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July 29, 2016

New York State Public Service Commission
Three Empire State Plaza
Albany, NY 12223-1350

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 Commissioners,

Thank you for granting an extension for Proceeding 14-M-0196.

Stop Smart Meters NY (SSMNY) is filing comments to respond to the unfounded statements contained in the "Joint Utilities" submission to this proceeding on June 23, 2016.

SSMNY is a community advisory group consisting of members from across New York State. Our purpose is to investigate, document and research the radiofrequency/microwave (RF/MW) radiation emissions, electrical fire hazards and privacy invasion associated with electronic utility meters. We are volunteers and we are not paid for this work.

On page 2 of their comments, the Joint Utilities claim that it is "a small number of customers" who contacted Central Hudson and the New York State Public Service Commission (NYSPSC) regarding our "belief that digital ERT meters cause health issues." They also state that "the evidence does not support" our claims.

If even one New York State resident is injured by electronic meters, that would be one too many.

In fact, many of the residents who have contacted SSMNY live in the service territories of the Joint Utilities and Con Edison and Orange and Rockland. They have reported developing RF/MW sickness after the installation of electronic meters. None of these residents had noticeable health issues when analog meters were installed at their premises.

Where analog meters remain in place, we have not received reports of RF/MW sickness.

Customers whose utilities have replaced electronic meters with electronic "opt-out" meters, continue to suffer from RF/MW sickness.

Where electronic meters have been removed and replaced with analog meters, customers regain health.

New York State residents began reporting health and electrical problems caused by electronic meters in early 2010, by phone, e-mail and mail. The utility companies and NYSPSC employees treated our concerns with disdain, rudeness and misinformation. Because we are not trained in utility law, we did not know about tariff proceedings, nor were we informed about where this information was published. For these reasons we reported our concerns by submitting comments to the following proceedings:

- **2010 - NYSPSC Matter Master: 10-01355/10-E-0285**
- **2014 - 2016 - NYSPSC Matter Master: 14-00581 / 14-M-0101** After this proceeding, the PSC wrote the 2011 "Smart Grid Report" . The report raised questions about electronic utility meter health, fire safety, privacy and cyber security risks. This report was ignored.
- **2016 - NYSPSC Matter Master: 14-01027 / 14-M-0196**

In addition, members of our advisory committee met with NYSPSC Chairwoman Audrey Zibelman in Albany, who assured us that our concerns would be addressed. That has not occurred to date.

On page 2 of the Joint Utilities comments, they state that Central Hudson meters "meet all of the federal safety standards."

This statement is unfounded. The public has never been provided with federal safety testing results for electronic meters. It does not exist.

The federal government does not approve utility meters. Electronic meters were never tested by any federal government agency for radiation emissions or electrical fire risks.

It is the NYSPSC that sets the standards and approves utility meters for New York State.

The NYSPSC approved electronic meters based on the same ANSI standards and NYCRR regulations that were developed for analog meters. This is

equivalent to applying the same test methods used for bicycle safety standards to test a Suzuki TM400 Cyclone motorcycle - one of the most dangerous motorcycles ever built.

Electronic meters should have been subjected to an entirely new set of tests and regulations that would include the examination of electrical and RF/MW radiation emissions and electrical fire risks. Utilities should have been required by the NYSPSC to obtain Underwriters Laboratory Approval for electronic meters. This was never done.

These omissions led to the approval of dangerous electronic meters that lack critical safety components, including surge arrestors and circuit breakers. These basic and absolutely essential safety components were overlooked because electronic meters were never subject to appropriate testing. These basic components are what protect consumers, their properties and electrical wiring from surges, overcurrent, fires and explosions.

Electronic meters contain electronic components that can blow up if ignited. This is already happening, and the utilities know it. It is being reported that utility companies are removing electronic meters after building fires and before fire inspectors have a chance to inspect the meters.

Most New York State residents are not aware of any of this information, nor have we been informed that the motivation for this electronic metering scheme is to collect our private utility usage data for utilities to sell to third parties. Really, our private utility usage data is none of the utility industry's business. It has no right to this information, let alone to sell it, especially without our permission.

