on the dockets in which we were interveners. Everyone else got 3 minutes each.

I was an intervener in 2 dockets, and each time I spoke I made the point that the proceeding really should be an evidentiary hearing (as I and other interveners had so motioned days before), instead of an open meeting.

In an evidentiary hearing people are under oath so there is recourse when they lie. In an evidentiary hearing evidence must be presented, as opposed to mere assertions being made. Our motions for an evidentiary hearing were of course ignored because the proceeding was not about establishing truth but getting another APS fee in place, as well as trying to get pesky “smart” meter complainers (AKA “kooks”) to finally shut up and go away.

Just an FYI, the ACC pulled the same procedural stunt in the recent solar fee issue. No one was under oath. Other utility regulatory agencies in other states have also used the same technique to avoid truth in the “smart” meter issue.

About the “kook” moniker: Someone delivering a docket submission the day before the meeting was asked by the security guard who always sits at the ACC entrance door if she was coming to the meeting tomorrow. He mentioned that “a lot of kooks will be here.” Does anyone think he came up with that name on his own based on researching the “smart” meter issue, or was he told how to view us by others at the ACC?

Representatives of the Arizona Department of Health Services (ADHS) were there, as was someone from the Arizona Radiation Regulatory Agency (ARRA), the outfit that measured wireless “smart” meters with the cheap, inaccurate Tenmars device for the ADHS “smart” meter study. (Watch my YouTube video, **Video Exposé – The ADHS Study Is Grossly Inaccurate**, to see the Tenmars in action compared with other, more accurate and professional quality devices.)

Questions asked of ADHS and ARRA by the ACC commissioners were all softballs. Not one of the commissioners challenged ADHS about their worthless study despite my having sent the commissioners 34 pages worth of material that could have led to at least a few real (and embarrassing) questions. It was clear to me that the commissioners had not read any of the critiques of the ADHS study that were sent in by others and I before the meeting.

Indeed, it was hard not to burst out laughing when commissioner Brenda Burns said she did not have a “smart” meter until after the ADHS study came out. Then she asked APS for a “smart” meter. The “not likely to harm” conclusion of the study evidently works for her. One wonders if she would drink water labeled “not likely to harm” or serve that to her grandchildren whom she mentioned caring so much about.

At one point Brenda said she had refused a “smart” meter to see how the process would work but ended up getting a “smart” meter anyway due to APS incompetence (my word, not hers). She said she brought the matter up with APS CEO Don Brandt, saying that APS had to

do better at customer service. She used this as an example of her 'getting tough with APS.'

Actually, 'getting tough with APS' would have been prosecuting and fining them for lying to, deceiving and abusing customers who called in to refuse "smart" meters. That APS practice was so rampant that people's complaints about it can be found in the ACC docket. Far from 'getting tough', to me Brenda's cordial chat with Brandt demonstrates the way too cozy relationship commissioners have with APS.

Brenda got a little testy while taking time to defend herself against intervener Elizabeth Kelley's claim that the ACC had failed to follow a transparent process that should have included a formal written request to ADHS commissioning the "smart" meter health study, including a description of what the goals were, what questions needed to be addressed, and what the scope of work should be.

Brenda referred everyone to the staff meeting on August 5, 2013 in which she had made the proposal and it was approved. However that did not answer Kelley's actual criticism which was that there was no formal correspondence available showing what agreements there were between the two agencies.

After the meeting Kelley stated, "This is highly improper behavior from an administrative and accountability perspective and when public officials engage in this kind of behavior it looks like they are either deliberately hiding something or they are incompetent."

My eyebrows raised when commissioner Gary Pierce said his sleep has been disturbed and he now has ringing in the ears but that he could not be sure it was caused by his "smart" meter. Perhaps it will take some other symptoms and suffering for him to get a clue. Maybe seizures would do it, or heart arrhythmia. Of course even then one can't really be certain, can one? And after all, the ADHS said "smart" meters are "not likely to harm," didn't they?

Hypocritically, Pierce said he's made sure all his grandkids beds are not near a "smart" meter. Why bother if "smart" meters are "not likely to harm?"

Dutifully repeating the same industry myth that I first heard him say 3 years ago, Pierce said he needed a "smart" meter for the Time Of Use (TOU) rate plan he was on. In my 10 minutes, I pointed out that that was not true, that there were TOU analog meters long before "smart" meters.

The good news is that after about 10 years of TOU "smart" meter savings, Pierce might have enough money saved for a night in Intensive Care.

Also during my 10 minutes I chided Stump for hounding Dr. Blank about WiFi, and I waived my report on the ADHS study around in the air while pointing out some of the ADHS study's major failings. None of the commissioners followed up with hard questions to the ADHS. It was clear to me that the commissioners are simply closed to anything that challenges the official (and false) narrative, or that might make them or the utilities liable for damage.

Other interveners and speakers were similarly listened to and ignored. I guess around 30 people spoke, some calling in on the phone. No one spoke in favor of “smart” meters.

I tried to give the commissioners an English lesson when what they called the 'privacy rules' docket came up. I explained to them that their rules were not about privacy but rather confidentiality. Privacy was violated with the installation of the meters. The only discussion left is how confidential the formerly private information might be (probably not much given rampant hacking and government snooping).

Curiously, chairperson Stump did not allow public comment on that docket even though I had signed up to speak on it. I only got to make my comment because I complained to the staffer who was handing out information for the next docket. So no one else got to speak on the confidentiality docket.

The extortion fee docket was last. Intervener Pat Ferre got her 10 minutes and then about a ½ hour more as she asked why solar customers had to have “smart” meters. Round and round the issue went from her to APS, to the commissioners, to the ACC staff, and back and forth. When the commissioners finally voted for extortion fees, the issue was still unresolved.

