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MAINE PUBLIC UTILITIES COMMISSION
AUGUSTA, MAINE

IN RE:)
) Docket No. 2011-262
CENTRAL MAINE POWER COMPANY)
) August 7, 2013
)
_____)

REQUEST FOR COMMISSION INVESTIGATION
(10-PERSON COMPLAINT) INTO SMART METERS
AND SMART METER OPT-OUT

PUBLIC WITNESS HEARING
Jewett Hall
University of Maine at Augusta
46 University Drive
Augusta, Maine

APPEARANCES:

- DAVID LITTELL, Maine Public Utilities Commission
- MARK VANNOY, Maine Public Utilities Commission
- JORDAN MCCOLMAN, Maine Public Utilities Commission
- HARRY LANPHEAR, Maine Public Utilities Commission
- LESLIE RABER, Maine Public Utilities Commission
- DONNA GIROUX, Resident of Kennebunk, Maine
- RAY GIROUX, Resident of Portland, Maine
- MARGUERITE LACHANCE, Resident of Springvale, Maine
- STUART COBB, Resident of Portland, Maine
- KRISTEN COBB, Resident of Portland, Maine
- WILMA COBB, Resident of Portland, Maine
- LOUIS CONNELLY, Resident of Falmouth, Maine
- JOYCE FLANAGAN, Resident of Solon, Maine
- KATE MACKAY, Resident of Georgetown, Maine
- NORM RENAUD, Resident of Lewiston, Maine
- BOB CURRAN, Resident of Manchester, Maine
- KRISTEN SALVATORE, Resident of Richmond, Maine
- MARY FOURNIER, Resident of Eliot, Maine
- DAVID FOURNIER, Resident of Eliot, Maine

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1 HEARING COMMENCED (August 7, 2013, 1:52 p.m.)

2 COMMISSIONER DAVID LITTELL: Good afternoon. I'm
3 Commissioner David Littell. With me is Commissioner Mark
4 Vannoy and Hearing Examiner, Jody McColman. We'll introduce
5 more -- we'll go around and I'll introduce the other staff when
6 we have more people here. What I wanted to note is we're going
7 on the record to note that we've been here since 1:30. We've
8 got ten people in the audience, at least half of them are
9 reporters, and we have no one who's signed up to testify. We
10 have a number of interested members of the public who want to
11 hear, but not signed up to testify. Someone who just came from
12 the south indicated that there is an accident on I95 on the way
13 up, so we will stay here. We advertised the times. We'll stay
14 and we'll open the hearing when we have people who are
15 interested in testifying, and that -- that is our status.

16 UNIDENTIFIED: I can't hear a word you're saying.

17 MR. LITTELL: You can't hear a word? Okay. I can
18 repeat it since it was short.

19 UNIDENTIFIED: Did -- did they turn off the speakers,
20 or is it just the -- the low sound here?

21 MR. LITTELL: Let me -- is this better?

22 UNIDENTIFIED: Yeah.

23 MR. LITTELL: Hi, Commissioner David Littell with the
24 Public Utilities Commission. With me is Commissioner Vannoy on
25 my left, your right, also with the Public Utilities Commission,

1 and Hearing Examiner Jody McColman's on my right. We don't
2 have anyone who signed up to testify yet. We've been here
3 since 1:30. We are going to continue to wait for people to
4 come and testify. We have some indication that there may be an
5 accident on the highway that could explain why some people
6 aren't here. If any members -- if anyone wants to testify, or
7 frankly, have a discussion on the record, we're happy to do
8 that now. If not -- so I'm pausing to see if any of you want
9 to do that. If you don't, we are -- we're going to wait for
10 people to come and testify, and that's our current status.

11 So are there any questions? I have -- when we have
12 people to testify, I'll have more to say to introduce the
13 matter, depending on -- what we'll do is go off the record and
14 continue to give our Reporter a break until we have people come
15 to testify.

16 Any questions from members of the public or anyone
17 else? Okay, we'll go off the record until we have people here
18 to testify. Thank you.

19 HEARING RECESSED (August 7, 2013, 1:56 p.m.)

20 HEARING RESUMED (August 7, 2013, 2:06 p.m.)

21 MR. LITTELL: Good afternoon. This is David Littell,
22 Commissioner with the Public Utilities Commission. With me is
23 Commissioner Mark Vannoy, on your right, my left, and at my
24 right and your left is Jody McColman, who is the Hearing
25 Examiner, along with Mitch Tannenbaum, who can't be with us

1 this afternoon. We also have Commission Staff, Harry Lanphear,
2 who is our Administrative Director at the Commission. He's
3 here to make sure everything runs right administratively. We'd
4 anticipated a larger crowd, so we're set up for a larger crowd.
5 Thank you, Harry. And Leslie Raber's in the back of the room,
6 who's also on this case. She's an attorney with the
7 Commission.

8 So by way of introduction, I want to thank you for
9 attending. We have a sign up list. I'll be calling you up. I
10 don't think there's any need at this point to limit the time
11 that you're testifying, so you can testify, assuming that we
12 don't have a rush of people, however long you want to. What I
13 want to -- I'm going to ask you if you're willing to be sworn.
14 If you're willing to be sworn, we can rely on your testimony as
15 evidence in the case. This is a formal adjudicatory
16 proceeding, which is why we need to swear you. It's why we
17 have a Court Reporter here to take down all of the testimony.
18 So I don't think it's necessary with the crowd at this point to
19 go through some of the other points. But it is a formal
20 hearing. The other points would be booing and clapping. It's
21 just not appropriate for this formal setting, but again, I
22 don't think that's going to be an issue, looking at the -- at
23 the audience.

24 Let's see, these other points would only be relevant
25 for a larger audience. When you get up, please -- we'll call

1 you up, but please state your name and the town you're from for
2 the record, so the Court Reporter can take that down. It would
3 be helpful to us if you focused your testimony on the health
4 impacts of -- of Smart meters. That's what we're primarily
5 focused on. I'm not going to limit you to testifying on issues
6 that are relevant to the immediate investigation, so if you
7 want to testify on other issues, at this point, I don't intend
8 to limit you, but it would be most helpful to us --

9 UNIDENTIFIED: Could we have more -- more volume?
10 Several people in the back absolutely cannot hear you at all.

11 MR. LITTELL: Thank you. I understand that you're
12 having trouble, so I'll hold this right next to my lips. So it
13 would be most helpful to us if you'd focus your testimony on --
14 on your personal experience, whatever your concerns are with
15 Smart meters with the health effects. We know there are other
16 issues, but the health effects are really what we're focused on
17 at this point. So with that, I'll turn to Commissioner Vannoy.
18 Have I forgotten anything? Any points you want to make?

19 COMMISSIONER VANNOY: All set.

20 MR. LITTELL: Jody? Okay. Can all those who are
21 intending to testify and willing to be sworn stand up? Raise
22 your right hand. Do you swear or affirm that your testimony is
23 wholly truthful?

24 MS. DONNA GIROUX: Yes.

25 MR. RAY GIROUX: Yes.

1 MS. MARGUERITE LACHANCE: Yes.

2 MR. LITTELL: Thank you. Okay. First up we have
3 Donna Giroux.

4 MS. GIROUX: Are all of these working? Just pick any
5 one?

6 MR. MCCOLMAN: Just speak -- speak into the -- speak
7 into the silver one.

8 MS. GIROUX: The silver one? Thank you. Okay. My
9 name is Donna Giroux, and I live in Kennebunk, Maine. And I'm
10 just going to read this verbatim, and I'm glad to know I've got
11 a little extra time. It's not too long, but --

12 MR. LITTELL: Yeah, and you can certainly submit it
13 afterwards --

14 MS. GIROUX: Okay.

15 MR. LITTLE: -- to us, as well.

16 MS. GIROUX: Wonderful. So I've come today to share
17 my personal experience with Smart meters and electromagnetic
18 sensitivity and to let you know that this condition definitely
19 does exist. People sometimes ask, how do you know your
20 symptoms are caused by wireless devices? People with
21 electromagnetic sensitivity know the source of their symptoms
22 in the same exact way that people with other environmental
23 illnesses come to know the triggers for their illnesses. For
24 example, when someone with a nut allergy repeatedly eats
25 peanuts and then becomes very sick afterward, they eventually

1 realize that their symptoms are caused by eating peanuts.
2 Physiological reactions to microwave signals varies greatly
3 from person to person and depends on the intensity of the
4 signal, proximity to the device, amount of time exposed, and
5 most importantly, the person's own biological makeup. The
6 resulting symptoms are not like a light switch. They do not
7 turn on and off like a light switch. So studies that attempt
8 to evaluate people's sensitivity based on an on/off model will
9 not be able to illuminate anything.

10 Twenty years ago, illnesses associated with
11 sensitivity to scents, perfumes, gluten, molds, and other
12 dietary and environmental toxins was widely unknown but are
13 widely recognized today. Because the rapid proliferation of
14 community-wide sources of RF devices is quite new, and is both
15 pervasive and invisible in nature, it's understandable that
16 most people are surprised and don't yet recognize its
17 connection to illness in a small segment of the population.

18 The first time that I purchased and used a cell phone
19 many years ago, I felt an intensely uncomfortable burning
20 sensation in the tissue of my ear, and it would linger after
21 turning off the phone. This strange burning sensation was so
22 unsettling that I chose to use that phone very little, and now
23 use a cell phone reserved for limited situations, always on
24 speaker phone, and only for short -- short durations.

25 Similarly, when I started using cordless phones, I had a

1 sensation of warming tissue in my ear, as well as a
2 disoriented, weak, and seasick feeling, so I eventually
3 discontinued using cordless phones.

4 It is an incorrect assumption that everyone wants and
5 chooses to use wireless devices. When the Smart meter network
6 was activated in my neighborhood and at my work place, 30
7 meters under my office, I became extremely ill and was forced
8 to change my life dramatically to avoid constant headaches,
9 facial burning, weakness, disorientation, and other cognitive
10 and neurological effects. I know several people firsthand
11 living in the Portland area who experienced previously-absent
12 symptoms, such as sleep disruption, ringing in the ears,
13 headaches, and weakness after the Smart meter network was
14 deployed. When their meters were removed from their homes,
15 their symptoms went away.

16 A small percentage of people all over the world, in
17 Europe, Canada, and elsewhere, are experiencing the exact same
18 set of symptoms from exposure to a variety of wireless devices.
19 It does not pass the straight-face test that people from all
20 over the world could somehow independently manufacture the same
21 limited set of symptoms in direct response to wireless devices.
22 A small percentage of children in schools are also experiencing
23 electrosensitive symptoms due to the proliferation of wireless
24 routers, wireless computers, and other devices within the
25 school. There are some excellent videos online where

1 independent testing has shown RF radiation levels in some
2 schools to be significant. A group of Catholic educators in
3 Canada are moving to replace wireless routers with wired
4 computer systems in their schools, and this has already been
5 done in some towns in France and the U.K.

6 Well-respected biomedical researchers have repeatedly
7 demonstrated that the current safety standard for nonionizing
8 RF radiation is far above the level that is known to affect a
9 wide variety of changes in human cells, such as altered immune
10 system function; displacement of calcium ions from the cell
11 walls, which, in effect, destabilizes the integrity of the cell
12 wall; induction of stress proteins; changes in thyroid
13 hormones; and other known effects. These are all at very, very
14 low levels.

