

Kenneth S. Panza  
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Woodstock NY 12498

June 28, 2016

Honorable Kathleen H. Burgess  
Secretary to the Commission  
New York State Public Service Commission  
Agency Building 3, Empire State Plaza  
Albany, New York 12223-1350

CASE 14-M-0196 - Tariff filing by Central Hudson Gas & Electric Corporation to establish fees for residential customers who choose to opt out of using Automated Meter Reading devices.

This letter is in response to comments filed by Central Hudson Gas & Electric Corporation ("Central Hudson"), Niagara Mohawk Power Corporation d/b/a National Grid ("National Grid"), New York State Electric & Gas Corporation ("NYSEG") and Rochester Gas and Electric Corporation ("RG&E") (together, the "Joint Utilities") in Opposition to Petition (the "Petition").<sup>1</sup>

On March 23, 2016, the Commission announced in the New York State Register: "Option to Opt Out of Using an AMR Device, and Substitute an Electro-Mechanical Meter, at no Additional Charge (P)," and details concerning the New York State Register Announcement were published on WestlawNext, I.D. No. PSC-12-16-00004-P.<sup>2</sup> The schedule to accept comments was extended to June 23, 2016.<sup>3</sup>

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<sup>1</sup> Case 14-M-0196, Joint Utilities Comments in Opposition to the Petition, Filed June 23, 2016, <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={5A790379-239B-4719-BA46-0D769F6CA817}>

<sup>2</sup> WestlawNext, I.D. No. PSC-12-16-00004-P [https://govt.westlaw.com/nyreg/Document/I0b785488f0cf11e5940ffafba2c70dfb?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/nyreg/Document/I0b785488f0cf11e5940ffafba2c70dfb?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))

<sup>3</sup> Notice Regarding Submission of Comments, Issued April 26, 2016, <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={06CF739D-C629-46F9-9941-137C5B81A264}>

## Background

The Woodstock Town Board filed three resolutions in DPS Case 14-M-0196.

**Resolution 126-2015**,<sup>4</sup> titled “Resolution for Electro-Mechanical Analog Utility Meter Opt Out with No Fees,” also known as the “people’s resolution,” was supported by a petition signed by approximately 1,000 residents. The resolution was written by StopSmartMeters, Woodstock, an organization opposed to smart meters and submitted to the Woodstock Town Board for its consideration, which adopted it on 17 June 2015 without opposition. The resolution calls for Woodstock residents to be allowed to retain their analog electric meters without charge or fees. The resolution introduces the requirement for refurbished/remanufactured analog meters, and defines “Transmitting Smart Digital Utility Meter,” “Non-Transmitting Digital Utility Meter,” “Dirty Electricity,” and “Trojan Utility Meter.”

**Resolution 127-2015**,<sup>5</sup> titled “Smart Meter Resolution,” calls for Woodstock residents to be able to retain their installed analog meter or replace installed AMR-ERT<sup>6</sup> meter with an analog meter without charge or fees.

**Resolution 138-2015**, titled “Urge NYS Legislature to Adopt NYS Utility Consumers Health, Safety and Privacy Protection Act,” is addressed to Assemblyman Kevin Cahill and State Senator George Amedore urging them to adopt the proposed legislation. It’s unclear why this resolution was filed with the Commission.

**Ms. Jane Valand’s Petition to the Commission:** Ms. Jane Valand of Lake Hill, NY, the petitioner I am representing, wishes to retain her analog meter, but was told by Central Hudson that it would be replaced with an AMR ERT meter, or at her option, a digital, non-ERT meter. Ms. Valand approached the Department of Public Service and was informed the proper way to bring this question before the Commission was to file a petition. On May 29, 2015, Ms. Valand filed a petition with over 50 signatures

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<sup>4</sup> Case 14-M-0196, Town of Woodstock Resolution 126-2015, Filed July 10, 2015, <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={AE5D0E04-A618-4DB1-B81A-F1E2AD05D5C8}>

<sup>5</sup> Case 14-M-0196, Town of Woodstock Resolution 127-2015, Filed July 14, 2015, <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={2DEA8437-7D18-4107-B6F5-C4EE95EAA075}>

<sup>6</sup> The terms non-ERT meter and non-AMR meter, and ERT meter and AMR meter are synonymous. Petitioner refers to ERT and Central Hudson's tariffs refer to AMR.

requesting the Commission order Central Hudson to allow customers to retain their analog meters.<sup>7</sup> Ms. Valand's petition does not request analog meter opt-out without charge or fees.