An analog meter provides complete protection from all of the hazards mentioned above and it is protective of our privacy.

While most electronic meters need to be Federal Communications Commission (FCC) Part 15.247 certified, because they use wireless RF/MW frequencies, that certification pertains to electronic interference, not safety. Even so, the test set-up for Part 15.247 certification was not appropriate for utility meters. Instead of designing a special laboratory for this new utility metering technology, the FCC laboratory workers altered the meter to fit a test modality that was not designed to test utility meters. It was a failed testing procedure that was never meant to test safety, and could not have detected interference.
(See the attached Isotrope Report)

Electronic meters interfere with other electronic devices, such as garage doors, ceiling fans and electrical medical implants.

A man who lived in upstate New York contacted SSMNY several years ago. By the time he contacted us he was so disabled that he thought he was going to die. He had been an ironworker who worked at the World Trade Center just after 9/11. He was injured there and had to have an electrical pain relief stimulator implanted in his spine. He was recovering at home when suddenly his implanted medical device began to malfunction. He did not know why. This became intolerable and he had to have it removed. At the same time, he began having problems with electronic equipment in his home. He contacted SSMNY after he realized that this all happened after the installation of an electronic utility meter. He asked the utility company to remove the offending meter. It refused. The last time we spoke he told me that he was leaving his home because he could no longer tolerate living there with the electronic meter.

On page 2, the Joint Utilities claim that Central Hudson meters meet the "more stringent standards of the BioInitiative Report" and cite Chapter 24.

In Chapter 24 of the BioInitiative Report, the authors make it very clear that there are no set safe levels of RF/MW radiation exposure. The Report states clearly that more stringent guidelines must be met as more scientific evidence of harm is compiled.

The following statement is from the Conclusions page on the BioInitiative Report website - www.bioinitiative.org

"Bioeffects are clearly established and occur at very low levels of exposure to electromagnetic fields and radiofrequency radiation. Bioeffects can occur in the first few minutes at levels associated with cell and cordless phone use. Bioeffects can also occur from just minutes of exposure to mobile phone masts (cell towers), WI-FI, and wireless utility ‘smart’ meters that produce whole-body exposure. Chronic base station level exposures can result in illness".

On page 2, the Joint Utilities claim that there is a lack of evidence to support claims of harm from electronic utility meter radiation emissions.

The numbers of New York State residents who have reported becoming ill after the installation of electronic meters is not a coincidence and is sufficient to establish a direct causal relationship between these meters and reported RF/MW sickness. Organizations around the world are collecting this evidence and we are working closely with one of these organizations, in New York, to document the harm caused by the specific electronic meters that have been approved and installed in New York State.

The National Toxicology Program recently released its results of a $25 million federal government study showing that RF/MW radiation can indeed both break DNA and cause cancer. Below is a letter written by Dr. Ronald Malnick, an author of the NTP study:

Correcting Misinformation About Health Effects Studies on Cell Phone Radiation

I am compelled to write this letter because of the numerous incorrect and misleading statements made by Aaron Carroll, a pediatric professor at Indiana University School of Medicine (Upshot, *New York Times,* May 31, 2016) in his critique of the cell phone study conducted by the National Toxicology Program (NTP).

1) The statement that the NTP report had been "shopped for review, but had not been accepted by any editors" is blatantly wrong and makes one wonder where Carroll obtained such false information or did he simply decide to make up his own facts.

2) While Carroll notes that this was a study in rats, he neglects to note that every known human carcinogen induced tumors in animals when adequately tested. Animals are used as models in toxicity and carcinogenicity studies because it is unethical to intentionally expose humans to agents that might cause an adverse health effect such as cancer that has a long latency period between exposure and manifestation of disease.

3) The finding of significant increases of cancer in male rats but not in female rats is presented as contempt of the data; however, Carroll neglects to note that such findings are common in animal studies especially at sites that have higher background rates in male rats than females. This gender difference might be a consequence of low statistical power, an issue that I comment on below.

