

July 27, 2016

Kathleen Burgess, Secretary
NYS Department of Public Service
3 Empire State Plaza, Albany, NY 12223-1350

Case 14-M-0196

Rebuttal of Joint Utilities Response Concerning Issue of the Petition.

Numbers (1) through (18) (in parenthesis), listed throughout this document, are referencing links for documentation and can be found under “**Notes**”)

Background

In the late 1990’s, Central Hudson began replacing time tested, safe, analog meters in their customer base territory, with unsafe digital transmitting meters that emitted a class 2B possible/probable carcinogen (1) known as electromagnetic radiation (EMR) which is also known to cause a variety of other adverse health effects (2) below the FCC’s outdated standards (3). Many customers got affected by these digital meters adversely and voiced their complaints to Central Hudson and the NYDPS. I was one of many individuals that got affected by these digital transmitting meters. Because of all the complaints, Central Hudson filed for a request for a tariff amendment.

Central Hudson, as part of their “opt-out program”, is supplying a non-transmitting, digital meter, in place of the digital meter that has an ERT communicating module that emits a class 2B possible/probable carcinogen. These non-ERT, non-transmitting meters, that do not have a communicating module that broadcasts microwave radiation, do have a device that in the process of converting AC current to DC current create what is called dirty electricity or “dirty power” by the industry or “voltage transients” by electrical engineers. This dirty electricity has been documented to cause adverse health effects including cancer (4, 5, and 6). Obviously, anyone concerned about their health and wellbeing, especially parents with children who are more susceptible to this invisible toxicant EMR (7), are not going to want this unsafe device on their home or residence.

To make matters worse Central Hudson wants to charge its customers to not be part of their new Automated Meter Reading program which we never willingly agreed to in the first place.

The Joint Utilities comments have set forth the premise that those who opt-out somehow will be a burden to the rest of the customer base if they don't pay any fees. Currently Central Hudson has two thirds of their customer-base that need their meters read. Meter reading has not ever been charged for in the past or currently if you have an analog meter. This is a brand new development and basically a disguised price hike for standard services. If customers in Central Hudson's customer base want the ERT transmitting digital meter then those customers will save Central Hudson money and they will be the majority according to reports by the industry (8). The fact that some customers will retain an analog meter is not relevant to the other customer's bills and is the cost of doing business as Central Hudson has done for many, many years.

On May 22, 2014 Central Hudson filed before the NYSPSC a request to amend their tariffs unbeknownst to us customers who were not notified by our electric company Central Hudson. The notice may have been in the notice section of the newspapers but it is common knowledge that most people don't read the newspapers anymore and do everything online (9). Also many customers are out state landlords.

Obviously "no person intervened or presented evidence in that proceeding "as attorney Paul Colbert has stated.

Something the Public Service Commission should be made aware of is up until now is that the public specifically the Central Hudson customer base, has not had to oversee it's utilities activities as it has been a mundane relationship these past years. With the changing of the time tested safe analog meters to a controversial wireless technology, people are finding out why the use of this technology is so reckless (10) realizing the necessity to oversee the power companies activities as our health has been affected contrary to the Joint Utilities statements that our claims are without "evidence". This

statement is similar to the Tobacco Industry claims for 42 years and 225 million dollars spent on 1500 (bogus) scientific studies demonstrated (11) that tobacco was safe and asserted by many doctors.

We now know tobacco does indeed cause cancer and respiratory problems (12). So it is just not our "belief" that EMR and Dirty Electricity cause adverse health effects but our personal experiences with before and after installations of digital meters and the mountain of recent peer-reviewed research (13) that demonstrates what we are saying is chronic exposure to low -level EMR is a health risk we should not be forced to have to live with just so the Joint Utilities can save money on their meter reading. Nor should we have to pay extra to be free of EMR exposures.

