

Is the ACC Complicit in Fraud?

The ACC has issued some proposals for people who refuse "smart" meters (here: <http://images.edocket.azcc.gov/docketpdf/0000158380.pdf>)

I have written 2 letters in response.

The first one is my motion to the Judge assigned to the docket, asking her to either end the "smart" meter program or hold an evidentiary hearing so that APS would be under oath (for a change!). In this letter I expose what looks to me like ACC complicity in fraud.

The second one is my response to the proposals.

December 3, 2014
Judge Teena Jibilian
Arizona Corporation Commission (ACC)
Docket Control Center
1200 West Washington Street
Phoenix, Arizona 85007

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

Judge Jibilian;

As an intervener in the above docket, I am making a motion that the docket be closed, and that you issue a procedural order that all wireless "smart" meters in Arizona be removed ASAP. As you may know, the Arizona Department of Health Services recently issued a study in which they did not find wireless "smart" meters to be safe. Utilities using such meters now violate A.R.S. 40-361.B and A.R.S. 40-321.A.

If you are unable or unwilling to issue such a procedural order, I make an alternative motion that the above docket be rescheduled to a later date, and take the form of an evidentiary hearing.

Currently the above docket is scheduled to be determined at an open meeting this December 11th and 12th. Yet Steven Olea's proposals for same only arrived in the mail today. Six business days is a ridiculously short period of time between issuing the proposals and making a decision, unless of course the vote is already certain.

Even then, because of APS's predilection for not telling the truth, and neither ACC staff nor ACC commissioners caring about the lying, I think it is very important for APS to be under oath in an evidentiary hearing.

As an example, of APS's lying and the ACC not caring, I offer the following: At a private meeting I had with ACC commissioner Gary Pierce on March 26, 2013, I mentioned that APS had blatantly lied in an ACC meeting in which APS claimed analog meters were no longer available. Pierce's response, and this is a direct quote, was, "We know that's not true."

Note that his response was not, "I know that's not true," but "We know that's not true."

So the ACC knew that was not true but never admonished APS for publicly lying? Doesn't that make the ACC complicit in fraud? How can we expect any meeting in which APS is not under oath to be just? And it also pertains directly to this particular docket since all along APS has been playing pretend about the availability of analog meters and, as a result, what a burden folks are who want them.

Here is another example of the ACC not caring about truth and it, too, pertains directly to this docket. Last September I received information that APS had been replacing tens of thousands of defective “smart” meters because of overheating and possible fire risk. I immediately brought that information to the ACC's attention and demanded an investigation. (My letter is here: <http://images.edocket.azcc.gov/docketpdf/0000155746.pdf>)

The ACC queried APS and in APS's response they admitted there have been “some” “smart” meter related fires in Arizona, and that they and manufacturer Elster were being sued by an insurance company for a house fire. Astonishingly, the ACC just left it at that. They were not interested in the details of the lawsuit or how many “some” was. I was told that if I was not satisfied with the ACC's so-called “investigation” I could file a formal complaint!

It needs to be pointed out that this lackadaisical attitude on the part the ACC is totally unacceptable. “Smart” meter related house fires have become common enough that several jurisdictions in North America have recalled them in the hundreds of thousands. They are a clear and present danger. To have to pay any fee whatsoever to refuse one is absurd.

So my point is, the ACC cannot be counted on to ferret out the truth. Indeed, they have completely bungled the “smart” meter issue for years. The ACC has shown little interest in the truth. The ACC does not seem to know what the truth is or how to arrive at it. So APS must be under oath and in a situation where independent interveners such as myself can question them.

Additionally, even though this docket is classified as a “tariff filing”, it is more akin to a rate increase of an existing fee, that being meter reading.

Thank you for your consideration.

Sincerely,

Warren Woodward

**December 3, 2014
Arizona Corporation Commission (ACC)
Docket Control Center
1200 West Washington Street
Phoenix, Arizona 85007
Re: Docket # E-01345A-13-0069**

Commissioners;

Bumbling bureaucrat Steven Olea is at it again.

