

*Deborah Kopald
P.O Box 998
Fort Montgomery, NY 10922*

May 11, 2018

Via Electronic Mail

John Carley, Esq.

Kurt Coutain

Consolidated Edison Company of New York, Inc.

4 Irving Place, Room 1815-S

New York, NY 10003

Re: Case 18-E-0067 – Electric Rates
Case 18-G-0068 – Gas Rates

Dear Messrs. Carley and Coutain,

Enclosed please find my first set of Interrogatories directed to Orange and Rockland Utilities, Inc., regarding the above captioned proceeding:

Set 1 (KopaldDE-1 through KopaldDE-44)

Pursuant to the Commission's rules, answers shall be served within 10 days following service. If a response cannot be prepared within 10 days following service, 16 NYCRR §5.3(d) requires that the interrogating party be so informed along with a statement as to when the response will be forthcoming.

For each response, please identify the name and title of the respondent and refer to the IR designation. Let me know if you have any questions regarding any of the requests in the interim. Thank you for your anticipated cooperation.

Very truly yours,

/s/ Deborah Kopald

Enc.

cc: Judge Dakin Lecakes,
Judge Anthony Belsito,
Active Parties

Deborah Kopald
P.O Box 998
Fort Montgomery, NY 10922

Interrogatory Request: Kopald Set No. 1

To: Orange & Rockland Utilities, Inc.

Requested By: Deborah Kopald

Case Number: 18-E-0067/ 18-G-0068

Issue Date: May 11, 2017

Response Date: May 22, 2017

Subject: Smart Meters and Related Technology

1. How many customers and other people in Orange and Rockland Utilities, Inc.'s ("ORU") service territory have requested a smart meter opt-out?
2. How many customers and other people in Orange and Rockland Utilities, Inc.'s service territory have identified themselves to the company as being afflicted by electromagnetic hypersensitivity also known as ("aka") EHS; aka microwave sickness, aka EMF sensitivity, aka severe electromagnetic sensitivities or any other related illness?
3. Did ORU confer with other utilities to see what their policies were in regard to maintaining an electromechanical aka analog, non radio-frequency radiation producing meter to accommodate those afflicted by EHS and related illness at their homes, offices and other locations they have to access, including, but not limited to, doctors' offices and places of education?
4. Is ORU aware that New York State Electric and Gas ("NYSEG") offers analog meters as an opt-out and that these meters must be offered to customers who opt-out in the States of California and Vermont?
5. Does ORU know how many utilities in New York, and in other states offer analog meters to customers on request?
6. Is ORU aware of the September 3, 2010 email from the then- President of the California Public Utilities Commission ("CPUC") Michael R. Peevey to Pacific Gas and Electric ("PG&E") executive Brian K. Cherry that says,

...I would let anyone who wants to keep their old meter keep it, if they claim they suffer from EMF and/or related electronic-related illnesses and they can produce a doctor's letter saying so (or expressing concern about the likelihood of suffering same).....

.....There really are people who feel pain, etc., related to EMF.....

- a. Is ORU aware that by “old meter”, then-CPUC President Peevey was referring to analog meters?
7. Is ORU aware that Vermont mandates a no-fee opt out?
 8. How does ORU think that charging an opt-out of a wireless meter to those disabled by EHS or related illness in conformance with the Americans with Disabilities Act (“ADA”)?
 9. How does ORU think it can comply with the Fair Housing Act (“FHA”) by charging an opt-out to those disabled by EHS or related illness in conformance with the Americans with Disabilities Act (“ADA”)?
 10. How does ORU think it can comply with the FHA if someone requests an opt-out for medical reasons, and there is still a bank of smart meters for the other occupants of a rental unit affixed to the structure?
 11. How does ORU think that only offering a digital meter as an opt-out is in conformance with the ADA and the FHA?
 - a. What is ORU’s understanding of the radiofrequency radiation pollution that a digital meter puts on the wiring in a structure to which it is affixed, including but not limited to high frequency voltage transients and magnetic currents?
 12. What is ORU’s response to the allegations of its parent company Consolidated Edison Company of New York, Inc.’s (“ConEd”) customer Michelle Hertz in her declaration regarding perceived and/or actual health effects from a digital meter?
 13. What is ORU’s response to the allegations of Michelle Hertz in the documentary Take Back Your Power (www.takebackyourpower.net) that an employee, possibly, but not necessarily an engineer, at ConEd told her that there was a problem known within the company regarding the switch mode power supply (“SMPS”) unit within the smart meter?
 - a. Who does ORU think made that statement to Ms. Hertz over the phone?
 - b. Who are the employees ConEd and ORU who are familiar with the workings of the SMPS?
 - c. Who were the employees by ConEd and ORU in 2012 and 2013 when Take Back Your Power was being made and released who were familiar with the workings of the SMPS?
 - d. Who raised questions about defects and/or other problems regarding the SMPS with company management at ConEd and ORU?

