

Maine Coalition to Stop Smart Meters

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PUC Spurns Green Meter Solution: Coalition Appeals to Law Court

In their brief December 21 “deliberation” on the fate of electromechanical or analog opt-out electric meters, three Maine Public Utilities Commissioners were unanimous in their rejection of a previously well-reasoned 2011 Commission Order establishing analogs as one of two opt-out choices for citizens concerned over the many problems inherent with smart meters. The other original opt-out choice was a digital smart meter without a radio transceiver. On January 13th the Maine Coalition to Stop Smart Meters appealed the PUC decision to the Maine Supreme Judicial or Law Court.

Concerns with digital smart meters include cyber security issues, constitutional privacy and takings arguments, adverse health effects from the radiofrequency radiation (RFR) that smart meters emit when transmitting, RFR-conducted emissions along building wiring (due to the meter converting alternating current to direct current), susceptibility to power quality issues including harmonics and voltage transients, and propensity to start fires.

In the current docket, 2019-00044, CMP claimed they needed to replace analog meters with new digital meters because they had run out of analogs. CMP, with approximately 650,000 analog meters when they switched to smart meters, was required in the original Opt Out Order from docket 2010-345, to retain enough electromechanical meters for any opt-out customer who might want one.

Opt Out Order Part II, V. B states in part:

We disagree with CMP's argument that a smart meter opt-out program should not include an option for an electro-mechanical meter. In our view, providing two opt-out options will not be overly confusing to customers and, based on the smart meter complaints and customer letters, the vast majority of customers that have concerns regarding smart meters desire to maintain an existing meter. It would be of little purpose to provide an opt-out alternative in response to customer concerns when that alternative is not acceptable to most of the customers as a means to address those concerns.¹¹

¹¹ We expect CMP to take reasonable actions to maintain the equipment and resources necessary to support both opt-out options

“The PUC has rewarded CMP for their bad behavior and blatant disregard of the original order” said Ed Friedman, spokesperson for the Coalition. “Somehow, presumably through scrapping or sales, CMP has disappeared about 644,500 meters (650,000 pre smart meter analogs minus those retained by the original 9,000 opt out customers reduced to 5,500 through attrition from cost and harassment) and the Commissioners have, not unexpectedly, let them off the hook. Both the PUC and CMP must be held accountable” he said. “There’s no reason why, if for whatever reason CMP is out of electromechanical meter stock, the company can’t purchase a couple hundred refurbished meters at \$20 each and start an active and rolling refurbishment program, sending their own older ones in to get recertified at \$10 each, a low cost, effective, safe and green solution that plenty of other utilities take advantage of. The entire supposed premise for the smart meter program was energy savings and yet here the PUC is rejecting clean, green solutions that reduce, reuse and recycle in favor of short-lived, toxic, expensive alternative new digital meters.”

In converting alternating current (AC) from the grid to direct current (DC) needed to run solid state smart meters, power quality is impacted. “Back in 2011, CMP attempted to convince the Commission that solid-state digital meters would be an acceptable opt-out alternative to analog meters” said Julie Tupper, one of the original opt-out complainants to the PUC. “We presented evidence from engineers and other experts that digital solid-state meters were *not* an acceptable alternative to analogs for several reasons, including the emission of transients onto the home wiring. Voltage transients, just one type of power quality disturbance, sometimes referred to as “dirty electricity or dirty power,” are spikes of [electromagnetic interference](#) (EMI) that travel along the wiring in the walls and have been implicated in cancer cases worldwide.” (See [Woodward & Harding](#) oscilloscope comparisons below)

These conducted and subsequently radiated emissions turning home wiring into a broadcasting antenna may be one reason why smart meters have had such devastating effects (see Tables 1 & 2 in [Lamech, 2014](#), attached). As a physician who has done research on people harmed by wireless radiation, Dr. Beatrice Golomb, MD PhD Professor of Medicine at UC San Diego said her labs findings that radiofrequency (RF)-emitting utility meters are the largest cause of new onset non-ionizing radiation sensitivity, conforms with findings of others (see Golomb, 2020 below).