You really should have listened to me when I told you to fire him after he was so stupid as to try measuring the microwave radiation of his “smart” meter with a Gauss meter, and then announce at a public meeting that he found no emissions.

Of course he didn't find any microwave emissions because a Gauss meter does not detect microwaves!

Honestly, this guy is head of the Utilities Division? What an embarrassment and liability he is to you and all Arizonans.

Now he's at it again. This time it looks like Steven did not read the Arizona Department of Health Services (ADHS) “smart” meter study. ADHS did not find wireless “smart” meters to be safe. So with every passing day, you (and your pals at APS) are in violation of A.R.S. 40-361.B and A.R.S. 40-321.A.

Oblivious to the law, scofflaw Steven has proposed some new rates for people who do not consent to APS's illegal microwave transmitting network equipment (AKA “smart” meters) being left on their property.

In addition to “smart” meters being against the law now, there are numerous things wrong with Steven's proposal.

Curiously, the proposal keeps referring to “opt out fees”, “opt out program”, “opt out schedule”, customers who want to “opt out”, and etc. But how can someone “opt out” if they never “opted in” in the first place? Steven does not explain how.

Proper words must be used if we are to have an intelligent discussion.

Be that as it may, once again I remind all of you forgetful commissioners of the Energy Policy Act of 2005, Section 1252, "smart metering". In the Act, the word used repeatedly with regard to “smart” meters is “request”. Electric utilities were to provide “smart” meters to those customers who request them. It was to be an “opt in” program – and even then only if state regulatory agencies found such a program “appropriate”. (Energy Policy Act is here: <http://www.gpo.gov/fdsys/pkg/PLAW-109publ58/html/PLAW-109publ58.htm>)

Expecting people who do not “opt in” to pay for not “opting in” is turning the law on its head.

But of course, the Act is not the only thing poor Steven got upside down and backwards.

It was amusing to see the imagined cost to APS of people who refuse APS's illegal “smart” meters broken down in minute detail and dutifully tabulated – three dollars here, six dollars there, and etc.

Not once have I seen any such breakdown for APS's “smart” grid. No cost/benefit analysis has ever been done despite the ACC's Decision # 69736 stating:

“However, both the benefits and the costs of Advanced Metering and Communications should be considered before requiring full-scale implementation.”

Scofflaw Steven has ignored this Decision.

He also fails at reading comprehension. Numerous times over the last three years I have submitted the results of “smart” grid cost/benefit analyses. Those analyses have shown no financial benefit to ratepayers.

To refresh:

- **Connecticut Attorney General: “...the costs associated with the full deployment of AMI [“smart”] meters are huge and cannot be justified by energy savings achieved.**
- **Illinois Attorney General: “The utilities have shown no evidence of billions of dollars in benefits to consumers from these new meters, but they have shown they know how to profit.”**
- **Michigan Attorney General: “A net economic benefit to electric utility ratepayers from ... smart meter programs has yet to be established.”**
- **Germany's Economy Ministry: After commissioning a feasibility study by “Big Four” accounting firm Ernst & Young, the Economy Ministry found “smart” meters are “inadvisable” since installation costs would be greater than energy saved.**

Undaunted, but still getting it backwards, Steven says in his proposal:

“Staff recognizes that there are costs associated with maintaining an older meter technology for a select group of customers....”

The truth would be more like: 'there are costs associated with installing and maintaining this new, incredibly expensive technology, especially when it is forced upon over a million account holders.'

In actual fact, people not “opting in” to the “smart” grid are subsidizing an illegal toxic boondoggle they don't want. They should get a refund!

The reality is that APS has removed and likely ruined about a million perfectly good analog meters – meters that currently cost about \$15 to \$30 retail – and replaced them with inferior meters that cost about \$150, or 5 to 10 times more. Oh yes, they are inferior. At my instigation (note, not the lazy ACC's), APS recently admitted that in this year alone they have had to replace 32,000 faulty “smart” meters.