4) Carroll claims that control rats "dying early could be responsible for all the significant results of the study." This statement is wrong for at least two reasons: First, there was no statistical difference in survival between control male rats and those exposed to CDMA at 6 W/Kg (the group with the highest rate of gliomas and heart schwannomas); at week 94, survival of rats in these two groups were the same. Second, no glial cell hyperplasias (potential pre-cancerous lesions) or heart schwannomas were observed in any control rat, even though glial cell hyperplasia was detected in a CDMA-exposed rat as early at week 58 and heart schwannomas were detected as early as week 70 in exposed rats.

5) Carroll seems to endorse the incorrect view that because the study had low statistical power, it is likely to have "an increased risk of being a false positive." However, having low statistical power means that there is a greater chance for a false negative rather than a false positive result. That is, there is a high probability of accepting the no-effect hypothesis even when a true effect exists.

6) Carroll warns against accepting results from the NTP study, which he refers to as an "imperfect rat study." He is probably unaware that the design of this study was presented at an annual meeting of the Bioelectromagnetics Society prior to the start of these studies. The overwhelming opinion expressed by the meeting participants was that this would be the largest and most comprehensive study in animals exposed to cell phone radiation, and that the results from this study would trump all other animal carcinogenicity studies of this agent.

7) Carroll criticizes the usefulness of human case-control studies while praising cohort studies. Actually both types of studies are important, though each has its own limitations. Carroll neglects to note that cohort cancer studies are reliable if they adequately capture the long latency period for cancer development as well as the actual characteristic of cell phone use by individuals in these studies (e.g., use of speakers, head sets, frequency and duration of calls, type of phone, etc.). Exposure misclassifications in cohort studies tend to increase the chances of a negative result.

8) While Carroll argues against a relationship between brain cancer and cell phone use because the incidence of brain cancers have not increased in the United States since the late 1980s, he neglects to note that unfortunately the incidence of highly lethal glioblastomas has increased during that same time period.

In my view, a pediatrician would be acting irresponsibly if he or she knew and understood the implications of the human and animal cancer data on cell phone radiation and did not offer precautionary advice to the parents of his or her patients.

—Ronald L Melnick, PhD

Ronald L Melnick, PhD, led the design of the NTP/NIEHS Rodent Study. Melnick was a Senior Toxicologist and Director of Special Programs in the Environmental Toxicology Program at the National Institute of Environmental Health Sciences (NIEHS), National Institutes of Health, and is now retired.

Apple provides the following disclaimer with its iPhone.

"To reduce exposure to RF energy, use a hands-free option, such as the built in speakerphone, the supplied headphones, or other similar accessories. Carry iPhone at least 10mm away from your body to ensure exposure levels remain at or below the as-tested levels. Cases with metal parts may change the RF performance of the device, including with RF exposure guidelines, in a manner that has not been tested or certified".

By contrast, no such disclaimer has been provided to customers about the RF/MW radiation emissions from electronic meters.

Where installed, the RF/MW radiation emissions from electronic meters subject all residents to an unprecedented whole-body non-stop pulsed RF/MW radiation exposure. It is making some people very sick and exposing all to levels of non-ionizing radiation known to cause harm (bioinitiave.org).

Further, the radiation transmissions from electronic meters extend hundreds of feet away from the meter. In addition, these frequencies conduct throughout a building's electrical wiring (see Isotrope Report). The engineers who designed electronic utility meters did not consider the consequences of attaching a non

stop pulsing electronic RF/MW meter to the utility side wiring of a consumer's electric circuit panel with no surge arrestors and no circuit breaker. They also failed to consider the dangerous antenna affect that would occur as a result. They did not consult doctors or scientists to find out how the sensitive electro-chemical biological system of living beings would be affected before unleashing this ill-conceived technology. At this point there is a limit to choice. Perpetuating this dangerous technology is not a viable option.

The joint utilities claim that "non-AMR" meters do not transmit.