“Our survey study shows this smart meter - induced electrical sensitivity often led to catastrophic impacts in the lives of those affected”, Golomb said. “As an instance, 50% of those who were employed at the time they developed the sensitivity reportedly lost or were forced to leave their job as a result of it.” She requested that the PUC “please ensure purely analog electromechanical meters remain available for those who wish them,” citing this is important for the health of vulnerable members of the public.

Other issues with digital meters include their ability to gather and store more customer data than are needed for billing, and the customer’s inability to easily discern whether CMP has added RFR or other modules or otherwise changed the meters over time.

“CMP has shown over and over they cannot be trusted,” said Dianne Wilkins, another initial complainant negotiating the original opt-out order. Wilkins and her husband had concerns focused on privacy aspects of smart meters. “Maine citizens spent their personal savings against a foreign corporation with limitless financial resources for 3 years to reach an opt-out agreement with the PUC/CMP. Reneging on their agreement with the public is a complete agency/utility breach of public trust, and a disrespecting slap in the face to Maine people. The request to substitute solid state meters for electromechanical/analog meters should have been denied and the prior agreement with the public,

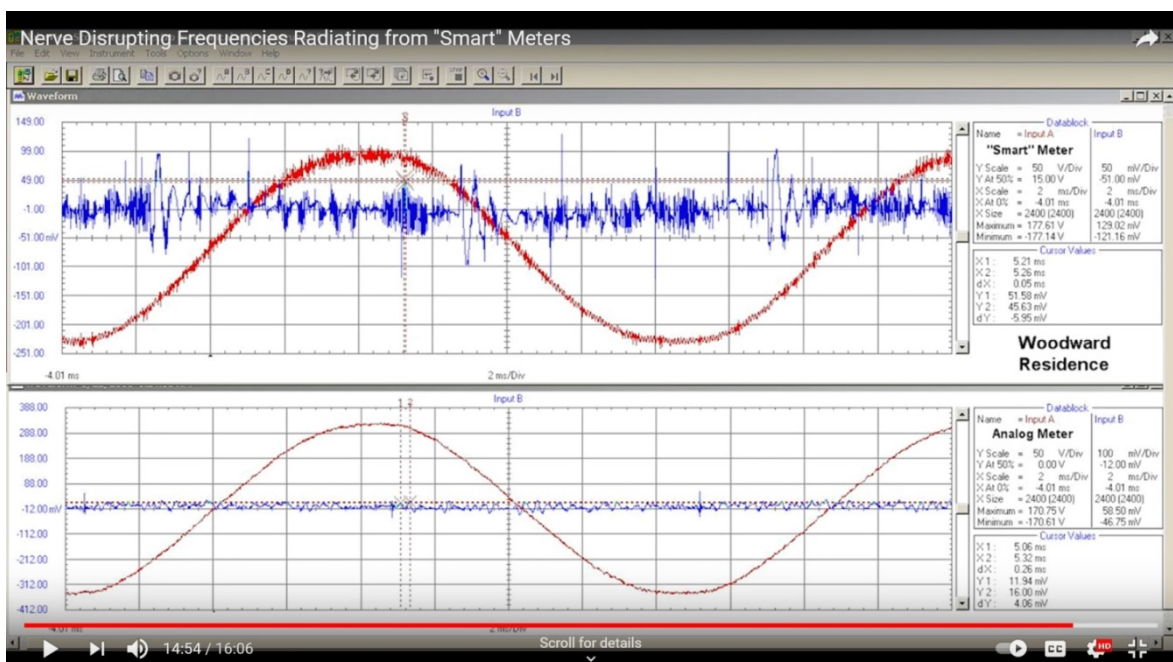
ordered by the PUC commissioners, allowing opt out options (Docket 2010-345 et al), respected and honored,” she said.

