

**HOUSE STATE AFFAIRS COMMITTEE  
CHAIR, REPRESENTATIVE BYRON COOK  
AUGUST 15, 2016  
1:00  
ROOM: JHR 140**

**Interim Charge assigned by Speaker Joe Straus**

7. Examine how the Public Utility Commission of Texas, when applicable, and utility providers, whether vertically integrated, privately owned, or municipally owned, can ensure consumer protection regarding metering devices for water, gas, and electricity service. Review recent examples of inaccurate or confusing billings and offer recommendations on appropriate consumer recourse and appeal. In addition, assess utility procedures regarding meter installation.

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Table of Contents:

1. Legislative Background .....	5
2. Billing complaints throughout every deployment of smart meters from 2007 to present .....	7
3. UTILITY CUSTOMER COMPLAINTS: .....	8
3.1. Higher Utility Bills .....	8
3.1.2. “One of the biggest complaints were those of high bills”, stated CPS .....	8
3.1.3. HUD renters risk losing voucher if utilities disconnected for nonpayment.....	8
3.1.4. LULAC passes Resolution for Moratorium on Smart Meters at 2015 National Convention.....	9
3.2. Health complaints and symptoms associated with smart meter RF exposure.....	9
3.4 Utilities force deployment of smart meters without federal or state law mandate.....	10
3.5 Customers are denied the right to non-standard meters .....	11
4. Smart meter opt out fees vary greatly among utility providers .....	12
5. Failure to conduct proper due diligence on initial Smart Meter project proposals.....	13
6. Gross misrepresentation of smart meter project costs by San Antonio municipally owned CPS Energy .....	14
7. Smart meters cost twice as much as analog meters with half the service life .....	15
8. Smart meters’ short service life result in doubling or tripling of predicted project costs.....	15
9. Utility workers report smart meter melt downs and malfunctions .....	15
10. Smart meters require perpetual software and hardware upgrades resulting in never ending costs to utility customers.....	16
11. Software companies have become the new meter readers.....	17
12. Smart meters are not necessary for grid modernization.....	17
13. Smart meters are not necessary for customers to monitor electrical usage information or provide for remote control features.....	17
14. Attorneys General dispute smart meter benefits .....	18
14.1. Connecticut Attorney General, George Jepsen claimed, “ <i>The pilot results showed no beneficial impact on total energy usage...</i> ” .....	18
14.2. Illinois Attorney General Lisa Madigan, “ <i>The utilities have shown no evidence of billions of dollars in benefits to consumers from these new meters,</i> ” .....	18
14.3. Michigan Attorney General Bill Schuette, “ <i>People should have choice about Smart Meters. Legislators agree</i> ” .....	18

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15. Smart meters make smart grid vulnerable to hacking.....	19
16. Smart meters become a single point of failure in the event of an Electro Magnetic Pulse ..	19
17. Utilities fail to disclose actual number of radio frequency transmissions in mesh network systems (TDSP, CPS, Austin Energy) .....	20
18. Current FCC standards do not take into account biological effects from radio frequency exposures.....	21
19. Insurance companies exclude EMF from health coverage. ....	24
20. Special insurance needed for EMF coverage.....	24
21. International scientists appeal to U.N. to protect humans and wildlife from EMF and wireless technology.....	24
22. Countries and US schools respond to scientists’ appeal to implement the Precautionary Principle for WIFI exposure .....	24
23. Current FCC “safety” standards do not test nor take into account biological effects from radio frequency exposures .....	25
24. Radio Frequency hazards identified by Department of Interior and Defense Intelligence Agency .....	26
25. 1971 Naval Medical Research Report demonstrates hazardous effects of radio frequency radiation on humans.....	26
26. Electromagnetic fields from powerlines, cell phones, and cell towers harm birds, bees, wildlife, and the environment .....	27
27. May 2016, \$25 Million National Toxicology Program study finds increased cancer in rats exposed to cell phone radiation.....	27
28. Radio frequencies from smart meters classified as a Class 2B Possible Carcinogen .....	27
29. Utilities misrepresent radiation exposure intensity from cell phones versus smart meters ..	28
30. CONCLUSION:.....	29
31. REQUESTS: .....	31

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32.	SUBMITTED UTILITY CUSTOMER COMPLAINTS .....	32
32.1	CPS smart meter increases seizures in daughter and mother.....	33
32.2	ONCOR's Customer Service no longer provides Smart meter EMF as a category of complaint says customer with EMF induced heart problem.....	34
32.3	ONCOR – Impaired child continues to suffer from EMF exposure .....	37
32.4	Opt out forms create confusion and frustration .....	38
32.5	Opt out meters may contain RF transmitters .....	40
32.6	Condo owners and multifamily units residents feel endangered by CPS smart meters.....	42
32.7	CPS not accountable and ignoring customers' complaints and concerns.....	43
32.8	Customer demands "Opt-In".....	45
32.9	CPS starts billing for opt out fees prior to smart meter deployment. ....	46
32.9.1	Attachment #1 email of smart meter " " form from Dagne Florine .....	47
32.9.2	Attachment #2 email for Dagne Florine April 2015 CPS bill .....	48
32.9.3	Attachment #3 Florine email to Rudy Garza, CPS VP of External Relations –.....	49
32.10	Five years after pilot program, CPS still misleading customers regarding the smart meter program. ....	50
32.11	Telephone Conversations with CPS Representatives – Dagne Florine .....	54
32.12	Customers baffled by convoluted CPS procedures.....	55
32.13	Customer felt intimidated by CPS Energy Installer.....	57
32.14	Family suffered health problems from smart meters .....	58
32.15	Utility customer complaints sent to Susan Straus on multiple issues.....	59
	Complaints re: CPS automated system and customer service .....	64
32.16	New Braunfels Utilities.....	65
33	"Alleged Fraud Revealed" .....	68

[This Report is available on the Texas Right To Know website. www.texasrighttoknow.com](http://www.texasrighttoknow.com)

Preface:

The following report was prepared for the Texas House State Affairs Interim Charge:

*7. Examine how the Public Utility Commission of Texas, when applicable, and utility providers, whether vertically integrated, privately owned, or municipally owned, can ensure consumer protection regarding metering devices for water, gas, and electricity service. Review recent examples of inaccurate or confusing billings and offer recommendations on appropriate consumer recourse and appeal. In addition, assess utility procedures regarding meter installation.*

Many municipally owned utilities employ the same technologies as public transmission delivery and service providers (TDSP). This charge addresses consumer protection issues affecting all utility customers, and complaints submitted by municipal, co-op, and TDSP utility customers.

This report was prepared by Sheila Hemphill using information sourced from various reports, court documents, and personal testimonies. Mrs. Hemphill is one of countless international activists opposing smart meter deployment. Mrs. Hemphill holds a degree in computer science and taught computer science at Angelo State University. She founded multiple software companies and developed patient assessment software and software to capture physician signatures on medical orders. She also helped develop electronic notarization software for the mortgage industry. Mrs. Hemphill is also a health and marketing consultant for the functional medicine industry, and promotes the use of electromagnetic devices for health improvement. She is currently involved in a joint research study with Johnson Space Center, NASA and Bemer International. Mrs. Hemphill works closely with global experts in the field of environmental health, applied physics, electrical engineering, as well as internationally recognized medical researchers who study the effects electromagnetic fields on plants, animals, insects and humans.

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## 1. Legislative Background

- 1.1. The deployment of AMS Meters resulted from the passage of House Bill 2129 during the 2005, 79th Texas Legislature, with this one phrase;

“(5) a program that **encourages** the deployment of advanced electricity meters”

Excerpts from PUCT Project number - 41111\_48\_813390:

*“This Legislation led to the adoption of Rule §25.130 that would require transmission distribution utilities(TDUs) to file their AMS Meter deployment plans that include financial information allowing them to recover the costs associated with their AMS Deployment Plan through a nonbypassable surcharge. In addition to the actual meter, the surcharge includes the cost of deploying the meters, related infrastructure and software as well as other factors related to communications and data management. Savings from not having to manually read meters was considered and accounted for in the surcharge determination. Unfortunately, this savings does not fully cover the investment cost of the new meters and associated infrastructure.”*

Utility rates are calculated to cover utilities’ “Cost of Service” and to provide a “Reasonable Rate of Return” of 9% to 11%.

- 1.2. The Legislature passed HB 2129 with the understanding that smart meter deployment would be encouraged, not mandated. There are no state or federal laws mandating smart meters. The bill did not create a mandate; however, the PUCT created rules and regulations allowing for public utility providers to force smart meter installation. This unlawful precedent was set and is still being implemented by TDSP, municipally owned and co-op utilities.
- 1.3. In a February 2012 letter, Representative Dennis Bonnen wrote,  
***“I am greatly concerned that providers are acting beyond the purview of the HB 2129 for forcing smart meter on customers. This was not the intent of the legislation.”***  
<https://texansagainstsmartmeters.com/wp-content/uploads/2013/11/Dennis-Bonnen-ltr-to-PUC-re-HB2129-79th-Leg.pdf>
- 1.4. In September 2012, then Lt. Gov. David Dewhurst directed the Texas Senate Committee on Business and Commerce to conduct a study of possible harmful effects on health associated with the installation of smart electric meters.  
<http://texansagainstsmartmeters.com/breaking-news-lieutenant-governor-dewhurst-requests-interim-charge-on-smart-meters/>
- 1.5. In January 2013, the PUCT issued Project Number 41111 REQUEST FORM RE: RULEMAKING RELATED TO ADVANCED METERING ALTERNATIVES
- 1.6. In April, 2013, SB 241, authored by former Senator John Corona, provided a hearing in the Senate Business and Commerce Committee Chaired by Senator

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Corona, 'Relating to the regulation of advanced meters and the interconnection of ERCOT with another grid; requiring a study on the health effects of advanced meters; authorizing an administrative penalty.' The bill was placed on the intent calendar but died due to time constraints.

<http://www.capitol.state.tx.us/BillLookup/History.aspx?LegSess=83R&Bill=SB241>

- 1.7. In August 2013, due to the concerns of the public expressed during the 2013 Legislative session, “the PUCT adopted New Substantive Rule § 25.133 relating to Non-Standard Metering Service and amendments to §25.214, relating to Terms and Conditions of Retail Delivery Service Provided by Investor Owned Transmission and Distribution Utilities (Tariff for Retail Delivery Service). Substantive Rule § 25.133 requires a transmission and distribution service provider (TDSP) with an advanced metering system (AMS) deployment plan to provide a service allowing a customer to choose an electric service metered with an alternative to the standard advanced meter. The customer would have the service if the agreed to pay for all costs associated with nonstandard meter use. Charges include a one-time fee and a recurring monthly fee.”

<http://www.puc.texas.gov/agency/rulesnlaws/subrules/electric/25.133/25.133ei.aspx>

Up to this point, there had not been legislative action nor PUCT intervention on behalf of utility customers regarding forced installations. Utilities are still acting beyond the purview of the law, forcing the installation of smart meters without a legal mandate or customer consent. The entire cost of smart meter projects is paid for by rate payers through the rates set by the PUCT.

Opt out fees allow utilities to charge customers an initial fee just to keep their old meters. Why do customers have to pay to keep an old meter when they are paying rate fees for smart meters they are not using? Smart meters removed from customers' homes become inventory items benefiting the utility.

- 1.8. In 2015 during the 84<sup>th</sup> Legislative session, two bills were filed for a no cost opt out. Senator Bob Hall authored SB1044 assigned to the Senate Natural Resources Committee chaired by Senator Troy Frasier and HB 3421, authored by Speaker Pro Tempore Dennis Bonnen, assigned to the House State Affairs Committee, Chaired by Representative Byron Cook. Each committee member's Legislative Director or Chief of Staff offered Mrs. Hemphill time to discuss reported smart meter issues such as; 1) doubling bills 2) low income individuals at risk of losing their HUD voucher when unable pay their utility bill, and 3) intent of opt out fees to discourage customers from opting out in order to preserve the project rather than recoupment of the TDSP expenses. Neither bill received a hearing.

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**2. Billing complaints throughout every deployment of smart meters from 2007 to present**

- 2.1. When analog meters are replaced by smart meters, customers noticed a dramatic increase in their bills. When customers complain to the utility company, the standard response is that the smart meters are more accurate. The Navigant study showed that internal solder joints could be broken causing the advance meters to run faster. (see page 22 of Navigant report below) In most cases customers' complaints are not resolved in their favor, and they give up.
- 2.2. In April of 2007, *"a town meeting was held in Lufkin where numerous residents complained of excessive electric bills. 'Many of the customers have complained of increases in their monthly bills that have doubled or tripled their expected ranges.' Many of those customers attending suspect that the accuracy of the newly deployed digital meters is subject to question."* B. Mark Gladney, Asst. General Counsel, OPC April 24, 2007. One of the company representatives who were gracious enough to attend a public forum in Lufkin about the issue suggested that an "extremely cold" winter might be a factor in the electricity bills that have shot up, in some cases, by 200 to 300 percent. An April snowfall notwithstanding, that claim doesn't seem to hold water: Average temperatures in December, January and February were either the same or within 5 degrees of those in the previous winter. By The Lufkin Daily News Sunday, April 15, 2007 EDITORIAL: Power Struggle
- 2.3. In 2010, customers were outraged over elevated utility bills. In response to the complaints, PUCT Chairman Barry Smitherman ordered independent testing of smart meters. The PUCT called for an independent study conducted by Navigant which documented that smart meters record 2% more electricity usage than analog meters, resulting in higher bills. <https://www.puc.texas.gov/agency/resources/pubs/news/2010/040110.pdf>
- 2.4. In 2012, after the interim charge called by former Lt. Governor Dewhurst, the PUCT commissioned Alan Rivaldo to provide a *"Report on Health and Radiofrequency Electromagnetic Fields from Advanced Meters"*. This report was released by the PUCT without medical or scientific peer review or feedback from the public. Renowned experts in the field of biological effects of electromagnetic fields (EMF) have found the Rivaldo report to be grossly skewed and inaccurate. With regard to customer health complaints, Mr. Rivaldo asserted, *"that the symptoms may be due to pre-existing psychiatric conditions."* [http://www.puc.texas.gov/industry/electric/reports/smartmeter/smartmeter\\_rf\\_emf\\_health\\_12-14-2012.pdf](http://www.puc.texas.gov/industry/electric/reports/smartmeter/smartmeter_rf_emf_health_12-14-2012.pdf)
- 2.5 The Electric Power Research Institute (EPRI) is frequently referred to in the report. Publications from EPRI are cited several times and have been the foundation of opinions cited in reports such as the California Council of Science and Technology. EPRI is portrayed as an "independent" organization, not beholden to special interests. The reality is that EPRI is closely aligned with the utility industry, and is almost wholly dependent on them for funding.



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[http://www.eiwellspring.org/smartmeter/ACC\\_TPUCCrebuttal.htm](http://www.eiwellspring.org/smartmeter/ACC_TPUCCrebuttal.htm)

- 2.6 The PUCT Rivaldo report has been used by utilities in other states as evidentiary support for the safety of the smart meter technology. CPS has sent this report to many customers who have concerns about health. In response to this report, HaltMASmartMeters.org has issued this extensive rebuttal.

[http://haltmasmartmeters.org/wp-content/uploads/2013/11/Texas-PUC-Critique-Reubttal\\_FINAL-11-20.pdf](http://haltmasmartmeters.org/wp-content/uploads/2013/11/Texas-PUC-Critique-Reubttal_FINAL-11-20.pdf)

There are numerous egregious errors stated in the report that contradict scientific evidence demonstrating the biological effects of nonionizing, non-thermal EMF on cellular function. The PUCT should consider rescinding this report.

### **3. UTILITY CUSTOMER COMPLAINTS:**

#### **3.1. Higher Utility Bills**

- 3.1.1. The attached **testimonies reveal doubled and tripled utility bills after smart meter installation.** These testimonies claiming doubling of bills are consistent with an email from former California PUC Chairman Michael Peevy to PG&E utilities executive, Brian Cherry. Mr. Peevy stated that after a “smart” meter was installed on his vacation home, his bill “*more than doubled.*” Peevey added “*Obviously something is wrong...I would like an explanation.*”  
[ftp://ftp2.cpuc.ca.gov/PG&E20150130ResponseToA1312012Ruling/2011/11/SB\\_GT&S\\_0593072.pdf](ftp://ftp2.cpuc.ca.gov/PG&E20150130ResponseToA1312012Ruling/2011/11/SB_GT&S_0593072.pdf)

- 3.1.2. “**One of the biggest complaints were those of high bills**”, stated CPS representative, Mr. Eugster, in his response on June 11, 2014, when San Antonio City Councilmember Gallagher asked about compliance issues reported in other cities when implementing said technology. (see bottom of page 2)  
<http://www.sanantonio.gov/Portals/0/Files/Clerk/Minutes/2014/2014.06.11-minutes.pdf>

- 3.1.3. **HUD renters risk losing voucher if utilities disconnected for nonpayment.** On February 11, 2015, George Alejos with **League of United Latin American Citizens (LULAC)** #4383 testified at the San Antonio City Council meeting how one of his HUD renters had a utility bill that doubled after smart meter installation and she was unable to pay the bill. He stated that if her utilities were cut off due to nonpayment, “*she would lose her HUD housing voucher.*” Once disconnected, customers face a reconnect fee that can be \$200 or more.

