

PUBLIC UTILITIES COMMISSION
ED FRIEDMAN, ET AL.

April 8, 2014

Request for Commission Investigation
Into Smart Meters and Smart Meter Opt-Out

COMMENT OF INTERVENOR, DIANNE WILKINS REGARDING
EXAMINERS REPORT OF MARCH 25, 2014

There is a huge problem of undue influence and bias in this particular group of Examiners¹ finding that the smart meter system is “safe” considering the exact same PUC staff members who have participated and issued this Examiners Report were the same staff that:

1. Fully supported the original approval of the smart meter system without first examining safety issues; essentially putting 600,000 customers at risk of harm.
2. Blatantly and repeatedly refused to look at the safety issues when 2,200 customers (per CMP log) contacted them regarding this issue and numerous customers filed complaints over a period of three years telling them they were in violation of two Maine state laws which required they investigate safety.
3. Instead of supporting the opening of an investigation into safety issues to abide by the law and as asked by customers, the Staff recommended and opened an investigation to examine how much CMP could charge customers to opt-out of receiving a device the customers did not want to use; and then determined it was appropriate to charge these customers a onetime fee, plus a monthly fee, indefinitely. The last, and possibly underestimated, count by CMP showed that 8,500 customers were concerned enough about health issues to opt-out of having a smart meter but also were not informed by those responsible about the nature of RFR to cross real estate boundaries, so are paying to protect themselves even though they are still being exposed to neighbors RFR.
4. Staff refused to re-consider and fully supported the Opt-Out charges decision, forcing customers to spend more time and money to take the issue to the Maine Judicial Supreme Court.
5. The Maine Supreme Court ruled against all of the Staffs previous recommendations and specifically ordered the PUC to abide by the state law and open an investigation into the safety of the smart meter system.

¹ i.e., PUC Staff for this smart meter case and all other smart meter cases were Faith Huntington, Angela Monroe, Stephanie Morancie, Mitchell Tannenbaum; Jordan McColman; Leslie Raber

6. In contrary to this Staff's recommendation which stated the smart meter system would save taxpayer money and lower customer utility rates, the 2014 audit of the smart meter system by Blue Ridge Consulting Services, Inc. paid for by the PUC indicated that at the time of approval, this Staff mistakenly assumed that CMP's smart meter installation cost/plan had provisions to provide an important function when it did not actually contain these provisions, and so will not provide the huge estimated savings but will cost an additional \$4.3 million to implement and will raise the customer utility rates 40% over 5 years.

Clearly, after having made so many errors in judgment (as depicted above and fully supported by the Maine Supreme Court in their remand Order) that have been very costly to taxpayers in defending against customer complaints along with putting the safety of 600,000 people at risk during the 3 years the Staff avoided the safety issue; these same staff members would be under extreme pressure to somehow redeem themselves, save their jobs, and save their reputations. What better way for these Staff members to get themselves off the hook than by issuing an Examiners Report saying the system is safe.

Not many people in the Staff's situation would have the courage, honesty and integrity, after three years of putting people in harm's way, of litigation with customers, and after being proven wrong on six previous occasions, to admit that the investigation showed the system to be unsafe. It is easy to imagine the embarrassment, probable loss of jobs, and loss of future job prospects if this Staff had issued a recommendation that the system is unsafe. This Staff should not have been put in this position simply because, due to their past erroneous recommendations concerning the safety issue, any reasonable person would find a recommendation by them greatly suspect, self-serving, and unreliable.

I also believe the PUC staff worked continuously to exclude legally acceptable, relevant peer-reviewed, published evidence showing harm or liability for harm offered by parties to this case who were in opposition to CMP's viewpoints. As is evidenced by their exclusion of over 1,400 peer reviewed, published research studies showing harm to health because they deemed them repetitious. When the Staff was questioned as to why they thought the excluded studies which examined the adverse health effects of radiofrequency radiation on health; but were not researching the same body parts or functions; and were not by the same authors as the studies already in evidence; the staff could not provide a reasonable explanation, except that there were

already so many studies in evidence that they did not have time to read them all. Some evidence excluded from this investigation indicated that Maine's taxpayers would foot the bill for any cost to defend the state (PUC) against any customers suing for harm caused by emissions from the smart meter system because many large and reputable insurers exclude this event from liability coverage and CMP's coverage was not allowed to be admitted or fully examined for this coverage.

The PUC staff virtually ignored the obvious, overall majority of the peer-reviewed, published studies submitted into the record of this case along with the opinion of the majority of the reputable, world recognized, qualified, experts who testified, which stated and supported that the radiofrequency radiation levels from smart meters in Maine have caused or will lead to serious, cumulative, harmful health effects over time, especially to young children and pregnant women.

Even though I recognized the conflict of interest present in the repeated selection of the same staff from the other smart meter cases for this case, I became a public Intervenor anyway, hoping against apparently greater odds, that integrity, moral values, self-sacrifice for the greater good, and courage would overwhelm and win over the staff in the end.

Needless to say I have been greatly disappointed. What has been said about the Staff in this case can also be said about the Commissioners who will now be making the final decision regarding the safety of the smart meter system.

Will the Commissioners compound the previous mistakes by adopting the opinion of the obviously prone to error, conflicted and biased Staff? The Commissioner's previous decisions were based on this same conflicted and bias Staff's recommendations that finally led to the Maine Supreme Court's remand Order which confirmed the PUC's failure to follow the laws and ordered the investigation of the health and safety of the smart meter system. This time around the Commissioner's are not only already aware of the Staff's numerous previous errors in judgment, but by any reasonable person standard, must be aware that this Staff cannot possibly be an impartial group of employees who have no personal interest in the outcome of this case.

You have every reason and right to have doubts about the opinions of this Staff considering the past three year's behaviors. Will you again place your faith in this same Staff and possibly further compound the past errors, or will you take this moment in time to wipe the slate clean by ignoring their self serving, recommendation in order to protect thousands of innocent and unaware people?

Will the Commissioners have the courage to make the right decision and determine that the smart meter system is not safe, and save the lives of the many, including thousands of children and pregnant women, from increased rates of cancer, infertility, birth defects, learning disorders, Autism, eye damage, DNA damage, Alzheimer, and childhood cancers?

Sincerely,

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