

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for Approval of Optional )  
Non-Standard Meter Rider )

Docket No. 130223  
Filed February 13, 2014

**NOTICE OF PROPOSED ISSUES IN PREPARATION FOR  
INFORMAL FEBRUARY 18, 2014 MEETING**

Come now, Petitioners, by and through the undersigned attorney, who file this Notice of Proposed Issues in Preparation for Informal February 18, 2014 Meeting, and in support thereof, state the following:

1. Petitioners would like the following issues to be considered at the February 18, 2014 Informal Meeting:
  - a. Whether the Non-Standard Meter Rider (“NSMR”) Tariff is rationally and demonstrably related to cost of service principles;
  - b. Whether there are appreciable reduced costs occasioned by AMI meters as juxtaposed against those costs for maintaining traditional analog meters that form the basis for the NSMR tariff;
  - c. Whether the NSMR Tariff is merely a disincentive to those declining AMI meters;
  - d. Whether there is a *bona fide* alternative the FPL customers declining AMI meter installation;
  - e. Whether the adverse health effects of AMI meters were given due disclosure, consideration and deliberation;
  - f. Whether there is any monitoring of the non-thermal effects of radiofrequency (“RF”) radiation, as it is currently unregulated by the Federal Communications Commission (“FCC”), to whom jurisdiction over the effects of RF emissions was ostensibly deferred;
  - g. Whether it can be stipulated by the parties hereto that RF emissions are a Group 2B carcinogen, as classified by the World Health Organization;
  - h. Whether those with diagnosed medical conditions can be required to pay the NSMR Tariff under the Americans with Disabilities Act (“ADA”);
  - i. Whether there is a lapse in jurisdiction over the health effects of AMI technology with regard to the Florida Public Service Commission (“FPSC”) given its mission

“[t]o facilitate the efficient provision of safe and reliable utility services at fair prices.”;

- j. Whether the Florida Department of Health (“Department”) has or should assume jurisdiction over the health effects of the “nonionizing radiation” emitted by AMI meters;
- k. Whether, according to the above, the Department should liaise with the parties hereto pursuant to §501.122(b), Fla. Stat. (2013);
- l. Whether imposition of the NSMR Tariff results in “discriminat[ion] against [a] class of customers on account of the use of [AMI meters],” as prohibited by §366.81, Fla. Stat. (2013);
- m. Whether a conflict arises with federal or State constitutional protections of privacy where AMI meter installation can only be precluded by paying a fee when that fee bears no obvious relation to the increased costs of service provision;
- n. Whether the AMI meter is a communications device, and not a “meter,” *per se*; and
- o. Whether Petitioners have the right to refuse, outright, the installation of unwanted AMI meters.

Respectfully submitted,

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**Attorney for Petitioners**

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a copy of the foregoing has been furnished by electronic mail to the following parties on the 13<sup>th</sup> day of February 2014:

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