#### **5.1.C FAMILY OBLIGATIONS**

- (6) Family Obligations 24 CFR 982.551; Form HUD-52646, Voucher)  
(e) Correct Family-caused HQS Deficiencies in the assisted unit  
(i) Tenant-paid utilities not in service

This violation, when reported to San Antonio Housing Authority, results in automatic termination from the Section 8 Program for having their utilities shut off. (electricity, gas, water) Smart meter installations have resulted in exorbitant bills which low-income are having difficulty paying.

**3.1.4. LULAC passes Resolution for Moratorium on Smart Meters at 2015 National Convention**

**THEREFORE BE IT RESOLVED**, that the League of United Latin American Citizens supports the Federal Energy Policy Act of 2005 that time-based meters be provided upon customer request only, and

**BE IT FURTHER RESOLVED** that our organization supports the right of the property owner to have an ANALOG meter (and not be forced to have a non-communicating RF/'smart'/time based meter installed), and

**BE IT FURTHER RESOLVED**, that our organization supports the right of the property owner to disallow a tenant from having an RF/'smart'/time-based meter installed, and

**BE IT FURTHER RESOLVED**, that our organization supports the right of the property owner (or tenant with permission of the property owner) to have a previously installed RF/'smart'/time-based meter replaced with an ANALOG meter, at no cost, by the utility, if it is determined that the utility did not have proper permission to install the meter, and

**BE IT FURTHER RESOLVED** that our organization opposes all fees associated with refusing RF/'smart'/ time-based meters, especially a monthly charge that will be disproportionately harmful to the poor, and

**BE IT FURTHER RESOLVED** that we support a Moratorium on the installation of RF/'smart' meters until such time that we determine that all safety, health, and privacy concerns have been resolved to the satisfaction of this organization.

**3.2. Health complaints and symptoms associated with smart meter RF exposure**

The following information was not known during the 2012 and 2013 Senate and PUCT hearings regarding potential health effects from smart meters. It is the author's opinion that technical issues with smart meter infrastructure may resolve over time but what will not resolve are the damaging health effects from radio frequency exposure and associated liabilities. As more scientific research reveals potential injury, Telecom companies' have begun to acknowledge liabilities in risk factor sections of their annual reports, device manuals, and in city ordinances. These risk factors create tremendous liability not only for Telecom companies but also for the State of Texas, PUCT, TDSPs, municipalities and co-op utility providers. See section 19.4 and 19.5 below.

A disturbing revelation is that health insurance companies are excluding coverage for injuries from radio frequency exposures. By the time medical practitioners are educated to associate certain symptoms with radio frequency exposure, the patient's insurance may not cover necessary treatments. See section 20 below.

- 3.2.1. March 2015, Ronald M. Powell, Harvard PhD in Applied Physics, produced the *“Symptoms After Exposure to Smart Meters”* summary which documents 410 patients from different parts of the world who experience the same cluster of symptoms: 1) sleep disruption, 2) headaches, 3) ringing or buzzing in the ears, 4) fatigue, 5) loss of concentration, memory, or learning ability; and (6) disorientation, dizziness, or loss of balance. (See Submitted Complaints 33.1 and 33.2)  
<https://www.scribd.com/doc/289777267/Symptoms-after-Exposure-to-Smart-Meter-Radiation>
- 3.2.2. In 2013, Martin L. Pall, PhD, Professor Emeritus Biochemistry and Basic Medical Sciences Washington State University, was recognized as 2013 Global Medical Research Awardee. *“The direct targets of extremely low and microwave frequency range electromagnetic fields (EMFs) in producing non-thermal effects have not been clearly established. “Electromagnetic fields act via activation of voltage-gated calcium channels to produce beneficial or adverse effects”.*  
<http://www.ncbi.nlm.nih.gov/pubmed/23802593>
- 3.2.3 On September 3, 2010 CAPUC Chairman Peevey emailed PG&E’s Brian Cherry stating,  
*“... If it were my decision I would let anyone who wants to keep their old meter keep it, if they claim they suffer from \*EMF ... I would institute such a policy quietly and solely on an individual basis. There really are people who feel pain, etc., related to EMF etc.”*  
[ftp://ftp2.cpuc.ca.gov/PG&E20150130ResponseToA1312012Ruling/2010/09/SBGT&S\\_0000529.pdf%20](ftp://ftp2.cpuc.ca.gov/PG&E20150130ResponseToA1312012Ruling/2010/09/SBGT&S_0000529.pdf%20)

### 3.3 Intimidation and unfavorable encounters during smart meter installations

The attached testimonies address the following: failure to give notice, installers threatening to charge a fee for refusing installation, breaking locks on gates, failure to carry opt out list, or honor submitted opt out requests, or other forms of intimidation, etc. (See Utilities Customer Complaints Section 33)

### 3.4 Utilities force deployment of smart meters without federal or state law mandate

- 3.4.1 On September 8, 2011, PUCT Chairman Donna Nelson, testified before the House Committee On Science, Space, And Technology; Subcommittee On Technology And Innovation, United States House Of Representatives and reinforced that smart meters are voluntary, not mandatory:  
"State legislation has *encouraged* the implementation of advanced metering by directing the Texas PUC to establish a cost recovery mechanism for utilities that deploy smart meters and related networks."

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- 3.4.2 The PUCT has allowed TDSP to force customers to accept a smart meter with no supporting state or federal law mandate. **For this reason alone, the State Legislature should provide for a no cost opt out for all utility customers.**

### 3.5 Customers are denied the right to non-standard meters

- 3.5.1 **CHAPTER 25. SUBSTANTIVE RULES APPLICABLE TO ELECTRIC SERVICE PROVIDERS. Subchapter F. METERING.** §25.133--1 effective 9/1/13 (P 41111)

**§25.133. Non-Standard Metering Service.**

(a) **Purpose.** This section allows a customer whose standard meter is an advanced meter to choose to receive electric service through a non-standard meter and authorizes a transmission and distribution utility (TDU) to assess fees to recover the costs associated with this section from a customer who elects such a meter.

[Note: utility customers receive no reimbursement for the fees they must continually pay for a smart meter they will never have.]

(b) **Definitions.** As used in this section, the following terms have the following meanings, unless the context indicates otherwise:

(1) Advanced meter--As defined in §25.130 of this title (relating to Advanced Metering).

(2) Non-standard meter--A meter that does not function as an advanced meter.

From Oncor website:

*A non-standard meter is a meter that does not function as an advanced meter. An advanced (standard) meter has many advanced features for example, remote/automatic meter reads, remote connect/disconnect, usage information provided on a 15 minute interval basis which is available on a near real time basis to the customer and their retail electric provider.*

<http://www.askoncor.com/EN/Pages/FAQs/Meter-98.aspx>

Current policies from numerous utility providers discriminate against multi-family and HUD housing resident for refusing them the right to opt out.

CPS customers report that they are receiving a transmitting OMR meter or a similar digital meter, instead of a non-standard meter (aka analog) as proposed in the PUCT rules. OMR and digital meters function as an advanced meters.

<http://patch.com/california/sanclemente/smart-meter-opt-out-no-cost-after-3-years>

Customer complaint reports that analog meters can contain computer circuitry with radio frequency transmitting functions. (See Utility Customer Complaints Section 33 #2)

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**4. Smart meter opt out fees vary greatly among utility providers**

- 4.1. The California PUC set rates at \$75 initial and \$10 monthly, with fees expiring after 3 years. Vermont offers a state wide no cost opt out. In contrast, the PUCT allowed each TDSP to set their own rates. In many cases, Texas customers are paying four times what Californias are paying.

<http://patch.com/california/sanclemente/smart-meter-opt-out-no-cost-after-3-years>

In October of 2013, PUCT adopted rule **§25.133. Non-Standard Metering Service**. Electric customers in areas with retail competition may choose a nonstandard meter so long as they are willing to pay for all costs associated with the usage of that meter. Charges can take the form of a one-time fee or a recurring monthly fee.

Below is a summary of opt out fees from various providers. Notes contained in [brackets] are outcomes from recent searches on the following websites to determine ease of access by utility customers to find updated opt out information and fees. This information is sourced from a 2013 SNL article linked below:

<https://www.snl.com/Interactivex/article.aspx?CdId=A-25551981-12076>

- 4.2. The fees proposed by [American Electric Power Co. Inc.](#)'s utilities in the state vary depending on location and the service offered. For example, [AEP Texas Central Co.](#) (Docket No. 41879) proposes a one-time fee ranging from \$209 to leave the existing meter in place to \$319 to replace a customer's smart meter with a digital, noncommunicating meter, and a monthly fee of \$18. [AEP Texas North Co.](#) proposes a **\$203 one-time fee to leave the existing meter in place** and a \$356 fee to replace a smart meter with a digital noncommunicating meter, plus a \$35 monthly fee.  
[Note: Link broken for opt out info from AEP Texas North Co website]

- 4.3. [Oncor Electric Delivery Co. LLC](#) (Docket No. 41890) proposed a one-time fee as low as \$445.90 to provide a customer without an advanced meter as of Feb. 10, 2014, with a self-contained, single-phase new analog meter. Oncor's proposed one-time fees, however, ranged as high \$842.75 to replace a customer's advanced meter with a new, analog three-phase meter. Monthly fees proposed by Oncor were \$23.75 for a kilowatt-hour-only meter and \$28.45 for kilowatt-hours and demand metering. Oncor is a subsidiary of [Energy Future Holdings Corp.](#)  
[Note: right to opt out is listed but fee for opt out not included]

- 4.4. [PNM Resources Inc.](#) subsidiary [Texas-New Mexico Power Co.](#) (Docket No. 41901) proposed a \$142.84 one-time fee to allow customers to keep their existing analog meters or a \$247.48 fee to replace an advanced metering system with an analog meter, plus a \$38.99 monthly fee.  
[Note: opt out information link goes to 10Q or 10 K information]

- 4.5. [CenterPoint Energy Houston Electric LLC](#) (Docket No. 41906) proposed a monthly fee of \$38.50 for customers opting out of advanced metering. The [CenterPoint Energy Inc.](#) subsidiary also proposed one-time fees ranging from \$135 to allow customers to keep their analog meters to \$240 to provide a customer with a digital, noncommunicating meter, or \$210 for an advanced meter with communications disabled. Fees as of August 2016 is \$32.80 per month with \$171 for initial fee for analog.  
[Note: Opt out options were very clear]

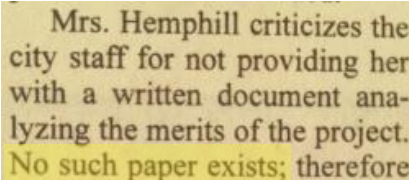
- 4.6. While such non-standard fees for opt outs are allowed by the PUCT, the fees vary widely among municipally owned and co-op utilities. Opt out options also vary for electric, water or gas meters. In many cities, citizens have had to fight with local city councils to even be offered an opt out option.  
Opt out Fees for municipally owned utilities:

Municipality	Initial	Monthly	Comments
Austin	\$75	\$10	For electric and water
Brady	\$0	\$0	Amendment added Utility Customer Rights to City Charter using <a href="#">Tx Loc Gov Code 9.004</a>
CPS – San Antonio	\$75	\$20	For each type of meter read, electric / gas
Llano	\$75	\$5	Customer emails picture of meter for billing
Smithville	\$75	\$10	No on water meter

## 5. **Failure to conduct proper due diligence on initial Smart Meter project proposals**

- 5.1. As reported from various municipalities such as Austin, San Antonio, Brady, Llano, and Smithville, smart meter projects are being deployed without customers' knowledge or consent, or proper documentation from the City to warrant the feasibility of the projects.

The image below is from a letter to the editor in the Brady Standard Times. The Brady City Manager made this declaration regarding Mrs. Hemphill request for documentation showing the merit of the \$2.5 million smart meter project. Also requested was documentation from the maintenance department complaining of malfunctioning meters that would justify replacing the 10 year old Landis Gyr analog meters that had a 25 to 30 year service life as state by the manufacture.



Mrs. Hemphill criticizes the city staff for not providing her with a written document analyzing the merits of the project. No such paper exists; therefore

- 5.2. To finance the smart meter project, the City of Brady utilized Subchapter A of the Public Property Finance Act, 271.005 Authority to Contract for Personal Property. This section contains no provisions for notification in local newspaper

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nor provides any petition process or vote to provide for citizen recourse. When citizens complain of lack of due diligence, consistent responses from various City Councils is that these projects have been discussed during budget workshops that are open to the public. Unless citizens attend budget workshops and object to smart meter deployment, the projects are included in the annual budgets. Many city charters prohibit referendums from being used against an annual budget ordinance. Once the project is in the budget, the project is a done deal.

**6. Gross misrepresentation of smart meter project costs by San Antonio municipally owned CPS Energy**

- 6.1. An 18 month analysis has been conducted by San Antonio resident Stanley Mitchell, who holds an MBA degree from Harvard. Mr. Mitchell has extensive experience in the financial analysis of major capital expenditure projects for a Fortune 100 corporation. Working in cooperation with the San Antonio Making Bureaucracies Accountable Coalition (SAMBA), Mr. Mitchell has provided a detailed assessment as part of this report entitled “Alleged Fraud Revealed”. (See attached Analysis Section 34)
- 6.2. Mr. Mitchell’s analyses of *CPS Energy’s Emerging 20 Year Smart Grid Project Cash Flow Projections* asserts the following:  
CPS and San Antonio City management projected the smart meter project to have a **positive \$145.2 million**, 20-year net cash flow after infrastructure expenses with cost savings from the elimination of meter readers. (Page 2 of 3 of Analysis Section 34)

The forecast failed to include:

- 6.2.1 the cost of capital which was projected to be 4.5% for this analysis.
- 6.2.2 various O&M expenses like “back office” software and capital expenditures were also omitted from the Cash Flow Projections.

*“When the omitted costs are restored, the positive \$145.2 million becomes a negative \$285.5 million over 20 years. Subsequent discoveries (quantified on page 2 of 3 of the Analysis) increased the project’s 20-year negative cash flow from -\$285.5 million to a negative \$1.606 billion burden on ratepayers.*

*The City of San Antonio receives 13.46% of CPS’ revenue (30.6% of the City’s 2016 budgeted General Fund Revenue), which Mr. Mitchell and the members of SAMBA have identified as a serious conflict of interest. The San Antonio City Council, CPS’ financial beneficiary, must also regulate CPS, a function delegated to the City by the Texas PUC”, states Mr. Mitchell.*

*CPS Energy and City staff have repeatedly referred Mr. Mitchell’s Open Records Requests to the Attorney General, seeking AG approval to deny his requests for information.*



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**7. Smart meters cost twice as much as analog meters with half the service life**

- 7.1. Prior to smart grid technology, the metering devices were electro-mechanical analog meters that simply recorded usage. Analog meters had an initial cost of approximately \$50 with a service life of 30 years yielding an annual cost of \$1.67 per meter. Smart meters are now computer systems requiring operating system updates. They feature wireless communications that can be used for remote shut off. The smart meters are manufactured with intricate micro circuitry that keep a date and time stamp of activity and feature twelve other potential data point gatherings. (See attachment 11 of the Alleged Fraud Revealed Analysis Section 34) Most utility companies claim smart meters have a 15 year service life with an initial cost of approximately \$80 yielding an annual meter cost of \$5.33 per meter.

**8. Smart meters' short service life result in doubling or tripling of predicted project costs**

According to the October 2015 *Federal Congressional Hearings on Cyber Security*, expert witness, Bennett Gaines, testified on behalf of First Energy Service Company stating, ***“These devices are now computers, and so they have to be maintained. They do not have the life of an existing meter which is 20 to 30 years. These devices have a life of between 5 to 7 years.”*** Based on this testimony, the equipment cost for metering devices will be double or triple the financial projections for smart meter projects.

<https://smartgridawareness.org/2015/10/29/smart-meters-have-life-of-5-to-7-years/> (01:18 minute mark)

Mr. Gaine's opinion that smart meters have a service life of 5 to 7 years is supported by reports from the International Brotherhood of Electrical Workers (IBEW) Local 69 in Dallas.

**9. Utility workers report smart meter melt downs and malfunctions**

- 9.1. At risk of losing their jobs, utility workers have responded to the author's public appeal for complaints regarding smart meter billing or installation problems

9.1.1. Bobby Reed, Business Manager for the International Brotherhood of Electrical Workers (IBEW) Local 69 in Dallas testified at both hearings. Mr. Reed worked as a first responder troubleman for Oncor for approximately ten years. At the 2012 and 2013 Senate hearings, he testified that he had personally changed out many smart meters that had melted down on homes and he was concerned for the safety of customers. When the smart meters caused an arcing, in many instances the meter base or house wiring was damaged causing hundreds or thousands of dollars of repairs for which the home owner is responsible. Reed also testified about an uptick in cases of meter bases burning after smart meter installation. He stated that one issue was that the new meters are a bit bigger than the old ones. ***“These things are***



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*causing damage to people's homes,*" Reed told the committee, adding that homeowners were held responsible for repairs. **Oncor fired Mr. Reed after his testimonies.** The IBEW Local 69 filed an unlawful discharge suit against Oncor on behalf of Mr. Reed. In November of 2014, Judge Ira Sandron issued a decision and order in favor of Mr. Reed instructing Oncor to cease and desist its unlawful conduct, offer Reed reinstatement and make him whole for any loss of earnings and other benefits as a result of the discrimination against him. Oncor appealed and on August 3, 2016, the Federal Labor Court ruled in favor of Mr. Reed.

9.1.2. In Spring of 2015, Mr. Reed reported that he received complaints from field workers reporting they were having to work overtime in order to replace a large number of smart meters in the hill country area when the meters were not communicating properly. In July 2016, it was reported that field workers had to replace many smart meters daily along with pallets of nonfunctioning meters. Accurate details were withheld to protect sources.