Add in all the “smart” grid extras: field equipment such as routers and towers (basically APS has had to build their own cellular network) plus software, plus contractors and employees to figure it all out and install it, plus upgrades to the power lines (I witnessed multiple transformers and other equipment being installed all over Sedona when the “smart” meters came) plus whatever APS is paying Verizon to move the data in places APS does not have their own towers. Then add in the ongoing costs – operating and maintaining the network, managing the data, storing the data, back office software, servers and cybersecurity costs, and the fact that “smart” meters require electricity to run whereas analog meters do not – and it is pretty clear that APS is running a scam because by law they can get an 8 to 10% return on “capital improvements”.

In what looks like a lame attempt to show thoroughness, Steven wrote: “Staff also examined the operation and charges of similar AMI Opt-Out programs in other jurisdictions.”

But left unexamined were all the places where rates have increased to pay for the “smart” grid boondoggle!

Ameren Missouri has a rate hike pending to pay for its “smart” grid, likewise Ameren and Com Ed in Illinois.

Promised “smart” grid savings have evaporated in places like Maine, Florida and California. Central Maine Power got a rate increase after promised savings turned into costs. Florida Power & Light got a rate increase after promised savings turned into costs. Pacific Gas & Electric got a rate increase after promised savings turned into costs.

In all three cases above, naïve, slow-witted bureaucrats and regulators believed the false, unsubstantiated financial claims of the utilities instead of doing proper due diligence or at least listening to the citizens who had.

Also, left unsaid in Steven's proposal is that nowhere in the world have rates decreased due to “smart” grid installation.

In short, persons refusing “smart” meters are not 'cost causers'. Utilities are.

Additionally:

- If APS wants to site a microwave relay antenna on people's private property then APS should pay for that.
- If APS wants to site company networking equipment that moves other people's data across people's private property then APS should pay for that.
- People harmed by the microwave radiation of APS's relay antennas should not have to pay APS to avoid harm (commonly called extortion).
- People wanting to avoid the privacy violating surveillance capabilities of “smart” meters should not have to pay APS to avoid that (commonly called extortion).
- At my instigation (note, not the lazy ACC's), APS has recently admitted to “smart” meter related house fires and a house fire lawsuit in which they and “smart” meter manufacturer Elster are being sued by an insurance company. People wanting to avoid this known fire risk should not have to pay APS to avoid that (commonly called extortion).
- People wanting to avoid other known risks of “smart” meters such as over-billing, appliance failure, medical implant interference, GFI interference, etc. should not have to pay APS to avoid that (again, commonly called extortion)
- There are only “installation” or “set-up” costs for people who do not have analog meters because APS removed and ruined those people's analog meters in the first place. Such costs belong to APS. “You broke it; you bought it.”
- People not wanting a “smart” meter are still paying for the cost of the “smart” meters of others (plus installation, related equipment, etc.) and without getting one themselves. They should actually get a refund.

All that said, the sad fact in this discussion is that customers not wishing to be radiated cannot stop that radiation by the faux choices presented by Steven.

As Dr. Ronald M. Powell, PhD (in applied physics from Harvard) has shown, biological effects from one “smart” meter can occur at a distance of a football field away. *No one* can “opt out” from that. (Powell's report is here: <http://emfsafetynetwork.org/wp-content/uploads/2013/08/Biological-Effects-From-RF-Radiation-and-Implications-for-Smart-Meters-June-5-2013-2.pdf>)

Apartment and condo dwellers are particularly at risk. Refusing an individual “smart” meter is meaningless when there is a bank of dozens of them on the other side of the bedroom wall. Similarly, due to proximity, single family homeowners can be more at risk from their neighbors’ “smart” meters than from their own. How does refusal help them if they are still bombarded by the “smart” meters of their neighbors?

I have seen all those above scenarios with my own eyes and personally know people who do not have a “smart” meter but are suffering nevertheless from the pulsed, modulated microwaves of others’ “smart” meters. It's called electronic trespass, and APS is committing it. Now that the ADHS has not found “smart” meters safe it must stop at once.

Sincerely,

Warren Woodward