

Kenneth S. Panza
33 Shotwell Rd
Woodstock NY 12498

April 16, 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 filing is in response to PSC announcement of March 23, 2016, New York State Register: "Option to Opt Out of Using an AMR Device, and Substitute an Electro-Mechanical Meter, at no Additional Charge (P)."

Background

The Woodstock Town Board filed its Resolution 126-2015¹ with the PSC, Case 14-M-0196, titled, "Resolution for Electro-Mechanical Analog Utility Meter Opt Out with No Fees," which was supported by a petition signed by approximately 1,000 residents. The resolution, also known as the "people's resolution," was written by StopSmartMeters Woodstock, an organization opposed to smart meters, and submitted to the Woodstock Town Board for its consideration. The Town Board adopted the resolution on the 17th of June, 2015 without opposition.

The Town of Olive Town Board filed its Resolution #18 of 2015² with the PSC, Case 14-M-0196, titled, "Olive Consumers' Options to Elect to Not Use Smart Meters and Not be Charged a Fee."

¹ Case 14-M-0196, Town of Woodstock Resolution 126-2015, Filed Date, July 10, 2015, <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={AE5D0E04-A618-4DB1-B81A-F1E2AD05D5C8}>

² Case 14-M-0196, Town of Olive Resolution #18 of 2015, Posted Public Comment, August 17, 2015, <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={1DE8A2C8-2EBC-42ED-8733-BB1CF0759AA9}>

StopSmartMeters Woodstock submitted the resolution to the Town of Olive for its consideration, and it is essentially the same resolution as adopted by the Town of Woodstock. The above resolutions contain a comprehensive approach to analog, non-AMR, meters providing meter and utility definitions and establishing conditions for meter replacements and acquisition.

Another certified resolution by the Woodstock Town Board, 127-2015³, was filed with PSC requesting Central Hudson be ordered to allow customers to retrain analog non-AMR meters under the terms of the Central Hudson AMR Opt-Out Tariff, 12.2. This resolution, 127-2015, was adopted in support of a petition by about fifty residents filed with PSC requesting to retain their analog meters.⁴ The resolution fails to endorse the comprehensive approach to utility meters contained in the above resolutions from the towns of Woodstock and Olive, but asks the PSC only to order Central Hudson to allow its customers to retain existing analog meters and allow customers to replace AMR meters with analog meters without additional charges.

It should be noted that members of StopSmartMeters Woodstock filed public comments with PSC opposing Woodstock's resolution 127-2015 and its limited request to allow Central Hudson customers to retrain their analog meters. StopSmartMeters Woodstock endorses its fully comprehensive, non-AMR meter proposal contained in Woodstock Town Board resolution 128-2015, titled "Resolution for Electro-Mechanical Analog Utility Meter Opt Out with No Fees," and Town of Olive resolution #18 of 2015, titled "Olive Consumers' Options to Elect to Not Use Smart Meters and Not be Charged a Fee."

A letter by Kenneth S. Panza⁵, then a Woodstock Town Councilman, was submitted to PSC in support of Woodstock Town Board resolution 127-2015, provided comments on the September 8, 2014 PCS Order approving Central Hudson's tariff amendments to establish fees for residential customers who choose to opt out of using Automated Meter Reading (AMR) devices,⁶ and explained why analog meters should be allowed as an option for AMR meter opt-out.

³ Case 14-M-0196, Town of Woodstock Resolution 127-2015, Filed Date, June 29, 2015, <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={61DC4C29-6B89-491B-903D-5C9150434016}>

⁴ Case 14-M-0196, Citizen's Petition, Filed Date, May 29, 2015, <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={388BE30A-EDF5-4DF7-A524-7B775C394CDE}>

⁵ Case 14-M-0196, Kenneth S. Panza Correspondence Filed, July 14, 2015, <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={2DEA8437-7D18-4107-B6F5-C4EE95EAA075}>

⁶ Case 14-M-0196, PSC Order Approving Tariff Amendments, Filed Date, September 8, 2014, <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={CAE8459D-3EEC-49B1-B185-E8EB2D1D8400}>

The Case for Analog Meters

Understanding the research quoted in the September 8, 2014 Order by PSC is not possible without a strong background in physics, and most Central Hudson customers do not have the necessary background to understand the company's justifications and explanations for the new digital meters. There is a vast amount of information available on the internet expounding the detrimental health effects of smart meters, and notwithstanding the available research, it's quite rational for customers to believe digital meters are dangerous. No one should be required to live in fear of their electric utility meter, and no one should be criticized for not understanding electricity and electromagnetic radiation (EMR).