**10. Smart meters require perpetual software and hardware upgrades resulting in never ending costs to utility customers**

10.1. The phenomenon that technology becomes more advanced and cheaper in cost while requiring frequent replacement of hardware is one of the principals of Moore's Law. As with any software controlled technology, there is the initial cost for the software and the perpetual need for software and equipment upgrades. For example, Austin Energy completed their initial roll out in October 2009 for the costs of \$150 million, in 2014, they spent \$60 million on software updates.

<http://etsinsights.com/news/austin-texas-council-approves-smart-meter-contract-with-landisgyr/>

- a) The upgrade was massively expensive and was not a cost that was approved or expected back in 2009 when one-way smart meter infrastructure was rolled out in Austin.
- b) The new capabilities enable two-way queries exactly how rate payers are using their power on a minute by minute basis,
- c) For the long term, the new communication structures will enable the utility to charge rate payers higher rates for peak usage,
- d) Granule data collection poses serious personal privacy and security concern for customers.

10.2. July, 22, 2016, City of Austin voted to spend \$165 Million for Smart Utility Upgrade... *"Austin Water would probably consider an opt out program similar to the one Austin Energy has for its smart meters, Meszaros said. Austin Energy charges a one-time \$75 fee as well as a \$10 monthly fee for manually reading the meter."*

<http://www.govtech.com/fs/Austin-to-Spend-165-Million-for-Smart-Utility-Upgrade.html>

10.3 One of the most touted benefits of smart meters is the elimination of human meter readers. With the perpetual need for operating systems and application service pack updates needed for network software, additional updates to hardware equipment will

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also be required for smart meters. This is experienced by cell phone and computers users when they receive the message that their operating system is no longer supported, requiring a new purchase of a cell phone or computer to accommodate the new features.

**11. Software companies have become the new meter readers**

- 11.1. Software updates are the new cost of reading smart meters. Instead of payroll money going to provide jobs in a community of people who provide for their families, buy goods and services in the community and pay local taxes, the “new smart meter reading fees” go to large network software companies, like Silver Springs Network, or Itron Open Way, and to large smart meter manufacturers like Landis Gyr, General Electronic, Itron, etc. Many of these companies’ headquarters are located outside the United States and do not contribute to the tax base in the Texas.

**12. Smart meters are not necessary for grid modernization**

- 12.1. In January 2014, Northeast Utilities, New England’s largest utility provider, filed a written submittal with the Massachusetts Department of Public Utilities, which was highly critical of a proposed state plan that would require utilization of AMI in Massachusetts. The submittal states, *“There is no rational basis for this technology choice, ... An Advance Metering System is not a basic technology platform for grid modernization, ... Costs associated with AMI are currently astronomical while incremental benefits to customers are small.”* [http://haltmasmartmeters.org/wp-content/uploads/2014/01/NSTAR\\_R12-76-Comments-7986-POSTED01172014\\_HIGHLIGHTED.pdf](http://haltmasmartmeters.org/wp-content/uploads/2014/01/NSTAR_R12-76-Comments-7986-POSTED01172014_HIGHLIGHTED.pdf)

- 12.2. Supervisory Control And Data Acquisition (SCADA) systems have been in place for many years that enable utilities to gather remote data and provide for remote monitoring and control over designated distribution areas. What the prior system did not provide was control over individual homes, businesses and smart appliances.

**13. Smart meters are not necessary for customers to monitor electrical usage information or provide for remote control features**

- 13.1. The ability for customers to monitor their smart meter usage data has been touted as a major benefit of smart meter technology. From the July 2014, SPEER Report, **“Update on Smart Energy in Texas”**, *“Four years later, few customers use the ‘tools available to manage energy costs.’”* As of the last update published by the utilities (Smart Meter Texas, 2013), 0.8% of customers have logged in at least once to the Smart Meter Texas (SMT) portal,<sup>1</sup> and less than 0.2% of the smart meters have been connected to a device designed to manage energy usage. Since that publication, the number of connected devices has actually decreased.<sup>2</sup> <https://eepartnership.org/about/speer-reports/>

13.2. Commercial products and software are available for consumer to use many of the smart meter features being touted by utility companies as being beneficial to customers. For example:

13.2.1. NEST: Home - enables remote access to a home's thermostat, security camera, smoke detectors etc. [https://nest.com/energy-partners/direct-energy/?gclid=CKKVu\\_qQos4CFYGBaQodrJEBzg](https://nest.com/energy-partners/direct-energy/?gclid=CKKVu_qQos4CFYGBaQodrJEBzg)

13.2.2. EnviR - has been designed to assist utility customers in identifying energy usage and wastage. With all the monitoring features of the ENVI this third generation monitor takes a step further and has 100% accurate meter reading competence. (requires a Current Cost OptiSmart Reader)



<http://www.currentcost.com/product-cc128.html>

#### **14. Attorneys General dispute smart meter benefits**

14.1. Connecticut Attorney General, George Jepsen claimed, *“The pilot results showed no beneficial impact on total energy usage...* and, the savings that were seen in the pilot were limited to certain types of customers and would be far outweighed by the cost of installing the new meter systems.” [http://www.ct.gov/ag/lib/ag/press\\_releases/2011/020811clpmeters.pdf](http://www.ct.gov/ag/lib/ag/press_releases/2011/020811clpmeters.pdf)

14.2. Illinois Attorney General Lisa Madigan, *“The utilities have shown no evidence of billions of dollars in benefits to consumers from these new meters, but they have shown they know how to profit. I think the only real question is: How dumb do they think we are?”*

14.3. Michigan Attorney General Bill Schuette, *“[People should have choice about Smart Meters. Legislators agree](#)”*

What the record sadly lacks is a discussion of competing considerations regarding the program or the necessity of the program and its costs as related to any net benefit to customers.”

<https://smartmeterharm.org/2015/10/23/michigan-ag-people-should-have-choice-about-smart-meters-legislators-agree/>

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**15. Smart meters make smart grid vulnerable to hacking**

- 15.1. Former Director of the Central Intelligence Agency, James Woolsey stated,  
*“The so-called smart grid that's as vulnerable as what we've got is not smart at all. It's a really, really stupid grid.*

*No one is in charge of security for the grid...They're constructing a smart grid that will make it easier for you or me to call our homes on our cell phones and turn down our air conditioner on a hot afternoon. But that may well mean that a hacker in Shanghai can do the same thing with his cell phone, or worse.”*

<https://www.youtube.com/watch?v=qfNBk7H2AYI>

- 15.2. In October of 2014, Researchers Javier Vazquez Vidal and Alberto Garcia Illera revealed at the [Black Hat Europe in Amsterdam](#) how they reverse engineered smart meters and found blatant security weaknesses that allowed them to commandeer the devices to shut down power or perform electricity usage fraud over the power line communications network.

<http://www.darkreading.com/perimeter/smart-meter-hack-shuts-off-the-lights/d/d-id/1316242>

Similar concerns were expressed during the October 21, 2015 US Congressional Hearing: Cybersecurity for Power Systems (EventID=104072)

[House Committee on Science, Space, and Technology](#)  
[https://www.youtube.com/watch?v=-y09A\\_xdK8s](https://www.youtube.com/watch?v=-y09A_xdK8s)

**16. Smart meters become a single point of failure in the event of an Electro Magnetic Pulse**

- 16.1. “An Electro Magnetic Pulse (EMP) can occur from solar flares creating what is known as the Carrington Effect. The Carrington Effect received its name after a powerful [geomagnetic solar storm](#) during [solar cycle 10](#) (1855–1867). A solar [coronal mass ejection](#) hit [Earth's magnetosphere](#) and induced one of the largest geomagnetic storms on record, September 1–2, 1859.” The intensity of the electromagnetic field effect was so great, it caused telegraph wires and telegraph office to catch fire.

“Studies have shown that a solar storm of this magnitude occurring today would likely cause more widespread problems for a modern and technology-dependent society.<sup>[2][3]</sup> The [solar storm of 2012](#) was of similar magnitude, but it passed Earth's orbit without striking the planet.<sup>[4]</sup>” [https://en.wikipedia.org/wiki/Solar\\_storm\\_of\\_1859](https://en.wikipedia.org/wiki/Solar_storm_of_1859)

- 16.2. An EMP can also occur from an atmospheric nuclear explosion. During the 2015<sup>th</sup> Legislative Session, Senator Bob Hall submitted SB 1398 *Relating to a study by the Electric Reliability Council of Texas on securing critical infrastructure from electromagnetic, geomagnetic, terrorist, and cyber-attack threats. "We have captured documents from Iran in which they describe an EMP attack on the United States in 22 different scenarios, North Korea has openly threatened to do it,"* says Sen. Bob Hall.

<http://ktrh.iheart.com/articles/houston-news-121300/texas-senator-warns-of-emp-attacks-14675034/#ixzz4GMp2kVNW>

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- 16.3. In the event of an EMP, all electronic computer circuitry is damaged. Now that smart meters are computers, all homes and businesses in the vicinity of an EMP could potentially be damaged requiring replacement of millions of electrical meters.

**17. Utilities fail to disclose actual number of radio frequency transmissions in mesh network systems (TDSP, CPS, Austin Energy)**

- 17.1. Unlike prior electro mechanical analog meters, many utility providers use smart meters that communicate to the utility provider using an unlicensed 900 MHz frequency like those found in cell phones. Given that unlicensed frequencies are only permitted transmission power in the one watt range, it is necessary for collection towers to be distributed throughout neighborhoods. All one has to do is look out over their neighborhood roof lines to observe the abundant number of towers that were erected to accommodate the smart meter collection of utility data. Where ever towers are located, signage is required to disclose ownership of the tower.
- 17.2. Some smart meters also have an antennae known as a Zigbee chip which transmits at 2.4 GHz, the same frequency used in WIFI. The Zigbee chip is designed to communicate, monitor, and control smart appliances and smart devices. This infrastructure requires perpetual wireless communications between the smart meter and “Internet of Things” (IoT) devices.
- 17.3. As stated earlier, control of smart devices or smart appliances to create a smart home can be accomplished with commercially available solutions such as NEST, available at Best Buy or on-line and does not require the infrastructure of smart meters.
- 17.4. On October 18, 2011, a CA Administrative Law Judge passed a ruling directing PG&E to clarify radio frequency emissions from their Silver Springs Network mesh network system, the same system used by CPS-San Antonio. The following table documents that while PG&E meters transmit data 6 times a day, the actual number of radio frequency transmissions is 9,600 (average) and 190,000 (maximum) per 24-hour day, with total transmission durations of 45 seconds (average) and 875 seconds aka 15 minutes (maximum) per 24-hour day.

- 17.5. The number and duration of radio frequency transmissions from the mesh network system are not being disclosed to utility customers, and in the author's opinion is a gross misrepresentation of smart meter technology that carries potential endangerment to public health.

**TABLE 2-1**

Electric System Message Type [a]	Transmission Frequency Per 24-Hour Period: Average	Transmission Frequency Per 24-Hour Period: Maximum (99.9 <sup>th</sup> Percentile)
	[b]	[c]
Meter Read Data	6	6
Network Management	15	30
Time Synch	360	360
Mesh Network Message Management	9,600	190,000
<b>Weighted Average Duty Cycle</b>	45.3 Seconds <sup>4</sup>	875.0 Seconds

- 17.6. In another e-mail from 2010, CAPUC Chariman Peevey's Chief of Staff, Carol Brown wrote to PG&E:  
“...so far I have done OK just listening to the sad tales of EMF poisoning – and telling them thank you for bringing it to our attention – and then not offering them any solution!!!!...”

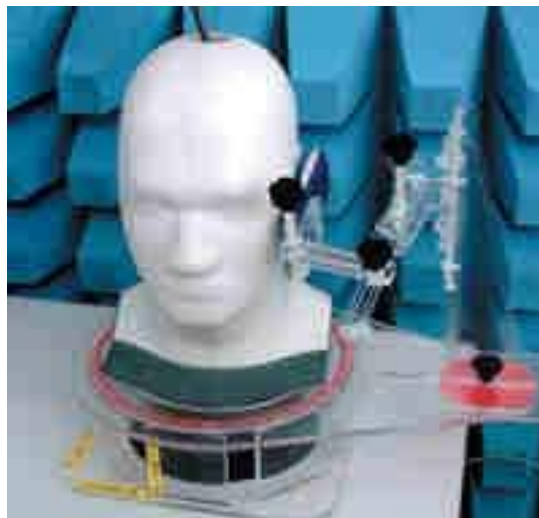
Brian Cherry, VP of Regulatory Relations at PG&E replies, “*Prozac might be a solution!*”

[http://ftp2.cpuc.ca.gov/PG&E20150130ResponseToA1312012Ruling/2010/06/SB\\_GT&S\\_0009206.pdf](http://ftp2.cpuc.ca.gov/PG&E20150130ResponseToA1312012Ruling/2010/06/SB_GT&S_0009206.pdf)

## **18. Current FCC standards do not take into account biological effects from radio frequency exposures**

- 18.1. The Federal Communications Commission (FCC) uses a safety testing method referred to as Specific Absorption Rate (SAR). This testing method uses a plastic mannequin head, filled with a substance that is designed to emulate a human brain and thermometer on top.

A wireless device is positioned to the mannequin to determine how close and how far from the head to keep the thermometer from heating up one Celsius per kilogram. The FCC does not conduct any testing on the biological effects of radio frequencies on plants, animals, insects or humans.





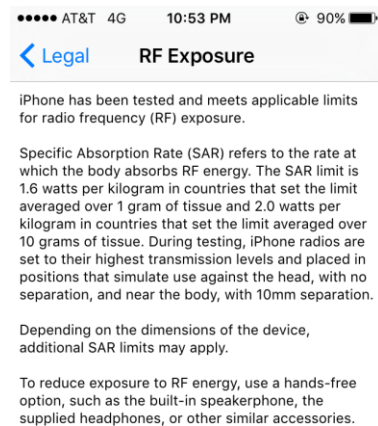


18.5. It should be noted that limits used in determining maximum exposure to radio frequencies are acquired from a method known as average cumulative exposure. For example, if a wireless device emits 30,000 microwatts per meter squared ( $\text{mWm}^2$ ) every 15 seconds, to calculate the average cumulative exposure, the maximum signal intensity of 30,000  $\text{mWm}^2$  would be divided by 15 seconds to achieve a 2,000  $\text{mWm}^2$  per second result. An analogy of average cumulative exposure would be if you were to receive 10 gallons of water to last 10 days, while receiving all 10 gallons on day 10. Your average cumulative “exposure” would be 1 gallon a day but you would be dead by day 10.

18.6 Health and environmental hazards from radio frequency exposure denied by utilities while disclosed in wireless companies’ device manuals and annual reports

Cellular phone companies refuse to publically acknowledge any needed cautions associated with radio frequency exposures from cell phone use.

The image to the right is from an iPhone 4S under Settings / General About Legal / RF Exposure the following disclaimer is found.



18.7 From ATT’s 2014 Annual Report

**Unfavorable litigation or governmental investigation results could require us to pay significant amounts...**

*“As we deploy newer technologies, especially in the wireless area, we also face current and potential litigation relating to alleged **adverse health effects on customers or employees** who use such technologies including, for example, wireless handsets.*

*We may incur significant expenses defending such suits or government charges and may be required to pay amounts or otherwise change our operations in ways that could materially adversely affect our operations and financial results.”*

18.8 From Verizon’s 2014 - 10K Annual SEC Report under Risk Factors:

***“We are subject to a significant amount of litigation, which could require us to pay significant damages or settlements.”***

*“...our wireless business also faces personal injury and consumer class action lawsuits relating to alleged health effects of wireless phones or radio frequency transmitters, and class action lawsuits that challenge marketing practices and disclosures relating to alleged adverse health effects of handheld wireless phones. We may incur significant expenses in defending these lawsuits.*



*In addition, we may be required to pay significant awards.”*

<http://ehtrust.org/key-issues/cell-phoneswireless/telecom-insurance-companies-warn-liability-risk-go-key-issues/>

**19. Insurance companies exclude EMF from health coverage.**

- 19.1. In February in 2015, Lloyds of London’s updated renewal clause (32) excludes any liability coverage for claims, *“Directly or indirectly arising out of, resulting from or contributed to by electromagnetic fields, electromagnetic radiation...”*

<http://emrabc.ca/wp-content/uploads/2015/03/InsuranceAEWordingCanadav17Feb2015.pdf>

**20. Special insurance needed for EMF coverage.**

- 20.1. Great American Insurance Group Environmental Division offers special environmental liability insurance that:  
*“Covers bodily injury, property damage, legal expenses and clean-up costs resulting from pollution conditions associated with a covered location on a claims-made basis.” ...*  
*“The definition of pollutants includes mold, legionella, **electromagnetic fields** and methamphetamines.”*

[http://www.greatamericaninsurancegroup.com/Insurance/Environmental/Products/Documents/0935-1 ENV%20PEL%20Fact%20Sheet\\_052913\\_web.pdf](http://www.greatamericaninsurancegroup.com/Insurance/Environmental/Products/Documents/0935-1 ENV%20PEL%20Fact%20Sheet_052913_web.pdf)

**21. International scientists appeal to U.N. to protect humans and wildlife from EMF and wireless technology**

- 21.1. In 2015, Martin Blank, PhD of Columbia University representing 190 international scientists in an Appeal to the UN, UN Member States and the WHO on the risks of electromagnetic fields emitted by telecommunications and utility technologies. Cautioning strongly, Dr. Blank says, "The time to deal with the harmful biological and health effects is long overdue. To protect our children, ourselves and our ecosystem, we must reduce exposure by establishing more protective guidelines."