Clarifying Attorney Colbert's mention of a Central Hudson's customer removing his digital transmitting meter and replacing it with an ANSI approved Analog meter but only after Central Hudson refused to do the replacement after being notified with several legal documents over the course of two months. Three Police agencies were notified of what was going to take place. The replacement was done with the power off in the house which is safer than when Central Hudson makes the replacement because they do it with the house power turned on. The electricity in that individuals' house operated for 4 days with no problems so obviously the installation was done correctly. I should know as I am that individual (14). Mr. Colbert states, speaking for Central Hudson, they empathize with their customers but only up to a limit. "The limit is reached when the requested choice is less safe, less reliable and less accurate".

First of all analog meters are a time tested safe as can be device that never brought any complaints from anyone that their health is being adversely affected once installed like digital meters have. Digital meters are not safer! Second of all, analog meters are a very reliable device and have been for over fifty years. They last for decades on a house before needing to be changed, unlike the digital meter that has a much shorter lifespan.

Thirdly, analog meters that are refurbished are very accurate and more accurate than when originally manufactured. The difference between them and digital meters is negligible as refurbished analog meters are much less than 1% inaccurate (16) which certainly does not justify putting the public at risk for a few tenths of a per cent more accurate digital meter.

Mr. Colbert states "The limit is reached when the choice does not comply with regulatory rules and requirements". The refurbished analog meter meets the ANSI C-12 standard which the DPS Secretary Burgess has stated that there are no other standards the utility meters have to meet except the ANSI C-12 (15). The Hialeah refurbished meters also meet California's "Type A certification" which is a field test of every meter installed while operating on its final location.

Mr. Colbert states that "the limit is reached when choice causes needless incremental expense for the vast majority of customers". Here it is admitted by Mr. Colbert that the "vast majority" of people will not opt-out, thereby saving Central Hudson money on meter readers. The cost of the meter reading for the few who will opt-out is a pittance compared to the savings realized by Central Hudson from the "vast majority" who will not opt-out (8). This should be blatantly obvious.

Lastly Mr. Colbert states "the limit is reached when the bases (corrected-basis) for the requested choice are inaccurate and without support". This statement is obviously false as every important point here is documented for the "basis and support" for refurbished analog meters as an opt-out choice.

State of the Law

Central Hudson has maintained that analog meters that analog meters are not available that meet the Public Service Commission's standards. The Department of Public Service Secretary, The Honorable Kathleen Burgess has stated that the only standard

used by the Public Service Commission to approve an electric utility meter for use is the ANSI C12 standard and that there is no other standard or regulation required (15). Central Hudson can submit the refurbished analog meter for approval of the meter to the Public Service Commission and let the Public Service Commission decide the qualification of said meter.

The public wants the option of an analog meter and Central Hudson is being a stumbling block to the peoples will by not submitting an application for a refurbished analog meter. It is up to the Public Service Commission to decide if they will allow Hialeah Meter Company to submit an application as Kathleen Burgess has stated to me in an email the "generally it is the Utility who submits the application" Generally is not always. Hialeah Meter Company should be allowed to submit an application for their refurbished analog meters that meet ANSI standers to be used in the New York and let the PSC decide if the meter qualifies to be in used the opt-out program? They are a certified General Electric Retailer.

The refurbished analog meter is not modified in any way. The meter is completely and permanently assembled. The accuracy is traceable to the National Institute of Standards and Technology. The refurbished meters are original equipment that utilities have been using. These refurbished analog meters have a two year warranty which is longer than the one year warranty when originally bought by the utilities.

Attorney Paul Colbert has stated that replacement parts that are brand new are not available. Considering that the remanufactured meter only cost \$16.50, and are approved for use in the state of California (17), from Hialeah Meter Company, and probably less in bulk orders, replacing the whole meter would be the cheapest way to solve that problem, if a meter malfunctioned after the two year warranty. The labor to repair a malfunctioning meter, if you had brand new replacement parts, would be much more than replacing the entire meter as long as it meets ANSI standards and is traceable to NIST. Given the above, the lack of new parts is not a problem. The refurbished analog meters are plentiful. Furthermore, Central Hudson has 200,000

analog meters still in operation in their customer base, according to their statements of the current status of digital meter deployment. Central Hudson could arrange to have their used analog meters taken out of service and be refurbished by Hialeah Meter Company, who is always looking for more sources of used analog meters. Those meters would then have their histories available as logged by Central Hudson during their service to the utility customer.

