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February 6, 2015

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

AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission
DOCKETED
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Re: Docket # E-01345A-13-0069

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Commissioners;

On this past January 27th, APS filed some misinformation in docket # E-00000C-11-0328 that was, according to APS's letter, actually requested by Maureen Scott of the ACC's Legal Division. This is absolutely shocking for several reasons.

Since the information requested was not primary information exclusive to APS but information that anyone could get online, it appears as though APS is supplying research that the ACC should be doing itself. Had the ACC done its own research, instead of depending on unreliable and untrustworthy APS, it might know that what APS has supplied is, as usual for APS, half-truth. Material facts have been omitted.

I have enclosed APS's letter (which is online here:
<http://images.edocket.azcc.gov/docketpdf/0000159734.pdf>).

Note that APS's letter to Maureen Scott begins with "As we discussed"

What is this discussion that APS's attorney, Thomas Mumaw, is referring to?

It is pointless for me to do another Freedom Of Information request to find out since, in the last one I made to the ACC, almost all the emails to and from people in the ACC Legal Dept. were redacted for so-called "attorney/client privilege." Such emails were often completely censored leaving me to wonder just what the ACC is hiding and why.

Here is but one example. I could supply pages upon pages of similar ones. It's an email from Maureen Scott to various ACC employees. Who knew civil servants had built-in lawyers and "attorney/client privilege?"

From: Maureen Scott
Sent: Thursday, August 29, 2013 9:18 AM
To: Ed Stoneburg
Cc: Del Smith; Margaret 'Toby' Little; Brian Smith; Steven Olea
Subject: RE: Docket No. E-00000C-11-0328 - Staff Second Set of Data Requests

[REDACTED]

Sunshine Law? It's more like a Cloudy Law. Aren't we supposed to have a transparent government in which decisions are made in the open? Just what are these people doing that they need to hide behind a censor's marking pen? Are they engaging in criminal acts? Shouldn't the purpose of the Legal Dept. be to serve the public, and not serve as a refuge?

I suspect the misinformation APS provided to Maureen Scott is just another pathetic attempt to justify APS's illegal "smart" meter program and to provide the ACC with the means with which to defend the ACC's recent illegal "smart" meter decision, a decision under appeal by me. In any case, it appears that the ACC is in collusion with APS. Additionally, it appears that the ACC is so accustomed to its cozy relationship with APS that the ACC is oblivious to how this apparent collaboration with APS smells to people who are not part that cozy relationship. It stinks!

Along with the letter, APS docketed two documents. One of them is a recent decision made by the Maine Public Utilities Commission (MPUC). Regarding that decision, APS correctly stated that MPUC found "... that advanced metering infrastructure including "smart meters" (as implemented by the utility in question, Central Maine Power) does not present a credible threat to the health and safety of CMP's customers."

What APS failed to mention is that the MPUC decision is under appeal. So the issue is far from settled. I have enclosed the 3 page appeal. Amongst other reasons, the MPUC decision is being appealed for the following reasons:

- a) failing to satisfy the statutory mandate to ensure the safety of all utility facilities and services for all CMP customers (35-A M.R.S. §101);
- b) failing to satisfy the Law Court's mandate in *Friedman v. PUC*, 2012 ME 90;
- c) contravening every Maine citizen's constitutional right to "pursue and obtain safety" (Me. Const. Art. I, § 1); and
- d) contravening the judicial maxim *salus populi suprema lex* -- the safety of the people is the supreme law. *Seavey v. Preble*, 64 Me. 120, 121 (Me. 1.874).
(Appeal is online here: <http://www.takebackyourpower.net/wp-content/uploads/2015/01/Notice-of-Appeal-1-9-15-Reduced.pdf>)

I'll also remind the ACC that the Maine CDC "smart" meter study referenced in the MPUC decision was the work of imbeciles who had no idea what they were doing (see <http://images.edocket.azcc.gov/docketpdf/0000146483.pdf>).

It is also worth noting that the appeal of the MPUC decision was filed on January 9th of this year, well before APS's January 27th letter to Maureen Scott. While one can only speculate as to APS's motives for leaving out this important information, it is consistent with past APS behavior. For just one example, in their extortion fee application, APS presented the extortion fees of various other states. Conspicuously absent from APS's list was Vermont's legislated fee of ZERO dollars and no cents.

