

Walter Clemence

From: Pamela Paultre on behalf of Office of Commissioner Brisé
Sent: Wednesday, October 10, 2012 9:17 AM
To: Walter Clemence
Cc: Mark Futrell; Carlotta Stauffer
Subject: FW: Smart Meter Information Submission

Attachments: E-mailToPSC10-9-12.doc; NewAntiSmartMeterPresentation.doc



E-mailToPSC10NewAntiSmartM
-12.doc (29 KB)erPresentation..

Good morning Walter,

Please see forwarded e-mail regarding smart meters. Please respond on behalf of the Commission.

Thank you,

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-----Original Message-----

From: William Bigelow [mailto:wbigelow@embarqmail.com]
Sent: Tuesday, October 09, 2012 4:13 PM
To: Office of Commissioner Balbis; Office Of Commissioner Edgar; Office of Commissioner Brisé; Office Of Commissioner Graham; Office of Commissioner Brown
Subject: Smart Meter Information Submission

Commissioners: It is my understanding that you are taking citizen comments on the Smart Meter issue until 10-12-12.

I have been involved with this issue in Charlotte County since February, 2012 and led the citizen effort in the county to get our commissioners to issue last June a Smart Meter OPT OUT resolution for FPL customers in the county.

I am attaching my comments on this issue for your review along with a position paper I and others have been distributing to FPL customers in the county.

The citizens of Florida fully expect that in the end we will be granted by the state the ability to OPT OUT from smart meter installation without financial penalty for the facts of the matter strongly support our anti Smart Meter position.

William Bigelow
Port Charlotte, FL

THE CASE AGAINST AN INSTALLATION OF A SMART METER ON YOUR RESIDENCE/BUSINESS

Florida Power and Light Company, Charlotte County's electrical utility, announced in April that it would commence in May 2012 the installation of Smart Meters on the home of every customer in Charlotte County. The public announcements by FPL include customer advisement that such installation is "mandatory" and FPL customers will have no ability to refuse installation.

FPL's announcement of "mandatory" installation has no basis in Federal or State law (including the Florida Public Service Commission) in this country. Smart Meters are covered in two federal laws, namely: (1) Energy Policy Act of 2005, which was the first law to address Smart Meters and its language states clearly that utilities are to "**offer**" the meters to their customers and install them "**upon the customer's request**"; and (2) Energy Independence and Security Act of 2007 ("EISA"), which expanded the 2005 legislation to emphasize modernization and security for the Nation's electricity transmission and distribution system, including development and deployment of real-time metering and "smart" devices. EISA outlines 10 objectives covering "smart" components, but nowhere in the law is "mandatory" deployment language shown.

FPL's response has been the anti Smart Meter faction is reading these laws incorrectly. Really? See following for the real reality. The Federal Energy Regulatory Commission ("FERC") was given the authority under EISA to adopt standards to assure functionality of the Smart Grid and its components. FERC has **never** introduced a "mandatory" standard for Smart Meter installation on utility customer property.

Under the above two laws, the Department of Energy is empowered to be the enacting agent of the laws and the source of any grants provided by the government to assist in the financing of the "Smart" system. **On February 1, 2011, the Department of Energy's press officer Thomas Welch responded to questions about whether the federal government has made the installation of wireless smart meters mandatory.** He wrote: "**No. The Federal government, including the DOE, does not have a role in regulating the installation of smart meters, nor does it have a policy about the mandatory adoption of smart meters.**"

So, if no federal or state laws mandate the installation of Smart Meters on utility customer property, where does FPL get its legal authority to mandate installation? FPL states the Florida Public Service Commissions "Tariff" has the effect of law. The FPSC tariff states "The duly authorized agents of the Company shall have safe access to the premises of the Customer at all reasonable hours for the purpose of installing, maintaining, and inspecting or removing the Company's property, reading meters, trimming trees within the Company's easements and rights of way, and other purposes incident to performance under or termination of the Company's agreement with the Customer, and in such performance shall not be liable for trespass." The many millions of people country-wide, who recognize the many dangers of Smart Meter operation, acknowledge any state PSC "property entry" Tariff is valid, but we contend such Tariff language is valid **only** for installation of equipment, which are certified by at least one of the 14 testing laboratories designated by OSHA as a Nationally Recognized Testing Laboratory (e.g. Underwriters Laboratories), that is equipment: (1) "certified" as safe and secure for consumer usage; and (2) not having major problem incidence associated with such equipment. Smart Meters have been mysteriously exempted from the consumer protection requirement of electrical certification and, as outlined below, there are so many problems related with Smart Meters that informed consumers **must** be given the ability to accept or refuse Smart Meter installation via their **written permission before any such installation occurs;** and then only after the utility has disclosed to the customer the many possible/documented problems associated with the use of Smart Meters.

For over two years, electric utility customers in nearly every state of the union have been battling “mandatory” installation of Smart Meters on their properties. In many states, citizens have been successful in convincing their legislators to pass customer “Op Out/Op In” legislation. So far, the legislation passed has primarily allowed a utility customer to refuse a Smart Meter, but the utility has been allowed to charge an up-front fee and a special monthly charge on the refusing customer’s monthly power billing. We feel such charges are illegal and many lawsuits are being filed against utilities across America, especially in California. However, on May 4, **the legislature of Vermont, which had a few days earlier passed Op Out legislation, amended the original bill to prohibit Vermont utilities from charging an up-front fee or any other future charge against customers choosing to refuse Smart Meters.** Obviously, this action by the Vermont legislature recognizes the illegality of such utility actions to punish dissenting customers financially.