15 So why are some people very sick while the vast
16 majority feel nothing? This should be a point of rational
17 curiosity and mutual concern, not an antagonistic debate.
18 Researchers in Germany showed that short periods of cell phone
19 use by people with mercury amalgam dental fillings
20 significantly increased levels of mercury in their blood.
21 Could it be that electrosensitive people have diminished
22 ability to excrete heavy metals, and therefore, are more
23 susceptible to biological effects from erratically pulsed
24 microwave signals? Shouldn't more of this type of independent
25 biological research be done before community-wide microwave

1 networks are deployed? Waiting and hoping to somehow be able
2 to correlate cancer clusters in the future is not a workable or
3 prudent path when the near-term biological effects on human
4 cells is right in front of us.

5 Up until 2011, I was easily able to exercise the
6 freedom of choice to not purchase or use wireless devices, and
7 I was in excellent health. People who are made ill by these
8 devices cannot necessarily make the choice to opt out of their
9 workplace, their social and community groups, or at the homes
10 of their friends and family who do not have noticeable
11 symptoms. An analogy would be if the food industry decided to
12 put peanuts in all the food items in all the grocery stores
13 everywhere, and all the restaurants, too. So only a small
14 handful of people would suffer, but their suffering would be
15 widespread and unavoidable.

16 Electrosensitive people are not anti-progress, nor do
17 they wish to take away other people's choice to use these or
18 other wireless devices. They simply wish to be safe and
19 healthy in their own homes and communities. It seems that
20 large-scale blanketing of communities with RF network signals
21 is not at all necessary in order to provide those citizens who
22 are interested with time-of-day real-time pricing information
23 and options. A Smart phone app could do that for people who
24 are interested.

25 Perhaps in the future new technologies will address

1 the known biological effects of these frequencies. In the U.K.
2 cordless phones made by Siemens Corporation are designed to
3 emit RF signals only when in use, versus sending a signal all
4 the time. I am happy that Mainers and CMP have had the good
5 sense to allow people to choose not to have these constantly-
6 signaling microwave relay devices on their homes. Forcing
7 people to pay for this does seem unfair, but for me,
8 personally, it's secondary. Money is money; it comes and it
9 definitely goes, but health is precious, and without health and
10 freedom of movement in the community, life is difficult.

11 As these networks increase and intensify, more and
12 more people will become sick and may not be able to discern the
13 source of their illness, since the presence of RF devices will
14 be increasingly pervasive. My medical doctor said that people
15 like me are just the tip of the iceberg of what's to come. So
16 sharing our experiences, our knowledge, and our concern for
17 each other will become increasingly important. Thank you.

18 MR. LITTELL: Questions? I do. I -- I have one
19 question, Ms. Giroux.

20 MS. GIROUX: Yes, please.

21 MR. LITTELL: Do you -- a lot of the testimony that
22 has been submitted to us talks about what you touched on
23 initially, was a sensitivity to cell phones --

24 MS. GIROUX: Uh-huh.

25 MR. LITTELL: -- that operate on a somewhat similar

1 wavelength, given -- a very similar wavelength, given the --
2 the broad range of the spectrum, but not too far off of Smart
3 meters and at a power level that is somewhat comparable. Do
4 you -- do you continue to have issues when you go into public
5 places where people have a lot of cell phones?

6 MS. GIROUX: Cell phones, I -- I can't -- it's so
7 hard to say because when you walk into a place --

8 MR. LITTELL: You don't know.

9 MS. GIROUX: -- you don't know what's there, really.

10 MR. LITTELL: You just have a --

11 MS. GIROUX: You don't know what's there. And one
12 thing I omitted because I was trying to trim this down -- now I
13 see I probably didn't have to, but it's not -- it's not clear
14 exactly. It's -- like I said, it's not an on/off. So you walk
15 into a room, there might be two wifi routers. There might be a
16 bank of meters you can't see. There might be 20 people with
17 their Smart phones. Maybe they're downloading movies. You
18 don't know what's happening really. And so, in -- in essence,
19 I end up just using my body as a tester. So once I start
20 feeling, you know, kind of the telltale stinging, burning of my
21 lymph here, headache, I know, okay, it's time for me to get out
22 of here. Eventually, I'll buy one of these fancy \$700 testers
23 and I'll be able to use a tester instead of my body. But in
24 terms of cell phones, I think that individually, you know, if
25 they're not actively looking for a signal, that they're not

1 really doing much. They're not emitting much. And I think
2 that is the thing about Smart meters, is that they're actively
3 -- they're actively sending for that signal often, so -- in the
4 24/7 and erratic, and also it's not equal. It's not equal
5 opportunity exposure with Smart meters because if you're close
6 to a collector device, there's going to be more activity in
7 that area of the network. So for -- for dense housing, or if
8 your house happens to be ill placed, in proximity to one of
9 these, there's going to be a lot more happening.

10 So that was really long-winded. I hope I answered
11 the question.

12 MR. LITTELL: Yeah. Thank you, you did. You know
13 your symptoms, is your answer.

14 MS. GIROUX: Okay. Thank you.

15 MR. LITTELL: Thank you. Okay. For those who just
16 came in, we'll give an introduction and allow time for others
17 to come in. There were -- there are a couple people who might
18 testify first, so we'll give them the opportunity in case they
19 want to go and then we'll do another introduction. Ray Giroux?

20 MR. GIROUX: My name is Ray Giroux, and I live in
21 Portland. They installed a Smart meter on my home in October
22 of '10, and I didn't realize right away that I was -- it was
23 bothering me. It took a few months, and after a while I
24 realized that every morning I would wake up and I'd have a
25 headache. And I'm very healthy. I -- in my life I've had very

1 few headaches. So when I woke up every single day with a
2 headache, I knew something was wrong. And eventually, about
3 six months later, a friend of mine suggested that maybe it was
4 the Smart meter that was doing this. So I called CMP, they
5 took the Smart meter out. Since then I haven't had the
6 headaches.

7 Also at that period of time, I -- my energy level was
8 very, very low. I would -- I have a woodstove. I would go,
9 bring in some firewood, and I'd -- I'd make one trip, and I'd
10 have to sit down. I was -- I was beat. I just had -- I had no
11 energy to go back and -- I'd have to sit down, take a -- take a
12 break, go back, get some more, and bring it in that way. Once
13 the Smart meter was taken off, my energy level returned. So --
14 so there's definitely something there that -- that affected me.

15 Also, I have neighbors who -- one neighbor, she's a -
16 - she's a nurse. They have a teenage daughter. The -- the
17 daughter was in -- into gymnastics and all these other
18 activities. And once they put the Smart meter on their home,
19 they had the same type of reaction that I did. She -- the --
20 the -- the daughter ended up not even being able to get out of
21 bed. And like I say, the mother was a nurse. She also had
22 symptoms. They went to all these doctors, and they could not
23 find any medical reason for them to -- to be like this. So
24 eventually, it took about a year before they had their -- their
25 Smart meter removed and the analog meter put back on, and today

1 they're both fine again.

2 I have a friend who lives in Old Orchard Beach. He
3 has a condo with about ten Smart meters on it. And he has had
4 headaches every single day, so much so that he can't go to work
5 half the time. He's been to a numerous amount of doctors.
6 Now, he told me the other day, that they want to do surgery,
7 brain surgery, and I think that's ridiculous, that -- that this
8 has to come to this point. I'm trying to encourage him to
9 move, but he's got this condo, and he -- he's not -- he doesn't
10 want to have to -- have to leave his home.

11 Let's see, that's -- that's about what I wanted to
12 say. Any questions, or --

13 MR. LITTELL: Any questions? Okay. I just -- sort
14 of the same question, do your symptoms exhibit themselves
15 anywhere else, or are they limited to Smart meters?

16 MR. GIROUX: No, it -- it isn't -- it isn't like
17 quick. I can't -- like -- like I can be in a -- in a building
18 for probably a -- a day and I don't think I'd notice it. But I
19 think it was the accumulation because, like I say, it -- it --
20 like when they put the Smart meter on, I didn't start getting
21 headaches that day or something. It took me a while to
22 realize, I'm waking up every day with a headache. Why is that?
23 So it's -- it was kind of slow coming, and just -- just the
24 same way when it left. I mean, I didn't -- the next day, I
25 didn't wake up and not have a headache. It -- it took me a

1 while before I realized, I don't have a headache this morning.
2 So it was a cumulative-type of thing.

3 MR. LITTELL: Okay, thank you.

4 MR. GIROUX: Okay? Good. Thank you.

5 MR. LITTELL: Okay. Ms. LaChance, do you want to go
6 or would you rather -- okay, one of the originals. I know with
7 Ms. LaChance is Representative Andrea Boland from Sanford, who
8 has been certainly a concerned legislature on these issues --

9 MS. LACHANCE: A big help.

10 MR. LITTELL: -- and other issues.

11 MS. LACHANCE: Okay. My name is Marguerite LaChance.
12 I'm from Springvale, Maine. And I would like to tell everyone
13 about the health problem I had with the so-called Smart meter
14 that was installed on my house.

15 In May of 2010, the meter was placed onto my house
16 without my authorization and no notice or warning of all the
17 health hazards. Around the same time, I remember that I
18 started feeling tired, getting dizzy, passing out, and was
19 having chest pain. I started getting weak and needed a cane to
20 walk around so I would not fall, but I fell many times. My
21 doctor started treating me for vertigo with no results. In
22 March of 2012, I passed out again and fell to the ground. I
23 was too weak and dizzy. The paramedic picked me up and brought
24 me to the hospital. I was in the ER for one day, transferred
25 to intensive care for one day, and then into a regular patient

1 care for one day. They did all the blood work, all the tests,
2 but found nothing wrong except my heart rate was low, but that
3 was attributed to the lack of oxygen. So on the third day they
4 sent me home with oxygen that I had to use 24/7. But that
5 didn't do any help, neither, because I kept having chest pains
6 and they were getting worse, and no one knew why I was having
7 those pains. I was in and out of the doctor's office, as well
8 as the hospital, having test after test and endless blood work.
9 They could not find anything wrong.

10 And at this point, the pain was going from my neck to
11 my left arm. Then my doctor did some very intrusive tests and
12 found no answers to my pains. They suggested that I see my
13 cardiologist. They ran more tests, more blood work, and they
14 came to the same answer: Nothing wrong, can't find anything.
15 I felt like I was dying, but no one had any idea why. I had no
16 life left in me, headache, chest pain, weak, couldn't breathe,
17 needed oxygen all day long. Even living, my life was in agony.
18 I really thought it was over for me.

19 At this point, my son, Robert, started doing research
20 on the internet and discovered that other people were having
21 the same health problem. Robert printed many articles for me
22 to read that were written by professionals and doctors around
23 the world. These articles are telling people about the problem
24 other people are having with the Smart meter. My son called
25 CMP and told them to come and remove the meter after he told

1 them that I had a pacemaker. And if you will look it up on the
2 internet, you will find people with pacemakers should not have
3 a Smart meter on their house. Well, Central Maine did tell me
4 -- I'll go back for a minute. After Robert called Central
5 Maine, two hours later there was somebody knocking at my door
6 to remove that meter. I don't know if you people or anybody's
7 familiar with Central Maine, but Central Maine, they require a
8 24-hour notice before they go to your house, and if you're
9 lucky, it will be 24 hours. It may be two or three days. In
10 my case, they were there in two hours after they found out I
11 had a pacemaker. They did remove it at the cost of \$40, even
12 though they took it free in the first place. They also said we
13 had to pay an extra \$12 a month. I understand approximately
14 half the State of Maine do not have Smart meters yet. They're
15 not paying that extra \$12.

16 I am happy to say that three days after the meter was
17 off my house, I stopped having chest pains. Within a week I
18 didn't need my oxygen any longer. My energy started coming
19 back to me. I was walking without a cane. About a month
20 later, I started sleeping at night, no more headaches, no more
21 chest pains, no more dizziness, and no more passing out. My
22 life is pleasurable again. I am truly enjoying my life, and I
23 thank the Lord.

