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MAY 18 2020

MPWMD

May 17, 2020

alvinedwards420@gmail.com, georgetriley@gmail.com, water@mollyevans.org,
icbarchfaia@att.net, gqhwd1000@gmail.com, dpotter@ci.carmel.ca.us ,
district5@co.monterey.ca.us
arlene@mpwmd.net

Dear Chairman Edwards and Board of Directors

I request action by the Board to oppose AMI installation in the Monterey District at the CPUC, require a halt to Cal-Am AMI installations in the district, inform the public about these smart water meters, and require Cal-Am to replace smart water meters with analog non-digital meters for all who request it without charge.

Item # 16 says:

Consider Adoption of Policy on Smart Water Meter Installation

Action: The Board will consider direction to staff for testimony in support of Advanced Metering Infrastructure and/or adoption of a policy in support of an opt-out of smart meter installation and discuss who should bear the burden of the cost to opt-out.

Recommendation: The General Manager recommends the Board of Directors reaffirm the District's position for a full opt-out AMI program in the Monterey system...

1) The Board is being asked to affirm a district policy on smart water meters that it did not publicly adopt. The public was not informed when this policy was considered or allowed to comment.

Government Code Section 54950 of the Brown Act states:

In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly. The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

Last January, when District Counsel Laredo provided you with the AMI memo, the Board received it. That does not constitute policy action nor is it a public hearing to discuss policy. The memo only covered an "opt-out", and it had numerous errors. Despite my requests for relief from AMI to the Board, I was not notified of that meeting nor asked to provide a report of my own, even though I have a background on this subject. The memo further stated that the CPUC has exclusive jurisdiction, in contradiction to what California law plainly says to an ordinary person such as myself. My letter of April 19 included the recent T-Mobile v San Francisco California Supreme Court ruling and California laws I discovered that tell a very different story.

The District's actions appear to be in violation of the Brown Act, and I request that corrective actions be taken now by the Board to vet an AMI/smart water meter policy thoroughly in a public hearing with expert testimony from independent consumer advocates not aligned with district staff, Cal-Am, or the CPUC. District staff must only advocate positions at the CPUC that have been approved by the Board, and the public has a right to know what those positions are and to have helped create them.

2) Cal-Am is installing AMI meters without authorization from the CPUC as I detailed in my May 11 letter. I request again that the Board issue a cease and desist to Cal-Am, inform the public, and require that Cal-Am replace AMI meters with analog non-digital meters for all who request them at no cost in the interim.

3) The public has not been informed about Cal-Am's proposed AMI program or its costs. Cal-Am failed to include any information in its billing and newspaper notices. The CPUC approved these deceptive notices. Only someone who has the time to find and go through the 100s of pages of testimony and the scoping memo can discover this. Cal-Am is lying to the public, and this is yet another example of the deceptive business practices of this company. The Board must inform the public about the proposal and the costs to ratepayers.

Smart water meters are extremely costly – environmentally, to the public health, and financially. The electric and gas Smart Meter roll-out is illustrative, but not as Mr. Laredo has claimed.

The Cal-Am's projected costs are over \$41 million for the Monterey and Ventura districts – approximately \$27 million for Monterey district alone -- but the history of utility AMI roll-outs shows actual costs double or triple for the roll-out and then continue to increase throughout the program. The PG&E roll-out was publicly said to cost \$2.2 billion, but whistleblower Patrick Wrigley told the CPUC in 2012 testimony that inside the company, PG&E told its employees the cost was \$10 billion – almost five times the public figure -- and costs have continued. PG&E projected a 15-20 year lifespan for the meters for its cost/benefit business case and which the CPUC approved. That was wrong; the actual lifespan is 5-7 years per industry testimony (not 3-5 years as I stated in a previous letter), and some meters fail much sooner. That alone upends the cost/benefit figures with the frequent equipment replacement and labor costs.