We the undersigned Central Hudson customers are seeking to retain analog electric meters or have analog electric meters restored under the provisions of the AMR meter opt-out tariff, 12.2.

We petition the Public Service Commission to amend NYSPSC Order (Case 14-M-0196) which ordered Central Hudson to provide an AMR meter opt-out and tariff to include analog electric meters. Specifically, we request NYSPSC to amend the AMR opt-out tariff 12.2 by:

1. Ordering Central Hudson to allow customers participating in the opt-out program to retain their installed analog Meters;
2. Ordering Central Hudson to offer analog meters as a replacement for installed ERT meters (AMR meter).

Ms. Valand's Petition submitted to NYSPSC

## The Argument

The Joint Utilities summarized its argument in the following table.

ARGUMENT .....	8
I. The Commission has never approved a refurbished meter for use in New York and neither Central Hudson nor an ESCO or manufacturer has requested that they do so now. ...	8
II. The refurbished analog meters cannot meet ANSI Standards.....	9
III. Central Hudson empathizes with its customers that are concerned for their health, but permitting the installation of refurbished analog meters would not solve any health issue and would create compliance and safety issues for Central Hudson's employees and customers. ....	12
IV. Petitioner's request to opt out of digital AMR meters to mechanical analog meters without paying the associated costs is unjust and unreasonable.....	12

The Petitioner (Ms. Valand) accepts the Joint Utilities arguments against the use of refurbished meters. The advocacy for refurbished meters originated with StopSmartMeters, Woodstock, and was sponsored by a member of the Woodstock Town Board. The requirement for using refurbished meters is included only in Resolution 126-2015, but there is no mention of refurbished meters in Resolution 127-2015, in Ms. Valand's Petition, and in the announcement of this proceeding.

The Woodstock Town Board has been notified that if it wishes to respond to the Joint Utilities' objections to the use of refurbished meters, it should submit its comments directly to this proceeding.

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<sup>7</sup> Case 14-M-0196, Petition of Jane Valand and Others to Amend AMR opt-out Tariff 12.2, Filed May 29, 2015, <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={388BE30A-EDF5-4DF7-A524-7B775C394CDE}>

An issue the Joint Utilities failed to address in its filing with the Commission is the request to allow customers to retain a company owned, analog meter as an opt-out option to the AMR-ERT meter. Company owned analog meters carry none of the deficiencies identified with refurbished meters.

The Petitioner agrees with the Joint Utilities that the request to opt out of digital AMR meters to mechanical analog meters without paying the associated costs is unjust and unreasonable. The fees charged by other utilities to retain an analog meter are considered reasonable and appropriate.

The Woodstock Town Board has been notified about these comments supporting the Joint Utilities' assertion that providing specialized and unique customer services without appropriate fees is unreasonable, and that the Town Board should file its own comments in support of no fees.

## Company Owned Analog Meters

The Joint Utilities submitted a detailed explanation about the limitations of refurbished meters, but failed to offer any justification for not allowing company owned analog meters as an opt-out option for the AMR-ERT meter. The best analog meter is the one already installed on a home, and anyone wanting to keep their analog meter should be able to do so without extraordinary hassle and risk. It is agreed that to opt out of digital AMR meters to mechanical analog meters without paying the associated costs is unjust and unreasonable, but it costs no more to read an analog meter than it costs to read the Company's AMR, non-ERT meter.

### Utility Opt-Out Options

Central Hudson claims to have made direct contact with the utilities referenced in Kenneth S. Panza's letter of April 16, 2016<sup>8</sup>, and submits results to the Commission that call into question the accuracy and integrity of customer information available on these utilities' websites.