<http://www.businesswire.com/news/home/20150511005200/en/International-Scientists-Appeal-U.N.-Protect-Humans-Wildlife>

**22. Countries and US schools respond to scientists’ appeal to implement the Precautionary Principle for WIFI exposure**

- 22.1. Many smart meters are equipped with a Zigbee chip which is a second antennae emitting 2.4 GHz to monitor and control smart appliances. Smart appliances perpetually emit the same 2.4 GHz seeking to communicate with the smart meter. The 2.4 GHz frequency is the exact same frequency used in WIFI and in microwaves. The intensity of the frequency in microwaves is 1000 times stronger than WIFI which excites water molecules to create heat. Many scientific reports discuss cognitive function disruption

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when exposed to WIFI. Children in school are being bathed in WIFI frequencies for 6 to 8 hours during a school day for 13 years.

- 22.2. On January 29, 2015, the French National Assembly made history by passing a new national law to reduce exposures to wireless radiation electromagnetic fields.

22.2.1. WIFI Banned in Nursery Schools.

22.2.2. National Radiofrequency Agency Established.

22.2.3. Cell Phones Labeled with SAR Values and Ways to Lower Radiation.

22.2.4. WiFi Routers Turned Off in Elementary Schools Except When Needed.

22.2.5. Cell Phone Ads Must Recommend Phones be Held Away From the Head.

22.2.6. Location of Wireless Routers Must be Posted.

Government Report To Be Prepared on Electro-hypersensitivity.

<http://ehtrust.org/france-new-national-law-bans-wifi-nursery-school/>

- 22.3. The following US schools have implemented a precautionary principal regarding use of WIFI in classrooms.

1. On 2015: Washington Waldorf School, Maryland, USA: Removed Wi-Fi Routers from Buildings, Ethernet installed.
2. 2014: Acorn Hill School, Maryland: Wi-Fi Networks removed.
3. 2014: [DearCroft Montessori](#): Hardwired internet for younger grades, limited Wi-Fi Router exposure to older grades.
4. 2014: [Portland Waldorf School](#), Portland Oregon, USA, WiFi removed.
5. 2014: [Meeting House Montessori](#), Braintree Massachusetts, USA, WiFi replaced with Ethernet.

<http://ehtrust.org/france-new-national-law-bans-wifi-nursery-school/>

### **23. Current FCC “safety” standards do not test nor take into account biological effects from radio frequency exposures**

- 23.1. In June of 2014, a Texas smart meter activist joined Stop Smart Meters activist groups from Maryland and California, to attend meetings in Washington DC with attorneys from the FCC. In these meetings, attorneys were asked if the FCC was a health regulatory agency. The attorneys would not answer. When asked how many health professionals were on staff to evaluate scientific and medical studies demonstrating hazardous effects on biological organisms, the reply “zero”. They stated that evaluation of scientific and health studies showing biological effects would be the responsibility of the Food and Drug Administration (FDA). When the group had meetings with the FDA, they asked how the FDA evaluated wireless devices. The FDA oversees safety of wireless pacemakers and insulin pumps. When asked specifically about that the role FDA played regarding regulations for wireless communications like cell phone and WIFI, the response was that the FDA determines if the manufacturers adhere to the FCC safety standards.

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- 23.2. On July 14, 2016, FCC unanimously approved 5G wireless communication. The FCC chairman, Tom Wheeler past President of the Cellular and Telecommunications Industry Association (CTIA) committee In a unanimous vote this morning, the Federal Communications Commission approved a plan to begin readying the United States for 5G wireless networks without any comments regarding safety of 5G technology.

**24. Radio Frequency hazards identified by Department of Interior and Defense Intelligence Agency**

- 24.1. On February 7, 2014, the Department of Interior wrote to the National Telecommunications and Information Association (NTIA), "The second significant issue associated with communication towers involves **impacts from nonionizing electromagnetic radiation emitted** by these structures. Radiation studies at cellular communication towers were begun circa 2000 in Europe and continue today on wild nesting birds. **Study results have documented nest and site abandonment, plumage deterioration, locomotion problems, reduced survivorship, and death.**"

<https://smartgridawareness.org/2014/03/23/can-we-protect-birds-and-people/>

- 24.2. In the 1976 Defense Intelligence Agency report on the "*Biological Effect of Electromagnetic Radiation*", implies that the current FCC standards are designed to protect industry profits at the expense of public health.

...  
**If the more advanced nations of the West are strict in the enforcement of stringent exposure standards, there could be unfavorable effects on industrial output and military functions. The Eurasian Communist countries**

<http://thefullertoninformer.com/declassified-the-1976-defense-intelligence-agency-report-on-microwaves/>

These comments clearly demonstrate that concerns regarding exposure to non-ionizing radiation have historically been acknowledged as well as recently recognized by various federal agencies.

**25. 1971 Naval Medical Research Report demonstrates hazardous effects of radio frequency radiation on humans**

- 25.1. The report title includes: Bibliography of Reported Biological Phenomena ('Effects') and Clinical Manifestations Attributed to Microwave and Radio-Frequency Radiation. More than 2000 references on the biological responses to radio frequency and microwave radiation, published up to June 1971, are included in the bibliography.\* Particular attention has been paid to the effects on man of non-ionizing radiation at these frequencies.

<http://www.stetzerelectric.com/naval-medical-research-institute-research-report/>

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**26. Electromagnetic fields from powerlines, cell phones, and cell towers harm birds, bees, wildlife, and the environment**

Numerous scientific studies are demonstrating hazardous effects of EMF on birds, animals, insects and agriculture production.

- 26.1. Technologies cause increased electrosmog.
- 26.2. Radio frequency fields in the MHz range disrupt insect and bird orientation.
- 26.3. Radio frequency noise interferes with the primary process of magnetoreception. Existing FCC guidelines do not adequately protect wildlife.  
<http://ehtrust.org/science/bees-butterflies-wildlife-research-electromagnetic-fields-environment/>

**27. May 2016, \$25 Million National Toxicology Program study finds increased cancer in rats exposed to cell phone radiation**

- 27.1. [Microwave News](#) first broke the story that the long awaited National Toxicology Program's radiofrequency radiation research study results showed increased brain and heart tumors in rats after two years exposure to wireless radiation.  
<http://ehtrust.org/cell-phone-radiofrequency-radiation-study/>

**28. Radio frequencies from smart meters classified as a Class 2B Possible Carcinogen**

In May of 2011, the World Health Organization (WHO) classified radio frequency electromagnetic fields as a Class 2B Possible Carcinogen in the same class as lead and DDT. Utilities are not required to give customers disclosure regarding this public health hazard, so symptomatic customers have no idea they may be suffering from EMF exposure resulting in healthcare costs and loss of income due to illness.

[http://www.iarc.fr/en/media-centre/pr/2011/pdfs/pr208\\_E.pdf](http://www.iarc.fr/en/media-centre/pr/2011/pdfs/pr208_E.pdf)

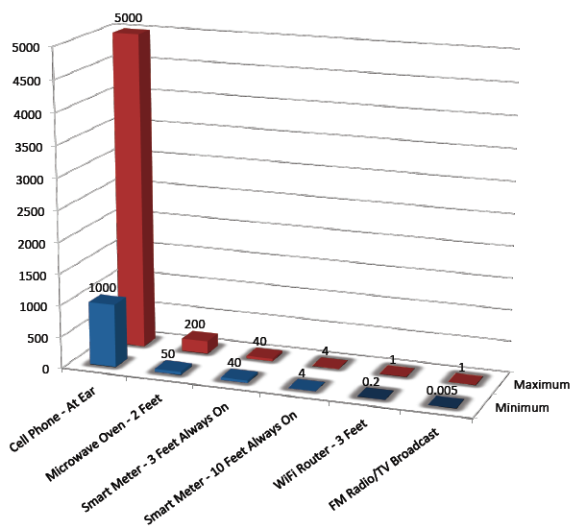
*"Brain tumours are now the leading cancer in American adolescents, and incidence is rising in young adults according to the [largest, most comprehensive analysis](#) of these age groups to date."*

<http://www.preventcancernow.ca/brain-tumours-now-leading-form-of-cancer-in-adolescents>

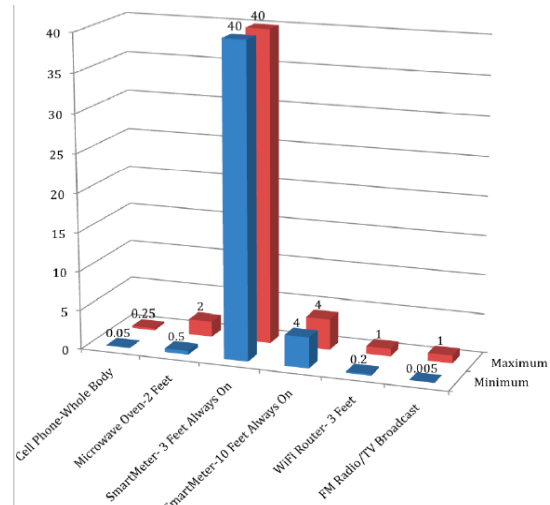
**29. Utilities misrepresent radiation exposure intensity from cell phones versus smart meters**

The California Council on Science and Technology (CCST) developed the “Health Impacts of Radio Frequency from Smart Meters” report which states that individuals receive more radiation from a cell phone than from a smart meter. The CCST cut and pasted the following chart from an industry front group, the Electric Power Research Institute (EPRI). The CCST published this highly misleading chart, which was presented as fact by many utilities and media outlets. When the data was evaluated by Dr. Daniel Hirsch, Professor of Nuclear Policy at University of California, it was determined that the radiation measurements from the cell phone were limited to the head and not whole body exposure as was measured from the smart meter. When the report is corrected to represent cumulative, whole body exposure reflecting the same units of measurement, it appears that smart meters are at least 100x more powerful than cell phones.

CCST Chart



HIRSCH Chart



**30. CONCLUSION:**

- 30.1. This report clearly identifies the numerous issues plaguing smart meter technology and deployment. Since utility rates are established by reimbursement for “Cost of Service”, having faulty meters and misrepresentation on project projections should not be considered just the “*cost of doing business*” for which the utilities will receive full reimbursement. It is necessary to analyze future expenditures so that “good money is not spent after bad” to “*ensure consumer protection*”.
- 30.2. “Cost of Service” reimbursement models have proven to be poor forms of recoupment of costs since there is no incentive to change course when bad decisions are made. When all costs are reimbursed regardless if expenses are from poor management decisions and failed technology choices and there is no recourse offered to rate payers, this reimbursement model does not provides for “*consumer protection*”.
- 30.3. The employees of utility providers have formed political action committees (PAC) funded by employees of regulated utility companies to lobby on behalf of the utility company. These funds can be distributed to legislators’ campaign funds and pay for sponsorships at political conventions. This PAC funding may be construed as money laundered since the employees who fund the PAC are the same employees receiving millions of dollars in bonuses which are paid for by rate payers. Utility political action committee activities do not create an environment to “*ensure consumer protection.*”

**ONCOR pays 51 executives \$82 million in Bonuses and CEO’s dividends:**  
<http://www.dallasnews.com/business/columnists/mitchell-schnurman/20121208-oncors-big-payday-thank-you-regulation.ece>

**ONCOR parent company Energy Future Holdings declares \$49.7 BILLION bankruptcy:**  
<http://nypost.com/2014/04/28/energy-future-holdings-set-to-file-for-bankruptcy/>



## Bonuses paid to Oncor and Centerpoint Executives: Source Ban Texas Smart Meters

The charts on this page feature a breakdown of the total annual pay for the top executives at **ONCOR ELECTRIC DELIVERY CO LLC** as reported in their proxy statements.

**Total Cash Compensation** information is comprised of yearly Base Pay and Bonuses. **ONCOR ELECTRIC DELIVERY CO LLC** income statements for executive base pay and bonus are filed yearly with the SEC in the edgar filing system. **ONCOR ELECTRIC DELIVERY CO LLC** annual reports of executive compensation and pay are most commonly found in the Def 14a documents.

**Total Equity** aggregates grant date fair value of stock and option awards and long term incentives granted during the fiscal year.

**Other Compensation** covers all compensation-like awards that don't fit in any of these other standard categories. Numbers reported do not include change in pension value and non-qualified deferred compensation earnings.

Name/Title	Total Cash	Equity	Other	Total Compensation
Brenda L. Jackson Senior Vice President and Chief Customer Officer	\$401,708	\$0	\$3,879,628	\$4,281,336
David M. Davis Senior Vice President and Chief Financial Officer	\$555,563	\$0	\$2,996,698	\$3,552,261
Robert S. Shapard Chairman of the Board and Chief Executive, Director	\$1,205,575	\$0	\$18,486,361	\$19,691,936
James A. Greer Senior Vice President and Chief Operating Officer	\$518,525	\$0	\$3,874,877	\$4,393,402
Brenda J. Pulis Senior Vice President	\$415,560	\$0	\$4,853,957	\$5,269,517

The charts on this page feature a breakdown of the total annual pay for the top executives at **CENTERPOINT ENERGY INC** as reported in their proxy statements.

**Total Cash Compensation** information is comprised of yearly Base Pay and Bonuses. **CENTERPOINT ENERGY INC** income statements for executive base pay and bonus are filed yearly with the SEC in the edgar filing system. **CENTERPOINT ENERGY INC** annual reports of executive compensation and pay are most commonly found in the Def 14a documents.

**Total Equity** aggregates grant date fair value of stock and option awards and long term incentives granted during the fiscal year.

**Other Compensation** covers all compensation-like awards that don't fit in any of these other standard categories. Numbers reported do not include change in pension value and non-qualified deferred compensation earnings.

Name/Title	Total Cash	Equity	Other	Total Compensation
David M. McClanahan President and Chief Executive Officer	\$2,214,800	\$2,542,663	\$513,632	\$5,271,095
Scott E. Rozzell Executive Vice President, General Counsel and Corporate Secretary	\$977,002	\$1,177,006	\$123,413	\$2,277,421
Gary L. Whitlock Executive Vice President and Chief Financial Officer	\$1,044,660	\$1,226,235	\$101,335	\$2,372,230
Thomas R. Standish Executive Vice President and Group President, Corporate and Energy Services	\$942,938	\$1,151,827	\$223,890	\$2,318,655
C. Gregory Harper Senior Vice President and Group President, Pipelines and Field Services	\$673,365	\$332,583	\$43,769	\$1,049,717

**31. REQUESTS:**

31.1.      **Legislative Action:**

31.2.      Hearings with the House Agriculture Livestock Committee and/or House Environmental Regulation and and/or Senate Agriculture, Water and Rural Affairs Committee and/or Senate Natural Resources to:

31.2.1.   study the impact of EMF from wireless technologies and smart meter infrastructure on agriculture production, insects, fish, birds and wildlife.

31.3.      Hearings with Senate Health and Human Services and/or House Public Health Committee to:

31.3.1.   study the symptoms associated with EMF exposure from smart meters with possible recommendations to limit time of day transmissions and frequency of transmissions to once monthly, notification to customer time of day transmissions, require utility to set meter transmissions to lowest functional setting and notice to customers of possible symptoms from EMF exposure.

31.3.2.   study the impact of WIFI in schools and potential disturbances with cognitive functions and other health implications.

31.4.      **Call for PUCT Hearings to address:**

31.4.1.   PUCT retraction of the “*Report on Health and Radiofrequency Electromagnetic Fields from Advanced Meters*” by Alan Rivaldo.

31.4.2.   PUCT regulations to require random testing of meters and networking system to insure accuracy and consistency of metering and billing data to “*ensure consumer protection*”.

31.4.3.   Require follow up hearings with the House or Senate Committee which calls for PUCT hearing once PUCT issues rules or releases reports to allow for peer review and public comment.

31.4.4.   In light of unlawful, forced deployment of smart meters, provide a no cost opt out for all utility customers as patterned from resolution #156 of the 2016 Republican Platform that was approved by 6791 delegates.

156   Smart Meters- The Republican Party of Texas supports a no-cost opt out for all Texas PUC customers and the phase out of Smart Meters aka Advanced Meter Infrastructure to be replaced with mechanical, non-transmitting analog meters when software upgrades are required or the computer smart meters require replacement due to mechanical failure or model upgrade requirements.

31.4.5.   Study feasibility of smart meter phased out.



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**32. SUBMITTED UTILITY CUSTOMER COMPLAINTS**

This interim charge specifically references “Review recent examples of inaccurate or confusing billings and offer recommendations on appropriate consumer recourse and appeal. In addition, assess utility procedures regarding meter installation.”

Billing and installation complaints can be traced to each smart meter deployment since 2007 starting with Centerpoint, then Oncor in 2010, and currently with CPS Energy – San Antonio.

The following complaints are predominately from the San Antonio – CPS Energy service area given the current customer push back. Complaints from Oncor and New Braunfels are also included.

32.1 CPS smart meter increases seizures in daughter and mother.

In Spring 2015, when CPSs installed a smart meter next to daughter's room, my daughter, who would normally have a seizure maybe once a week, starting having them daily. My son's room was close to my daughters. He had no medical illness what so ever but my son stop sleep and said mom I can't sleep. He was moody and you could not talk to him.

I had had problems with insomnia where maybe a night or two I would have problems sleeping but after the smart meter, I couldn't sleep for a week and had terrible headaches.