I sent you the CPUC Public Advocates study on the Southern California Edison Smart Meter roll-out on April 19. In that report, Public Advocates found:

According to SCE's AMI business case, the total cost to customers will be greater than \$5 billion, rather than the \$1.6 billion cost explicitly approved by the CPUC, which only included nominal deployment costs;

SmartConnect-related costs not anticipated in SCE's original business case have already been approved by the CPUC in other proceedings, beyond the over \$5 billion cost referenced above. In many cases, these costs were approved without a showing of incremental benefits, and DRA anticipates that more will be requested;

- SmartConnect features such as remote disconnect and SmartConnect-enabled time-varying rates have a high potential for adverse impacts for low-income and other “at-risk” customers... (p. 2)

Case Study of Smart Meter System Deployment: Recommendations for Ensuring Taxpayer Benefits; Hieta, Kao, Roberts

Public Advocates (then Division of Ratepayer Advocates) said in 2008:

DRA would like the Commission to apply some procedural restraint on what PG&E apparently perceives to be a runaway AMI gravy train. It is respectfully submitted that a Decision approving this cost-ineffective upgrade could lead to a staggering waste of ratepayer money. Very little, in terms of PG&E’s AMI performance to date, causes DRA to have much confidence in PG&E. The jury is still out as to when, or if, its ratepayers will ever see the benefits identified in PG&E’s original, or this upgrade proposal, that would justify its enormous cost. DRA does not find this Upgrade Application to be cost-effective, and therefore respectfully recommends that the Commission reject it.

Opening Brief of DRA, August 29, 2008, in Application of PG&E for Authority to Increase Revenue Requirements to Recover the Costs to Upgrade its SmartMeter™ Program, A. 07-12-009. p. 5

This was occurring in other states as well. Illinois Attorney Lisa Madigan, Michigan Attorney General Bill Schuette, and Connecticut Attorney General George Jepson also expressed skepticism to AMI claims and opposition to roll-outs.

AG George Jepson:

“(Connecticut Light & Power’s) proposal would force the company’s ratepayers to spend at least \$500 million on new meters that are likely to provide few benefits in return, ‘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”

AG Lisa Madigan:

“The utilities want to experiment with expensive and unproven smart grid technology, yet all the risk for this experiment will lie with consumers Consumers don’t need to be forced to pay billions for so-called smart technology to know how to reduce their utility bills. We know to turn down the heat or air conditioning and shut off the lights. 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?”

AG Bill Schuette:

A net economic benefit to electric utility ratepayers from Detroit Edison’s and Consumers smart meter programs has yet to be established. In the absence of such demonstrated benefit, the Attorney General has opposed, and will oppose

any Commission action that unjustly and unreasonably imposes the costs of such programs upon ratepayers. To a significant extent, the asserted potential benefits to utility customers depend upon assumptions that a customer will consider additional "real time" data on electricity usage provided by smart meters, and adjust their electrical consumption to achieve cost savings under variable pricing programs that do not yet exist. (See Edison, Document No. 0146, p 5; and Consumers, Document No. 0148, pp. 6-7). Any assumption that large numbers of residential customers will have the time, ability and motivation to attend to, and act upon daily or even hourly changes in their electrical is questionable. Comments, Michigan Public Service Commission Case No. U-17000, p. 3-4

What the record does reveal is that AMI is a pilot program that even Robert Ozar, Manager of the Energy Efficiency Section in the Electric Reliability Division of the PSC, concedes "is as yet commercially untested and highly capital intensive, resulting in the potential for significant economic risk and substantial rate impact." At best, the actual evidence presented by Detroit Edison to support the rate increase was aspirational testimony describing the AMI program in optimistic, but speculative terms. 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.