We are trying to figure out how this will play out and how she can resolve the issue after the fact, especially since one of the clauses in the extortion fee decision states, “We conclude that any pending motions/requests for further proceedings or other requests for relief are now moot and thus are deemed denied by this Order.” In others words, “Shut up and go away, Kooks.”

At the end of the solar discussion, staff said they had heard 2 explanations from APS as to why solar people could not refuse a “smart” meter. My turn was next and so I said that if you asked APS again you'd probably get a third explanation.

Again, this is the problem with these open meetings. People are winging it. There is also no opportunity for interveners such as myself to cross examine people. This is especially important since the commissioners and their staff are completely incapable of critical thought.

Case in point: One of the commissioners asked APS about manually reading meters bi-monthly. APS said they looked into that but that it would cost the same as doing it monthly.

End of discussion.

None of the commissioners had the brains to say, “Are you kidding me? 12 months meter reading costs the same as half that much? How do you figure that?”

So it was left to me to point that out when it was my turn to talk, but still none of the commissioners confronted APS.

You can't make this stuff up.

At one point Elizabeth Kelley mentioned that at an ACC meeting in 2012, the lawyer for the electric coops had falsely stated that Trico Electric Coop was using only wired “smart” meters (and so should be exempt from allowing people to refuse) when in actual fact Trico was using both wired and wireless “smart” meters. In his 3 minutes at the microphone, the lawyer claimed he never said that. But I have just recently watched the 2012 meeting and know that Kelley is right. The point is, this is why these meetings should have people under oath.

A humorous sidebar to this story is that the lawyer went on to defend wireless by giving us his condensed life history in connection with various exposures to EMF. In a gratuitous slap to people with allergies, he even included the fact that he eats peanut butter a lot without a problem. The funny part is that, while the gist of his message was that all his exposure and peanut eating has had no effect on him, this guy could barely walk to the podium. He looked like he had aged ten years in the two since I last saw him (when he *could* walk), and he had the ashen complexion of someone with one foot in the grave and the other on a banana peel.

In my 10 minutes on the extortion fee docket I tried to give the commissioners another English lesson, explaining that no one could “opt out” from something they never opted in to. I explained that any fees to avoid harm were extortion, not “opt out”, and that no one had explained why the utilities could steal people's property on which to build their private communications network. (Hint to any lawyers reading: there's a case here in this last point, and when municipal utilities do it there's a 5th Amendment “takings” case.)

I pointed out how biased and backwards the whole proceeding was for worrying to the dollar what it cost to read a meter when the Commission had not applied similar scrutiny to what the vastly more expensive “smart” grid was costing. For the umpteenth time in 3 years I mentioned how cost/benefit analyses done elsewhere had proved no savings to ratepayers, and that in fact in a bunch of states the promised savings claimed by various utilities had turned into rate increases to pay for the “smart” grid boondoggle.

I might as well have spoken to a wall.

David Pennartz made a couple of great points and actually got something changed. Pennartz is the lawyer the City of Sedona hired to intervene on behalf of residents because the City Council thought APS's initial requested extortion fees of \$75 upfront and \$30 per month were too high.

One point he made was that APS already had an existing fee of \$16 for a separate, single, off-schedule meter read, so how did APS justify \$20 per month? (APS had lowered their initial request to \$20/mo.) No answer. The commissioners never bother to ask APS to explain.

Another of his points was that APS's numbers amounted to a request, not evidence. Again, this is the problem with trying to settle serious issues in an open meeting. There is no real evidence, just assertions (and often flat out lies). Personally, I think the ACC's sloppy way

of conducting business was done on purpose. They could have chosen an evidentiary hearing, but they didn't.

Pennartz managed to get language changed that would have made property owners indemnify APS workers. It was one of those situations where the other side was saying 'that's not what we meant', with Pennartz replying, 'yes, but that's what it says.'

After we had our Steam Vent Process, the real purpose of the meeting transpired with amendments flying so fast I could not keep track. By now it was almost 6 pm. The meeting had started at 10 am.

In the end, people wanting to avoid the harm of having their own personal microwave transmitting surveillance device must pay \$5 per month. If they have a "smart" meter that needs changing out, that costs \$50. It was never explained how someone opposite a bank of meters could avoid harm, or how people can avoid the harm of their neighbors' "smart" meters. Oh, that's right; "smart" meters are "not likely to harm" so no one has to worry.

Just in case though, take a tip from commissioner Pierce and move your bed.

Of course you'll have to move it over 100 yards from the nearest "smart" meter because that's the distance at which biological effects can still occur (see physicist Dr. Ronald M. Powell's "Biological Effects from RF Radiation at Low-Intensity Exposure, based on the BioInitiative 2012 Report, and the Implications for Smart Meters and Smart Appliances", here: <http://images.edocket.azcc.gov/docketpdf/0000145782.pdf>).

Anyone wanting to see the entire meeting can watch it online in the video archives at the ACC website, www.azcc.gov. I have only mentioned myself and a few others, and a few of the things that happened (and from memory).

I had only prepared for 3 minutes of speaking before the meeting. I had my speech written out and timed to the minute. Surprised at having 23 minutes total instead, I did not use my prepared remarks intended for the commissioners. But I'd like to close by sharing the last 2 sentences of the speech I didn't read because this is the future I believe the commissioners can look forward to according to the Law of Karma and Galatians 6:7. It's a future they will reach without any help from me. In other words, this is not a personal threat. It is a statement of eternal truth.

As you have sown, so shall you reap.

Like the "smart" meter victims who came to you, begging for relief, your cries for mercy will go unheard as you reap all the pain and misery you've sown, and your lives will be filled with such suffering that even I might feel sorry for you.