Pacific Gas & Electric, San Diego Gas & Electric, and Southern California Edison allow customers to retain analog meters and offer to replace an installed smart meter with an analog meter. Experience has shown only a small number of customers will exercise the option to keep their analog meter, and thus, it is not an undue burden on the utility.

For some customers, the fear of Central Hudson's digital meters is intense and genuine. No customer should be required to live in fear of their utility meter when the option to retain an analog meter can be made available.

Secretary Burgess' Response

Secretary Burgess responded by letter on August 14, 2015⁷ to Kenneth S. Panza's letter of July 12, 2015. Apparently the Secretary's letter was intended as a private communication because no copy was filed with Case 14-M-0196.

The first point in Secretary Burgess's letter was that the resolutions filed by the Woodstock Town Board were untimely. The tariff in question has been in place since late September 2014, and the Commission has allowed the use of non-AMR meters, albeit pursuant to a fee structure to accommodate the costs associated with such a non-standard meter. The Secretary noted that 16 NYCRR §3.7(a) provides that "[a]ny person interested in an order of the Commission[may] request rehearing within 30 days of service of the order" by filing a petition for rehearing with the Secretary and serving such petition on all parties to the proceeding. Grounds for such rehearing are set forth in 16 NYC.RR §33(b).⁷ The filings by the Woodstock Town Board were submitted approximately 10 months after adoption of the Order by PSC.

⁷ Case 14-M-0196, Secretary Burgess' letter of August 14, 2015 to Kenneth S. Panza is attached to this document.

The March 23, 2016 NY State Register announcement taking comments on the resolutions submitted by the Woodstock Town Board provide for a 45 day comment period ending on May 9, 2016. The comments submitted by this letter are before May 9, 2016 and within the allowed 45 day comment period.

The second point in the Secretary's letter is the hardest to understand. Secretary Burgess states that analog meters that meet the Commission's standards are no longer available. This statement is in apparent contradiction to decisions by the public service commissions of California, Nevada, Michigan, and Maine that allow utility customers to opt-out of smart meters and retain their analog meters. No explanation is provided about why analog meters are unavailable in New York when there is no apparent difficulty obtaining analog meters in California, Nevada, Michigan, and Maine. Below is a summary of the offerings from utilities in these states.

Analog Meter Opt-Out Options		
Utility	Initial Fee	Monthly Charge
San Diego Gas & Electric ⁸	\$75.00	\$10.00
Pacific Gas & Electric ⁹	\$75.00	\$10.00
Southern California Edison ¹⁰	\$75.00	\$10.00
Southern Nevada Power ¹¹	\$52.86	\$8.82
Northern Nevada Power	\$52.44	\$8.72
Consumers Energy – After Smart Meter Install ¹²	\$123.91	\$9.72
Consumers Energy – Before Smart Meter Install	\$69.39	\$9.72
Central Maine Power ¹³	\$40.00	\$12.00

⁸ <http://www.sdge.com/residential/smart-meter-opt-out/smart-meter-opt-out-program>

⁹ <http://www.pge.com/en/myhome/customerservice/smartmeter/optout/index.page>

¹⁰ Google for 'Southern California Edison Analog Meter Opt Out'

¹¹ <http://puc.nv.gov/uploadedFiles/puc.nv.gov/Content/FAQ/SmartMeterFAQsResidential.pdf>

¹² Google for 'consumers energy don't want smart meter'

¹³ <https://www.cmpco.com/smartmeter/smartmeteroptions.html>

Opt-Out Tariff Language – Leaf 53.8

Language in the Central Hudson AMR opt-out tariff, Leaf 53.8, Revision 0, Effective 10/01/2014 is misleading and confusing. Specifically, the following paragraph, first sentence:

Existing Customer without an AMR Meter: An existing customer receiving service through a non-AMR equipped meter may execute and submit an Application to request that service be continued through a non-AMR equipped meter. In the event that the customer's existing meter is installed internal to their home/facility, the customer will be required to relocate their meter external to their home/facility at their expense. In the event that the customer's existing meter is installed external to their home/facility but is not readily accessible to the Company, the customer will be required to provide unrestricted access to the meter. The customer will not be subject to the one-time meter change fee but will be subject to the monthly non-AMR service fee as set forth below coincident with the date of their request.

"An existing customer receiving service through a non-AMR equipped meter," is receiving service through an electro-mechanical analog meter. A "request that service be continued through a non-AMR equipped meter," is not interpreted by the company as continued service through an analog meter, but rather service provided through a non-AMR digital meter. The failure to distinguish between digital and analog non-AMR meters in a single sentence has caused much confusion and misunderstanding among Central Hudson customers wishing to keep their analog meters.