The other document that APS docketed along with its letter to Maureen Scott was a decision made last December by the California Public Utilities Commission (CPUC) regarding "smart" meter extortion fees for Pacific Gas and Electric, Southern California Edison, San Diego Gas and Electric, and Southern California Gas.

Is the ACC aware that the CPUC is now tainted and bemired by the massive corruption that people opposed to "smart" meters have been accusing it of for years?

Is the ACC aware that former CPUC president Michael Peevey (whose term ended last December 31st) is now under investigation for corruption, along with a former PG&E executive?

On January 23rd of this year a search warrant was signed that allowed agents to seize property from the homes of Peevey and former PG&E Vice President Brian Cherry. According to the San Francisco Chronicle:

"The search warrant covering Peevey's and Cherry's homes said investigators were looking for evidence of improper "ex parte communications, judge-shopping, bribery, obstruction of justice or due administration of laws, favors or preferential treatment" related to matters coming before the utilities commission from December 2009 on."
("Agents search Michael Peevey's home in PG&E judge-shopping case," 1/28/2015, <http://www.sfgate.com/news/article/Agents-search-Michael-Peevey-s-home-in-PG-E-6047151.php>)

On January 27th, the day that APS's Mr. Mumaw docketed the items on Maureen Scott's wish list, the search warrant was executed. According to the San Diego Union Tribune, among other things removed from Peevey house were "... an iMac computer, a MacBook Pro, three Dell computers, a thumb drive and six day planners."

Cherry's house was searched the same day. According to the San Diego Union Tribune, "Agents seized an iPhone, iPad and Verizon tablet computer They also took control of personal notebooks, four floppy discs, 14 miscellaneous compact discs or DVDs and one thumb drive, the records show."
("AG cites possible felony crime in raid on ex-utility boss," 1/30/2015, <http://www.utsandiego.com/news/2015/jan/30/peevey-house-raid-search-warrant-cpuc/>)

Regarding the scandal ridden CPUC's decision, APS's Mumaw wrote in his letter to ACC's Scott, "This decision addresses the cost of utility opt-out programs, who should bear that cost, and the exclusive use of analog meters as the non-standard meter used for opt-out customers."

Despite what Mumaw wrote, no one should put any faith whatever in anything in that decision because it, too, is tainted by the widespread and years-long CPUC corruption.

According to a January 30th, 2015 San Francisco Chronicle article entitled, "**E-mails show back-channel talks between CPUC, PG&E,**" the head of the CPUC's Energy Division, Julie Fitch, emailed PG&E's Cherry in September of 2010 with concern that people wanted to refuse "smart" meters.

"We are worried this could get out of hand if we don't get our story straight about this," she wrote. "We are actually trying to figure out how to prevent it, or at least figure out a way to have a consistent story about what the real costs would be."

(<http://www.sfgate.com/news/article/E-mails-show-back-channel-talks-between-CPUC-PG-E-6052838.php>)

Right. I learned that in high school, too. When in trouble, always get your story straight.

Referring to that 2010 email, the same Chronicle article reported:

“Mark Toney, executive of the ratepayer advocacy group The Utility Reform Network, or TURN, said the e-mail should prompt an investigation into whether any improper communication influenced the outcome of the smart meter case.”

Some 65,000 emails between PG&E and the CPUC have been released in conjunction with the scandal. The Chronicle and Mark Toney aren't the only ones reviewing those emails. As I write, people concerned about “smart” meters nationwide are pouring through the emails. It is doubtful the CPUC's decision will stand. *That which is based on falsehood is false itself.*

Here's a recently discovered and very revealing email. It is from the CPUC's Peevey to PG&E's Cherry on 9/3/2010.

The press coverage was very good and helps PG&E big time, overall, as well as other companies, etc. One thought for the company: If it were my decision I would let anyone who wants to keep their old meter keep it, if they claim they suffer from EMF and/or related electronic-related illnesses and they can produce a doctor's letter saying so (or expressing concern about the likelihood of suffering same). I would institute such a policy quietly and solely on an individual basis. There really are people who feel pain, etc., related to EMF, etc., and rather than have them becoming hysterical, etc., I would quietly leave them alone. Kick it around. And, it sounds like the company may already have taken this step, based on a couple of the comments at yesterday's public hearing. (ftp://ftp2.cpuc.ca.gov/PG&E20150130ResponseToA1312012Ruling/2010/09/SB_GT&S_0000529.pdf)

In addition to showing blatant back-channel collusion with the utility he is supposed to be regulating, Peevey's email is remarkable in other ways as well.