I heard about the problems and symptoms from smart meters from a packet given out at the Ceasar Chavez march in San Antonio in Spring of 2015. I attended several meetings Henry Rodriquez and started doing my own research. The symptoms my family was experiences were described by many people.

I was aware from the iPhone manuals that if you have seizures, being around wireless can increase your seizures. Because of mine and my daughters seizures. I had already made my home as safe as possible by not allowing iPhones, smart phones, or a microwave in the house. I only use WIFI on an as need basis and it stays off. All our electronic laptops are powered off each night, batteries removed and placed away from sleeping areas.

When I called CPS to remove the smart meter I told them it was for medical reasons, they removed it without any fees and I have not been charged a fee at this time. CPS removed the meter and my daughter's seizure are gone completely, my son can sleep and I started to sleep again.

Every month, CPS continues to try to get me to installed the smart meter, and every time they knock on my door, I say no I don't want that meter. I lock my gates and I have a dog to keep them. I have sticker on the meter that says do not install because of medical problems.

Rosa Estrada  
San Antonio, Texas 78207

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32.2 ONCOR's Customer Service no longer provides Smart meter EMF as a category of complaint says customer with EMF induced heart problem

**From:** J Ryan [mailto:thetexaswebguy@yahoo.com]  
**Sent:** Sunday, August 7, 2016 4:28 PM  
**To:** Helpyourselfwellness Info <info@helpyourselfwellness.com>  
**Subject:** Smart Meter Letter

Unbeknownst to me, on August 8, 2012 at 430pm in the afternoon, an Oncor Contractor "tore" off my sign "Opting Out" of installing a Smart Meter and installed a Smart Meter on my home against my wishes. To compound the indifference to our homeowner rights afforded by the State of Texas, the Contractor also "tore" off the "Opting Out" sign on my neighbors home and installed a Smart Meter (despite an Oncor Contractor meeting with with my neighbors several weeks beforehand and acknowledging their wish to opt out of Smart Meter).

At approx. 2am the next morning August 9<sup>th</sup>, 2012, I suddenly woke up in a body sweat, with a rapid heart beat, my left eye hurting from extreme dryness, and my mouth parched. I was in shock because I had never had this happen to me before. I drank some water, put eye drops in my eyes, and went to the kitchen until my heart calmed down. I did not sleep well that night.

The very same thing happened at 2am in the morning of August 10<sup>th</sup> and August 11<sup>th</sup>. Exhausted, on August 11<sup>th</sup>, I started out sleeping on a couch that is further away and the symptoms occurred again but at a diminished rate.

During the next 2 weeks, I experimented with sleeping in different areas like the kitchen or our guest room with some of the same symptoms but at a diminished rate. Since I have never had heart problems, since my blood pressure was always excellent in my regular doctor visits, and my family does not have a history of heart problems, I knew it wasn't a heart problem but could not determine why I was experiencing this problem.

During a conversation with one of my neighbors before going to work, the neighbor said he was preparing to go to a PUC Meeting in Austin regarding Smart Meters and said that I could write a letter objecting to the installation of Smart Meters and he would hand carry it to the meeting. At work, I began doing research on Smart Meters and found that I was experiencing the exact same symptoms that others had experienced after the installation of a Smart Meter. When I arrived home that day, I went to the side of the house and found that our sign had been pushed aside 2 weeks earlier and the Smart Meter had been installed. I called Oncor, and talked to \_\_\_\_\_ (I can provide name if you wish) and he told me that my Smart Meter had been installed at approx. 430pm on August 8<sup>th</sup>, 2012. Without really knowing it, I validated the affects of an installed Smart Meter. I was blessed that I had the "cause and effect" experience to identify what was causing the problem, because if I didn't, I would have the continuing horror of how am I having heart problems when every cardio test reveals a perfect heart function.

I have had 4 Stress Tests conducted in my life and each of these Stress Tests have resulted in a "negative" result. I do not have heart problems. Virtually every time I visit my doctor, my blood pressure is perfect. I have copies of the tests to prove it.

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I called and complained to Oncor and they sent a technician out to my house. When he arrived, my neighbor accompanied us during an hour of measurements by his \_\_\_\_\_ tool. \_\_\_\_\_ showed us readings that were taken from our master bed, from in front of the Smart Meter, etc. We timed the pulses to once every 15 seconds with varying levels of severity. He told us that I had the accumulated data from 7 local Smart Meters being communicated through my Smart Meter. He also told us that all Smart Meters were installed at maximum settings. I asked him if he could tone down these settings and he said he stopped the communication of 7 local Smart Meters thru my Smart Meter and he dropped the Smart Meter settings to a lower setting. He said he would also do this for my neighbors Smart Meter. Since their Smart Meter is across from our Smart Meter but closer to the street, we had double Smart Meter trouble. The Oncor Technician helped reduce the symptoms I was having but didn't eradicate them.

After several visits by this Oncor Technician with the measuring instruments, we were told that he could no longer come out to conduct measurements. I was also told that I could no longer send emails to \_\_\_\_\_ (I can provide this Oncor Customer Service persons name) by his supervisor because it was taking so much of his time. I later found out that this Oncor Customer Service person does not have a Smart Meter on his home.

I had always thought that Oncor was a public utility and subject to the public but found out that I was wrong. As a citizen of Texas, I found out through subsequent phone calls that I cannot even file a complaint about Smart Meter EMFs with Oncor because their Customer Service no longer provides it as a category of complaint.

I have made phone calls, I have written letters, I have talked to experts, I have testified in front of the PUC. I have always thought that My Home is My Castle, but not in the State of Texas. It turns out that I have to pay tribute to Oncor to prevent present and future heart problems from an instrument I clearly did not want to have (remember my ignored signs on my Smart Meter) in the first place. I cannot lodge a complaint, I cannot get a public utility technician to come out to conduct measurements, and it appears that every attempt I could make to improve my situation would be squashed.

It turns out that my health is subject to the whims of an Oncor Technician from a remote site who can turn up/influence the magnitude of area Smart Meters without any regard to a standard and generate rapid heart beats from whomever he wishes. Although I have opted out, my neighbor still has a Smart Meter. It is not close to their bedroom so they do not experience what I do but it is still in a position to do myself and my family harm.

My neighbors are retired and cannot afford an increase in electric fees to help alleviate my health concerns.

I, as many others, endure a 24/7 non-stop barrage perpetrated by the State and Oncor with no recourse to truly protect our rights in our home, around our home, above our home and under our home.

This is more than just being able to turn on a toaster,  
The PUC has reduced my quality of Life  
The PUC has reduced the length of my Life  
The PUC has nullified my constitutional right to the pursuit of a FULL life, FULL liberty and the FULL pursuit of happiness and as owner of MY CASTLE,  
I have no more rights over my own property than a homeless man living under a bridge.

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I did not give them away, YOU TOOK THEM without my permission.

**32.3 ONCOR – Impaired child continues to suffer from EMF exposure**

From: ronald schmidt [mailto:rcbeschmidt@sbcglobal.net]  
Sent: Monday, August 1, 2016 2:23 PM  
To: info@texasrighttoknow.com  
Subject: Smart Meters

My name is Christina Schmidt and I am mother to Emily Schmidt who had a severe adverse reaction to her one booster vaccinations at 14 months old and as a result suffers with auto-immune disease, methylation disfunction, genetic mutations and brain/body inflammation, and petit-mal seizures. On the day of smart meter installation in our neighborhood in Bedford, Texas, my daughter began to experience more sleeplessness and regressive behaviors. I had spoke with some other parents who had warned me about the effects of EMF that the smart meters had on people who suffer with chronic health conditions and that of some children with autism and related chronic health conditions so I began my research and decided it would be better to keep my analog meter and oppose the installation of the smart meter. I had to watch daily as they still tried to change my meter sending out people on a weekly basis to try to either convince me to switch my meter or try to jump my fence and switch it w/o me knowledge or consent. A few weeks later I was to meet with a woman who helps parents with education of kids w/ special needs that I became in contact with through a mutual friend. When I arrived at her home we decided to talk in her dinning room which had a door to her backyard about 5 feet from where my daughter Emily was sitting. Not but a few moments later my daughter began to slump forward and let out a strange howel that I had never heard before. It lasted for a few seconds and then she began to look very upset, crying out for me and a little out of breath. Very concerned, I asked her if she was ok. My daughter, Still having a worried look on her face, just held her arms out for me to hug her. Anne, the woman who we were visiting, told me that they (electric co worker) broke down her fence over the weekend while they were out of town to install a smart meter for which she had told them she didn't want installed prior to leaving. She was wondering if maybe Emily was having a reaction to the smart meter they had installed. I asked her where was the meter at and she opened the back door and we walked out, the smart meter was on the other side, outside wall and my daughter was on the opposite side of that wall where the smart meter was! As soon as we looked at the smart meter we saw the numbers blinking on it and Emily began to howel again, slumped over in the chair opposite of the smart meter! I told her I think she is having a reaction the the smart meter when it throughs out a signal to retrieve a reading. Emily stopped howeling when the meter numbers went down. We began to talk more about what we saw and about what we have read on the health complications of some people that may have adverse reactions to this type of technology. As we talked the numbers jumped up again and again Emily began to howel and slump over. I picked up Emily and told Anne I had to go, that Emily was obviously having a reaction to the smart meter and I had to get her out. I asked her to please write down what she had witnessed if I had to someday go to court to keep this technology off my property to protect my child and she agreed to do so. We still do not have a smart meter but since deployment of them everywhere my daughter has regressed in her health. As chronic health is rising in children today, I am very concerned for the well being of my daughter and other children as this type of smart meter technology is unsafe. Thank you for your time in this very urgent matter.

Sincerely, Mrs. Christina Schmidt

### 32.4 Opt out forms create confusion and frustration

Submitted by Susan Straus, resident of Alamo Heights who attended this meeting where the following issue was discussed.

The following text is part of an e-mail information exchange between Shavano Park resident/CPS customer Dagne Florine and CPS Energy representative Rudy Garza in which Mr. Garza responds to questions about retention of existing analog electric meters on residential property.

**Resident:** "I live in Shavano Park and am thinking about keeping my good ol' analog electric meter. Is that an option? If so, what is the procedure?"

**Garza:** As part of our Meter Xchange Program (), customers have the option to keep their existing meter. Customers will be charged only a monthly \$20 meter read fee to send someone to the home to manually read the meter on a monthly basis.

**Resident:** If I can't keep my current analog meter what are my options...What specific meters are available?

**Garza:** Customers who currently have an analog meter can keep their analog meter if they choose. Other optional meters would be an OMR (off site meter read meter), and a digital non communicating meter.

**Resident:** Are any of them electro-mechanical non-communicating analog meters? Which one(s)? Where are their specifications so I will know exactly what I'm getting?

**Garza:** Optional meters are not electro mechanical meters other than analog meters. OMR meters use RF to send a read from a short distance from the home. Digital non communicating meters have no RF and do not communicate. Digital non communicating meters have to be read manually by a meter reader."

**Mr. Garza's responses are indicative of an ongoing problem. At issue is the absence of a check box on the CPS Meter Exchange form. Despite statements made by Mr. Garza in the above indicating customers can retain or have an opt out analog meter, there are no provisions on the CPS Meter Exchange Form for this as an option. When challenged, CPS customer service representatives inform the customer to lineout pre-printed opt out meter selection boxes on the form and hand write the words KEEP ANALOG.**

CPS customers are deeply concerned that by following this procedure an official CPS form that authorizes financial billing and service amendments is being illegally altered. During service disputes, CPS legal may claim that the form with its opt out selection is void due to alteration. Additionally, CPS makes no provision for this form to become legally tied to the customer's legally binding Terms of Electric Service Agreement.

**Numerous verbal, telephonic, e-mail, and written letters complaints have been lodged with**

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**CPS over this issue. To date all efforts to add an Analog Opt out selection check box to the CPS meter exchange form have been rejected by CPS.**

The most recent attempt was made during a June 2016 meeting at Shavano Park City Hall, attended by CPS rep. Rudy Garza and Shavano Park residents. During the meeting Mr. Garza was asked why the Meter Exchange form could not be renamed to read Smart Meter Opt out Form and why it did not contain a standard check box selection for retention or installation of an analog meter. Mr. Garza responded that he authored the form and that it could not be structured in such a manner to offer analog meters because it would obligate CPS to use those meters in the future. In contradiction to his statement, the CPS Energy web site displays two models of Analog meters under its home page at the Smart Grid hyper link as option that can be installed in lieu of a Smart Meter.



### 32.5 Opt out meters may contain RF transmitters

On Fri, May 27, 2016 at 9:44 PM, (anonymous engineer) wrote:

I hope that by now everyone has a heightened awareness of the true nature of these new meters. I am going to repeat the most important technical realities again:

In terms of higher electricity bills, it makes no difference if CPS installs a smart meter, OMR, or Itron C1S digital meter. All three meters types contain a micro-controller, memory chip, and firmware running a dedicated operating system. All three are powerful computers that can and will calculate, and bill electricity usage at much higher costs by using laboratory grade precision digital sampling techniques. The only significant difference among the three types is if Radio Frequency communication is used, and if it is, what communication format is applied.

As an example of how CPS deceives customers who wish to op-out of smart meters, CPS routinely installs an Itron model C1SR as the primary alternative, non-standard meter. The C1SR is an Off-Site-Meter (OMR), Digital Meter that, as advertised by CPS, requires a utility vehicle to drive through the neighborhood each month in order to access usage readings. (the ...R model suffix denotes Radio) Those readings are transmitted to the utility truck using the same wireless 900MHz ISM frequency band as a smart meter. The necessity for dispatching a utility truck each month is the rational for additional opt out fee.

OMR meters operate in what is known in the utility industry as Bubble-Up transmission mode, which causes the meter to send out its customer usage data pulses continuously at about one minute intervals. This occurs 24/7 irrespective of the presence of a CPS truck in the area. Most customers who elect to opt out of a smart meter do so with the expectation that Radio Frequency will be eliminated from their home, when in fact the primary CPS opt out meter still emits radio frequency. The end result is CPS customers are charged twenty dollars per month to have a CPS vehicle enter the neighborhood to intercept the RF. It is also possible for CPS to task its wireless network provider, Silver Springs Networks, to install smart grid software designed receive Itron C1SR to read OMR Bubble-up data transmissions, thereby obviating the need for a truck drive-by. Of course if this were to be implemented, the customer would be unaware and the twenty dollar fee would continue to be billed each month. Due to continuous RF data transmissions, there is a possibility that customer data can be intercepted by hackers.

These facts are EXACTLY why CPS is playing games of deception with customers who wish to opt out of smart grid. The CPS tactical warfare objective is to deploy one of the three computerized meter types on every home and business. The CPS preference is to install a smart meter, but if the customer fights and wins the opt out deception, CPS will relent to install an OMR or digital meter because they know those meters can be altered to become a stealth smart meter. In any and all instances, when CPS installs a smart, OMR, or Itron digital meter, the utility knows that additional revenue will be generated from those meters even if the per kilowatt hour rate cost remains the same.

In summary, what they are doing is making more money from the same volume of electricity used.

Below is an example of how a customer may be presented with what appears as an analog. People are aware that an analog meter has a “wheel”. But as seen below, certain meters are presenting themselves as a true analog since it has a “wheel”. But as shown here, the “analog” meter has computer circuitry that is connected to a transmitting device which means it is emitting radio frequencies.

People need to be aware that this type of meter is Trojan horse meter and not a true analog.

Consumer beware.

RF Transmitting Analog Meter Circuit Board Removal



RF Transmitting Analog Meter Components & Antenna



**32.6 Condo owners and multifamily units residents feel endangered by CPS smart meters**

Oliver and I are in our 80's, he has a *pacemaker* and I have heart *arrhythmia* and as typical in condos, (and multi-family complexes) many who live there are senior citizens who have downsized their living to smaller homes they plan to live in the rest of their lives. They each wish to be independent and self-sufficient for as long as possible.

Both Oliver and Bobbie serve on the board of their condos. Odd as it is, *both have five meters on the outside of their bedroom wall*, but Oliver has additional six meters, down a short distance from the five.

Radiation emissions go through brick.

Oliver Holden and Bobbie Mueller are seeking both Condo Boards' support *to pay an attorney to obtain a court injunction against CPS to stop the exchange of analog meters for "smart meters,"* because all evidence points to their adding damaging pulsing radiation emissions to our environment.

Our fight is for CPS to change its policy toward multi-family complexes (condos/apartments/nursing homes and assisted living). And that policy we propose is to allow opting out of radiation emitting meters for the safe analogs. Any other action by CPS is *elder abuse*.

The reason that the policy needs to include all multi-family residences in CPS service area is because of the dense population and the multiple effect that five to 20 meters have when they are installed in a single row on a building--which is all too common --I have pictures to prove it..

***Bobbie Mueller***  
***Les Chateaux Town Homes***  
***8058 Broadway, San Antonio 78209***  
***210-824-6992 h***  
***210-215-1546***

### **32.7 CPS not accountable and ignoring customers' complaints and concerns**

To Whom it May Concern:

It is becoming increasingly evident that the City of San Antonio is operating their budget based off unrealistic revenue projections, some of which are based off stealth tax initiatives. As the City continues to spend more and more money on hidden political agendas, the situation only worsens, ultimately setting up the public for failure. CPS Energy seems to be the biggest cash cow for San Antonio's budget, but that is coming to an end, given the fact that wholesale electricity sales have plummeted in the last year. CPS Energy is obviously grabbing for straws when it comes to generating revenue, and it is our fear that smart meters are being forced upon us in order to implement "time of use" billing. In addition to this, it has also become evident that the new smart meters give CPS Energy the capability to change the value of a KWH, ultimately requiring oversight from our state government in the same way gas pumps are regulated. The root problem is that the City of San Antonio has always treated CPS Energy as an investment, and considers the \$350million+ as a return on investment. Now the City has become dependent on the money, and citizens fear that CPS Energy will be pressured to continue providing the same amount in the future, regardless of actual revenue. Based off the fact that CPS Energy has become a rogue organization with no oversight, the people fear that fraudulent methods will be devised to generate revenue, ultimately increasing the already unethical stealth tax forced upon the people. CPS Energy is already an extremely inefficient organization, with executive pay and bonuses that don't correlate with performance and budgeting.