14. Please state whether the SMPS can adversely affect the functioning of any of the following medical devices in either a home or hospital setting: Cuirasses Respirator, Rocking Bed, Electrically operated Respirator Suction Machine (Pump), Hemodialysis Equipment, Intermittent Positive Pressure Respirator, Heart Rate Monitor, PD APENA Monitor (Parkinson's disease control), Diaphragm Stimulator, Oxygen Concentrator, Medical Pump, Press Respirator, CP Drum ventilator or any specific humidity control system or device?
15. Please state whether the SMPS in a smart meter can withstand more than a 300 Volts AC surge and whether such a surge could result in a fire on the premises?
16. Does ORU believe that smart meters pose any fire and/or explosion risk and if so, how much?
17. Does ORU believe that analog meters pose any fire and/or explosion risk and if so, how much?
18. Does ORU believe the digital meter it is offering as an opt-out creates high frequency voltage transients and magnetic currents on the premises' electrical wiring?
19. Which lawsuits and Housing and Urban Development, ("HUD") and various state human rights commission complaints regarding smart meters has ORU reviewed?
 - a. What is ORU's response to these complaints?
20. Are the smart meters that ORU plans to use in the service territory Underwriter Laboratory ("UL") certified and if so, when were they certified in relation to when ORU and ConEd first started using them?
 - a. What internal discussions has O&R had about this subject? Please provide notes, and documentation.
21. Is ORU concerned that smart meters are not grounded?
 - a. What internal discussions has O&R had about this subject? Please provide notes, and documentation.
22. How did ConEd choose the specific meters in use in Westchester, GE 2S-200-RES (727XC86024) and Sangamo 2S-200-RES (727XC86024)?
 - a. What analysis did ORU perform to come to the conclusion that the meters being used in Westchester were safe and read electricity use-age accurately?
23. What evidence does ORU have that so-called granular electricity use-age information leads to lowered electricity use-age by consumers?
 - a. Please provide documents showing same.

24. What evidence does ORU have that costs savings *to the consumer* have been achieved by the smart pilot in Rockland and by their use in Westchester.
 - a. Please show total costs to consumer including costs saved by eliminating meter readers and costs incurred by purchase of new meters, including, but not limited to increased greenhouse gas and other emissions required to keep and house data and increased greenhouse gas and other emissions from the manufacture of the new meters and electricity consumed for the new meters to run and costs incurred to the consumers by higher rates charged for use at various times of day.
 - b. Please show how consumers' utility bills have been lowered by the use of smart meters.
25. What is ORU doing to publicize the availability of an opt-out?
26. What is ORU's rationale for not offering analog meters as an opt-out?
27. What is ORU doing to protect customers
28. How many pulses does each smart meter emit per day? What are the total microwave radiation emissions of each smart meter? What are the peak emissions of each radiation pulse
29. Why do the smart meters pulse continuously and why can they not wirelessly transmit once a day or less, instead of transmitting continuously?
30. Are owners and residents that have a so-called collector meter attached to the premises being informed?
31. Why is there a smart meter opt-out as opposed to an opt-in inasmuch as the Energy Policy Act of 2005 says that smart meters are to be "offered", not mandated?
32. What proof does ORU have that the meters do not charge the customer for the electricity used by the smart meter to perform its invoicing tasks?
 - a. Why has ORU not provided an affidavit certifying that this charge is not being passed through to the consumer?
 - b. Why did counsel for ConEd John Carley categorically refuse on behalf of ORU to provide such an affidavit when I posed this question to him directly over the phone?