This letter is requesting that the AMR opt-out tariff for Existing Customers without an AMR meter be modified to specifically allow existing customers to continue service through non-AMR analog meters.

Opt-Out Customer Application – Leaf 53.11

Language in the Central Hudson AMR opt-out application, Leaf 53.11, Revision 1, Effective 10/01/2014 is misleading and confusing. Specifically, the following paragraph, second sentence beginning with, "In particular" is particularly troublesome.

Applicant agrees to comply with the provisions of this Agreement and the Rules applicable thereto as set forth in the Company's tariffs, publicly available at the Commission's website at www.dps.ny.gov. In particular, Applicant requests that the Company not install, or, if already installed, remove an AMR meter at _____ and install a non-AMR electronic digital meter, or other non-AMR meter approved for installation for Applicant by the Commission. Applicant understands and agrees that the installation of a non-AMR meter may cause Applicant to incur costs for which Applicant alone is responsible. If the Applicant's meter is located inside the premises of the service address, Applicant agrees that Applicant shall be solely responsible for all costs to move the existing inside meter to an outside location designated by Company. Applicant and Company agree that Company shall not install a non-AMR meter until an outside meter location has been established.

First, although this application is meant to be read and understood by a Central Hudson customer, few customers understand the terms AMR meter, non-AMR electronic digital meter, or other non-AMR meter while they do understand an analog meter. Second, the term "other non-AMR meter" can easily be misinterpreted as meaning an analog meter.

This letter is requesting the AMR opt-out Customer Application specifically allows for non-AMR analog meters.

Request to the Commissioners

Pursuant to PSC announcement of March 23, 2016, New York State Register: "Option to Opt Out of Using an AMR Device, and Substitute an Electro-Mechanical Meter, at no Additional Charge (P)," this letter requests the Commissioners order Central Hudson to:

1. Allow customers participating in the AMR opt-out program to retain their installed electro-mechanical, analog meters.
2. Offer customers electro-mechanical, analog meters as a replacement for an installed AMR meters (ERT meter).
3. To correct and clarify the language in Central Hudson's opt-out tariff and application, Leafs 53.8 and 53.11.

Very Truly Yours



Kenneth S. Panza

CC:

NY State Senator George Amedore
NY State Assemblyman Kevin Cahill

Attachment: Secretary Burgess' letter of August 14, 2015 to Kenneth S. Panza



**Department of
Public Service**

Public Service Commission

Audrey Zibelman

Chair

Patricia L. Acampora

Gregg C. Sayre

Diane X. Burman

Commissioners

Kimberly A. Harriman

General Counsel

Kathleen H. Burgess

Secretary

Three Empire State Plaza, Albany, NY 12223-1350
www.dps.ny.gov

August 14, 2015

The Honorable Kenneth S. Panza
Council Member, Town of Woodstock
45 Comeau Drive
Woodstock, NY 12498

Re: 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.

Dear Council Member Panza:

Thank you for your letter of July 12, 2015, in which you support a May 2015 resolution of the Woodstock Town Board, submitted to the Public Service Commission, requesting that the Commission allow customers of Central Hudson Gas & Electric Corporation (CHG&E) to continue to use analog meters without the associated fees authorized by the Commission.¹ You further set forth your rationale for the preferred use of analog meters, without fees, rather than the standard Automated Meter Reading (AMR) devices used by CHG&E and other utilities in New York State.

The tariff in question has been in place since late September, 2014,² and the Commission has allowed the use of non-AMR meters, albeit pursuant to a fee structure to accommodate the costs associated with such a non-standard meter. Such fees include, but are not limited to, the need for in-person reading of these meters. As noted by the Commission in its Order, these fees

¹ 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, Order Approving Proposed Tariff Amendments, issued September 8, 2014.

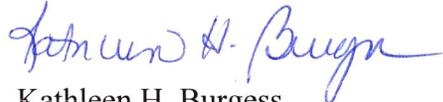
² Please note that 16 NYCRR §3.7(a) provides that “[a]ny person interested in an order of the Commission [may] request rehearing within 30 days of service of the order” by filing a petition for rehearing with the Secretary and serving such petition on all parties to the proceeding. Grounds for such rehearing are set forth in 16 NYCRR §3.7(b).

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are consistent with those established for National Grid, KeySpan and Brooklyn Union electric and gas customers. Further, all meters used by New York State utilities are approved by the Public Service Commission. Analog meters that meet the Commission's standards and had been approved by the Commission for use in New York are no longer available for purchase.

Your interest in this matter is appreciated, and your comments have been included among those submitted in this proceeding, and thus will be part of the Commission's record.

Sincerely,



Kathleen H. Burgess
Secretary