From an internal standpoint, CPS Energy continuously bullies customers and ultimately ignores any issues that are brought up by citizens. Here are a few of these problems from my personal experience:

- customer service is non-existent, and lower level representatives are not trained properly to address problems
- electricity bills do not correlate with actual energy usage based off accepted engineering methods utilizing heating and cooling days...all attempts to address these concerns were ignored
- CPS Energy does not follow rules and guidelines set forth by the City and/or Texas Utilities Commission (CPS claims they follow State Law, but they only do so when it is convenient)
- CPS Energy is installing smart meters without notifying customers as directed by rules and policy
- CPS Energy used fraudulent financial data to deceive the public with unrealistic profit forecasts for the implementation of smart meters
- CPS Energy has ignored any and all safety and health hazards associated with smart meters
- CPS Energy refused to provide documentation from the postal service to confirm that letter was sent to my address to notify me that a smart meter was going to be installed
- CPS Energy is using third party companies to send mail, but the third party is taking payment, but not sending the mail. This was verified through FOIA requests for Postal verification.
- CPS Energy did not grant me the opportunity to opt out from the smart meter program
- I proved through phone call logs that CPS Energy did not notify me by phone before smart

meters were installed at my residence

- When I requested that CPS re-install my analog meter, they refused and ultimately said they disposed of it
- When I requested that I be present for an inspection of my gas meter, CPS Energy ignored my request, and performed the inspection without me
- CPS Energy retaliated against me when I reported them to the City by illegally shutting off my electricity
- CPS Energy has ignored multiple FOIA requests, and made false claims to the Attorney General that some requests would threaten competitiveness in the market, despite the fact they are a public utility

CPS Energy has adopted a plan to implement renewable energy at a rate that is unsustainable from a financial standpoint. This initiative has created a direct impact on the utility's ability to sell electricity generated by natural gas, resulting in the large decrease in revenue. This issue not only creates a deficit with CPS Energy's budget, but also creates a shortfall in electricity supply to other utilities throughout the State of Texas. This continued decrease in electricity dependability will ultimately result in more shortages, and higher peak-time charges.

As our City moves up the list for highest tax rates in the country (highest if you count stealth taxes), my biggest fear is the crash resulting from bad accounting and false representations of project budgets. We can only hope the City government will wake up and become stewards for the people, but for now it seems that political agendas are a more pressing priority. Sadly, any and all complaints I have addressed to the City of San Antonio have ultimately fallen on deaf ears.

Respectfully,

Bronson Lerma  
122 Ridgehaven Place  
San Antonio, TX 78209  
210-557-0369

### 32.8 Customer demands “Opt-In”

Submitted by:  
Todd DeYoung  
San Antonio, TX 78261

I want “**Opt IN.** ” I demand to keep the already-present-on-my-property OMR-meter (and only if that is a non-radio-transmitting AMI meter...otherwise I want an analog meter installed) at no additional charge (either one-time or recurring). Further, I demand complete disclosure in writing of the facts surrounding RF-emitting meters should CPS Energy, per statute, provide the opportunity to “opt IN” to have one installed. Even at that point, there should be no implied customer consent allowed - customer permission must be given voluntarily and in writing.

I don’t want your illegal, radiation-pulsing, privacy-invading, demand-price-allowing “smart” meter, and I will not stop until CPS Energy treats me like a customer instead of a nuisance. It’s becoming patently obvious resolution is “above your pay grade,” and I demand a resolution to this issue from the appropriate level within your quasi-governmental, big-brother utility.

1. Smart meters violate wiretapping laws in Texas (18 USC 2511, 18 USC 2520, Texas Penal Code 16.02b, and Texas Code of Crim. Proc. Art. 18.20, Section 16).
2. CPS Energy’s scheme violates the privacy of consumers. Texas law states **unequivocally** that all data from a smart meter belongs to the customer unless they voluntarily and expressly allow the utility access to it (See Texas Utilities Code §39.107(b)).
3. I do not (nor will I ever) voluntarily or expressly consent to sharing usage data with CPS Energy, as I believe it will eventually lead to CPS Energy managing my usage without my knowledge and charging me “peak hour” usage fees. The usage data is my data (even though it comes from CPS’s meter) and therefore, remains my data. Further, by law, I am not obligated pay an “opt out” fee to keep my data, have my data read manually, or for to have a meter installed on my private property.
4. **CPS has no lawful standing to “allow” customers to “” of this. The fact is, by law, as a customer, I must be “offered” the meter, or “request” the meter, and “opt in” voluntarily and without the coercive threat of paying either an exchange fee (from analog or OMR to the AMI) or a currently-set, arbitrary, meter-read fee of some \$20/month.**
5. When is CPS Energy going make known to the media and the public and the SA City Council and its customers, the results of numerous medical studies which have been completed around the world on the “whole house radiation” which is produced by ‘smart meters?’ Will CPS Energy be completely forthcoming about the exposure to electro-magnetic frequency radiation (which is classified as a 2B carcinogen) produced in great quantities by them?

### 32.9 CPS starts billing for opt out fees prior to smart meter deployment.

**From:** Dagne Florine [mailto:dflorine@tokopah.com]  
**Sent:** Wednesday, July 27, 2016 5:50 PM  
**To:** Sheila Hemphill <info@helpyourselfwellness.com>  
**Cc:** Susan Straus <sbstraus@swbell.net>  
**Subject:** Testimony for the Interim Charge

Sheila,

Here's the bottom line... ***It's not our job to prove radiation pulsing meters cause adverse health effects. It's the responsibility of CPS to demonstrate they don't...as in "do no harm".*** If the meters were regulated by the FDA, as they should have been from the beginning, they absolutely would not be on the market.

Attached are 3 documents related to an interaction we had with CPS back in 2015.

Attachment #1 is a copy of the smart meter ' form my husband and I sent to CPS dated 3/15/15. Also on that attachment is a copy of the response we received from CPS acknowledging receipt of our form and informing us the \$20/month 'meter reading fee' would start on our next bill.

Attachment #2 is a copy of our April 2015 CPS bill showing they did indeed start billing us the \$20/month fee.

The third Attachment is a copy of an email I sent to Rudy Garza, CPS VP of External Relations, after receiving our April bill. Mr. Garza's response is also on that attachment.

Mr. Garza did credit our account the \$20 CPS 'meter read fee' which was billed in April 2015, and we have not been billed that charge since. Of course our experience with CPS on this matter begs the question as to how many others who 'opted out' in advance of smart meter deployment in their neighborhood were also immediately billed the \$20/month meter read fee...but lacked the time, knowledge or persistence to argue its appropriateness. I suggest a bit more 'crediting' may be in order.

On a related subject, about two months ago CPS informed Shavano Park City Hall that installation of smart meters would begin in Shavano Park Oct/Nov 2016. In response to ***considerable*** citizen ***concern and confusion***, our City Council voted to request a 6 month delay. Installation has been rescheduled to the Jan 2017 timeframe.

Last month Shavano Park City Council also tasked our City Attorney to provide a legal opinion regarding smart meter options the City might have per our CPS franchise agreement, whether the City has any say as to what ' fee can be charged, and whether the City can require installation of smart meters by a journeyman, lineman or licensed electrician. That legal opinion is to be presented to Council in Executive Session at our August City Council meeting.

Suffice it to say our disdain for CPS is considerable- its lack of transparency, intent to obfuscate and its poorly trained service representatives. Coupled with the fact that CPS is an unregulated monopoly, and customers who live in incorporated cities such as Shavano Park have no representation on the CPS Board, and you have a situation ripe for poor business practices and customer service.

Regards, Dagne Florine Shavano Park

32.9.1 Attachment #1 email of smart meter " form from Dagne Florine

Author Note: SAMBA members reported that Rudy Garza authored the opt out form and refuses to place a check box option for a mechanical analog meter on the Smart Meter Xchange Program Enrollment Form.

**NO OMR OR SMART METER.**  
**Smart Meter Xchange Program**  
**Enrollment Form**  
**ANALOG ONLY**

Under CPS Energy's Smart Meter Xchange Program, single family residential customers are provided the option to exchange a smart meter with a meter that requires a field visit. To be considered for enrollment in the Smart Meter Xchange Program, please complete all fields below and **return by mail to: CPS Energy, Attention: Meter Xchange Program - MD# 340116, PO Box 1771, San Antonio, Texas 78296** or you can email the completed form to [metereexchange@cpsenergy.com](mailto:metereexchange@cpsenergy.com).

**FILE COPY**

**Eligibility:**

- CPS Energy single family residential customers only
- Must be account holder
- Must not have more than three (3) cut offs for non-payment in a twelve (12) month period
- To maintain eligibility in this Program, the customer's account must not exceed three (3) cut offs for non-payment in a twelve (12) month period
- Distributed Energy Resources (DER) customer accounts are ineligible for this Program

**About your choices:**

A smart meter - No additional cost	A meter that requires a field visit - monthly fee
Secure portal provides customers the first ever opportunity to see the energy they are buying as they go instead of waiting for monthly bill, allowing better ways to budget and save	Does not provide near real-time data; customers must wait for monthly bill
Supports City of San Antonio's Mission Verde Initiative of creating a 21st century energy infrastructure and CPS Energy's Vision 2020 goal of providing innovative technologies	CPS Energy cannot identify power outages instantaneously
Reduced visits to customer's home, lowering emissions and increasing customer privacy	Does not eliminate the need for field visits for monthly reads or increase customer privacy
Potential injury to meter readers is reduced (dog bites, other hazards)	No reduced risk to employees from dog bites, vehicle incidents* and other job-related hazards
	Access to CPS Energy's meter required; without access, estimated meter reads are possible resulting in an estimated bill

**Customer Information (please print)**

Last Name		First Name	
Customer Account # (optional)		Apt#	
Service Address		Zip Code	
City	State	Zip Code	
Phone Number	Email Address		

Any meter access issues we should be aware of: ☒ No ☐ Yes (please describe access issue below)

**WE WANT TO KEEP OUR EXISTING ANALOG METER**

☐ I want to exchange the smart meter for a meter that requires a field visit under the Smart Meter Xchange Program. By checking this box, I certify that I am the authorized customer account holder and acknowledge that a meter that requires a field visit will be installed at this address. I am aware of and agree to the applicable fees, identified in Exhibit B, which will be added to my monthly bill for a period not less than 12 months.

☒ I want to exchange the smart meter for a meter that requires a field visit under the Smart Meter Xchange Program and be considered for the Low Income fees. I understand that I will need to submit proof of income and other information for consideration, and that I will be required to recertify for Low Income eligibility every two years. By checking this box, I certify that I am the authorized customer account holder and acknowledge that a meter that requires a field visit will be installed at this address. I am aware of and agree to the applicable fees, identified in Exhibit B, which will be added to my monthly bill for a period not less than 12 months.

Sign Here: \_\_\_\_\_ Date: 3/30/16

Customers who choose to participate in the Meter Xchange Program will receive a phone call to confirm your program selection. For more information about the Smart Meter Xchange Program or the benefits of smart meters, visit [cpsenergy.com](http://cpsenergy.com). If you have questions, or prefer to speak to one of our customer service representatives, please call 210-353-4AMI (4264).



32.9.2 Attachment #2 email for Dagne Florine April 2015 CPS bill

**CPS Energy**  
PO Box 2678, San Antonio, Texas 78289-0001

**Customer Number:**

Previous Bill \$141.33

**Payments & Adjustments**

CPS Energy AutoPay 04/16/15 ~~-\$141.33~~

**Subtotal** **~~-\$141.33~~**

**Balance** **\$0.00**

**Electric**

*Residential Electric*

Service Availability Charge \$8.75

Energy Charge 706 kWh x \$0.0691 \$48.78

Fuel Adjustment 706 kWh x \$0.01802 \$12.72

Regulatory Adj 706 kWh x \$0.01007 \$7.11

Monthly Meter Read Fee \$20.00

**Total Electric Bill (Non-Taxable)** **\$97.36**

**Gas**

*General Service*

Service Availability Charge \$9.55

Energy Charge 13 ccf x \$0.49 \$6.37

Fuel Adjustment 13 ccf x \$0.16166 \$2.10

**Total Natural Gas Bill (Non-Taxable)** **\$18.02**

**Meter Read Detail (Read=R) (Estimated=E)**

Electric Meter	Previous	Current	Consumption
(R-04/29/2015)	53452	54158	706

Gas Meter	Previous	Current	Consumption
(R-04/29/2015)	7242	7255	13

Your next scheduled meter read date is May 28, 2015 or Jun 01, 2015

Bill Due Date: May 01, 2015    Apr 29, 2015

**Customer Service** (210) 353-2222

**Gas or Electric Trouble** (210) 353-4387

"Se Habla Español!"

PN:

32.9.3 Attachment #3 Florine email to Rudy Garza, CPS VP of External Relations –

From: "Garza, Rudy D." <[RDGarza@cpsenergy.com](mailto:RDGarza@cpsenergy.com)>  
Date: Tuesday, May 19, 2015 at 11:28 AM  
To: Dagne Florine <[dflorine@tokopah.com](mailto:dflorine@tokopah.com)>  
Cc: Doyle Beneby <[DNBeneby@CPSEnergy.com](mailto:DNBeneby@CPSEnergy.com)>, "[Lyle.Larson@house.state.tx.us](mailto:Lyle.Larson@house.state.tx.us)" <[Lyle.Larson@house.state.tx.us](mailto:Lyle.Larson@house.state.tx.us)>  
Subject: RE: CPS smart meter "" monthly fee

Ms. Florine,

Thank you for your email. I wanted to acknowledge receiving your inquiry. I'll have to check into the specifics of this situation, and will get back with you in a timely manner.

Sincerely,

**Rudy Garza**

Vice President, External Relations | 145 Navarro | PO Box 1771 | San Antonio, TX 78296  
Mail Drop 101003 | Office 210.353.3640 | Fax 210.353.4164 | Mobile 210.793.5984  
[rdgarza@cpsenergy.com](mailto:rdgarza@cpsenergy.com)



From: Dagne Florine [<mailto:dflorine@tokopah.com>]  
Sent: Tuesday, May 19, 2015 11:21 AM  
To: Garza, Rudy D.  
Cc: Beneby, Doyle N.; [Lyle.Larson@house.state.tx.us](mailto:Lyle.Larson@house.state.tx.us)  
Subject: [InternetMail]CPS smart meter "" monthly fee

Mr. Garza,

My husband and I live in Shavano Park, which to our knowledge has not yet been scheduled for smart meter deployment.

On March 30, 2015, my husband and I sent the attached smart meter "" form to CPS, requesting to keep our analog meter. That form, as I'm sure you know, is confusing, misleading, and does not allow one to "check a box" to keep an analog meter. Furthermore, neither does it state that CPS intends to start the \$20/month additional billing as soon as the form is received (instead of when smart meters are being deployed in the neighborhood).

One week after sending our "" form, we received a response from Phyllis Batson, Vice President Customer Accounts and Operations, thanking us for our application to CPS Energy's Meter Xchange Program and informing us our account would be billed a monthly \$20 meter reading fee starting with our statement on 04/2015 (see attachment).

That \$20 billing did indeed start with our April CPS bill. However, as mentioned, Shavano Park smart meter deployment has yet to even start. CPS is billing us \$20/month for...nothing...for sending in a form. You have no additional expenses associated with receiving that form. None. We can't even complain to a San Antonio City Council elected representative, because we have no representation when it comes to CPS.

Please reimburse the \$20 charge that was added to our April CPS bill and stop the additional \$20/month meter reading fee until at least such time as smart meter deployment begins in Shavano Park.

We look forward to promptly hearing from you on this matter.

Regards,

Dagne Florine, Ph.D., 111 Post Oak Way, Shavano Park, TX 78230

**32.10 Five years after pilot program, CPS still misleading customers regarding the smart meter program.**

From: Dagne Florine [mailto:dlflorine@tokopah.com]  
Sent: Wednesday, July 27, 2016 4:59 PM  
To: Sheila Hemphill <info@helpyourselfwellness.com>  
Cc: Susan Straus <sbstraus@swbell.net>  
Subject: Telephone Conversations with CPS Energy Service Representatives, 06-13-16

Sheila...

Attached is testimony of a recent experience I had with CPS regarding smart meters. Please submit it to participants of the upcoming interim charge.

Pitifully, after 5 years installing smart meters all over their service area CPS still can't get it right when people call with questions.