24 I called Central Maine several times and spoke to
25 different people about the issue I experienced. No one cared.

1 You still got to pay that \$12 just for opting out of the meter.
2 But I would rather pay that \$12 to Central Maine and have my
3 healthy life back again.

4 And also, my computer is on the same wall, against
5 the same wall, that my -- that the Smart meter was on, and I
6 was also having problems with my computer. My computer would
7 fade in and out. It would jump from one page to another, and
8 the computer would completely shut off by itself. But after
9 the meter was removed, I never had any of those problems.

10 Thank you for listening.

11 MR. LITTELL: Thank you, Ms. LaChance. Two
12 questions, if I could. One, is your computer -- does it use
13 wireless? In other words, you said you had computer
14 interference --

15 MS. LACHANCE: Yeah.

16 MR. LITTELL: -- issues.

17 MS. LACHANCE: Yeah.

18 MR. LITTELL: Is it -- does it use wireless?

19 MS. LACHANCE: No.

20 MR. LITTELL: Okay. And that's it. Did your
21 symptoms go away when the Smart meter was removed?

22 MS. LACHANCE: Within two weeks it was gone. I was
23 not dizzy anymore. I was able to walk. I was able to do house
24 work. I was able -- slowly, I was able to get back into my
25 normal routine.

1 MR. LITTELL: Great. Any other questions? Thank
2 you.

3 MS. LACHANCE: Thank you.

4 MR. LITTELL: Okay. I'll give the introduction again
5 because we've had a number of folks join us, three of whom are
6 set to testify. I'm David Littell, Commissioner with the Maine
7 Public Utilities Commission. With me is Commissioner Mark
8 Vannoy on my left and Hearing Examiner, Jody McColman on my
9 right. We have other Commission Staff here signing folks in
10 and ensuring that the hearing goes correctly. If you're
11 willing to be sworn, we can rely on your testimony as formal
12 evidence in the record. You're certainly willing to give it if
13 you're not willing to be sworn, but then we can't rely on it.
14 This is a formal adjudicatory proceeding. That's why we have a
15 Court Reporter with us, and that's why what you say is being
16 recorded here. So if you're willing to be sworn, I'll ask you
17 to stand up in a second and be sworn.

18 I think with that, that's -- that's enough of an
19 introduction. And we -- we understand there's an accident to
20 the south of us, so people are dribbling in, which is
21 absolutely fine. We're also not limiting people's time.

22 The only other thing I'd add is that we're really
23 focused on the health effects. That's what the first three
24 witnesses testified on. We're not going to strictly limit you
25 to that, but that's what this proceeding's about, so it is

1 helpful to us if you could focus on those issues.

2 So with that, could those three witnesses, Mr. Cobb,
3 Mr. Cobb, and Ms. Cobb, if you're willing to stand up and be
4 sworn to testify? Do you swear that the testimony you're about
5 to give is wholly truthful?

6 MR. STUART COBB: Yes.

7 MS. KRISTEN COBB: Yes.

8 MS. WILMA COBB: Yes.

9 MR. LITTELL: Thank you. Okay. The first one up is
10 Stuart Cobb. Oh, I'm sorry, and if you could restate your name
11 and the town or city that you're from, for the record.

12 MR. COBB: My name is Stuart Cobb from Portland,
13 Maine.

14 MR. LITTELL: Okay.

15 MR. COBB: And I'm recovering -- right now I'm a
16 brain cancer survivor. I had surgery in 2010. And a lot of my
17 doctors and scientific people I've met have contributed my
18 brain tumor to heavy cell phone use. And because I've become
19 more -- so aware of wireless devices, we choose not to have
20 wireless in our house. We actually had our whole house hard
21 wired for internet. We don't use any cordless phones, no cell
22 phones. And I just think it's ludicrous that we have to pay
23 extra to keep this wireless device off our -- it's a man's
24 castle, their home. I just don't think it's right.

25 I'd just like to make this quote. This is -- unless

1 someone like you folks care a whole awful lot, nothing is going
2 to get better. It's not -- that's a quote from Dr. Seuss from
3 a children's movie. I just thought it was kind of neat. Thank
4 you.

5 MR. LITTELL: Thank you. Any questions? Okay.
6 Thank you, Mr. Cobb. We are going to try to increase the
7 volume on the speakers so that those can hear, especially for
8 folks who are soft spoken, and ask you to try to project, since
9 we're recording everything and the Court Reporter needs to hear
10 you. Jo, are people speaking slowly enough? You'll see us
11 looking over towards her because if you really get going, as a
12 few of you did, it's hard for her to take down the testimony.
13 She'll let us know. Okay. Kristen Cobb?

14 MS. KRISTEN COBB: Hi, there. My name is Kristen
15 Cobb. I live in Portland, Maine. I'm sorry, I didn't bring
16 any written testimony.

17 MR. LITTELL: That's fine.

18 MS. KRISTEN COBB: I'm just here to tell you what I
19 know. 2010, my husband, you just -- who came up here, was
20 diagnosed with a brain tumor. His doctor was questioning his
21 cell phone use. He wanted to know how much he used his cell
22 phone, which side, and from there, I knew he was on to
23 something from all these cell phone questions. When we went
24 home, we did some research, and we learned of Representative
25 Boland and how she's tried to get warning labels on cell

1 phones.

2 I don't think a lot of people are paying attention to
3 this cell phone issue. Maybe you don't know anyone affected
4 right now, but let me just tell you, we have worked very hard.
5 We've testified three -- Andrea Boland has done her bill three
6 times, and we've helped two times in Augusta, to -- to help
7 advocate for these warning labels on cell phones.

8 What I can tell you is that there's a lot of people
9 in multiple states, and even in other countries, in their 20's
10 and 30's getting diagnosed. And it's very important to
11 remember what the World Health Organization said about
12 radiofrequency radiation. It is a Class 2B carcinogen. And
13 you -- you folks really need to start paying attention. I
14 think it was really bad timing on CMP's part to do wireless
15 Smart meters, given the timing of this and the studies that do
16 show harm.

17 I know there are a lot of his doctors right now that
18 want to say something. There is secretaries, there's nurses,
19 there's M.D.'s, and they're afraid of their position because
20 they don't want to point any fingers on why they are seeing
21 such an increase. These doctors are seeing an increase, and
22 they're too afraid to say something. There was actually a
23 doctor that was going to testify for Representative Boland. At
24 the last minute, he called her and said he -- he couldn't do
25 it. You can't help but wonder if the hospitals have -- are

1 playing a role because, actually, I did ask one of his
2 physicians to speak during a news -- we were having a news
3 station come out to our house, and he said he had to get
4 permission from the hospital. And he said he -- he would do
5 it, but the hospital said, no.

6 Another thing I wanted to -- to mention, we actually
7 -- when we had some internet problems -- this is not health,
8 but -- my husband was telling someone that came out from
9 FairPoint about his condition, and he goes, I totally believe
10 you because the problems that I'm seeing with internet, when I
11 go to -- it's usually homes and apartments that have multiple
12 Smart meters on it. He said, that's where we're seeing -- why
13 these internet connections aren't working. So, I mean, even --
14 I mean, people are connecting the dots, and you know, there's a
15 lot of interferences. And just for the fact that it's a
16 microwave-emitting device, we should not have to pay extra
17 money to keep a safe home.

18 I'm sure you guys are well aware of the Interphone
19 study. You have heard of that? It's thirteen countries that
20 did show an effect. But what Sanjay Gupta, the CNN Medical
21 Correspondent, pointed out that the -- the headline of the
22 Interphone Study, there was no or little evidence to show an
23 association, he goes, though if you went to the appendix of the
24 study, which interestingly was only available online, you would
25 find something unsettling. The data showed that people who

1 used a cell phone for ten years or more doubled their risk of
2 developing a glioma, a type of brain tumor.

3 There was a study from the Cleveland Clinic, Agarwal,
4 it showed that it affected sperm. I'm sure you guys have heard
5 of that study, as well. I mean, there's -- I have, actually,
6 in my car a box full of stuff I've collected in the past three
7 years, and I thought it would be an embarrassment if I brought
8 it. I mean, that's how much stuff I've collected. I have so
9 much data, that it's -- it's unreal. And I just -- I think you
10 guys -- you need to not pay people to keep people safe. Okay.

11 MR. LITTELL: Thank you. Any comment, any questions?
12 You're welcome to submit anything you want for the record.

13 MS. KRISTEN COBB: Okay.

14 MR. LITTELL: We have had volumes of studies
15 submitted to us, some very good studies. The interveners
16 submitted a number of them. So I can't say for sure that we
17 have everything that is in your box, but you're welcome to
18 submit those, if you want to submit them for the record.

19 MS. KRISTEN COBB: Okay. All right. Thank you.

20 MR. LITTELL: Thank you. Okay. And next up is Wilma
21 -- Oh, I'm sorry, it's Wilma Cobb. I thought that was William
22 Cobb. Ms. Cobb?

23 MS. WILMA COBB: Good afternoon. My name is Wilma
24 Cobb, and I reside in Portland. My concern about the
25 installation of the Smart meter at my home is the health effect

1 it has on my grandson. Since the removal of the cancerous
2 brain tumor, he's experiencing headaches whenever he visits
3 homes where this device has been placed.

4 I also object to the extra charge of \$12 on my
5 monthly CMP bill. Why should I be punished for being a caring
6 grandmother? CMP should provide the customers with a choice.
7 Thank you.

8 MR. LITTELL: Thank you. Questions? Thank you, Ms.
9 Cobb. Is there anyone else who's come who wishes to testify
10 right now? Okay.

11 MR. LOUIS CONNELLY: I do.

12 MR. LITTELL: Okay. We have a Mr. Connelly?

13 MR. CONNELLY: Yes.

14 MR. LITTELL: Okay. Mr. Connelly, are you -- I gave
15 an -- I'll give the same version of an introduction. Two
16 Commissioners, David Littell and Mark Vannoy up here, and a
17 Hearing Examiner, Jody McColman. If you're willing to be
18 sworn, we can rely on your evidence -- your testimony as
19 evidence in the case. If not, you're -- you're certainly
20 welcome to testify, but we can't rely on it in a formal way.
21 We have a Court Reporter taking down all your testimony, so
22 it's helpful if you speak clearly into the mic. And I see you
23 raising your right hand, so you've answered the question. The
24 last thing is to the extent you can focus on health effects,
25 that would be helpful to us. So if you can rise and raise your

1 right hand? Do you swear that the testimony that you're about
2 to present is wholly truthful?

3 MR. CONNELLY: I do.

4 MR. LITTELL: Thank you.

5 MR. CONNELLY: My name is Louis Connelly. I am from
6 Falmouth, Maine. The reason -- the reason why I come here
7 today is very simple. Mr. Kenneth, technically his name is
8 Kenneth Farber, mentioned the major opt out, several factors
9 leading to his decisions, including I've not tracked usage to
10 see if we should keep -- excuse me -- I have not tracked to see
11 if you are keeping track of the reasons for each customer's
12 request, but generally people want to opt out because of
13 perceived health effects, privacy, operational safety, or
14 feature use reasons.

15 However, there is a problem here. There's something
16 called operational safety. The case in point, since both smoke
17 detectors and carbon monoxide detectors in Maine under Fire
18 Code law have to be installed in homes and multi-family,
19 businesses, and many structures. However, in particular, the
20 carbon monoxide detector must be installed and powered by your
21 house through your outlet or your AC outlet. Section seven of
22 this law states noninterference, a person may not knowingly
23 interfere with or make inoperable any carbon monoxide detector
24 required by this section except for that of the owner of the
25 agent -- of the agent of the building, or the agent of the

1 building may temporarily disconnect the smoke detector in the
2 dwelling unit or the common area only for the construction or
3 rehabilitation activities, as such activities will likely
4 activate the carbon monoxide detector or make it -- or make it
5 inactive. The carbon monoxide detector must be immediately
6 connected at the cessation of construction or rehabilitation
7 each day, regardless of the intent to return to construction or
8 rehabilitation activities on succeeding days.