By Peevey's own admission, “smart” meters *do* have a biological/medical impact. “*There really are people who feel pain, etc., related to EMF*”

Callously, negligently, Peevey also shows that he thinks the best way to deal with the issue of people being made sick is to keep it quiet. Don't investigate or halt the program; just let the sick ones keep their analog meters and maybe the problem will go away. “... *I would quietly leave them alone.*”

Another revealing email exchange is one from December, 2010. Its sender is a PR person, Lisa Buljan, whose company, Targetbase (“a strategic communications agency”), appears to have been hired by PG&E. The recipient is Marzia Zafar, the director of the CPUC's Policy and Planning Division, AKA the Scheming Division. Some PG&E people are Cc'd on the exchange.

Buljan had forwarded Zafar a list of upcoming “smart” meter events and Zafar replied:

“okay, please make sure that we get advance notice of any San Francisco events. We've

already heard from various mothers groups throughout San Francisco, so we need a coordinated effort before deployment begins.”

(ftp://ftp2.cpuc.ca.gov/PG&E20150130ResponseToA1312012Ruling/2010/12/SB_GT&S_0042424.pdf)

Right. It's always best to have a “coordinated effort” against mothers “before deployment.” Are these people criminally insane or what?

The CPUC's corruption was not limited to its relationship with PG&E. Two and a half weeks before APS's Mumaw docketed his letter to ACC's Maureen Scott, the San Diego Union Times reported that CPUC's Peevey, who was president of Southern California Edison before his stint at the CPUC, maintained an improper relationship with his former corporation while at the CPUC.

I wonder why Mumaw did not share this information with Scott as well. After all, Southern California Edison was mentioned in his letter as one of the utilities that benefited from the CPUC's extortion fee decision.

In any case, here's how Peevey's corruption came to light in this instance:

The emails were released in response to a California Public Records Act request filed in September by San Diego attorney Maria Severson, who is suing the commission and Edison over the failed San Onofre plant.

Severson, who noted the commission put off her request until after Peevey left office, said ratepayers should be alarmed.

“The emails produced by the CPUC show the utilities have direct, private access to the judges that determine how deep the utilities can reach into the pockets of Californians,” she said. “Going forward, it is a corroded spigot running filthy with greed and lies.”

(“**Regulator was 'dear friend' of Edison,**” 1/10/2015

<http://www.utsandiego.com/news/2015/jan/10/regulators-hobnobbing-with-utilities-questioned/?#article-copy>)

In my opinion, we have same type spigot here in Arizona. Utilities have been able to lie, mislead, and misrepresent with impunity. Over the years their despicable behavior has been repeatedly documented and brought to the ACC's attention by others and I in various letters and videos. Yet nothing is ever done.

It will be a subject for another, future letter but it is obvious that, censored as they were, the ACC emails I recently received via my public records request reflect a defensive ACC literally in denial about APS's misdeeds, even when presented with video proof.

So once again I am left wondering if the ACC's negligence is due to incompetence or corruption. A case can be made for either, or both.

The ACC's relationship with APS is so cozy that it appears Maureen Scott sees nothing wrong with asking APS to do her homework for her.

The ACC's relationship with APS is so cozy that at an ACC open meeting last December 12th we

had the spectacle of one commissioner actually bragging to a room full of people that she was able to simply phone up the APS CEO to act as that company's mystery shopper. Even more remarkable was that no one at the ACC saw anything wrong with her behavior despite state statute dictating another course of action under the circumstances. (See page 19, here: <http://images.edocket.azcc.gov/docketpdf/0000159183.pdf>)

The ACC's relationship with APS is so cozy that despite ACC staff being lied to by APS at that same ACC meeting, ACC staff made a date with APS so they could be misinformed some more, only this time behind closed doors. (See page 27, here: <http://images.edocket.azcc.gov/docketpdf/0000159183.pdf>)