After reading the attachment\* start reading from the bottom of this email, and 'up.'  
Dagne Florine  
Shavano Park, TX  
[\* see Telephone Conversation with CPS following email thread]

From: "Garza, Rudy D." <RDGarza@cpsenergy.com>  
Date: Tuesday, June 14, 2016 at 5:01 PM  
To: Dagne Florine <dlflorine@tokopah.com>  
Subject: Telephone Conversations with CPS Energy Service Representatives, 06-13-16

Ms. Florine,

We were able to locate and review your call with our Customer Service Rep yesterday afternoon. There was indeed some misinformation provided during the call. We have a special group within our call center operation that exists to facilitate requests from customers and get into these type of specifics and the CSR whom you spoke with is an agent outside of that Meter Exchange Team. Although she attempted to answer your questions, the CSR should have transferred the call to the MX Team, which is the appropriate procedure, to answer more detailed questions on and meter options. We have had this conversation with the CSR to assure the correct process is followed in the future and again I apologize for any confusion on this issue. As requested, written answers to your questions have been provided below. This information is consistent with information that is available to all our customers on the CPS Energy smart grid website at <https://www.cpsenergy.com/content/corporate/en/about-us/programs-services/smart-grid/smart-grid-opt-out.html>.

We are not yet installing smart meters in Shavano Park, but once we get closer to deploying meters in that part of our service territory, we usually have conversations with customers who have submitted a form in a timely manner to discuss options. Our website directs customers to email their forms or questions to [meterexchange@cpsenergy.com](mailto:meterexchange@cpsenergy.com) or call 210-353-4264 to discuss these issues with our

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specialized meter exchange team. Please review our responses below and let me know if you have any questions. I am always available for a conversation at your convenience! Have a great day.

Questions:

*I live in Shavano Park and am thinking about keeping my good ol' analog electric meter. Is that an option? If so, what is the procedure? As part of our Meter Xchange Program (), customers have the option to keep their existing meter. Customers will be charged only a monthly \$20 meter read fee to send someone to the home to manually read the meter on a monthly basis.*

*If I can't keep my current analog meter what are my options...What specific meters are available? Customers who currently have an analog meter can keep their analog meter if they choose. Other optional meters would be an OMR (off site meter read meter), and a digital non communicating meter.*

*Are any of them electro-mechanical non-communicating analog meters? Which one(s)? Where are their specifications so I will know exactly what I'm getting? Optional meters are not electro mechanical meters other than analog meters. OMR meters use RF to send a read from a short distance from the home. Digital non communicating meters have no RF and do not communicate. Digital non communicating meters have to be read manually by a meter reader.*

*How do I designate which I want? Customers can complete an form and designate the meter type of their choice. We will process the form with the choice of meter designated once our contractor is deploying in the area.*

*At what point(s) will I incur a \$175 or \$250 fee for meter exchange(s)? Only 'smart'-to-analog or also analog-to-analog? If the form is processed prior to installing a smart meter, there is no exchange fee of \$175 or \$250 charged to customers. These fees only apply after a smart meter has been installed and it has to be removed at the request of a customer that opts out. In addition to the exchange fee, a monthly \$20 meter read fee applies.*

*And lastly, if I call another CPS rep will I get another totally different set of answers (just kidding!)? All call center agents are trained with the same information about smart meters. The CSR had the best intentions to answer all questions, but the process would be to transfer the call to our specialized team trained to better answer any detail questions customers have.*

**Rudy Garza**

Vice President | Gov't and Regulatory Affairs & Public Policy  
CPS Energy | 145 Navarro San Antonio, Texas 78205 | MD: 101012  
Office 210.353.3640 | Mobile 210.793.5984  
cpsenergy.com

Begin forwarded message:

From: Dagne Florine <[dlflorine@tokopah.com](mailto:dlflorine@tokopah.com)>

Date: June 13, 2016 at 10:03:50 PM CDT

To: "Garza, Rudy D." <[RDGarza@cpsenergy.com](mailto:RDGarza@cpsenergy.com)>

Subject: [InternetMail]Re: [InternetMail]Resend with attachment: Telephone Conversations with CPS Energy Service Representatives, 06-13-16

V. 080516.01

Mr. Garza,

I hope you find a recording of my conversation with "Linda", which occurred at approximately 4:30pm today.

Given the confusion I would prefer written answers to the questions.

Thank you for your prompt reply.

Dagne Florine

From: "Garza, Rudy D." <[RDGarza@cpsenergy.com](mailto:RDGarza@cpsenergy.com)>

Date: Monday, June 13, 2016 at 9:29 PM

To: Dagne Florine <[dflorine@tokopah.com](mailto:dflorine@tokopah.com)>

Subject: Re: [InternetMail]Resend with attachment: Telephone Conversations with CPS Energy Service Representatives, 06-13-16

Ms. Florine, I will be happy to call and discuss these questions with you directly tomorrow. I will research the calls in question as we typically have record of these conversations if you talked to a call center rep. If there has been any confusion I apologize and will be certain to discuss these issues with my counterpart over the call center. I will call to discuss tomorrow afternoon. Can I contact you around 3:30? If so, please respond with an appropriate contact number. Thanks!

Rudy Garza

Vice President, Gov't and Regulatory Affairs & Public Policy

CPS Energy

210.793.5984 (cell)

On Jun 13, 2016, at 8:14 PM, Dagne Florine <[dflorine@tokopah.com](mailto:dflorine@tokopah.com)> wrote:

Mr. Garza,

I'm most curious as to what training your CPS service representatives receive before they are sent out to answer customer questions about smart meters, as one never gets the same answer twice. Please take a moment to read the attached 'Telephone Conversations with CPS Representatives.'

Perhaps you would also be willing to help me with answers to the questions below, as I am quite confused. Please be aware I've read the 'smart' meter " procedure on the CPS web site, which bares no resemblance whatsoever to answers from two of your service representatives today on the telephone.

Of particular interest is whether or not new 'analog' meters are indeed 'communicating.'

Questions:

*I live in Shavano Park and am thinking about keeping my good ol' analog electric meter. Is that an option? If so, what is the procedure?*

*If I can't keep my current analog meter what are my options...What specific meters are available?*

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*Are any of them electro-mechanical non-communicating analog meters? Which one(s)? Where are their specifications so I will know exactly what I'm getting?*

*How do I designate which I want?*

*At what point(s) will I incur a \$175 or \$250 fee for meter exchange(s)? Only 'smart'-to-analog or also analog-to-analog?*

*And lastly, if I call another CPS rep will I get another totally different set of answers (just kidding!)?*

I look forward to your response.

Regards,

Dagne Florine  
Shavano Park

Bcc.

The Honorable Donna Campbell, TX State Senator

The Honorable Joe Straus, Speaker of the TX House of Representatives

<Telephone Conversations with CPS Representatives061316.pdf>

### 32.11 Telephone Conversations with CPS Representatives – Dagne Florine

13 June, 2016/Written by Dagne Florine *with Linda from CPS*

I told Linda I live in Shavano Park and that I learned CPS plans to install smart meters in our city this fall. She said that's true. I asked if we'll be able to keep our analog meters, she said yes, that once the city is all converted CPS will start billing us \$20/month for keeping our analog(s). She asked me why I didn't want a smart meter, as they report outages sooner and it will take longer for power to be restored if we don't have one. And that we can monitor our electricity usage. I said I was just doing a bit of research.

I then asked about the situation wherein if CPS says our analog meter isn't working properly, what meter choices will I have? Can I get another analog meter? She said yes, but **that a new analog meter will cost \$175**. I repeated her reply back to me to make sure I hadn't misunderstood...in fact I asked twice more...and she repeated that a "new" *analog* meter will cost \$175. Furthermore that the new analog will be read from the street- she mentioned 'OMR' or 'off-site-meter read.' *According to Linda a new analog meter will apparently have communicating capabilities. It was my prior understanding they would not.*

Linda then said if our current meter is reading properly we can keep it. She also said if we send in the " form no CPS rep will stop by...we just keep paying our bill with the new \$20/month fee until such time as CPS determines our analog meter isn't working 'properly.' Essentially in 6 years (or whenever) if said determination is made then we'll have to pay the \$175 fee if we choose at that time to have an analog meter (implying the smart meter would be free).

She also said our gas meter is going to be changed out at the same time as our analog meter, so if we need a new gas meter in addition to electric and choose analog for both, the fee will be \$250. I didn't ask if the monthly meter read fee would then go up to \$40/month...

She said the installers, Corix, will be sending out letters when the meter change-out is to happen. On the backside will be the " option, and we need to either fill it out and send it in (quickly) or call CPS. *There was no mention of the difficult-to-find and confusing " form on the CPS web site.*

#### *Second CPS Representative Conversation*

On the same day, M, also from Shavano Park, called CPS and asked questions similar to the ones above. M was told she needs to apply for a smart meter to be installed ('opt in'??) She was also told her old thermostat isn't going to work with her new meter, that she can keep her analog meter but that it will be useless or "incompatible" with her digital thermostat, and that she might have to install a whole new AC/heating unit. *If M had known of CPS' intent to have Home Management Systems/'smart' thermostats/'smart' appliances in every home in San Antonio it might have been possible to read between the lines of these comments and perhaps understand what was meant. However, if a customer is unfamiliar with CPS' long range plan it seems a phone call to a 'well trained' service representative to inquire about 'smart' meters is guaranteed to confuse.*

32.12 Customers baffled by convoluted CPS procedures

From: deborah brodigan [<mailto:debbrodigan@yahoo.com>]  
Sent: Sunday, July 31, 2016 7:35 PM  
To: [info@texasrighttoknow.com](mailto:info@texasrighttoknow.com)  
Subject: Testimonial on Keeping my Analog Meter in lieu of a smart meter

July 31, 2016

I received notice from CPS , the utility company located in San Antonio, in May, 2015, that a smart meter would be installed at my residence which is located at 276 Retama Place, Alamo Heights, TX. The notice indicated that I had a matter of only 2-3 weeks to return an form to CPS if I did not want the meter installed.

It also contained some language about other types of meters I could choose, but that I could locate the "" form on the CPS website.

The form I located on the website appeared to be for opting out of the smart meter, but noted the only other choices were opting for other types of meters , such as a OMR. The "" form did not contain any language that would indicate I was entitled to keep my existing analog. I only knew I had the right to do this because I had met other residents in my area who informed me of that. I had also attended an Alamo Heights City Council meeting several months earlier where the issue of installing smart meters was discussed and had heard multiple warnings on the dangers of this new technology at that prior meeting. I decided I wanted to keep my existing analog meter. My fiance also has a pacemaker/ defibrillator, and is not suppose to be exposed to such frequencies.

After locating the "" form. I had to make a call to CPS for instructions on how to indicate I wanted to keep my existing analog meter. They said I would have to write that in. I checked the box on the form which indicated that I understood that there would have to additional monthly meter reading charge. I asked if there was some type of confirmation I would receive from them after they received my request, but they indicated that they did not know of any confirmation that would be sent.

I delivered the completed, signed form to CPS personally, during their business hours, two days prior to June 1, 2015.

I received some type of verification from CPS a few weeks later which noted that "per my application agreement, an OMR meter will be installed, which means a meter reader will still have to travel to my home, but will not need to enter my property". I noticed that this was not consistent with the option I wrote in as I



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had not requested an OMR meter be installed, and I called CPS for clarification.

I was told by their representative that I was on the list to retain my analog meter and **that not OMR would not be installed, however, this was the only form they had to notify me I would be receiving a monthly reading charge.**

I was hearing stories in my neighborhood of analogs beings removed regardless of what residents indicated, and I was concerned that I might also encounter this problem. I asked for a confirmation or verification letter to the effect that my request to keep my existing analog was being honored. The representative I was speaking to said "I would just have to trust them".

I currently have my analog and am paying a \$20 month service charge for meter reading.

The meter reader has left my backyard gate open more than once since last June, 2016.

I believe the following to be important points:

1) Anyone looking to keep their analog meter in lieu of the smart technology meters, would have to know they had an option to do this as it was not noted on the letters and forms provided by CPS in San Antonio.

2) A person pursuing opting out of smart meter installation in San Antonio AND wanting to keep their existing analog would have to make the assumption the form on the CPS website did not list all available options and that an option to maintain their existing analog meter was an alternative option that existed. The person would then have to initiate a call to CPS to obtain further instructions on how and where to note that choice and learn that they must write that choice onto the form.

3) The resident would need to be in town and promptly be in receipt of the CPS notification to change existing analog meters for smart meters. If they elected not to do this they would have limited time to locate the form on the website, be aware that the form did not list all options, call to get further clarification on completing the form, write in that they wanted to keep their analog, and finally, return the completed form to CPS by June 1, 2015. all in a matter of only two-three weeks.

Sincerely,

Deborah Brodigan  
276 Retama Place  
San Antonio, Texas 78209 tel# 210-863-4108

**32.13 Customer felt intimidated by CPS Energy Installer**

**From:** BRLCSREYES <[brlcsreyes@peoplepc.com](mailto:brlcsreyes@peoplepc.com)>

**Subject: Re: CPS**

**Date:** August 1, 2016 at 8:12:06 PM CDT

**To:** Susan Straus <[sbstraus@swbell.net](mailto:sbstraus@swbell.net)>

SUSAN STRAUS,  
TO WHOM IT MAY CONCERN:

JUST TO INFORM YOU OF MY EXPERIENCE WITH CITY PUBLIC SERVICE (CPS), I HAD ONE OF THEIR PEOPLE KNOCK ON MY DOOR, TO TELL ME THAT HE WAS HERE TO INSTALL A NEW SMART METER. WHICH I TOLD HIM HE WAS NOT. THAT I DID NOT WANT SUCH A METER. HIS RESPONSE WAS HE HAD FORMS IN THE CAR THAT I WOULD NEED TO SIGN AND PAY HIM \$187. DOLLARS FOR NOT LETTING HIM INSTALL THE METER. HE REPEATED HE HAD THE FORMS I TOLD HIM NO. I TOLD HIM THAT I WAS GONG TO HAVE SURGERY TO INSTALL A UNIT INTO MY BACK, WHICH MY DOCTOR TOLD ME THAT THE SMART METER MIGHT AFFECT THIS UNIT. AFTER HE WAS NOT LISTENING I JUST SHUT THE DOOR. HE DID NOT LEAVE ANYTHING NOR HAVE I BEEN SENT ANYTHING FROM CPS.

ARMANDO REYES

### **32.14 Family suffered health problems from smart meters**

August 8, 2016

My family and I have been in the battle against smart meters since its inception. We began experiencing unexplainable headaches, nosebleeds, insomnia, sharp pains in the head, chest pains, sleep walking and pulsations in the eyes. It wasn't apparent as to what the source was, but we knew that it was very uncommon and sudden.

After noticing we had been introduced to the new "smart meters" in 2009, we began researching to see if this was a likely cause to our recent issues. To our surprise, we were not the only family experiencing these unexplainable problems – many of which were being blamed on the new meters.

Our meter is located on the exterior wall of our bedroom and my oldest daughter's bedroom. We were unable to get adequate rest in our room, so we decided to distance ourselves and our daughter from the possible effects of the meter. We started sleeping in our living room and immediately noticed a difference.

We attempted to contact Oncor on February 8, 2013 to try to have the meter removed to no avail. Their response was the citing of HB 2129, which they claimed stated that the new bill mandated smart meters for every residence serviced by Oncor. We later learned that HB 2129 was misinterpreted and having a smart meter installed was not "mandated", but merely suggested. At that time, we purchased an analog meter and installed it ourselves on February 28, 2013. We noticed a major difference in such a short amount of time. We did not attribute our changing of the meter to be in violation since it was attached to our home, and obviously causing problems to our health and well-being.

On March 7, 2013, Oncor sent a technician to our residence to cut the locks off of the analog meter, and replaced it with a second smart meter. Again, my family began to experience the same health issues as described earlier. In my desperate attempt to rid my family of further harm I removed the smart meter and placed my analog meter back onto my residence on March 9, 2013. As to be expected, Oncor returned again on March 11, 2013 to remove my analog meter.

In trying to find a proper way to address this ongoing issue, I began working with Beth Beisel of the American Eagle Forum who were already fighting this battle in Congress. I attended hearings to give my testimony on the events that led me to this point.

Finally, after being a part of project 411-111 with the Public Utility Commission, an opt-out order was established. I opted out of the smart meter installation on my home, and shortly thereafter it was removed. My family and I have not experienced any of the previously mentioned side effects since its removal. We no longer have continuous headaches, or insomnia, chest pains, etc. No one can convince us that these meters are harmless and/or helpful.

I've had neighbors complain about the same issues, but who are not knowledgeable enough to even begin to associate these symptoms with the installation of the smart meter. It is my hope and desire that the public will be made aware of possible issues that smart meters may cause and that it would be brought to their attention that an opt-out is in effect.

I would not fight tirelessly for no apparent reason. I fight for the security of my family and the public. Health and safety are much more important than convenience and financial stability. I ask that this testimony be taken seriously and not dismissed as someone who is uninformed. My family and I are first hand witnesses. It doesn't take a degree or mathematical equations to understand how these meters have made us feel. Please make the opt-out order apparent to all.

Thank you for your time and consideration.

Regards,

*Mark Summerlin*

Mark Summerlin

### **32.15 Utility customer complaints sent to Susan Straus on multiple issues.**

Susan Straus, M.Ed., C.T.P., of Alamo Heights, has been involved in the battle for analog meter choice and a no cost opt out since 2014. She is a Certified Trager Practitioner, artist, and educator and has studied extensively in the field of holistic health for 40 years. Her concern about EMF's and the proliferation of cell towers, and cell tower radiation in neighborhoods, led her to smart meters issues. She has worked closely with Stan Mitchell and LULAC leaders Henry Rodriguez and George Alejos, and supported the LULAC 'Resolution for a Moratorium on Smart Meters' which passed at their National Convention in 2015. Ms. Straus and Mrs. Hemphill, and a group of local activists utilized Texas Local Government Code 9.004 seeking a no cost opt out by petition. They collected 450 verified signatures in 6 days, however, the petition was denied. Ms. Straus and Mrs. Hemphill were also citizen lobbyists in 2015 in Austin, promoting smart meter bills HB 3421 and SB 1044.