9 I submit to you all my evidence comes from the
10 original docket, 2010-345, 2010-389. These are sources of
11 information directly from CMP itself and submitted to you.
12 However, CMP submitted that in -- in their long-term -- in the
13 long-term goals for the Smart meter, it says, NERC, N E R C,
14 CIP 002 009 will be used to support the interference needed for
15 the demand response activities, as well as proposed 100 percent
16 deployment for meters, and the ANSI standards comply to each
17 (inaudible) provisions, as well as emergent disconnect, demand
18 response, demand response with disconnect end point
19 applications. End point applications can be smoke and carbon
20 monoxide detectors.

21 Furthermore, Maine PUC, they submitted as ODR 01-18,
22 meters with hard -- meters with hard-wired telephone
23 communications could provide half the PUC-required
24 capabilities, excluding capabilities such as ability to query
25 meters in real time, remotely disconnect and disconnect

1 service, proactively and reactively pull the meter scope
2 charges, or (inaudible) and appliance control devices. That's
3 the problem. We have a meter that's in direct violation of the
4 Maine State Fire Code law. The only person who can disable the
5 device, a wired carbon monoxide or smoke detector, in a
6 building is the agent, the owner, or the agent of the owner,
7 nobody else, no one, and the Smart meter can disable that. In
8 fact, there was a -- in fact, the fed grant specifies in order
9 for CMP to take the money -- the reason why this is linked to
10 health is this: Carbon monoxide is a deadly gas, and it will
11 kill you. In fact, a lot of people have stoves and equipment
12 in their houses. There's boilers, which are powered by
13 electricity. Carbon monoxide will hurt, and it is a health
14 factor that people of Maine, particularly people with stoves
15 and boilers.

16 Second, the fed grant specifies in their money, to
17 keep the money, and for the money -- to keep -- okay. The fed
18 grant, to get their -- to keep money for the Smart meter
19 program, they must have certifications. This includes
20 distributed energy technology, D1 -- D.1.2.1, load distribution
21 based on (inaudible) conditions, fraction of load served by
22 interruptable load, utility-directed load control and
23 incentive-based consumer-directed load control. That is a
24 problem. At no point should a utility direct our load control
25 voluntarily, at no point. That's why -- that's why this law

1 was passed, so that people would know when they plug in their
2 carbon monoxide detectors, it won't be disabled remotely
3 without them knowing. What about the elderly who may forget
4 and leave a stove on, or a boiler might turn off? This is a
5 big if here. What about somebody leaving their iron on, or any
6 device in your house that you rely on, a space heater, for
7 example? An elderly woman, an elderly man in a house, a space
8 heater, the demand response kicks in, it turns off. They think
9 it's off. They put it underneath their covers somewhere, put a
10 cover on it, they come back, do shopping, it turns on, their
11 house burns down. Or the carbon monoxide detector could be
12 disabled. There are so many possibilities here.

13 And if Smart meters can do dynamic load-based control
14 on end point applications, in particular -- keep in mind --
15 this is their attitude. They use the case Brown vs. City of
16 Huntsville in 2004. And this is how they feel about us, the
17 consumers. They say in this court case, there are conditions
18 precedent to the obligation of a public utility to serve any
19 particular applicant for service. The applicant must submit to
20 such reasonable conditions as the utility sees fit. Yeah, as
21 the utility sees fit. As the utility sees fit to disable our
22 appliances and not tell us, especially critical safety devices
23 which are mandated by law, which cannot be interrupted by
24 anybody else but the owner or the agent of the owner? A direct
25 violation, a class C -- this is this law. If I was to

1 theoretically go throughout Portland, start ripping off carbon
2 monoxide detectors and smoke detectors off people's walls and
3 ceilings, I would be charged with a Class C crime, a felony,
4 yet CMP goes ahead and does the exact same thing, by selling
5 devices that can do the exact same thing, and they're getting
6 away with it. And that's what I don't understand. It's just
7 unfair to me, that this company can get away with installing
8 devices that can cause harm to people in their own homes,
9 relying on safety devices for fire protection and smoke
10 protection, from carbon monoxide, as well as irons, stoves,
11 space heaters. And CMP is like, well, we'll disable it because
12 a Smart meter can disable it. They have to disable it because
13 the fed grant -- the fed grant mandates that they have to have
14 the ability to disable devices remotely through demand
15 response.

16 MR. LITTELL: Are you assuming that -- I'm trying to
17 understand your -- your concern. Are you assuming that people
18 are involuntarily going to be entered into a demand response-
19 type program, that CMP is going to do this without someone
20 electing that type of service?

21 MR. CONNELLY: It's not really a service. You see,
22 the federal grant, in order for CMP to keep money from the fed
23 grant, they must show that the meter can do certain things.
24 And in the fed grant, in particular -- excuse me, I was --
25 okay. Okay. The fed grant -- the fed grant has a certain

1 requirement that the meter has to do certain things. They must
2 do certain things or else they can't get the funding for it,
3 and they're basically putting a device that can disable devices
4 remotely. And more importantly, they -- actually, they put --
5 Laney Brown on February 14th, 2011, submitted a paper called
6 "The Smart Grid 2010" and this is to show that the Smart grid
7 was expanding, Smart grid's AMI Smart meter expanding in the
8 United States. However, it also --

9 MR. LITTELL: Let me just -- if I might, we'll --
10 we'll look into that issue. My understanding that -- Staff
11 could correct me on -- or Commissioner Vannoy -- is that to
12 enable the type of capacity you're talking about, additional
13 devices would have to be purchased for use in the house to
14 communicate with a Smart meter, but we'll -- we'll -- we'll
15 look into that concern. I just -- do you have direct testimony
16 on the health effects issue?

17 MR. CONNELLY: I believe that carbon monoxide and
18 fire is a direct health effect because I, personally, use a
19 woodstove in my house because of the high cost of oil. And I'm
20 not sure exactly how many people in Maine use woodstoves and
21 wood boilers, but I want to -- I would really, really, really
22 be concerned if I had something on my house that could disable
23 my carbon monoxide detector and not tell me, and that's why I
24 came here today. I don't want that device on my house. In
25 fact, I've already opted out and I don't have one, so I don't

1 have to worry about that. And it just seems odd to me that you
2 have a -- that analog meters, which we have to pay extra for
3 each month, are fully legal under the law of the land in Maine,
4 yet we have a device, which is technically illegal, and they
5 don't have to. And that -- that hypocrisy is -- also bothers
6 me. And -- and that is why. And the -- sorry. I'm sorry.
7 And the concept is this. CMP's idea of see fit to impose
8 bothers me. It's the attitude. They -- they see fit to impose
9 -- as a utility sees fit to impose does not necessarily compute
10 with operational dysfunction. The Smart meters are basically
11 operational dysfunction against Maine Fire Code laws,
12 particularly noninterference Fire Code laws, because I don't
13 want my devices being disabled, which I rely on to keep the
14 house safe because I don't want to end up dying in my sleep
15 because my -- because there's demand response activity on my
16 meter, which is mandated to meet AMD Home Area Network, and --
17 the HAN they call it, because the HAN allows you to see devices
18 in your house and what you need to control them. And what the
19 utility has the ability to do is to remotely disable
20 appliances. You can, and so can the utility because it maps
21 all the -- all -- all the end point applications, primarily,
22 i.e., your devices, your stuff.

23 So the question is, who controls your stuff? Do you
24 control your toaster, or does CMP control your toaster? More
25 importantly, who controls my carbon monoxide detector? And I

1 honestly want it to be me, not CMP.

2 MR. LITTELL: Okay. Thank you, Mr. Connelly. Any
3 questions?

4 MR. VANNOY: No, no.

5 MR. LITTELL: Okay. Thank you.

6 MR. MCCOLMAN: That's it.

7 MR. LITTELL: Okay, that's it for the -- the people
8 who have signed up at this point. Do we have anyone else?
9 What we're going to do, on the assumption that others will be
10 coming, is we're going to recess the public witness hearing now
11 and we'll reconvene in 15 minutes or more, depending on who
12 comes through the door. And we will -- I understand there are
13 two people here who are going to testify in the second session,
14 which is fine, at 5:00 o'clock. Any questions? Any further
15 comments before we break? Okay, we'll recess the public
16 witness hearing. Thank you.

17 HEARING RECESSED (August 7, 2013, 2:59 p.m.)

18 HEARING RESUMED (August 7, 2013, 5:04 p.m.)

19 MR. LITTELL: Good evening. We're going to get
20 going, if you want to take your seats. I'm Commissioner David
21 Littell. To my left, your right, is Commissioner Mark Vannoy,
22 both Commissioners on the Public Utilities Commission. And to
23 my right, your left, is Jody McColman, who is an Examiner in
24 this case. We also -- you've seen all of our Staff. We have a
25 Court Reporter, who is going to dutifully take down what those

1 of you who testify say. In the back of the room, we have
2 Leslie Raber, who's an attorney with the Commission, and Harry
3 Lanphear, who is our Administrator, who set everything up so
4 that it runs correctly today and is here to fix any problems as
5 they occur.

6 Thank you for joining us tonight. This is a formal
7 proceeding, as part of our examination of the health effects of
8 the AMI meters, the Smart meters. There are 23 parties that
9 are formally parties in the adjudication. This public witness
10 hearing is for members of the public to come in and tell us
11 your concerns, your personal testimony or other testimony on
12 these meters, and any views that you might have. Given the
13 number of people who have signed up to testify, I don't think
14 any time limit is appropriate. My assumption is that we're
15 going to have some additional people coming in as they get off
16 of work, but I wanted to start this to give those of you who
17 are going to testify the opportunity to come up and testify now
18 or -- or wait. We will wait until 7:00 because we noticed this
19 at least until 7:00, so we're here for the interim. But if
20 some of you want to present your testimony now, you can do
21 that. It would be most helpful to us if you focused on the
22 health effects because that's what we're focused on, but I'm
23 not going to limit you the way we limit an attorney to -- to
24 relevant testimony. And as long as your length stays within
25 reasonable limits, we won't limit the length, either. There's

1 no need to do that.

2 So again -- did the two folks who just came in, do
3 you intend to testify?

4 MS. DIANNE WILKINS: No, thank you.

5 MR. LITTELL: Okay. If you do testify and you're
6 willing to be sworn, we can rely on your testimony as evidence
7 in the case. You can testify without swearing that it's wholly
8 truthful, but if you don't, we can't rely on it as evidence.
9 So I'd suggest if you're willing, that you let us swear you in
10 when we get to the end of this. Do you have a question, or did
11 -- no, you just want to be sworn?

12 MR. NORM RENAUD: No, I will -- I will swear.

13 MR. LITTELL: Okay. With that, I think that handles
14 all the introductions. Again, thank you for joining us.
15 Commissioner Vannoy, do you have anything to add?

16 MR. VANNOY: Nothing now.

17 MR. LITTELL: Jody? Okay. With that, would everyone
18 who signed up to testify who's willing to be sworn stand up?

19 MR. MCCOLMAN: One, two, three, four, that's
20 everybody.

21 MR. LITTELL: Do you affirm that the testimony that
22 you're about to present is wholly truthful?

23 MR. RENAUD: I do.

24 MS. JOYCE FLANAGAN: I do.

25 MR. BOB CURRAN: I do.

1 MS. KATE MACKAY: I do.

2 MR. LITTELL: I -- yeah, you're very soft spoken. I
3 didn't hear you in the back. You do? Okay. And you do,
4 ma'am? Thank you. Okay. The first -- the first one to
5 testify is Joyce Flanagan.