33. What carrying costs have been deferred on the incremental capital investments on the smart meter program that would be covered by the rate increase requested by ORU in the instant rate case?
34. What evidence is there that the use of smart meters has resulted in supply/demand balancing, including, but not limited to actually shutting off peak-loader energy production facilities, that otherwise would not have been shut off absent the use of the smart meters?
35. Please explain how the current transformer in the GE 2S-200-RES (727XC86024) will not increase bills of buildings that have dimmer switches that are in use as asserted in the following study ?

Leferink F, Keyer C, Melentjev A. Static energy meter errors caused by conducted electromagnetic interference. *IEEE Electromagnetic Compatibility*. 2016; 5(4): 59-55?

36. Does ORU believe that Amateur radio transmissions and communications with government satellites are interrupted due to disconnections and poor signal reception from the smart meter network, which runs in the same frequency band and if so, how often?
37. Does ORU acknowledge that the use of a smart meter network runs afoul of the following provisions of the Telecommunications Act of 1996?

Section 301 - requires persons operating or using radio transmitters to be licensed or authorized under the Commission's rules (47 U.S.C. § 301)

Section 302(b) - prohibits the manufacture, importation, marketing, sale or operation of these devices within the United States (47 U.S.C. § 302a(b))

Section 333 - prohibits willful or malicious interference with the radio communications of any station licensed or authorized under the Act or operated by 13 the U.S. Government (47 U.S.C. § 333)

Section 503 - allows the FCC to impose forfeitures for willful or repeated violations of the Communications Act, the Commission's rules, regulations, or related orders, as well as for violations of the terms and conditions of any license, certificate, or other Commission authorization, among other things.

Sections 510 - allows for seizure of unlawful equipment (47 U.S.C. § 510)

- a. Please answer for each listed sections.

38. Does ORU acknowledge that the use of a smart meter network runs afoul of the following provisions of the Code of Federal Regulations?

Section 2.803 - prohibits the manufacture, importation, marketing, sale or operation of these devices within the United States (47 C.F.R. § 2.803)

Section 2.807 - provides for certain limited exceptions, such as the sale to U.S. government users (47 C.F.R. § 2.807)

b. Please answer for each listed sections.

39. Does ORU acknowledge that the use of a smart meter network runs afoul of the following provisions of the U.S. criminal code?

Title 18, Section 1362 - prohibits willful or malicious interference to US government communications; subjects the operator to possible fines, imprisonment, or both (18 U.S.C. § 1362)

Title 18, Section 1362 - prohibits willful or malicious interference to US government communications; subjects the operator to possible fines, imprisonment, or both (18 U.S.C. § 1362)

Title 18, Section 1362 - prohibits willful or malicious interference to US government communications; subjects the operator to possible fines, imprisonment, or both (18 U.S.C. § 1362)

Title 18, Section 1367(a) - prohibits intentional or malicious interference to satellite communications; subjects the operator to possible fines, imprisonment, or both (18 U.S.C. § 1367(a))

40. Did ORU conduct a line impedance stabilization (“LISN”) test for conducted emissions with the smart meters ORU is planning to roll out in its service territory and if so, what were the conditions of this test?

- a. If the LISN test was done, was it done in an actual home or place of business or laboratory?
- b. If the LISN test was done, was it done in a location that had dimmer switches?
- c. If the LISN test was done, how many other electronics were hooked up in the premises where the test was conducted?
- d. If the LISN test was done, did the equipment pass?
- e. If the LISN test was done and the equipment did not pass, what is ORU planning to do to notify ratepayers and residents?
- f. If the LISN test was not done, has ORU notified ratepayers and residents of the consequences of the smart meter failing the test and the implications of the existence of conducted emissions in excess of FCC limits?

41. What alternatives to smart meters did ORU consider to save costs to consumers for invoicing electricity and why did ORU conclude that analog meters were no longer adequate to the task?
42. What privacy risks does ORU believe exist with a smart meter network?
43. What is ORU doing to prevent hackers from being able to determine a home's electric useage and hence, the likelihood of an occupant being home or not, from the use of a wireless device?
44. If a government agency asked for a subpoena to determine a person's granular useage of electricity to determine, for example, if they were using electric lights on a timer to grow marijuana, does ORU think this is appropriate search pursuant to the 4th Amendment of the U.S. Constitution?