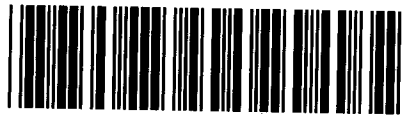




Control Number: 40199



Item Number: 256

Addendum StartPage: 0

PROJECT NO. 40199

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PUBLIC UTILITY COMMISSION  
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PETITION OF DEVVY KIDD, ET AL. §  
FOR INITIATION OF RULEMAKING §  
PROCEEDINGS REGARDING SMART §  
METERS AND ADVANCED §  
METERING INFRASTRUCTURE §  
PROGRAM §

BEFORE THE  
PUBLIC UTILITY COMMISSION  
OF TEXAS

COMMENTS OF AEP TEXAS CENTRAL COMPANY & AEP TEXAS NORTH COMPANY

TO THE HONORABLE PUBLIC UTILITY COMMISSION OF TEXAS:

AEP Texas Central Company and AEP Texas North Company (together, AEP Texas) have read the comments provided by CenterPoint Energy Houston Electric, LLC (CenterPoint Houston) and agree that this petition for rulemaking should be denied. CenterPoint Houston has fully articulated numerous bases for denying the petition. AEP Texas adopts CenterPoint Houston's comments and will not repeat those comments here.

AEP Texas submits that to the extent the petition seeks initiation of an opt-out provision, the merits of the petition need not be addressed in this proceeding because the Public Utility Commission of Texas (Commission) itself has already initiated a specific project to study the feasibility of an opt-out program.<sup>1</sup> Petitioners have the ability to fully participate in that project and the Commission should not, and is not required to, waste its resources and the resources of all interested parties through unnecessarily duplicative proceedings.

To the extent the petition seeks a permanent prohibition against advanced meters and their immediate removal, the petition seeks relief that is beyond the Commission's authority to grant because it is contrary to PURA §39.107(i), which provides:

...it is the intent of the legislature that net metering and advanced meter information networks be deployed as rapidly as possible to allow customers to better manage energy use and control costs, and to facilitate demand response initiatives.

The petition should be denied on that basis.

To the extent the petitioners are asking the Commission to adopt its own safety standards for digital meters and related technology, the relief they seek is preempted by federal law because the

<sup>1</sup> See Project 40190, *PUC Proceeding to Evaluate the Feasibility of Instituting a Smart Meter Opt-Out Program*.

256

FCC already comprehensively regulates the RF emissions from such devices. Again, the petition should be denied for seeking relief that is beyond the Commission's jurisdiction to grant.<sup>2</sup>

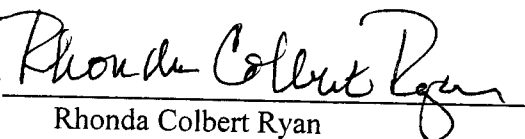
AEP Texas also concurs that the petition does not meet the requirements of PUC PROC. R. 22.281 by failing to include the complete text of the proposed rule and should be denied on that basis.

AEP Texas reiterates that there is no need to address the merits of the arguments contained in the petition at this point, because the petition should be denied as unnecessarily duplicative and because the Commission lacks jurisdiction to grant the relief requested. AEP Texas does, however, concur with CenterPoint Houston's comments in response to those arguments.

Dated: March 30, 2012

RESPECTFULLY SUBMITTED,

American Electric Power  
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By:   
Rhonda Colbert Ryan

ATTORNEY FOR  
AEP TEXAS CENTRAL COMPANY AND  
AEP TEXAS NORTH COMPANY

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<sup>2</sup> See, e.g., *Farina v. Nokia Inc.*, 625 F.3d 97, 134 (3d Cir. 2010).