6 MR. MCCOLMAN: And Ms. Flanagan, when you get up
7 there, the silver-tipped microphone is the one you want to
8 speak into.

9 MS. FLANAGAN: Okay. I have disabilities, and I have
10 been recommended from first, from the start when we were asked
11 to opt out and spoke with three -- a few of my physicians,
12 because I had many, and three of them recommended for me not to
13 -- to have the Smart meter installed, and I did not, and also
14 all three of those physicians do not have Smart meters
15 installed. I don't even own a -- I don't have a computer in my
16 home. I don't have a cell phone. So I stay away from as much
17 emissions as possible. I mean, I had other things that I was
18 going to state, but they have not -- they're not just strictly
19 to the --

20 MR. LITTELL: Thank you. You can -- we've got time -
21 -

22 MS. FLANAGAN: -- the physical aspects of it.

23 MR. LITTELL: -- and we're willing to listen.

24 MS. FLANAGAN: Well, you know, I'm pretty upset that
25 -- that Central Maine Power is allowed to force us -- that's

1 how I feel, because I was on the phone for two months being
2 given the run around from Central Maine Power, to the PUC, to
3 different -- to installation people, you name it, and I have a
4 neighbor that was -- witnessed all my frustrations, and I had
5 to pass the fight onto him because I couldn't even emotionally
6 deal with it anymore. They got me so upset with threats. So
7 I'm paying an extra \$12 a month, plus the original \$40 fee that
8 they made -- they charged me for not even changing anything,
9 and they're still running around reading everyone's meter. You
10 know, I just -- I think it's such a disuse of power to the
11 Maine people, without even having this approved, on so many
12 levels, with even our -- the taxpayers involved, from them
13 being funded by the federal government for the changes, to
14 their -- upgraded for better service, and they still want more
15 from us. And I -- I -- you know, I think it's -- it's pretty
16 harmful all the way around, and it hasn't helped my health any,
17 just the emotional sense of it, never mind putting the meter on
18 my home, which is still my old original meter. I've lived
19 there for 23 years, a consistent paying customer. I don't
20 think I've even missed a bill, and I just feel totally offended
21 by them and by the PUC.

22 MR. LITTELL: You say they're still -- still running
23 around and checking other people's meters?

24 MS. FLANAGAN: They're reading -- the Smart meter
25 program isn't even on -- online.

1 MR. LITTELL: Okay, I -- I see what you mean.

2 MS. FLANAGAN: I mean, and now they've finally gotten
3 smart and doing -- going back to an estimated system every
4 other month, which they used to do years ago, that I recall, to
5 save money. I just -- so they're not totally online yet, even
6 for people -- I have neighbors that have Smart meters and
7 they're coming to read their meters. So why have I been paying
8 for service that I don't -- that isn't even necessary, when
9 other people are still being -- you know.

10 MR. LITTELL: I see what you mean.

11 MS. FLANAGAN: Yeah. You know what I'm saying?

12 MR. LITTELL: Okay.

13 MS. FLANAGAN: Thank you. Do you have any questions?

14 MR. LITTELL: Any other questions?

15 MR. VANNOY: Uh-uh.

16 MR. LITTELL: Okay. Thank you very much. Okay. The
17 next person to testify is Kate -- the next person to testify is
18 Kate MacKay.

19 MS. MACKAY: Hi. My name is Kate MacKay, and I live
20 in Georgetown, Maine. I'm a customer of CMP, and I have
21 elected to opt out, so I do not have a Smart meter in my home.
22 I believe it would be harmful to my health. For this reason
23 I'm testifying today. I'm in hopes that this process will help
24 you to understand the dangers of this technology. I value my
25 eyes, and I value the eyes of my friends and family.

1 With my oral testimony, I'm also submitting a written
2 copy of my oral testimony given under oath today, along with
3 full copies of the following peer-reviewed, published,
4 scientific studies showing adverse biological effects on eyes
5 from exposure to nonthermal, nonionizing radiofrequency
6 radiation, like the kind from Smart meters. And I ask that
7 these be admitted into the evidence record for the Public
8 Utilities Commission docket 2011-00262. I have looked at the
9 case evidence for this docket, and the studies I am submitting
10 today were not included in CMP or the Complainants' expert
11 testimony.

12 For the record of this hearing, I would like to list
13 the author, year, and name of publication for each of the
14 studies that I'm submitting today.

15 Akar, 2013, International Journal of Radiation
16 Biology

17 Amer, 2013, Journal of Biology and Life Science

18 Balci, 2007, Journal of Current Eye Research

19 Bormusov, 2008, The Open Ophthalmology Journal

20 Dovrat, 2005, Journal of Bioelectromagnetics

21 Carpenter RL, 1979, US National Institute of Health

22 Yao, 2004, Journal of Molecular Vision

23 Ye, 2001, Chinese Medical Journal (English Edition)

24 and Ye, 2002, Chinese Medical Journal (English Edition)

25 In addition -- do I give these to you?

1 MR. LITTELL: Yes, if you'd like to offer them.

2 MS. MACKAY: Thank you.

3 MR. LITTELL: Thank you.

4 MS. MACKAY: I'd just like to say that I've opted --
5 I'm not paying the \$12 fee because I think it's highway ransom,
6 and I'm not going to pay it to keep myself safe. Furthermore,
7 as long as we're in this discovery process, I think the power
8 company's out of line demanding it, and they have been very
9 rude and harassing of me. I have gotten numerous notices that
10 they're going to disconnect me. I've gotten numerous harassing
11 phone calls. They told me that they hired out the bookkeeping
12 so that they don't get -- every single time I mail a check, I
13 write down, this is for service -- whatever the categories are,
14 delivery and the actual electricity, and they say they lost
15 them. It -- it took me three months to get them to stop
16 harassing me, and I just think that's completely out of line,
17 while this is all still in court and undecided. And I cannot
18 understand how you can ever approve that these are safe because
19 they're not.

20 Thank you very much for this opportunity.

21 MR. LITTELL: Thank you. Did you get the -- the
22 names and titles of these articles sufficiently?

23 MR. KENNETH FARBER: No, I didn't.

24 MR. LITTELL: Do you want to look at them and see if
25 there's an objection to admitting them? Ms. MacKay, I'll just

1 comment that we don't -- we -- we never encourage anyone not to
2 pay their electricity bills. If it's a fairly straight-forward
3 case of you not paying just that amount, but it -- it -- it
4 oftentimes never is. And we certainly -- one of the worst
5 things that we have to deal with is customers who don't pay
6 their bills, and ultimately, the company wants to disconnect.
7 So if -- if we were to decide that the opt-out fee is
8 inappropriate, there'd be a -- there -- if we were to decide
9 that, there would be a refund mechanism. But -- so that -- I
10 didn't want to neglect to mention that.

11 MS. MACKAY: I'm saving the company money by not
12 paying the bill.

13 MR. LITTELL: Okay. All right. Okay. The next
14 person to testify is Norm Redmond.

15 MR. RENAUD: Renaud. I don't think I'll need a
16 microphone, but my name is Norm Renaud, and my wife is sitting
17 back there, Sue Renaud. We're from Lewiston. And I'm a
18 customer of CMP and have elected to opt out, with payment of a
19 monthly fee to avoid having a wireless Smart meter installed in
20 my home. With my sworn oral testimony given under oath today,
21 I'm submitting a written copy of this testimony, along with
22 full copies of peer-reviewed, published, scientific studies
23 showing adverse neurological effects from exposure to
24 nonthermal, nonionizing radiofrequency radiation like the kind
25 from Smart meters and ask that these be admitted into the

1 evidence record for docket 2011-00262. I've looked at the case
2 evidence for this docket, and the studies I'm submitting today
3 were not included in CMP's or the Complainants' expert
4 testimony.

5 For the record for this hearing, I'm going to read
6 the list of authors and year of publication.

7 Ahuja, 2013, Autism

8 Calabro, 2012

9 Ezz, 2013

10 Fragopoulou, 2012

11 Kane, 2004, Autism

12 Kaprana, 2008, Review of CNS Effects

13 Kesari, 2013

14 Liu YX, 2012

15 Maganioti, 2010

16 Nassar, 2009

17 Noor, 2011

18 Papageorgious, 2011

19 Persson, 2012

20 Sirav, 2011

21 Thornton, 2006, Autism

22 Trosic, 2011

23 Zhao L, 2012

24 Zhou JX, 2013

25 And I'll give this to the Commission here in a

1 minute.

2 But, now, on a more personal level, our first
3 exposure, our first experience with Smart meters was back in
4 the winter of 2010-2011 in Green Valley, Arizona. My wife and
5 I retired and decided to spend a few months in Arizona. My
6 daughter lives in Tucson. Unbeknownst to us, when we first
7 moved into the rental home in Green Valley, there was a Smart
8 meter. Within a couple of days, my wife and I started
9 developing symptoms, flu-like symptoms, nausea, dizziness,
10 cognitive disabilities, mild as they were, and had no idea what
11 it was. It just so happens that the greater Tucson area has
12 several utilities in play, and some areas of the city did not
13 have Smart meters. So my wife, Sue, said, I don't feel well in
14 this home, I'm going to stay with a friend of ours out in --
15 further north. The symptoms went away. My symptoms didn't go
16 away. I stayed there.

17 My daughter developed some serious symptoms. To this
18 day, she can't live anywhere near a Smart meter in Tucson,
19 Arizona, still suffering from the same symptoms when she visits
20 friends in Tucson.

21 Again, to repeat the symptoms, flu-like symptoms,
22 dizziness, nausea, cognitive impairments, and so on.

23 We'll never forget when we came back from Tucson, the
24 second week of December, 2011, when the public utility
25 contractors installed Smart meters. Obviously, at that point

1 we knew about Smart meters and chose to opt out of Smart
2 meters, and talked two or three neighbors of ours to do the
3 same, and we provided the money, which we can't afford, but we
4 can only afford to opt out three of our neighbors. We still
5 have three of our neighbors with Smart meters. I will never
6 forget two weeks into December of that year, when the
7 contractor started going live in our neighborhood with Smart
8 meters. Sue and I sat at our dining room table, starting to
9 play Scrabble, when those same symptoms started to kick in,
10 flu-like symptoms, dizziness, nausea, cognitive impairments,
11 and so on. Both said, we don't have to worry, we don't have a
12 Smart meter. The neighbor there doesn't have a Smart meter,
13 across the street doesn't have a Smart meter, but there is one
14 there, 60 feet away, over here 60 feet away. Suffer from the
15 same effects, was consistent from that point on, and we were
16 told, after calling CMP -- and, of course, we experienced the
17 same problems -- we found out that they were calibrating their
18 meters, so the -- the -- the dosages would go up and down, up
19 and down.

20 Now, this is two years ago, and Sue is still
21 suffering from the same flu-like symptoms. And anecdotal as it
22 might appear, and, I guess, after reading and keeping up with
23 the national and global testimony on the harmful effects of
24 Smart meters, there are hundreds, thousands, maybe even
25 millions of anecdotal testimony, and maybe it's time to change

1 the term from anecdotal to maybe some scientific evidence that
2 shows that Smart meters are not good for anyone.

3 Now, granted, \$12 a month might not be a lot of money
4 to a lot of people, but it certainly is to us. You multiply
5 that times three times, and we will be willing to pay that for
6 -- and I can imagine the effects of those other opted-out
7 people if Smart meters were installed on their homes.

8 My daughter still communicates with us on a daily
9 basis, still suffers from those problems down there in Tucson.
10 So it's real to us. It's real to us.