Michigan Court of Appeals Nos. 296374, 296379, slip opinion, pp. 7-9, April 10, 2012, Cited in Attorney General Comments, Case No. U-17000, p. 4-5

Even John Rowe of utility company Exelon said:

"... it costs too much, and we're not sure what good it will do. We have looked at most of the elements of smart grid for 20 years and we have never been able to come up with estimates that make it pay." (quoted by AG Madigan)

In a memo from Northeast Utilities to Massachusetts Department of Public Utilities, titled, "There Is No Rational Basis for Department-Mandated Implementation of AMI" the companies said: "

... T]there is no evidence that this is a good choice for customers... Finite capital resources available for grid modernization should be aimed at this integration effort before any additional monies are expended on metering capabilities that provide limited and/or speculative incremental benefits over current metering technology (following many years of investment in those systems).5.. The decision to implement AMI goes against the best business judgment of the Companies and cannot be rationally cost justified in terms of a net benefit for the overall customer base that will pay for the investment over the long term."

When the New Mexico Public Regulation Commission rejected PNM's proposal for AMI In April 2018, because "[t]he plan presented in the Application does not provide a net public benefit and it does not promote the public interest," it said, "while ratepayers would be paying more, PNM's shareholders would earn a \$42.8 million pre-tax return on the new AMI meters, a \$11.0 million pre-tax return on the non-AMI meters that will be replaced, and a \$183,000 pre-tax return on PNM's customer education costs."

The meters notoriously malfunction, are inaccurate and have network and overbilling problems. Customers are not using the web portals to "manage" their energy use.

The meters violate FCC exposure limits "under normal conditions of installation and operation" (Sage Associates) and they violate their grants of manufacture. Information on FCC compliance violations are on p. 106-109 of my report.

All this has been known for years. The CPUC has ignored problems with AMI meters, while painting a rosy picture that is hollow and void.

Yet, despite that, because of the huge profits involved including the cost of capitol subsidy/incentive every time a new meter is needed and the personal energy data gained, the utility companies and meter manufacturers continue to promote AMI in concert with the regulatory commissions.

The MPWMD Board's real jurisdiction, according to Public Utilities Code 761.3d, is protecting public health and the environment. Please read the health complaints logged on EMF Safety Network at www.emfsafetynetwork.org/smart-meters/smart-meter-health-complaints to get a feel for the damage these meters cause to humans. Also documented have been injury to trees and effects on bees. I can provide you with more information. Especially now, with health such a great issue, it makes no sense to install devices which doctors and scientists have warned are hazardous to the public and the environment.

As Pacific Grove's attorney, Mr. Laredo saw the extensive documentation on Smart Meter problems presented to that city when PG&E Smart Meters were rolled out. Yet, he denies these problems, promotes AMI, and denies you have any jurisdiction to do something. This is very troubling.

Attached again is my 2012 report for California legislators on Smart Meters. I urge you to read this and particularly examine the sections that pertain to cost, overbilling, accuracy, health, and the environment. Additional information since 2012 is posted on my website www.smartmeterharm.org

Smart Meter opt-outs accomplish almost nothing and have never been workable. Water meters are in the right-of-way outside people's homes and in sidewalks where people and their pets walk and stand, and children play. Removing one meter has little effect especially in a neighborhood, and these meters have powerful pulses that travel great distances. In addition, AMI meters require wireless nodes or small cell antennas for communication which adds to the RF burden in neighborhoods. An opt-out is also costly for ratepayers, except in places like Vermont and Iowa, and fees particularly burden low-income households for very little effect.

The effects on disabled customers with electromagnetic sensitivity amounts to redlining. Sheltering-in-place is normal for me and many others, because as the community's RF

emissions increase from Smart Meters, Wi-Fi hotspots, cell towers and more, I do not have free and equal access to my community. Everywhere in the pavement are access barriers. Even using and enjoying my home becomes more and more difficult.

Cal-Am customers will be forced to pay increasing bills for faulty, hazardous meters that break down, systems they'll never use, unreliable bills, and fake 'leak adjustments' that are pure profit for the company.

This is now my fourth recent letter to the Board with evidence against AMI/smart water meters, and that approval of AMI will be detrimental to the public. Please take action to stop AMI deployment in the Monterey District.

My letters to the Board are not being posted with the agendas along with the other correspondence received. Are my letters being censored?

Please include this in the public record for the May 18, 2020 Board meeting.

Thank you.

Sincerely,

Nina Beety
Monterey