They have no support for this claim because, as with all electronic meters, there have never been appropriate tests to determine electrical or RF/MW radiation emissions. In addition, all electronic meters create an electrical fire hazard.

The only electronic utility meters that were tested *in situ* in New York State that we know of are the ones that we paid an engineer to test. That engineer prepared a report of his test results, entitled The Isotrope Report, a copy of which will be submitted to this proceeding.

Residents who have been made ill after "non-transmitting" electronic meters are installed have contacted SSMNY. We have measured RF/MW radiation emissions inside homes, where "non-transmitting" electronic meters are installed.

An analog meter is the only safe meter for people who have been injured by an electronic meter.

On page 5, the Joint Utilities claim that only a small subset of Central Hudson meters contain switch mode power supplies.

Perhaps Central Hudson can make this claim only because a percentage of its meters are analog meters. Analog meters do not contain electronic components and therefore do not have the need for switch mode power supply (SMPS). However, <u>all</u> electronic utility meters installed by Central Hudson contain electronic components that make up a SMPS. SMPS is known to cause transient voltage on electrical wiring. This is also known as "dirty power" or "dirty electricity." Dirty power is widely known to cause problems with electronics. It is also known to cause adverse health effects.

On Page 6, the Joint Utilities cite a Sacramento Municipal Utility District (SMUD) electronic meter test to claim that analog meters "emit more EMF's than do digital meters."

This is irrelevant.

SMUD tested for electromagnetic fields. The electrical wiring inside both an analog meter and an electronic meter will cause an electromagnetic field. This is typical of any device with non-shielded electrical wiring. We have measured electromagnetic fields using basic electromagnetic field test instruments and our conclusion is that analog meters and electronic meters emit similar electromagnetic fields that drop off at a distance within a few feet of the meters. We do not think that people should spend a great deal of time within a few feet of analog meters for this reason.

SMUD did not test and compare the RF/MW radiation emissions from the two types of meters. If it had done so, it would have found that electronic meters transmit pulsed non-stop RF/MW radiation near and at a great distance away from the electronic meter location, whereas an analog meter does not transmit RF/MW radiation at all (unless an analog meter is installed in a neighborhood with electronic meters, in which event the conducted RF/MW radiation from electronic meters contaminates utility wiring and can be detected at an analog meter at low levels).

SMUD does not install the same types of electronic meters that are installed by utilities in New York State.

On page 6, the Joint Utilities argue that analog meters are not available.

These same utilities are pushing for newer and more electronic intensive meters. If utility companies want analog meters, manufacturers will produce them. Perhaps that manufacturing could take place in the United States instead of China, where millions of faulty electronic utility meters have been manufactured and are pouring into the United States with no oversight or testing for radiation emissions and electrical fire safety.

In any case, analog meters are available. Analog meters are simply designed electromechanical devices. They have been used, re-used, re-calibrated and even possibly refurbished in utility companies' own meter shops for decades. Tested and re-tested, reliable analog meters are approved by the NYSPSC and have met ANSI accuracy standards for decades. That has not changed.

The NYSPSC should prohibit utility companies from destroying analog meters.

On page 11, the Joint Utilities claim that analog meters do not comply with ANSI standard C37.90.1 2012.

This is a standard for relays and not a standard for analog utility meters.

Utilities have impeded their own progress by adopting technology that should have been vetted for radiation emissions and electrical fire hazards.

For almost ten years, New York State residents, with no notification, have been subjected to electronic utility metering technology that is harmful to our health, an invasion of our privacy and an electrical fire hazard. Evidence of the harm stemming from radiation and fires is growing. The Joint Utilities claim that we should pay them to be safe?

This all warrants an investigation, but in the meantime an analog meter is the only safe choice for any resident who prefers one.

For this proceeding we are requesting that the NYSPSC honor the wishes of over 1000 Woodstock residents and others, who want to retain or recover analog meters.

Analog meter customers can self-read their meters, download a computer self-read photo program and e-mail readings to the utility or convert to a monthly estimated bill plan. Utility companies still have meter readers as well.

Thank you for your consideration.

Respectfully,

Michele Hertz