The result of that closed-door meeting has recently been posted to the docket. The meeting played out exactly as I knew it would with APS getting their way and the ACC staff approving APS's extortion fee request, complete with its state-statute-violating discrimination of solar customers who do not want a "smart" meter. Evidently, and despite being told, the ACC was too clueless to realize that several utilities in other states have no problem safely integrating rooftop solar production into their electricity grids *without* "smart" meters. Time Of Use customers are also illegally discriminated against in the approved request. And again, the ACC was warned of this arbitrary discrimination but negligently went ahead anyway. (See page 25 and page 29, here: <http://images.edocket.azcc.gov/docketpdf/0000159183.pdf>)

A few years ago I brought what I thought was an obvious violation of Arizona Administrative Code by the ACC to the attention of the Arizona Attorney General's office. I was told by a person at the A.G.'s office they would not investigate because, "We don't represent you. We represent the ACC."

Clearly that's unfortunately true. Sometime a year or two later I pointed out to the A.G.'s office that APS was in violation of the Arizona Consumer Fraud statute. I provided evidence. I was then told by the A.G.'s office that the issue "appeared" to be the jurisdiction of the ACC. I countered that there was no such exemption or qualification carved out for utilities in the Consumer Fraud statute but the A.G.'s office never bothered to reply.

So with this letter I am Cc'ing the Phoenix office of the FBI in hopes that they will investigate the ACC's relationship with APS since that relationship has an appearance similar to the relationship between the CPUC, PG&E and Southern California Edison.

Commissioners, you are on the wrong side of multiple laws. You are on the wrong side of science. You are on the wrong side of morality, and you are on the wrong side of history.

Sincerely,



Warren Woodward

Cc: Phoenix FBI, Attorney General Mark Brnovich, Governor Doug Ducey



0000159734

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ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

January 27, 2015

Ms. Maureen Scott
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

ORIGINAL

RE: In the Matter of the Commission's Own Generic Investigation
of the Energy Policy Act of 1992
Docket No. E-00000C-11-0328

Dear Ms. Scott:

As we discussed, I am attaching the Order issued by the Maine Public Utilities Commission (MPUC) on December 19, 2014, on remand from the Maine Supreme Judicial Court,¹ in which the MPUC finds that advanced metering infrastructure including "smart meters" (as implemented by the utility in question, Central Maine Power) does not present a credible threat to the health and safety of CMP's customers.

I am also enclosing for your information the California Public Utilities Commission final decision in December of 2014 in the matter of an advanced metering opt-out program for Pacific Gas and Electric, Southern California Edison, San Diego Gas and Electric, and Southern California Gas.² This decision addresses the cost of utility opt-out programs, who should bear that cost, and the exclusive use of analog meters as the non-standard meter used for opt-out customers.

As per your request, by copy of this letter I am filing these documents in Docket Control in the Commission's Generic Investigation as noted above.

Sincerely,

Thomas L. Mumaw
Attorney for Arizona Public Service Company

TLM/bgs

- c: Chairman Susan Bitter Smith (Letter only)
- Commissioner Bob Stump (Letter only)
- Commissioner Bob Burns (Letter only)
- Commissioner Doug Little (Letter only)
- Commissioner Tom Forese (Letter only)

Arizona Corporation Commission

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¹ Friedman v. Pub Util's Comm'n, 2012 ME 90.

² California Public Utilities Commission, Decision 14-12-078, December 23, 2014.

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STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2011-262
January 9, 2015

ED FRIEDMAN, et al)
Request for Investigation Into Smart)
Meters and Smart Meter Opt-Out)

NOTICE OF APPEAL

Complainants and Intervenors Ed Friedman, et al,¹ file this Appeal from an Order of the Maine Public Utilities Commission (the “Commission”) dated December 19, 2014, a copy of which is attached to this Notice. The nature of the proceeding terminated by the Order was the Commission’s investigation into the health and safety of Central Maine Power Company’s (“CMP”) smart meter system. The Order sets forth two separate and differing opinions issued by Commissioner Littell and Commissioner Vannoy,² but states a joint conclusion that CMP’s smart meter system is safe (“Joint Conclusion”).