Irrespective of the fact that mandatory installation is not required by government legislative law, why are utility customers additionally justified in refusing installation of Smart Meters on their property? Discussion on the many additional valid reasons follows:

Nine REASONS WHY UTILITY CUSTOMERS SHOULD HAVE ABILITY TO REFUSE A SMART METER

- 1. Individual privacy- this is a constitutional based country. Whatever legal information emanates from your property, you have the constitutional right to determine who besides you has a right to such information. The Florida Constitution also protects your right to privacy (Article 1, Section 12). Acceptance of the fraudulent FPL “smart meter” mandate will strip you of your constitutional privacy rights;**
- 2. There currently is no required underwriting certification of smart meters. With the continuing incidence of explosions and fires associated with smart meters, this certification should be mandatory and many municipalities across the country are now requiring certification. 55 municipalities in California have passed smart meter laws and 6 of these jurisdictions have made smart meter installation a “criminal offense”; the state of Connecticut is prohibiting installation of smart meters in their state until the many problems associated with such meters are resolved to their satisfaction, if ever;**
- 3. Higher utility bills are being experienced nationally although lower electrical bills have been promised by the utilities (incl. FPL). With smart meters in place in this community, you will then incur substantially higher utility bills via implementation of “time of use” pricing. Substantial bill increases have all ready occurred in many other states where the majority of utility customers have experienced SM installation;**
- 4. No federal or state law mandates installation. In fact, the federal government has issued publicly a written statement announcing smart meter installation is not mandatory;**

5. FPL says smart meter data is safe for such data is encrypted. Evidence is readily available showing criminal data transmission hacking is taking place and such pirated data can tell a criminal when nobody is at home;
6. Explosions/fires- bad installations have been admitted by several utilities. Consumer electrical watchdog groups report SM/house wiring incompatibility problems (www.emfsafetynetwork.org?page_10=1280). FPL has announced it will take no responsibility for any damage to your property caused by a SM. Additionally, reports show several property insurance companies have announced they will not cover SM related damage at the next policy renewal date;
7. Many health problems are being reported all over the country whereas utilities say they are health safe. Refuting that argument, American Academy of Environmental Medicine's "peer" reviewed study in April 2012 concluded—"significant harmful biological effects occur from non-thermal RF exposure"--- and they warn "immediate caution regarding SM installation advised due to potentially harmful RF exposure (see their cover letter below)". There are many other medical and scientific studies concluding there is danger from SM emissions and these can be found on the internet (see below for website to access some of those studies). Seniors, children and those with medical devices including pace makers are most susceptible;
8. AAEM also states federal government (FCC/FDA) tests to ascertain the health safety of SM's are inadequate and out-dated and do not provide the proper testing required for the government to make any statements on the "safety" of smart meters. FPL cites FCC pronouncements of SM health safety; and
9. Agenda 21 principles (if you know nothing about agenda 21, a Google investigation will produce thousands of hits plus see below for website addressing this issue) of creating high energy prices, mandatory conservation and elimination/substantial reduction of fossil fuel energy sources are in play with smart meters, smart grid, smart appliances and smart thermostats being the conduits for substantially higher future energy prices and forced conservation. On 2-14-12, the Charlotte County Commission repudiated any agenda 21 principles from being implemented in Charlotte County. FPL took a \$200m grant from Obama's Department of Energy to install smart meters in FL. All government grants have "strings" attached whereby the recipient agrees to abide by. Therefore, FPL became an agent of the Obama Administration when they accepted the grant. When smart meter/smart grid/smart appliances/smart thermostat technology is firmly in place, the governmental Agenda 21 advocates will be positioned to manage your electrical, water and natural gas usage remotely. Since all electrical appliances sold in the country beginning in 2013 must incorporate imbedded communication chips and smart meters have the capability of capturing electrical usage data from all such appliances,

government will then have the ability to advise you if your electrical usage is in excess of governmental set limits for each appliance. Your choice then will be either to purchase new “approved” appliances or to have the utility turn down the power going to any such appliance using more electricity than allowed. Same situation will exist on smart thermostats controlling air conditioning/heating units.

For more information on Smart Meters go to www.pgteaparty.org (click on United Nations tab and then the underlying Smart Meter tab. For information on Agenda 21, follow the same process and click on the Agenda 21 tabs.

In May 2012, FPL and I debated smart meters in front of the Charlotte County Commission. After the debate, the Commissioners approved a resolution whereby the Commission requested FPL to allow all electrical utility customers to Opt Out of a smart meter installation. FPL is ignoring this request and clandestinely is continues to install the meters without prior advisory to the customer.

If you have a Smart Meter installed and want it replaced, call 1-800-871-5711 and demand replacement with a meter, which does not emit RF frequencies nor has an electromechanical field associated with it.

If you do not have a Smart Meter yet installed and do not want one installed, call 941-639-1106 and ask to talk to a Smart Meter representative. You will be asked the reasons why you do not want a SM and FPL will attempt to talk you out of your decision. If you stand firm, FPL will then agree to put you on the back of their installation list, which should be the latter part of this year. The FL Public Service Commission is having a SM hearing in late September and many like-minded groups throughout the state will attend to demand PSC authorize an utility customer Opt Out for the entire state, like many other states have enacted for all utility customers. We intend to win this battle for the real reasons for such installation are deceptive and villainous and not in the best interests of the people of this country.

William G. Bigelow

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Commissioner: Page 5 and 6 represent the AAEM’s two page cover letter, which I am not attaching.