On August 13, 2021, the U.S. Court of Appeals for the D.C. Circuit in [EHT et al, vs FCC](#) ruled that the Federal Communications Commission (FCC) ignored scientific evidence and failed to provide a reasoned explanation for its determination that its 1996 RFR exposure regulations adequately protect the public against all the harmful effects of wireless radiation. The ruling stated that the FCC's "arbitrary and capricious" decision to maintain their 25-year-old exposure limits did not address evidence indicating "non-cancer" harm, such as impacts to children, testimony of persons injured by wireless radiation, impacts to the developing brain, impacts to the reproductive system, and impacts to wildlife and the environment.

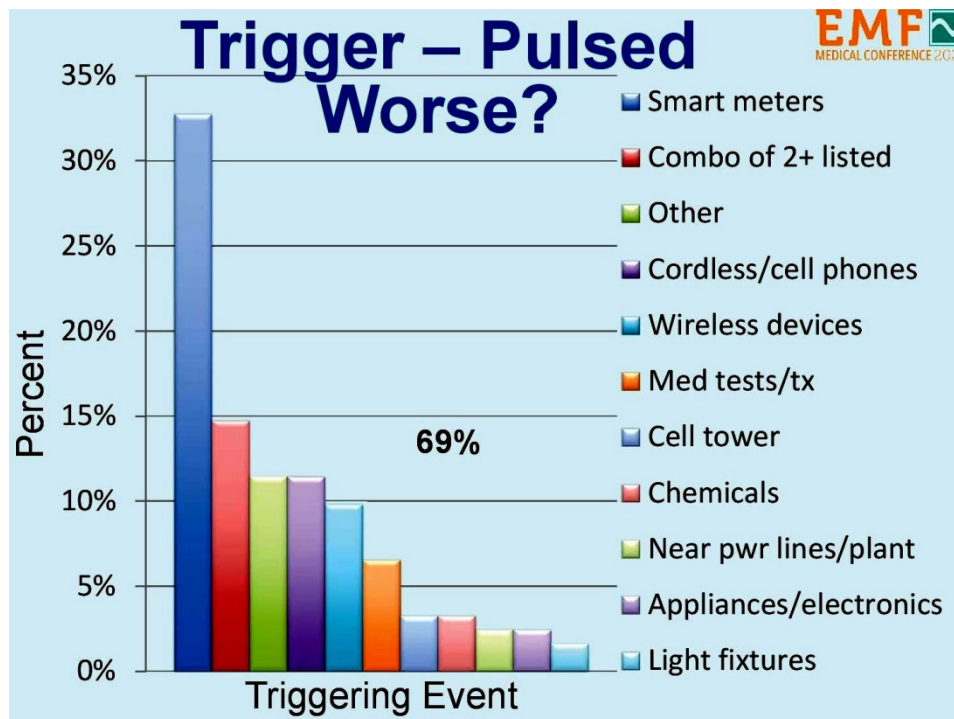
Portland attorney for the Coalition, Scott Sells, who drafted and filed Wednesday's appeal, cited the ongoing federal litigation as primary basis for the group's decision to move ahead. "The PUC has based their decision in this and past related dockets on the primacy of FCC radiofrequency radiation exposure standards when it comes to safety. The recent Appeals Court decision however, which the PUC should have considered, invalidates those standards when it comes to non-cancer effects, children and the environment. Until and unless the FCC can satisfactorily justify their continued reliance on obsolete 1996 standards, we have asked the Law Court to stay enactment of the recent PUC order allowing analog meter replacement."

In their [Motion for Reconsideration](#) of the PUC decision in docket 2019-00044, Coalition members pointed out errors of law, errors of fact, and arbitrary and capricious behavior by the Commission resulting in abuse of discretion. This appeal resulted because the Commission's reply was inadequate and did not resolve the errors.

CMP recently was ranked dead last for the 4th consecutive year on JD Power's customer service survey of similar size utilities. The company is defendant in a number of state and federal lawsuits, including those based on nuisance, disability/discrimination, and racketeering grounds.



Woodward & Harding, 2016-Power Quality Comparison: Smart Meter (top) v Analog (bottom)



Golomb, 2020, EMF Medical Conference 2021

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