Complaints were sent to Ms. Straus for the purpose of this report. She is a member of the online neighborhood chat group called Next Door Alamo Heights, where hundreds of angry CPS customers have posted their complaints over the past 2 years. Due to strict privacy rules, those complaints are not include them in this report. The following are complaints sent directly to Ms. Straus.

#### **CPS Installation Problems**

Hi Susan,

Quick report on our experience with the Corix installer, who came by our house this morning (July 2):

We were on the installer's list (provided to them by CPS) to have a smart meter installed DESPITE the fact that we had:

- 1) called to be put on the opt out list
- 2) hand-delivered a form specifically requesting an analog meter to CPS's San Pedro office
- 3) mailed in a duplicate copy of that form. We had also
- 4) posted a laminated copy of that form on our actual meter, and THIS was the thing that stopped the Corix installer from proceeding with the install.

The installer had not only our house, but also the neighbors on either side of us, on his INSTALL list, and NOT on the opt out list, where we should have been listed. Because each of us either 1) was home and available to talk with the installer or 2) we had posted a copy of the opt out form on our meter, all three of us were able to retain our analog meters. At least for the time being. I am not planning to remove my opt out form from the meter any time soon, just in case.

The installer said that the entire Corix workforce of 45 installers is currently in Alamo Heights. Today is a very big day for them and they are trying to get as many meters as possible up before the holiday. I would strongly urge anyone who wants to retain their analog meter to laminate and post a copy of their opt out form on their meter.

## **CPS Failure to acknowledge Confirmation Letter**

Hi Susan.

I did and I have seen the installers Corix around the area. Thank God I was around our front yard this morning because a Corix installer showed up to install the meter and said I wasn't on the cps list. I have had my confirmation letter for over a week. I showed him that letter taped on my meter. He wrote down our acct. number and left.

I am going to keep it taped to the meter forever!

**From:** Grace Codd <[wordpress@chriisscott.com](mailto:wordpress@chriisscott.com)>

**Subject:** FYI Misleading Information Meters website

**Date:** May 19, 2016 at 3:06:19 PM CDT

**To:** [analogssa@gmail.com](mailto:analogssa@gmail.com)

**Reply-To:** [gcoddster@gmail.com](mailto:gcoddster@gmail.com)

## **CPS Misleading Information on Website**

From: Grace Codd <[gcoddster@gmail.com](mailto:gcoddster@gmail.com)>

Subject: FYI Misleading Information Meters website

Message Body:

I visited CPS page <https://www.cpsenergy.com/en/about-us/programs-services/smart-grid/smart-grid-opt-out.html>

This site is very misleading as well as the form that you download to .

It makes it sound as though someone will physically come into your property to read your meter.

Additionally, on the website, there are two buttons to choose.

One of course is the Exchange Form and next to it is a button labeled Alternative Meter Types.

This is misleading in the sense that you think you can select one of the meters displayed

on [https://www.cpsenergy.com/content/dam/corporate/en/Documents/SmartGrid/Meter\\_types.pdf](https://www.cpsenergy.com/content/dam/corporate/en/Documents/SmartGrid/Meter_types.pdf).

I called 210-353-4264 verify where on the Form do I select the meter I want installed ?

The customer service representative told me that I do not get a choice.

CPS will install what they have on hand.

Upon insisting for an explanation of the fees to swap out meters if CPS decided the meter I get,

he mentioned that I should write in the form that I specifically want: NON-STANDARD

METER ITRON, MODEL C1S, digital non-communicating meter.

He said that with this meter, they have to come into your property to read it.

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I feel CPS is being very deceiving in charging us a fee for a meter and installing alternate meters of **their** choice without letting the consumer choose. If we are paying for a meter, we have the right to choose. I just wanted to share my experience in the process of having my smart meter replaced by an analog one.

### **CPS Hiding Past Usage**

**From:** "Rhonda" <[mbfas@att.net](mailto:mbfas@att.net)>  
**Subject:** CPS ENERGY (SAN ANTONIO TX) hiding past usage  
**Date:** June 26, 2015 at 9:29:43 AM PDT  
**To:** <[info@stopsmartmeters.org](mailto:info@stopsmartmeters.org)>  
**Reply-To:** "Rhonda" <[mbfas@att.net](mailto:mbfas@att.net)>

Dear CPS (San Antonio);

It has come to my attention that my bills no longer reflect my usage from last year so that I can compare with this year....I'd like that to change. Plug that information into this new account # xxx xxxx x

My guess is that is the very reason you changed our account # so that we could not see that we are paying up to 25% more with the new meters.

Changing the meter should have nothing to do with changing our account numbers and I think that is very sneaky of you to use such deceptive and unnecessary practices. Not to mention the extra burden of having to set up the auto pay account all over again instead of you transferring that information automatically.

Don't you have computer programmers over there? Apparently not, or they are totally inept.

We are victims of bait-and-switch by your methods...rather than raising rates you rig the meters to read higher. You should be investigated.

Since June has been unseasonably cool this year, I'd like to know what I paid last June when it was hot. Why should that be a problem for you to provide that information transparently on my monthly bill? It was always there before the last 30 years.

Rhonda Reichel

P.S. your feedback email link does not work....shouldn't you correct that on your website?

### **Confusion on website locating opt out**

**From:** "Bernal, Mary E." <[mary.bernal@swri.org](mailto:mary.bernal@swri.org)>  
**Subject:** RE: CPS  
V. 080516.01

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**Date:** July 6, 2015 at 12:30:03 PM CDT  
**To:** Susan Straus <[analogssa@gmail.com](mailto:analogssa@gmail.com)>  
Susan,

Where do I find the form specifically requesting retention of my analog meter? I was not able to locate one on the CPS website or even when I googled it.

Thanks,

Mary

### **Customer complains about CPS Customer service and opt out fee**

**Subject:** FYI

**Date:** June 27, 2016 at 2:52:33 PM CDT

**To:** Susan Straus <[sbstraus@swbell.net](mailto:sbstraus@swbell.net)>



**Mark Metzger**

[metzzart@gmail.com](mailto:metzzart@gmail.com)

CPS Smart Meter Program. San Antonio TX . I received a letter today from CPS stating they would be in the area installing smart meters. No mention of any clause in that letter. (very dishonest) I called them and was told I would have to pay \$240 a year to because someone would have to come out and read my meter. I advised them that in the 25 years we have lived here they have never once come out here and read my meter. I am gated and I'm high fenced. He advised they can read my meter from 1000 ft away with a truck driving down the street. But their whole argument for smart meters is so they will no longer be taxed with the "unsafe" act of walking up and reading my meter?? Reading from their on line information [ ] they claim they will have to install a new digital meter in order to do what they just admitted they are already doing. They have lied to us on many prior occasions regarding the very numerous power outages we experience out here in 78260. I had told them in the past that I felt like I live in a 3rd world country with 30+ outages some years. They have burned up more than one of my appliances in the past costing us thousands of dollars. They are a monopoly so we have no other option. They are trained brazen liars. Personally confirmed by a prior employee. I was told by my doctor yesterday that I needed to schedule for a pacemaker. I do not want a WiFi meter interfering with my pacemaker. Why should I have to pay \$240 extra a year to protect my health?

From Mrs. Mike [Alamo Heights](#)

A number of us are objecting to smart meters for a for of reasons- health risks, property risk, privacy, and legal questions. Our efforts are being overwhelmed by CPS. The fact is if you don't want a smart meter, you have little choice. An OMR or digital meter may produce the same amount of emissions as an AMI or smart meter. Smart meters do not save you money. Only using less electricity accomplishes that. One can save electricity with an analog meter too. You need to educate yourself by researching smart meters, pros and cons, but if you think you don't want or need CPS to have 24/7 communication with your home, you must send in the form to "

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even though you never opted in. Also apartments and condominiums do not have a choice. All get smart meters as do businesses.

### **CPS Installer not carry opt out list**

**From:** Mary Jane Page <[mjpage7@att.net](mailto:mjpage7@att.net)>  
**Subject: Re: New message from** [mjpage7@att.net](mailto:mjpage7@att.net)  
**Date:** February 14, 2015 at 2:28:36 PM CST  
**To:** Susan Straus <[sbstraus@swbell.net](mailto:sbstraus@swbell.net)>

Yes, not only did I, I sent CPS a certified letter as proof. My neighbor warned me that there was a man walking around with a dolly stacked with smart meters. No vehicle in sight, so you would hardly notice him. He just went from house to house. I stopped him short of my home, and asked him if I was on the "" list. He told me that he didn't have a list, and that he doesn't work for CPS. He politely thanked me and skipped my and my neighbor's house after I informed him that we both had opted out. But, if I hadn't ng, my neighbor across the street lost her internet after their smart meter was installed and now they want to ..

Thanks!  
Mary Jane

### **Alamo Heights Mom protest \$700 utility on local news**

CPS Energy Bill...drum roll...\$711.45!!26 Aug '15  
*From Anna Grassmuck*  
**My CPS bill for this month is \$711.45. Absolutely 100% ridiculous!**  
Shared with Alamo Heights + 11 nearby neighborhoods in General  
CPS Energy Higher Bills

### **Small House HUGE Bill**

**From: L**  
**Subject: Fwd: CPS Energy Bill**  
  
**Date:** May 22, 2015 at XXX AM CDT  
**To: " B." <[s@.net](mailto:s@.net)>**

This came today. It is normally \$150, not \$340 !



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At these rates, we will have \$800-\$1000 summer bills for a small 1100sqft rental house. We are in a tiny house.

### **CPS threatens to cut lock on customer's gate**

**From:** larry d jackson <[wordpress@](mailto:wordpress@larryjacksontexas@gmail.com)  
**Subject:** meter change  
**Date:** May 19, 2016 at 10:09:40 AM CDT  
**To:** [analogssa@gmail.com](mailto:analogssa@gmail.com)  
**Reply-To:** [larryjacksontexas@gmail.com](mailto:larryjacksontexas@gmail.com)

From: larry d jackson <[larryjacksontexas@gmail.com](mailto:larryjacksontexas@gmail.com)>  
Subject: meter change  
Message Body:

CPS has an appointment to change my meter 6/17/16 they told me they will cut the lock on my gate if I do not leave it unlocked on that day My ? do I have to agree to have it changed, or do I have the right to disagree and on what grounds can I stand on, to have mine left alone ?

### **Complaints re: CPS automated system and customer service**

5/31/2016

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I haven't even started with them and I'm already pissed off. The automated system is designed to make you go online. You go online and automated system doesn't work! With this being my first contact with them I'm filled with optimism I'm about to have a professional energy provider.

Been in SA for over 5 years now and have lived in about 5 different cities across the country... and Canada too... have NEVER had such crappy service from a utility in my life. Most of the issue is plain old lack of customer service. Ok, i'll say this better: any customer contact. I can NEVER reach them directly. This has been like this for over 2 years now. I would NOT do business with this company by choice and i cannot believe there's no way to demand a change. CITY OF SA and LEADERS- PLEASE WAKE UP. We cannot be world-class with this kind of crappy, careless attitude for customer service.

Was this review ...?

### 32.16 New Braunfels Utilities

#### **Angry customer wants legal action**

Message Body:

I live in New Braunfels. Can you give me a local or Comal County contact?

When NB Utilities sent someone to install a smart meter I refused. They sent me a letter in which I could supposedly , but the letter assumes that I already have a smart meter and wants me to agree to change the meter out for \$75, with a \$25/month additional charge to pay a meter reader thereafter.

They could have changed out the outside meter without notifying me.

Either way, what they are doing is wrong. Legal action must be underway and I would like to join it.

I hope you will refer me to valid legal action.

Shelley

#### **New Braunfels Utility intimidation and bullying**

**From:** Shelley Thomson <[sthomson@spinn.net](mailto:sthomson@spinn.net)>

**Subject:** Re: update

**Date:** May 26, 2016 at 8:45:35 AM CDT

**To:** Analog Annie <[analogssa@gmail.com](mailto:analogssa@gmail.com)>

Hello,

I just had a call from NBU. They intend to switch out the meter over my objections. They refused to provide the information I requested, and they made a heavy handed attempt at intimidation. If I pay them a lot of money they will replace the smart meter with one that does not communicate with the network. (But it will still be a digital meter)

I suspect they are misusing the program.

Cordially,

Shelley

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**Bullying, deceptive information, unanswered questions**

**From:** Shelley Thomson <[sthomson@spinn.net](mailto:sthomson@spinn.net)>

**Subject:** my piece

**Date:** August 5, 2016 at 3:30:44 AM CDT

**To:** Susan Straus <[sbstraus@swbell.net](mailto:sbstraus@swbell.net)>

Here to the best of my recollection is the sequence of events. Some time ago, plausibly in early March although I do not recall exactly, a man appeared at my door with a meter. He wanted to replace my meter. I asked him if it was a smart meter and he said it was. I said that I did not want one and he said okay and left. He was affable. I forgot about it.

Later I got a form in the mail from New Braunfels Utilities. It said that if I agreed to the program my meter would be replaced with one that did not communicate with the network (their wording) at a cost of \$75 or \$100, I am not sure which at this moment; afterwards I would be required to pay an additional \$25/month on my utility bill indefinitely.

On Monday about 2 weeks later I called NBU to check on the situation. I was informed that my meter had been switched out. I did some research and was later able to determine that I still had an analog meter, a working piece of 1980s technology.

I phoned NBU and asked for clarification. At first I got a customer service rep. who was clueless. She forwarded me to her supervisor, Wendy, who seemed helpful and agreed to get the answers I had requested. I explained that I had been given conflicting information. I asked for the original installation date of the meter, which they should have had in their records, and a list of all the companies NBU bought power from.

Wendy seemed willing to get the answers I asked for. In our next phone conversation she was a changed person, however. She was aggressive, did not address the discrepancies in what I had been told, and tried to bully me into compliance. "The meter will be switched out," she insisted repeatedly. I said firmly "No, it will not." She repeated her insistence dogmatically, as if she were disciplining a child; then she said that if I didn't comply the matter could go to the Texas Attorney General's office.

That lit my fuse and I responded that it certainly would end up there. Then I terminated the conversation.

Afterward I received an email referring me to the PR person. I prepared a letter asking the following questions:

The questions I had for Gretchen Reuwer were the following:

I was instructed to pass my request for information to you. The questions below apply to both the AMI and OMR Meters.

1) I would like a complete list of all the companies from which NBU buys power.

V. 080516.01

- 2) I request the technical specifications of the smart meter, including a precise description of all of its emissions including magnetic fields, radio frequencies and microwaves, together with information on the timing of these emissions; the precise description obviously includes strength at origin.
  - 3) I request the same information about the digital meter you want to install.
  - 4) With what companies and organizations, including governmental organizations, is information shared, and upon what schedule? Is the information shared in real time? I request this information for both kinds of digital meters.
  - 5) I have been informed that if the customer elects to , you intend to replace all of the analog meters with digital meters that do not connect to the network. I request the technical specifications for these meters, including a precise description of all of its emissions including magnetic fields, radio frequencies and microwaves, together with information on the timing of these emissions; the precise description obviously includes strength at origin.
  - 6) Given that the meters are typically affixed to the outside wall of a structure, what precautions have you taken, or plan to take, to prevent emissions from passing through the wall of the structure and entering the interior?
  - 7) I asked the supervisor how I could determine that the replacement digital meter was not connected to the network. She had no answer. I would appreciate it if you would locate a technician and get me this answer.
  - 8) Are the signals to the network encrypted, and if so, to what standard?
  - 9) Is there a provision, or are there any means, to convert a digital meter that does not connect to the network, into one that does? Can this be done remotely? If yes, by whom?
- I subsequently received a telephone call from Mr. Roger R. Biggers, P.E.  
Exe Director of External Affairs.
- Ms. Thomson, attached are the specifications of the type AB1 analog meter we propose to install at your house. This is a very simple analog meter however you will notice on the first page of the specifications it says that the meter is AMI compatible with the installation of a communication module to communicate. I can assure you that we will not order an analog meter with the communication module.
- This assurance would appear not to be legally enforceable.

As I said before we are happy to allow you to of the AMI program, however by doing so it will require NBU to send a meter reader out each month to take the manual read which is the reason we have the \$25.00 per month service fee for the .

This email was accompanied by an advertising flyer for the purported analog meter. It is readily convertible to a network connected unit and vendors are eagerly being sought to add additional modules to the unit. Presumably they include sampling individual customer data for advertising and other purposes.

The questions I asked, concerning the EM emanations from the meter and the power at source, were unanswered.

During our conversation Mr. Biggers repeatedly stated that this was a "purely analog meter." He plainly had not read the advertising leaflet he sent to me.

He did not answer any of the specific questions I had asked, which left the largest question unanswered: if what was being offered to me was "purely an analog meter," as he repeatedly claimed, why did the utility want to exchange it for my well functioning analog meter?

Kind regards, Shelley Thomson

**33 “Alleged Fraud Revealed”**

**Alleged Fraud Revealed -- August 15, 2016**  
**An Analysis of San Antonio/CPS Energy Smart Grid Project Economics**

CPS Management Presented Incomplete Project Economics to the  
City Council of San Antonio and Its Owner-Customers, with Foreknowledge

-- versus --

Omitted Project Economics Restored; Recent Developments Quantified, Despite  
Stonewalling by CPS Management Colluding with San Antonio City Staff

Complete report is also available as separate PDF and [click here for PDF](#).