11 I'm open to questions if you guys have any.

12 MR. LITTELL: Sir, now are you -- I asked a couple of
13 the other speakers, but some of them offered initially that
14 they had the same symptoms around cell phones or wifi, and you
15 haven't touched on that.

16 MR. RENAUD: Well, we have a -- we have a cell phone,
17 obviously. We choose not to use it to our ear. We have no
18 wireless devices in our home whatsoever. We don't allow them.
19 We barely use even the microwave. We've chosen not to have
20 certain tests done, radiological tests, for example, in
21 hospitals. You know, we -- we have a choice. We have a
22 choice. We don't have to expose ourselves to anything outside
23 of the home, but we don't have any choice when it comes to
24 those Smart meters transmitting information next door to us, 60
25 feet away or a hundred feet away. You know, they still go

1 through our homes. You know, the fact that we don't have one
2 does -- does not prevent us from reacting to Smart meter
3 transmission. You know, clearly -- clearly -- you know -- you
4 know, this clearly -- to us, this is real. This is real. This
5 is not an alleged illness. It's not an assumed illness, or
6 it's not -- we're not crazy.

7 MR. LITTELL: Yeah. And don't -- I realize as I hear
8 you answering that, it could be perceived as a question about
9 the realness of your symptoms. It isn't. I'm asking those
10 questions because -- and I don't know where we'll go, but one
11 way to deal with this might be to differentiate between the
12 impacts of the symptoms and -- and the -- with the measures
13 that people have taken to remove the sources of RF from --

14 MR. RENAUD: Well --

15 MR. LITTELL: -- from their environment.

16 MR. RENAUD: -- we would -- we would rather see no
17 Smart meters at all. If we were not upside down on our -- on
18 our home, we would have sold it a long time ago and moved
19 somewhere where there are no Smart meters.

20 And we wrote a letter to Sara Burns, CMP CEO. We've
21 got documentation from our physicians attesting to the fact
22 that these are real -- certainly real symptoms as a result of
23 Smart meters, and it's well documented. We've sent it to the
24 PUC in other forms, all affidavits. I mean, now, clearly this
25 is real here, and -- and in the -- in the last few months,

1 we've certainly seen the publicity on the -- the utility, the
2 public utility, stating that, well, maybe we made a mistake two
3 or three years ago when we installed these Smart meters. We --
4 there's a glitch in our software, or we miscalculated the cost
5 effectiveness of these Smart meters, and now we want a hundred
6 million bucks over the next ten years by -- paid by the
7 ratepayers because we made a mistake. So it was the good of
8 the masses back then. We have to do this for the good of
9 everybody, even though a hundred million dollars of that
10 installation fee was paid by us, the taxpayers. So now they
11 say, well, there was a mistake made back then, so we need some
12 extra money by ratepayers to offset the cost of -- of Smart
13 meter installation. You know -- you know, as -- as -- as you
14 guys sitting there and listening to the utility tell you this,
15 you must think in your head, wait a minute here. How can --
16 how can this powerful, well-staffed utility make those kinds of
17 mistakes? Well, you know, I hope you guys will sit there and
18 make those kinds of wise decisions that -- in support of the
19 ratepayers out there.

20 We prefer no Smart meters. My wife is sick, very
21 sick, as a result of Smart meters. If we were able to leave
22 Maine and go somewhere there weren't any, we would. It's that
23 simple. We can't, not right now, in any event.

24 MR. LITTELL: Okay. Okay. Thank you.

25 MR. RENAUD: Thank you.

1 MR. LITTELL: When you offer exhibits, we have to
2 show them to the other party and ask if they object, and if
3 they do, then we rule on it. If they don't, they go right in.
4 So we'll go through that process, show them to Central Maine
5 Power. Okay, the next witness is Bob Curran. And you were
6 sworn, Mr. Curran, correct?

7 MR. CURRAN: Yes, I was.

8 MR. LITTELL: Yes. Okay.

9 MR. CURRAN: I'm Bob Curran, Manchester, Maine. When
10 I saw the ad in the paper, it certainly caught my attention,
11 and it says it may be harming you. That's the crucial question
12 facing the citizens of the State of Maine that deal with
13 Central Maine Power. Is it harming us or is it not? We
14 definitely need a resolve that is credible, that says this is
15 or this is not. We need to bring some closure to this, or it's
16 going to haunt the citizens and Central Maine Power for all the
17 years down the road. Now, there must be capable, analytical
18 people, medical, that can tell whether we are being harmed by
19 these meters because right now we get both sides of the story,
20 and that only creates a bigger problem for the citizens, and
21 I'm sure for Central Maine Power.

22 So when I look down at the biological effects, those
23 are major issues. Some of them have been addressed this
24 evening. And, of course, on the other -- privacy, that's
25 another issue. But what is happening with Smart meters? Are

1 they harmful? If they are, let's pull them out; if they're
2 not, let's keep them. But let's bring some resolve. Any
3 questions?

4 MR. LITTELL: No questions?

5 MR. MCCOLMAN: No questions.

6 MR. CURRAN: Okay, thank you.

7 MR. LITTELL: Thank you, Mr. Curran. We have one new
8 name up here, who came in since I introduced what was going on,
9 Kristen Salvatore, so I'll just tell you what -- how we're
10 doing this. It's a -- this is a formal proceeding. You can be
11 sworn, if you're -- if you swear to the truth of your
12 testimony, then we can rely on what you say as -- as formal
13 evidence in the case. So are you willing to be sworn? You can
14 testify either way.

15 MS. KRISTEN SALVATORE: Yes.

16 MR. LITTELL: Okay. Come on up. The other thing
17 I'll say is we're focused on the health effects here, so to the
18 extent you can focus on the health effects, that's helpful, but
19 you can testify to anything that you'd like up there. But I
20 just don't want to give you the impression, if you go outside
21 that, that that's something that we are less likely to address,
22 perhaps. So with that, can you raise your right hand? Do you
23 swear that the testimony you're about to present is wholly
24 truthful?

25 MS. SALVATORE: I do.

1 MR. LITTELL: Thank you. Proceed.

2 MS. SALVATORE: My name is Kristen Salvatore,
3 residing in Richmond, Maine. I'm a customer of CMP, and have
4 elected to opt out of having a Smart meter because I'm
5 concerned about the well-documented adverse health effects,
6 issues, associated with Smart meters.

7 COURT REPORTER: Ma'am, can you slow down a little
8 bit?

9 MS. SALVATORE: Oh, sorry.

10 MR. LITTELL: Yeah.

11 MR. VANNOY: And -- and the --

12 MS. SALVATORE: Would you like me to start again?

13 COURT REPORTER: No, that's fine.

14 MR. VANNOY: -- the folks -- the folks in the back
15 are having a hard time hearing you.

16 MR. LITTELL: Yeah, if you could get closer. I take
17 this one out and hold it here, so I had the same problem.

18 MS. SALVATORE: Okay.

19 MR. LITTELL: The closer you are, the better you'll
20 get picked up.

21 MR. HARRY LANPHEAR: I just want to see if it's still
22 working. Oh, yeah, it's still working. Go ahead.

23 MS. SALVATORE: I am withholding the opt-out -- opt-
24 out fee until this -- until this issue is resolved. With my
25 sworn oral testimony given under oath today, I'm also

1 submitting a written copy of my -- of this testimony, along
2 with full copies of the following peer-reviewed, published,
3 scientific studies showing adverse biological effects on sperm
4 and reproduction from exposure to nonthermal, nonionizing
5 radiofrequency radiation like the kind from Smart meters, and
6 ask that these be admitted into the evidence record for the PUC
7 docket 2011-00262. I'm -- the studies I'm submitting today
8 were not included in CMP's or the Complainants' expert
9 testimony.

10 For the record of this hearing, I would like to list
11 the -- the author, year, and name of publication for each of
12 the studies that I am submitting today.

13 Aitken, 2013, The International Journal of
14 Developmental Biology

15 Al-Damegh, 2012, Clinics Journal

16 Bhat, 2013, Journal of Computer Engineering and
17 Intelligent Systems

18 Chavdoula, 2010, Journal of Mutation Research

19 Falzone, 2011, International Journal of Andrology

20 Gutschi, 2011, Journal of Andrology

21 Kesari, 2010, Indian Journal of Experimental Biology

22 Kesari, 2011, Journal of Applied Biochemistry and
23 Biotechnology (different than other in evidence)

24 Hamada, 2011, The Open Reproductive Science Journal

25 Meo, 2011, Journal of College of Physicians and

1 Surgeons, Pakistan

2 Nisbet, 2012, Journal of Research in Science

3 Saygin, 2011, Journal of Toxicology and Industrial

4 Health

5 Wang, 2008, Journal of Biomedical and Environmental

6 Sciences

7 Wang, 2010, Journal of Toxicology

8 And that's it. And I would like to say that my
9 husband spoke with CMP when we -- when they wanted to put the
10 meter in and discussed with them the -- the reason for charging
11 so much money each month not to have a meter, and one of the
12 reasons that they gave was that they have to send somebody
13 around to read the meter. And so he asked that we -- if we
14 could read our own meter, and they said, yes. And so they sent
15 us cards, and we've been reading our own meter for the last,
16 well, at least a year, so that they wouldn't have to send out a
17 truck to -- to read the meter.

18 MR. LITTELL: But they're still charging you under
19 that arrangement the opt-out fee monthly?

20 MS. SALVATORE: Yeah, but we have been reading our
21 own meter each month, and -- and submitting it. And it's --
22 there's -- it's not a difficult thing to do. Anybody can do
23 it. They simply give you a card, you look at the meter, and
24 draw the arrows to the numbers that are on the meter, that's
25 it.

1 MR. LITTELL: Okay, thank you. I wasn't aware that
2 they were allowing customers to do that. That's helpful to
3 know. Anything else? Okay. Again, I -- I note as I did for a
4 prior person, we don't encourage anyone not to pay. It's your
5 decision not to -- whether to do that or not, but we don't like
6 to see cases come up to us of CMP looking to disconnect
7 customers who don't pay, so not to suggest that you'll end up
8 there, but those are -- that's not a good posture to be in. So
9 as I said to the prior person, if we were to decide the opt-out
10 fee was inappropriate, there would be a refund mechanism --

11 MS. SALVATORE: Right.

12 MR. LITTELL: -- just to let you know.

13 MS. SALVATORE: Yeah.

14 MR. LITTELL: But if not, then you'd have to pay, and
15 you may have to pay with some back -- back interest. So we'll
16 see -- we'll see what we decide there. Okay.

17 MS. SALVATORE: I'm just curious, why -- if this is
18 an issue under discussion, why would there be back interest? I
19 -- I mean, if it hasn't been decided whether it's really safe
20 to have these Smart meters, why should we be -- until it's
21 resolved, why should -- shouldn't that be --

22 MR. LITTELL: Since -- no, that's a good question.
23 If you hadn't spent time around the Public Utility Commission,
24 the answer might not be apparent, but since we may never have
25 the opportunity to directly answer you in this type of context,

1 I'll sort of back up. The Commission originally approved the
2 Smart meter program without any opt outs. So the history was
3 the first wave of complaints that we received, we adjudicated
4 those and decided -- and I wasn't on the Commission for the
5 original approval, but I was for the first wave of complaints.
6 We adjudicated those and decided that we would order an opt-out
7 option, which the company opposed at the time. But the company
8 has the right, under public utility law, for whatever we order
9 them to do, to recover their cost. Unless we find that they
10 were imprudent, that they made an imprudent decision, they have
11 the right to recovery.