The Facts Corrected

Attorney Paul Colbert states 'Only a small subset of meters used by Central Hudson, use poly phase meters, which contain a switch mode power supply. All digital meters, however have a device that converts AC to DC. These devices operate within the safety specifications required by ANSI, the PSC, the manufacturer and Central Hudson.' This last quote is in response to the Peoples Resolution assertions that all digital meters have switching mode power supplies and create dirty electricity. Let me state boldly that ANSI has rated digital meters for safety not health reasons. There are no tests being done for dirty electricity. Neither the FCC nor ANSI has any health professionals on their staff. Recent peer-reviewed research has shown that Dirty Electricity causes adverse health effects (3, 4, and 5). Dirty electricity is not only created by switching mode power supplies but also by any "device that changes AC to DC which are in all digital meters" as Attorney Paul Colbert has stated. Analog meters do not produce any Dirty Electricity, period. So Attorney Paul Colbert's statement that analog meters produce more EMF's is comparing apples to oranges. EMF's have a wide range of frequencies. What Mr. Colbert used as a reference was the San Francisco Municipal Utility District (SMUD) tests. They measured for extremely low frequencies (ELF) which is found in all appliances including analog meters and house wiring. High Voltage ELF's in power lines have been linked to tuberculosis in children (18). So demonstrating analog meters have a higher amount of low voltage ELF's proves nothing. The fact is analog meters produce no Dirty Electricity because there is no change from AC to DC in these devices as admitted by Attorney Paul Colbert representing the Joint utilities. There is no recent peer reviewed research that

demonstrates dirty electricity also called "dirty power" by industry or "voltage transients" by physicists is safe for the power consumer, yet there are three peer reviewed studies that demonstrate it causes adverse health problems (4, 5, and 6).

Mr. Colbert states that the EMR emissions from transmitting, digital meters are below the Bioinitiative Reports recommendations and that Central Hudson claims this on their website in section entitled, "Meters Facts at a Glance" is, in fact, false and misleading.

The following is copied directly from Central Hudson's website:

Well within safe limits - Studies performed by other parties have shown these that meters typically emit much lower than 1 percent of FCC and ANSI standards*, and in many cases meet or exceed the more stringent and conservative BioInitiative Report recommendation. FCC safety standards for radio signals require a Maximum Permissible Exposure ("MPE") equal to or less than 0.61mW/cm² (0.61 mill watts per square centimeter) for signals in the 900 MHz range; while the BioInitiative Report recommendation, which falls below all international standards, is 0.0001 mW/cm². Signals taken by a local resident from ERT meters installed by Central Hudson peaked at 0.00012 mW/cm².

Attorney Paul Colbert's information is false and inaccurate as the distance from the ERT/Smart Digital Meter was 6 feet where measurements were spiked readings of up to 1200 micro watts per meter squared. At three feet from the ERT/Smart Digital Meter the test meter went off the charts. This means that it had to be higher than 2,000 micro watts per meter squared, which is the highest reading on the HF35C analyzing meter. Central Hudson's figure of 0.00012 micro watts per centimeter squared is simply wrong, which becomes clear when you do the conversion from micro watts per meter squared to micro watts per centimeter squared. There are 10,000 micro watts per meter squared in one micro watt per centimeter meter squared. If you multiply the reading of 1,200 micro watts per meter squared by 0.0001, you get 0.12, not 0.00012, as Central Hudson has inaccurately stated, thereby misinforming their customers.