Pursuant to M.R.App.P. 5(b)(2)(A), the issues on this appeal are as follows:

1. The Commission limited its determination of safety to a set of circumstances where CMP customers are exposed to radio frequency radiation considered to be “typical” or “average,” rendering the Order erroneous and unjust for:

- a) failing to satisfy the statutory mandate to ensure the safety of all utility facilities and services for all CMP customers (35-A M.R.S. §101);

¹ The Complainants joining in this appeal are: Kathleen McGee, Chester Gillis, Eleanor Gillis, Andrew Fiori, Melissa Fiori, Joe Ciarroco, Jeanne Johnson, Dan Burk, Deborah Burke and Nancy Gray. Intervenors joining in the appeal are: Asgar Bagge, Deborah Oliver, Penelope Olson, Jennifer Lunden, Brita Light, Laurie Wolfrum, Dianne Wilkins and Suzanne Foley-Ferguson. All are represented in the appeal by the undersigned attorneys.

² Commissioner Welch did not participate in the proceeding.

- b) failing to satisfy the Law Court's mandate in *Friedman v. PUC*, 2012 ME 90;
- c) contravening every Maine citizen's constitutional right to "pursue and obtain safety" (Me. Const. Art. I, §1); and
- d) contravening the judicial maxim *salus populi suprema lex* -- the safety of the people is the supreme law. *Seavey v. Preble*, 64 Me. 120, 121 (Me. 1874).

2. The Order does not ensure safety for individuals with medical conditions that make them more susceptible to adverse reactions from exposure to radio frequency radiation, rendering the Order erroneous and unjust for:

- a) failing to satisfy the statutory mandate to ensure the safety of all utility facilities and services for all CMP customers (35-A M.R.S. §101);
- b) failing to satisfy the Law Court's mandate in *Friedman v. PUC*, 2012 ME 90;
- c) contravening every Maine citizen's constitutional right to "pursue and obtain safety" (Me. Const. Art. I, §1); and
- d) contravening the judicial maxim *salus populi suprema lex* -- the safety of the people is the supreme law. *Seavey v. Preble*, 64 Me. 120, 121 (Me. 1874).

3. The Joint Conclusion is not supported by a common set of findings approved by both Commissioners, rendering the Joint Conclusion erroneous, unreasonable, arbitrary, and an abuse of discretion.

4. The Joint Conclusion is contrary to the findings and conclusions in Commissioner Littell's opinion, rendering the Joint Conclusion unreasonable, arbitrary, and an abuse of discretion.

5. The Order misapplies the burden of proof, rendering the Joint Conclusion and the separate opinions erroneous, unreasonable, and arbitrary.

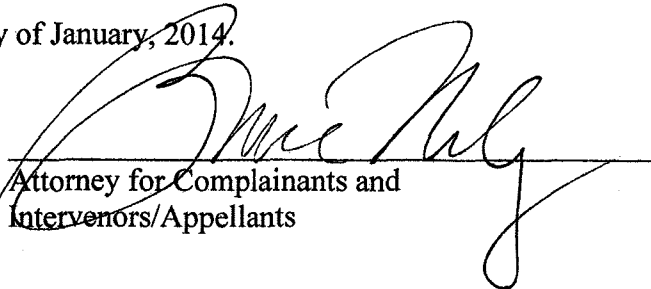
6. The Order misapplies the standard set out in *Friedman v. PUC*, 2012 ME 90, P. 10 ("credible threat to health and safety of CMP customers"), rendering the Joint Conclusion and the separate opinions erroneous, unreasonable, and arbitrary.

7. The Joint Conclusion, Commissioner Vannoy's opinion, and portions of Commissioner Littell's opinion are not supported by substantial evidence in the record

In satisfaction of M.R. App.P (2)(1), we understand that transcripts have been prepared for all technical conferences and testimonial hearings in this proceeding and request that they be included in the record. We further request that a transcript be prepared of the Commissioners' deliberations on September 23, 2014, to be included in the record.

In satisfaction of 35-A M.R.S. §1320(4) the undersigned attorney certifies his opinion that there is probable ground for the appeal as to make it a fit subject for judicial inquiry and that it is not intended for delay.

Dated at Portland, Maine this 9th day of January, 2014.



Attorney for Complainants and
Intervenors/Appellants

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