12 So the issue became, for that additional program, who
13 pays. Would all ratepayers pay? And our decision at that time
14 was that it was appropriate to ask those that are opting out to
15 pay. But, obviously, we're -- that's connected to the health
16 issue, so your testimony on that, and the other testimony, is
17 fair because if we were to conclude that there was a health
18 impact, that -- that decision might be modified, if we were to
19 do that. So it's a fair point. But that's -- that's sort of
20 the history.

21 So if we were to decide that we weren't going to
22 require the opt out -- I'm going to address the issue that was
23 raised by Mr. Renaud in a second of the other proceeding, but -
24 - and we decided that the opt outs didn't have to pay, then
25 they would have the right to recover that against any

1 ratepayer. So it's not an issue of, you know, whether the
2 company is paid or not. They have the right to recover that
3 money, assuming there's no imprudence.

4 Mr. Renaud referred to the management audit that
5 we've all been -- because we did have questions reviewing the
6 cost and benefit figures that we received from the company, and
7 there are just -- there are questions at this point, but there
8 were substantial enough questions that we've opened a
9 management audit for whether those figures and calculations
10 were correct, and that's -- that's where any decision of any
11 imprudence or prudence would be made.

12 So I hope I haven't confused you, but that's the long
13 answer to your question.

14 MS. SALVATORE: I guess I'm also confused. When
15 Congress first approved this Smart meter program, it was an
16 opt-in program. And how is it that now we have to opt out and
17 pay when it was initially an opt-in program?

18 MR. LITTELL: Yeah, I'm not sure. To my knowledge,
19 that's not -- when -- when the money in the grant that was
20 provided to CMP was applied for, it was not structured as an
21 opt-in program. You might be referring to some prior decision,
22 but the -- the program, as originally envisioned, applied --
23 and applied to for federal funding and approved by the
24 Commission was a uniform program for everyone to opt in. And,
25 obviously, you know, the concerns weren't raised in that

1 original proceeding or they would have been directly addressed
2 in that original proceeding, but they have been addressed in
3 the complaints that we've received since then, which is why
4 we're looking at them in this kind of post hoc manner.

5 MS. SALVATORE: Okay.

6 MR. LITTELL: So they're good issues. Thank you for
7 raising them for us. We'll take a look at this. And thank you
8 for testifying. Do you have anything else?

9 MS. SAVLATORE: No. Thank you very much.

10 MR. LITTELL: Okay. Thank you. Okay. My Hearing
11 Examiner tells me that he doesn't think CMP is going to be able
12 to review all of these studies tonight, so we'll give them to
13 you and you can tell us if you have objection. And if you do,
14 we simply have to decide whether we're going to admit them or
15 not; if you -- if they don't have objections, they'll go in.
16 And I'll leave that to the Hearing Examiners to work out
17 afterwards. We will -- well, let's talk about that at the
18 break because these folks aren't parties, so we can't go back
19 to them, so --

20 MR. MCCOLMAN: Right.

21 MR. LITTELL: -- and that may not be satisfactory.
22 I'll talk to the Hearing Examiner about that at the break.

23 Before we go to the break, is there anyone else who
24 wishes to testify? We will -- we'll recess, but we -- we'll be
25 here. Okay. I don't see any hands going up, so we'll call a

1 recess and we'll work out that procedural issue. And we will
2 be here at least until 7:00, on the assumption that others may
3 be coming off of work, coming in to testify, and we were
4 prepared to stay well beyond 7:00, but that may or may not be
5 necessary at this point. Okay. Thank you. We are in recess.

6 HEARING RECESSED (August 7, 2013, 5:41 p.m.)

7 HEARING RESUMED (August 7, 2013, 6:04 p.m.)

8 MR. LITTELL: Okay, we're back on the record for a
9 second. I'm just going to ask if there's anyone else who wants
10 to testify? Any conversation? Okay, it's 6:05 by my clock.
11 We'll go off the record and we'll continue to wait for -- see
12 if additional people want to testify.

13 HEARING RECESSED (August 7, 2013, 6:05 p.m.)

14 HEARING RESUMED (August 7, 2013, 6:47 p.m.)

15 MR. LITTELL: Okay, this is Commissioner Littell.
16 We're back on the record. We're at about ten of 7:00. We're
17 going to stay here until 7:00 in case anyone comes, or a little
18 bit afterwards, but you'll see folks starting to move
19 nonessential stuff out. I just went back on the record to ask
20 if anyone is aware of anyone -- anyone who's here is aware of
21 anyone who might be coming? Okay. So we'll certainly stay
22 here until 7:00 or afterwards, in case anyone comes or is a
23 little bit late, but we're -- you'll see folks starting to --
24 to move things out, given -- given that we have a lack of
25 people to testify at the moment. And we'll go back on the

1 record, if that's necessary; if not, thank you for coming and
2 attending tonight.

3 HEARING RECESSED (August 7, 2013, 6:48 p.m.)

4 HEARING RESUMED (August 7, 2013, 7:02 p.m.)

5 MR. LITTELL: We're on the record.

6 MR. LANPHEAR: She can't hear very well, so --

7 MR. LITTELL: Yeah, I -- I know. Mary Fournier has
8 entered the room.

9 MS. MARY FOURNIER: Hi, David.

10 MR. LITTELL: Hi.

11 MS. FOURNIER: How are you today?

12 MR. LITTELL: I'm -- I'm very well, thank you.

13 MS. FOURNIER: Good.

14 MR. LITTELL: I went on the record because I saw you
15 here. I saw --

16 MS. FOURNIER: Right.

17 MR. LITTELL: -- you signing in to testify.

18 MS. FOURNIER: You want me up front because -- I
19 don't have very -- excuse me, Jo, what?

20 COURT REPORTER: You have to be at a mic if you're
21 going to speak.

22 MR. LITTELL: Yeah.

23 MS. FOURNIER: Oh, if I'm going to speak? Is that
24 what you're saying? Because I have tinnitus?

25 MR. LITTELL: You can't -- I'll speak up --

1 MS. FOURNIER: Okay.

2 MR. LITTELL: -- because I know you have a hearing
3 issue. This is -- this is a public hearing, as I said,
4 introducing --

5 MS. FOURNIER: Right.

6 MR. LITTELL: -- the matter for public witnesses who
7 are not parties to the case. And my understanding is that both
8 of you are parties to the case; is that right?

9 MR. DAVID FOURNIER: Yes, that's right.

10 MS. FOURNIER: We have testified at every single
11 case, public witness hearing that has been held.

12 COURT REPORTER: She has to be at a mic.

13 MR. LITTELL: Yeah, why don't you come -- we can't
14 pick this up, so --

15 MS. FOURNIER: So -- yeah, I'll go up first. Do you
16 want to go first? I'll go first.

17 MR. LITTELL: Not to testify, to deal with this
18 issue.

19 MS. FOURNIER: Are you Jody?

20 MR. MCCOLMAN: Uh-huh.

21 MS. FOURNIER: Oh, hi, Jody. I'm Mary.

22 MR. MCCOLMAN: Hi, Mary.

23 MS. FOURNIER: I've not seen you in person yet.

24 MR. MCCOLMAN: Hello.

25 MS. FOURNIER: Nice to see you. Hi, Mark, how are
BROWN & MEYERS
1-800-785-7505

1 you?

2 MR. LITTELL: Ms. Fournier, we -- this is a public
3 witness hearing for parties that are not --

4 MS. FOURNIER: Yeah.

5 MR. LITTELL: -- parties -- I should say, members of
6 the public who are not parties to the case. It's not for
7 parties to the -- to the case --

8 MR. FOURNIER: Not for parties to the case?

9 MR. LITTELL: -- who have a full opportunity to make
10 their case, which you've taken full advantage of, and you will
11 continue to be able to do so.

12 MS. FOURNIER: Has there been -- I'm sorry. Has
13 there been any -- which one's hooked up, this one? Can you
14 hear me, Jo? Okay.

15 COURT REPORTER: Talk to both, though.

16 MS. FOURNIER: Both of them? Is this yours for your
17 transcribing? David and I have each been parties to other
18 cases at the Commission. Initially, my first filing in a ten-
19 person complaint case was on November 16th, I believe, when it
20 was received by the Commission on docket #2007-591. And we
21 have always testified as parties to cases at the Commission at
22 all public witness hearings that we were notified of, including
23 on the MPRP case. There was only one that we were not notified
24 of, and we did not testify at that one, but we testified at all
25 the other public witness hearings. So my understanding is that

1 -- and I did listen to the deliberations when you all
2 deliberated on the issue. And my understanding is -- is that
3 even though we happen to be parties to the case because it
4 affects our legal rights, we are also citizens of this state.
5 I happen to be a ratepayer, but it's open to the public, has
6 always been in my experience. So they have been doing that --
7 we are almost six and -- almost six years as legal parties to
8 cases at the Maine Public Utilities Commission, and there have
9 been other parties to other cases, and we have been -- in fact,
10 I have some of it on disc because one of the cases, they
11 actually made a DVD when they put it on the local television.
12 So, you know, I have -- my understanding of the public witness
13 hearings is that's how it's done, and that's how it has been
14 done, David, ever since, as I said, on November -- I'm quite
15 sure it was November 16th when my first filing was received by
16 the Commission. I had sent it by certified return receipt
17 mail, hand printed, and it was dated November 14th, but it was
18 received and entered on the docket as a legal filing on
19 November 16th of 2007.

20 So for all that time, on various cases that do affect
21 our legal rights, not because we think it's fun because it
22 isn't, it's a lot of work, but both myself and my husband have
23 each been interveners on various cases at the Commission and
24 testified at all the public witness hearings, other than the
25 one we weren't notified of.

1 MR. LITTELL: I understand your view that it affects
2 your rights. That's why we granted you full intervener status.
3 I didn't sit on the MPRP case you're referring to, so I don't
4 have that history, but we've been very clear in this case that
5 the public witness hearings -- and we've -- we've ruled and all
6 the parties to the case, a very clear ruling, that -- the
7 interveners, that this -- this public witness hearing is for
8 members of the public. It's not for parties that have,
9 frankly, a greater standing, full parties to the case, who've
10 been able to participate in every proceeding, and will be able
11 to participate in the public hearing when it's rescheduled,
12 when Mr. Friedman recovers. At this point, to allow you to
13 testify simply wouldn't be fair to the other parties, who we've
14 been very clear with wouldn't be allowed to testify and this
15 wasn't for them. So it would -- it would not be -- it would be
16 not appropriate for us to change the rules for you that we've
17 clearly announced, enunciated, sent you in Orders, and
18 described in our prior deliberations, which I feel badly about
19 because you drove all the way up here.

20 MS. FOURNIER: I'm sorry, I didn't hear that last
21 part, David.

22 MR. LITTELL: I said, we -- we -- we simply can't
23 change the rules that we've set in Procedural Orders in this
24 case and been very clear with all the parties, to allow you to
25 testify. That -- that wouldn't be fair to the other parties

1 and it would be procedurally inappropriate.

2 MS. FOURNIER: Is that a new -- well, it would have
3 to be in a rule or regulation, I would assume, or in statute,
4 for it to actually be official.

5 MR. LITTELL: Yes, we -- we cited our -- the
6 definition in -- in the Order that we cited, the definition of
7 public witness hearing --

8 MS. FOURNIER: Uh-huh.

9 MR. LITTELL: -- and what it's referred to. So it's
10 enforcing our existing rules.

11 MS. FOURNIER: That's in the 2011-262 case on Smart
12 meters. Well, okay. So Ed Friedman and some of the
13 interveners are separately represented by an attorney, and --
14 Attorney McGlaufflin, and so I do not have all of the documents
15 yet, but I'm working on it. As far as being able to access the
16 website, cannot do that. I just got a packet today in the mail
17 from CMP, and I appreciate that, paper filings. I've got some
18 of the stuff, but I have to go back and check all the records.
19 And then I had an operation and was unable to even get up,
20 really, and open up the website. But at some point during May,
21 I was unable to access any of the filings on the PUC cases at
22 all, and I made a number of attempts to try to get those.
23 However -- so what I'm saying is I'm not sure that I have the
24 Procedural Order that you're referring to.