The Consumers Energy's website states, "In June of 2013, the Michigan Public Service Commission approved one time opt-out charges of \$123.91 or \$69.39 to cover the costs of labor and continued support of systems for the legacy meter technology."<sup>9</sup> The legacy meter technology is an analog meter, and Consumers Energy provides instructions for reading legacy meters that clearly show

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<sup>8</sup> Case 14-M-0196, Comments of Kenneth S. Panza, Filed April 18, 2016, Page 4

<http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={73E07B39-2979-423E-B513-4BD66336EBE0}>

<sup>9</sup> Consumers Energy, What if I don't want a smart meter on my home?,

[https://customer.consumersenergy.com/app/answers/detail/a\\_id/1626/~/what-if-i-don%E2%80%99t-want-a-smart-meter-on-my-home%3F](https://customer.consumersenergy.com/app/answers/detail/a_id/1626/~/what-if-i-don%E2%80%99t-want-a-smart-meter-on-my-home%3F)

the meters as analog meters.<sup>10</sup> Central Hudson claims that Consumers Energy only offers digital meters, contrary to the information on the utility's website.

Central Hudson reports, "SoCal does have an opt-out program but like Central Hudson's program it is only to digital meters, although its digital meters all have ERT." The SoCal smart meter opt-out web page shows an analog meter as the opt-out option.<sup>11</sup>

When the Commission is presented with unverified phone calls that question the accuracy and confidence of a utility's published customer information, these submissions should be rejected as inadmissible hearsay and the information published by the utility accepted as true and authentic. Central Hudson did not find fault with the reports offered by Kenneth S. Panza for the other utilities.

### Availability

Different jurisdictions have adopted different strategies for conversions to advanced metering technology, and these differences impact the availability of analog meters. In California, the CPUC ordered the utilities to perform mass conversion of all existing meters to smart meters. A very large number of analog meters were surplus and became available. The California utilities can provide analog meters to anyone who requests one, but after the last remaining meters are shipped off to the recycling centers and the available inventory depleted, there truly would be no analog meters available.

The circumstances in California do not apply to Central Hudson. Central Hudson is taking a slow and steady approach for installing AMR-ERT meters. New meters are installed when needed or when an opportunity presents itself. Of Central Hudson's approximately 300,000 customers, about one-third have been converted to ERT meters. The slow and steady approach for replacing analog meters insures a steady supply of surplus analog meters, some of which could be reinstalled with customers wishing to replace an installed digital meter.

The Woodstock Town Board Resolutions and Petitions call for Central Hudson to allow customers to opt-out by retaining their existing analog meter or replacing an installed digital meter with analog meter. The best source of meters are the Company's existing analog meters. Allowing a customer to retain an existing, company owned analog meter seems straightforward and uncomplicated. For those customers that wish to replace a digital meter with an analog meter, the steady stream of meter replacements would allow Central Hudson to install a company owned, analog meter.

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<sup>10</sup> Consumers Energy, How To Read A Meter, <https://www.consumersenergy.com/content.aspx?id=1307>

<sup>11</sup> Appendix A of this letter shows Consumers Energy's opt-out web pages and Appendix B shows SoCal's opt-out web page.

Nevada Energy offers a refurbished analog meter to customers who do not want a smart meter (also referred to as the “Non-Standard Metering Option”).<sup>12</sup> The refurbished analog meter is non-communicating, incapable of storing data, and must be read manually. The refurbished analog meters offered by Nevada Energy appear to be company owned meters that have been removed from service, refurbished by the company, and then offered to customers that want to opt-out of the smart meter offering. Nevada Energy does not allow customers to retain their existing analog meter, but will replace it with a refurbished analog meter. Nevada Energy will also replace a smart meter with a refurbished analog meter.

Utilities in other states allow customers to opt-out of smart meter programs and retain analog meters without undue burden to the utility or other ratepayers. Central Hudson and the Joint Utilities have failed to offer convincing arguments that a similar program could not be offered to its customers as an AMR-ERT opt-out option.

## Conclusions

This proceeding is not about the technical or electrical characteristics of different meter technologies, nor is it about the utility customers’ understanding of electricity and the physics of electromagnetic radiation. It has already been established that utility customers do not understand these subjects and should not be criticized for their lack of understanding.

What is clear from the public comments and reports from the utilities is that there are a number of customers who are truly fearful of digital utility meters. These could be smart meters, AMI, AMR, ERT, or non-ERT digital meters. These fears are not irrational. There are a great number of credible sources that warn of the dangers of electromagnetic radiation and digital utility meters, but it is not the purpose of this proceeding to sort through and verify or discard the various claims.