Check out the conversion table at

www.safelivingtechnologies.ca/PDF%27s/Conversion%20Chart%20%C2%B5W-1.pdf

That means that the statement by Central Hudson that emissions measured by a local resident (that's me) are below the Bioinitiative Report of 2012 is totally false as adverse effects have been observed at 0.00034 where DNA gets damaged and reproductive systems interfered with. View first color chart that demonstrates scientific, peer reviewed studies, observed biological effects below the readings measured of Central Hudson's digital meters

www.bioinitiative.org/report/wp-content/uploads/pdfs/BioInitiativeReport-RF-Color-Charts.pdf

The reading of .12 micro watts is above the Bioinitiative Report adverse effects reading, not under it. Also Central Hudson describes the Bioinitiative Report as "strict and conservative". Either it's safe or not safe. Central Hudson needs to stop playing games with words. The Bioinitiative Report of 2012 based its maximum exposure standard at the point where adverse effects started showing up in peer-reviewed studies. It is not a matter of being "strict" but being safe to put the safe exposure limit below level of adverse effects. The Bioinitiative Report was authored by 21 PhD's and ten MD's.

Conclusions

It should be apparent that there is really no good reason for New York rate payers to not have the choice of an analog utility meter as an opt-out choice nor should they have to pay for them as they never had to before digital meters. Nor should power consumers be forced to accept a potentially harmful device on their homes so the power company can save money on meter reading putting the occupants at risk of biological harm.

Analog electric utility meters have been around for decades and no one ever complained about being harmed by them. With the advent of digital meters there are groups of people in every state of people who have been harmed by these devices all reporting symptoms constant with microwave exposure detailed in the latest peer reviewed research. Stop Smart Meters Woodstock NY emphatically recommends that the Public Service Commission make it possible for analog electric utility meters to be made available as an opt-out choice. This documented rebuttal to the "Joint Utilities

Response" clearly lays out the misinformation and falsehoods detailed within its chapters. Clearly the concerns of the public opposed to digital meters is well founded and grounded in the latest scientific research and not just a personal "belief" and "without evidence" which Attorney Paul Colbert has stated erroneously.

We at Stop Smart Meters Woodstock NY emphatically urge the Public Service Commission to review the documentation provided in this rebuttal and approve analog meters as part of the opt-out choice at no cost to the consumer. The public is counting on you!

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Notes

- (1) http://www.iarc.fr/en/media-centre/pr/2011/pdfs/pr208_E.pdf
- (2) <http://www.bioinitiative.org/rf-color-charts/>
- (3) http://www.bioinitiative.org/report/wp-content/uploads/pdfs/sec04_2012_Evidence_for_Inadequacy_of_the_Standards.pdf and http://www.emrpolicy.org/litigation/case_law/docs/noi_epa_response.pdf
- (4) <http://www.sammilham.com/Milham-Stetzer-2013-Dirty-electricity,-chronic-stress,-neurotransmitters-and-disease.pdf>
- (5) <http://emfandhealth.com/HavasStetzerWHODirtyElectricityStudies.pdf>
- (6) <http://sammilham.com/La%20Quinta%20Middle%20school%20teachers'%20cancers.pdf>
- (7) http://becknatmed.com/doc/why_children_absorb_more_rad.pdf
- (8) http://www.edisonfoundation.net/iei/Documents/IEI_SmartMeterUpdate_0914.pdf
(Page 1 - Last sentence)
- (9) <http://mashable.com/2011/03/14/online-versus-newspaper-news/#1yej5G0C2iqx>
- (10) <http://www1.cs.columbia.edu/~unger/articles/reckless.html>
- (11) <https://www.cancertutor.com/bogusscience/>
- (12) http://www.cdc.gov/tobacco/data_statistics/fact_sheets/health_effects/effects_cig_smoking/index.htm
- (13) <http://www.justproveit.net/studies>
- (14) <http://stopsmartmeterswoodstockny.com/about-us.html>
- (15) <https://drive.google.com/file/d/0BzH9s9AG2OWNdnZLdTh0aWoybFhEdjFBdZdXY3ZPT09uR2Rr/view>
- (16) <https://docs.google.com/document/d/1wksEzq2BLTtQnJJ6IJVjsjmZ6itNFCQfpUqVsHI6jY4/edit>
- (17) <http://www.hialeahmeter.com/spwm.html>
- (18) http://www.mcs-international.org/downloads/088_electromagnetic_fields.pdf