25 MR. LITTELL: Yeah.

1 MR. MCCOLMAN: You --

2 MS. FOURNIER: Do you know the date?

3 MR. MCCOLMAN: -- you do, Mary, I -- I emailed it to
4 you.

5 MS. FOURNIER: I'm sorry?

6 MR. MCCOLMAN: I emailed it to you.

7 MS. FOURNIER: You did, Jody?

8 MR. MCCOLMAN: Uh-huh.

9 MS. FOURNIER: Okay. Do you recall the date of the
10 Procedural Order?

11 MR. MCCOLMAN: No, not off the top of my head, I
12 don't, but --

13 MS. FOURNIER: You don't?

14 MR. MCCOLMAN: I don't, but I -- I've emailed -- ever
15 since we became aware of your problems through Harry, I've
16 emailed you every single Procedural Order that we've -- that
17 we've issued in this case.

18 MS. FOURNIER: So is it a rule -- is it in the rules
19 of the Commission, one of the chapters, or is it in a statute?

20 MR. LITTELL: It's -- it's in one of the rules, and I
21 believe it's also in the -- that rule draws on the
22 Administrative Procedure Act, but you can check -- check the
23 Order, and --

24 MS. FOURNIER: Chapter 110, Rules of Practice &
25 Procedure?

1 MR. LITTELL: It's definitely in our Chapter 110,
2 Rules & Procedures.

3 MS. FOURNIER: It is?

4 MR. LITTELL: But we also draw on provisions of the
5 Administrative Procedure Act.

6 MS. FOURNIER: That interveners in cases cannot be --
7 they aren't members who can speak in public --

8 MR. LITTELL: That the --

9 MS. FOURNIER: -- at public witness hearings?

10 MR. LITTELL: -- the public witness hearings are not
11 for them. They are for --

12 MS. FOURNIER: Not for interveners?

13 MR. LITTELL: -- they are for others. Right,
14 correct.

15 MS. FOURNIER: In the Rules?

16 MR. LITTELL: Because interveners are --

17 MS. FOURNIER: Because I've printed those out also.

18 MR. LITTELL: -- interveners are full parties to the
19 case, so you have -- you have more procedural rights and more
20 opportunities to make your case fully than members of the
21 public.

22 MS. FOURNIER: Right, right. Yeah.

23 MR. LITTELL: You know, and I mean, I'm tempted by
24 the practicalities to -- to allow you to speak because you came
25 up here, but it really would not be fair to the other parties,

1 who we were very clear with that this --

2 MS. FOURNIER: Yeah. I mean, it was like over a two-
3 hour --

4 MR. LITTELL: -- this is not an opportunity for them
5 to testify.

6 MS. FOURNIER: Huh. So why do you think the
7 Commission has done this for so long then, like I said? In the
8 first proceeding, the -- it wasn't something I felt like doing.
9 I had to -- I don't treat CMP any differently than any other
10 company, but it's -- you know, I do the household budget and,
11 you know, those things, and I deal with the companies. So all
12 these years, and yet I don't treat the company any different --
13 any differently than any other company that I've ever had to
14 deal with. And some of them are actually larger than CMP or
15 Iberdrola USA Management Corp.

16 But truly -- so when I went to ask questions
17 initially, before the ten-person complaint was filed because I
18 felt I had to -- I'm glad I did because, otherwise, there
19 probably would have been a 69 kV underbuild under the 115 kV
20 line, which is Section 197, next to my aluminum fence
21 surrounding my in-ground swimming pool where the deep end is.
22 We never discussed electrical safety or National Electric
23 Safety Code in that case, nor in MPRP. However -- so these are
24 just some of the things that we personally, David and I each,
25 have to deal with. And I try to make it so that most of my

1 time that is available to dedicate to these things, when I'm
2 awake, depending on how busy it is, I do a lot of research, and
3 that doesn't just include research on cases of the Maine Public
4 Utilities Commission files. It doesn't just include reading
5 about Central Maine Power Company or other utility companies or
6 some of these federal regulations, whatever. But National
7 Electric Safety Code (inaudible) is mandatory.

8 Now, when I first went into a conference on April 30,
9 2008, and the OPA did intervene on that case, I didn't have any
10 legal knowledge whatsoever nor any technical skills -- sorry,
11 Jo -- and -- but I did what I did because of the questions I
12 asked, which I would have asked of any corporation. That's
13 really how I do things because it's a job to do well. You
14 know, raising a family, doing the budget, you know, making
15 decisions, hiring and firing contractors, whatever.

16 MR. LITTELL: Let me just interject, Mary. You're
17 not --

18 MS. FOURNIER: So --

19 MR. LITTELL: You're not testifying on this case.

20 MS. FOURNIER: No, I'm just speaking with them.

21 MR. LITTELL: But you are testifying.

22 MS. FOURNIER: Well, that's good, though.

23 MR. LITTELL: So do you have -- do you have -- at
24 this point, what I would encourage you to do is go back and
25 work on what you want to say because you will have the

1 opportunity at the public hearing, since you're a full party to
2 the case, to make your case or submit those submissions. You
3 have that -- that authority.

4 MS. FOURNIER: You mean --

5 MR. LITTELL: I'm just reluctant to allow you to
6 testify now, with us having been very clear with all the
7 interveners that this is a public witness hearing --

8 MS. FOURNIER: And try to figure out how that works.

9 MR. LITTELL: -- for members of the public.

10 MS. FOURNIER: Do you mean with the --

11 MR. LITTELL: Well, we have figured out how it works.

12 MS. FOURNIER: Well --

13 MR. LITTELL: Yeah. So you have full party status,
14 but at this public witness hearing, you shouldn't be
15 testifying. So thank -- thank you for coming up, but I think
16 that's the --

17 MS. FOURNIER: Okay. And so -- but I want to ask a
18 question to you, please, David. When you have on the website -
19 - and maybe make a comment, too -- I've read -- there was a
20 Procedural Order, I believe, and yes, Jody, you did email that
21 to me. You're pretty good at emailing those things on this
22 case. However, the Procedural Order outlines that people have
23 until a certain date. I think it may be August 27th of 2013 to
24 file --

25 MR. LITTELL: Yes, that's members -- I believe you're

1 referring to our Order that members of the public can refer --
2 can submit written affidavits if they were not able to attend
3 today.

4 MS. FOURNIER: Yes.

5 MR. LITTELL: Does that sound -- okay.

6 MS. FOURNIER: And then there --

7 MR. LITTELL: That is -- that is for members of the
8 public. That's --

9 MS. FOURNIER: I'm not a member of the public?

10 MR. LITTELL: You are -- you are a full party to the
11 case, and you are a member of the public.

12 MS. FOURNIER: Something to -- something to digest,
13 apparently. So, now --

14 MR. LITTELL: It means that whatever you want to say,
15 you will continue to have a full opportunity to say it.

16 MS. FOURNIER: What I would think is would we be able
17 to then file a sworn affidavit? No? You think not.

18 MR. LITTELL: I -- I --

19 MR. MCCOLMAN: No. No, that's for members of the
20 public who couldn't testify here.

21 MR. LITTELL: Right. That -- that Order is for
22 members of the public. What I don't know is -- what I'm going
23 to do is ask our Hearing Examiner to address this because I
24 don't know what the prior deadlines were for filings of
25 affidavits by parties, if you're familiar.

1 MR. MCCOLMAN: By a party? We didn't -- we haven't
2 gotten to the hearing stage. We haven't gotten to the briefing
3 stage. We haven't --

4 MR. LITTELL: So there --

5 MR. MCCOLMAN: We're not there yet.

6 MR. LITTELL: -- there --

7 MS. FOURNIER: Haven't --

8 MR. LITTELL: -- there will be some opportunities?

9 MR. MCCOLMAN: Oh, sure, yeah.

10 MR. LITTELL: Yeah. Okay.

11 MR. MCCOLMAN: But not this particular opportunity.

12 MR. LITTELL: Yes. Okay. So --

13 MS. FOURNIER: So -- but the one thing I'd like to
14 suggest, please, that you might want to take note of is this.
15 As a member of the public, the only reason why I know expressly
16 what a sworn affidavit is is because of a court case that I had
17 to file. So -- since then it's been dismissed. However, the
18 majority of members of the public don't know what a sworn
19 affidavit is, so that I suggest that if the Commission is
20 inviting additional testimony from all members of the public,
21 that they explain. That's a simple thing. You're an attorney,
22 so you're used to that. And also Jody's an attorney. He's
23 used to that. Mark, I know, is not an attorney. However, I
24 suggest you add that in, maybe with a corrected Procedural
25 Order, if you could do that, just as a matter of understanding

1 that -- you know.

2 MR. LITTELL: That's a good point. We -- we issued
3 that Order in response to a specific request from the attorney
4 for Mr. Friedman and the others on the -- Mr. Friedman's
5 Complaint, to be able to do that, so we would expect that they
6 -- that they're working with people and they're aware of people
7 who can't attend. But if any members of the public want to
8 submit an affidavit and have a question about it, they can call
9 our Staff or Hearing Examiner who's on the case --

10 MS. FOURNIER: Yeah.

11 MR. LITTELL: -- and others, with the -- the
12 limitation that we can't provide legal advice to members of the
13 public --

14 MS. FOURNIER: Sure.

15 MR. LITTELL: -- but we can certainly help them --

16 MS. FOURNIER: Well, of course not.

17 MR. LITTELL: -- work -- work that issue through.

18 MS. FOURNIER: Neither can the people at the Law
19 Library.

20 MR. LITTELL: Yes.

21 MS. FOURNIER: Even though they have law books there
22 --

23 MR. LITTELL: But --

24 MS. FOURNIER: -- they're not lawyers, and the State
25 doesn't employ them to give legal advice to the public.

1 MR. LITTELL: But your point is well taken. So what
2 -- what you want to testify to today or put in an affidavit,
3 you will have opportunities to do it. You're a full party to
4 the case, and we haven't even --

5 MS. FOURNIER: On the case.

6 MR. LITTELL: -- gotten to the public hearing.

7 MS. FOURNIER: And I can also publish it in the
8 newspapers, maybe buy a billboard, if necessary.

9 MR. LITTELL: That wouldn't necessarily be in the
10 case, but --

11 MS. FOURNIER: (Inaudible) advertising.

12 MR. LITTELL: -- you have a First Amendment right to
13 do that.

14 MS. FOURNIER: If we can afford it, I could always
15 put a billboard up, you know.

16 MR. LITTELL: Yeah.

17 MS. FOURNIER: Maybe it's worth it; maybe not. There
18 also is YouTube. Okay. So I appreciate -- I really appreciate
19 the time you've spent explaining this to me, I do. And we're
20 here, so we're going to supper. And I said to Dave, anything
21 but (inaudible), so I'm getting him into the (inaudible). I
22 notice that. (Inaudible). Anyway, it might not even be
23 official.

24 MR. LITTELL: Have a good supper. Is -- Leslie, is
25 there anyone else who we've missed?

1 MS. FOURNIER: So thank you very much.

2 MR. LITTELL: Anything else from anyone who's here?
3 Okay. This concludes the public witness hearing. Have a good
4 night.

5 HEARING ADJOURNED (August 7, 2013, 7:19 p.m.)

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I hereby certify that this is a true and accurate transcript of the proceedings, which have been electronically recorded in this matter on the aforementioned hearing date.



Jo Weiss, Notary Public

My Commission Expires
January 11, 2017