The question presented to the Commission in this proceeding is if as a matter of public policy, these individuals should be forced to live in fear with a digital utility meter when an analog could be made available under conditions that are not burdensome to the utilities or other ratepayers? Other utilities have shown that it is possible to allow customers to retain an existing analog meter or replace an existing meter with a surplus, company owned, analog meter.

The petitioner filed a petition with 50 supporting signatures requesting PSC order Central Hudson to allow analog meters. The text of the petition is below.

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<sup>12</sup> Nevada Energy Smart Meter FAQs - Residential,  
<http://puc.nv.gov/uploadedFiles/puc.nv.gov/Content/FAQ/SmartMeterFAQsResidential.pdf>

We the undersigned Central Hudson customers are seeking to retain analog electric meters or have analog electric meters restored under the provisions of the AMR meter opt-out tariff, 12.2.

We petition the Public Service Commission to amend NYSPSC Order (Case 14-M-0196) which ordered Central Hudson to provide an AMR meter opt-out and tariff to include analog electric meters. Specifically, we request NYSPSC to amend the AMR opt-out tariff 12.2 by:

1. Ordering Central Hudson to allow customers participating in the opt-out program to retain their installed analog Meters;
2. Ordering Central Hudson to offer analog meters as a replacement for installed ERT meters (AMR meter).

The Petitioner agrees with the Joint Utilities that the request to opt out of digital AMR meters to mechanical analog meters without paying the associated costs is unjust and unreasonable. The fees charged by other utilities to retain an analog meter are considered reasonable and appropriate.

I respectfully submit this letter for the Commission's consideration and in response to the comments filed by Central Hudson and the Joint Utilities in opposition to the petition.

Very Truly Yours

A handwritten signature in black ink, appearing to read "Kenneth S. Panza". The signature is fluid and cursive, written in a professional style.

Kenneth S. Panza

**CC:**

Woodstock Town Board  
NY State Senator George Amedore  
NY State Assemblyman Kevin Cahill

## Appendix A – Consumers Energy Web Pages



### What if I don't want a **smart meter** on my home?

Published 07/14/2015 01:35 PM | Updated 10/16/2015 09:48 AM

**What if I don't want a smart meter on my home?**

In June of 2013, the Michigan Public Service Commission approved one time opt-out charges of \$123.91 or \$69.39 (see below which applies) to cover the costs of labor and continued support of systems for the legacy **meter** technology.

- If you wish to **opt out** after your **smart meter** has already been upgraded, the \$123.91 fee is applied
- If you notify us prior to the **installation**, the \$69.39 fee is applied.

Both fees also cover the cost of returning the **meter** to our standard **metering** technology, a **smart meter**, when the customer ends electric service with us at that location.

A charge of \$9.72 per month was also approved to cover the cost of sending **out** personnel for a manual **meter** read and associated programs for supporting the utilization of the older **meter** technology. For more information or to opt-out, please call 1-888-862-2199.

[https://customer.consumersenergy.com/app/answers/detail/a\\_id/1626/~/\\_what-if-i-don%E2%80%99t-want-a-smart-meter-on-my-home%3F](https://customer.consumersenergy.com/app/answers/detail/a_id/1626/~/_what-if-i-don%E2%80%99t-want-a-smart-meter-on-my-home%3F)

# How To Read A Meter

In most cases, Consumers Energy provides a monthly meter read for customers with natural gas and/or electric service. However, if you would like to submit your own meter read, please follow the steps below.

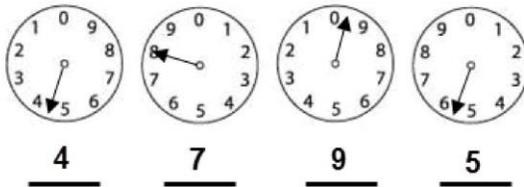
If you have a [Consumers Energy online account](#), you can enter your meter read there. Or, you can record your meter read on the back of your Consumers Energy monthly bill and mail it in. If submitting your read via your energy bill, please include the code "CRD" to indicate a Customer Read.

**Please note:** If you have a [smart meter](#), you do not need to provide a read. The technology eliminates estimated bills and the need for a manual read.

