



Control Number: 40190



Item Number: 692

Addendum StartPage: 0

RECEIVED

40190

The 83rd Texas Legislature:

2013 FEB -5 AM 11: 27

I am writing because I am concerned about the excessive force used to install the smart meter network in our state. Are you aware that utility customers have been treated with utter contempt through malfeasant use of power and grossly misleading statements and reports? The recent report published by the Public Utility Commission of Texas (PUCT), *Health and RF EMF from Advanced Meters - Overview of Recent Investigations and Analyses*, is a recent example. I have reason to doubt the credibility of this report because it was prepared by a non-engineer and is a compilation of studies done by government agencies and utility industry research groups. Also, I see numerous and serious technical questions that have not been answered in this report.

I am particularly troubled that the utility companies are stating that the installation of the smart meter is mandatory. Making the installation of this Smart Meter Network mandatory, however, has no basis in federal or state law. The 2005 Energy Policy Act, the 2007 Energy Independence & Security Act (EISA), the Federal Energy Regulatory Commission (FERC) and the Department of Energy (DOE) have no language mandating this deployment. Indeed, DOE's press officer, Thomas Welch, stated that there is no policy about the mandatory adoption of Smart Meters. Nor does the Texas State Legislature have mandatory statutes for deploying a Smart Meter Network; therefore, I would like to know where the utility companies get their legal authority to make this network mandatory.

The Transmission and Distribution Utilities (TDUs) claim that the Tariff for Retail Delivery Service gives them the authority; however, this Tariff is reasonable only for maintenance and installation of equipment that is certified by a major testing laboratory ensuring safety, security, and attainment of certain quality controls. No such certification has been documented. Furthermore, this Tariff does not allow the TDUs to do *anything* they please on or to our property. Surely the Tariff has limits beyond which it must not go. I believe the TDUs, sanctioned by the PUCT with significant incentives, have breached these protective bounds of my private property rights.

When it comes to my inherent rights to my private property, the monopoly status of the TDUs is incompatible. By their very nature, monopolies do not easily co-exist with private property rights. The citizens of Texas granted monopoly status to the TDUs in this state for very specific business reasons, none of which gives them complete and unlimited dominion over my property. The excessive force they used (ignoring No Trespassing Signs and padlocked gates, using ladders and wire cutters) to install their Smart Meter Network device is illicit and outrageous.

Similarly, the PUCT is an unelected body with no legal authority over Texans' property and privacy rights. Clearly these rights have already been egregiously violated under their watch. Past observations reveal much about the PUCT's close relationship to the TDUs. One may rightfully question where their true allegiance is. Is it not heavily weighted toward the TDUs rather than the consumers? The limits of the PUCT's rule-making and regulatory authority should be reevaluated and clarified so that the consumers' rights are fully protected.

Among other grievances against the Smart Meter Network, the economic one is equally abominable. No cost/benefit analysis of the Smart Meter Network has been disclosed or reviewed by the public. Has one been done? We are aware of *promised, future* savings of cost and energy, but what evidence exists to uphold this claim? Has anyone quantified the amount of taxpayer money already spent to subsidize this network and the amount of money it will take to manage it? Think of the tremendous IT requirements to retrieve, store, secure, transmit, secure again, analyze, process and disseminate 3000 times more data points (per Oncor) and other usage information. Furthermore, the demand response and time of use rates

692

will certainly lead to higher consumer costs unless I simply **“turn off my electricity,”** as one **Oncor representative** said. He even said **“that we will have to change our behavior.”**

Suggesting that we turn off our electricity is repugnant and proposing that we pay a penalty for opting out of the Smart Meter Network is unacceptable and illogical. The cost of a meter reader, which is the “lowest paid on the totem pole” according to the one Oncor representative, doesn’t even come close to the high cost of operating this Smart Meter Network and its Home Energy Management System (HEMS). All of this expense will be incurred to manage a peak demand of 100 hours per year according to the Oncor representative. That is about four (4) days per year. The absurdity of it all raises more questions than answers.

In summary, many aspects must be considered: legal, constitutional, medical, financial, global, reliability and vulnerability. In this case, I believe the rule of law has not prevailed. I urge you to intervene and take Texas off this very “unsmart” path to disaster.

Thank you for your service to the great state of Texas.

Sincerely,

Ed. Davis
Davis TX