## How to Read the Consumers Energy Gas Meter

The Consumers Energy gas meter has four main energy use indicator dials. From left to right, record the numbers corresponding to each dial pointer. If a dial pointer is in-between two numbers, say it's between 4 and 5, then record the lower number.

If between 0 and 9, use 9 at the lower number.

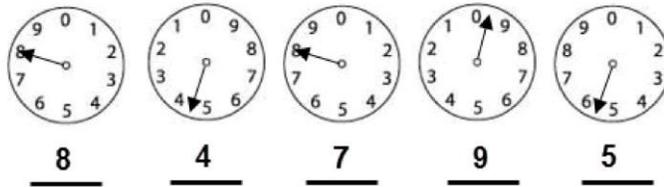


**Note:** Some natural gas meters have test dials inside the meter. Disregard those and use only the main dials marked Cubic Feet, or ccf.

## How to Read the Consumers Energy Electric Meter

Your Consumers Energy electric meter has five main indicator dials. From left to right, record the numbers corresponding to each dial pointer. If a dial pointer is in-between two numbers, say it's between 4 and 5, then record the lower number.

If between 0 and 9, use 9 as the lower number.



**Note:** Some electric meters have test dials inside the meter. Disregard those and use only the main dials marked Kilowatt Hours, or kWh.

<https://www.consumersenergy.com/content.aspx?id=1307>

## Appendix B – Southern California Edison



[Search](#)
[Saved Items](#)
[Log In/Register](#)

### Smart Meter Opt Out

[Home](#) > [Customer Support](#) > [Getting Started With My Account](#) > [Smart Meter](#) > [Smart Meters Opt In / Opt Out](#)



We support smart metering and we also fully support your individual right to choose.

If you're a residential customer, you may choose to opt out of a smart meter. If you do, an older technology meter will remain in place (or be reinstalled) at your home. You will not be able to take advantage of programs and benefits like [Budget Assistant](#), which rely on two-way communication technology.

#### Our Meters: Features and Benefits

Smart Meter versus Opting Out			
Feature or Benefit	Smart Meter	Opting Out	
24/7 Access to Usage Information	Yes	Yes	No
Budget Assistant Alerts	Yes	Yes	No
Bill-to-Date	Yes	Yes	No
Projected Next Bill	Yes	Yes	No
Save Power Day Incentives	Yes	Yes	No
Remote Activation	Yes	Yes	No
Set-up Charge	Included	Yes	\$75*
Monthly charge	Included	Yes	\$10**

\*Income-qualified customers pay a \$10 set-up charge for operational activities.  
\*\*Income-qualified customers pay \$5 monthly charge for meter reading.

[https://www.sce.com/wps/portal/home/customer-service/my-account/smart-meters/opt-out!/ut/p/b1/hdBNb4JAEAbgX-OVfXURaG9bJbCKHwSCuBeDBIcaZA2i\\_H23xh5s\\_ZjbTJ53khkiSEpElZ0LmTWFqrLypxfWqut4zOcROMYJwL-GVsCnMVwHGiw1wJNiejdfEHFpNDE1NTHdeDbowbboPxAktgZefCbzBH5gvwGT3w0fHlx\\_NAP34pCC0xDTiDEKWDfw4ooREbJU6-tHlqxaU0cSUefbvM5r41Tr8a5pDsfPDjpo29aQ\\$skyNzZq\\_yiwU8eGpH\\_cYZ-i4N\\_98hywCyBI6qw!/d14/d5/L2dBISEvZ0FBIS9nQSEh/](https://www.sce.com/wps/portal/home/customer-service/my-account/smart-meters/opt-out!/ut/p/b1/hdBNb4JAEAbgX-OVfXURaG9bJbCKHwSCuBeDBIcaZA2i_H23xh5s_ZjbTJ53khkiSEpElZ0LmTWFqrLypxfWqut4zOcROMYJwL-GVsCnMVwHGiw1wJNiejdfEHFpNDE1NTHdeDbowbboPxAktgZefCbzBH5gvwGT3w0fHlx_NAP34pCC0xDTiDEKWDfw4ooREbJU6-tHlqxaU0cSUefbvM5r41Tr8a5pDsfPDjpo29aQ$skyNzZq_yiwU8eGpH_cYZ-i4N_98hywCyBI6qw!/d14/d5/L2dBISEvZ0FBIS9nQSEh/)