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SEP 28 2015  
WASH. UT. & TP. COMM

To: Washington Utilities & Transportation Commission  
P.O. Box 47250, Olympia, Washington 98504-7250

Date: September 24, 2015

Re: Avista, Dockets UE-150204/UG-150205. Comments/Suggestions

Dear Commissioners:

I attended the public hearings in Spokane and Spokane Valley on September 15 and 16<sup>th</sup>. Very little information or details was given about the major capital investments in the filing. Of the four major capital investments listed in the Avista brochure the first three would seem reasonable and desirable. The fourth, however, raises some concern as it involves technology that would impact the public (in homes, businesses and commercial establishments) in new ways, unlike any previous public-utility relationship.

If Avista is going to invest in and deploy Advanced Metering Infrastructure (AMI) in Washington, and particularly if this infrastructure is going all the way to private homes and businesses in the form of digital transmitting meters (DTM or Smart Meters) caution, safeguards and restraint are necessary. Even if these rate increases are approved for these several reasons it should not imply a grant of authority to install or require installation of digital transmitting meters for gas and/or electricity at the end user's home or business. That should be a different issue that has not been fully or even partially vetted in this community.

Briefly, there is the issue of a lack of an easement in homes and properties for the electromagnetic frequencies (emf) that would impinge therein as well as the potential health damages that may occur to some or all occupants therein. This would be even more exacerbated if later Energy Star appliances were to be required, which transmit data to the smart meter, further magnifying the emf pollution. There is the issue of safety, aside from health safety, as digital transmitting meters have been involved in a number of recalls and fires and have not been UL approved. The environmental issue needs to be considered, such as the effects of electromagnetic energy transmission on the flora and fauna of the area, much of which is agricultural.

Unfortunately the public, including Avista customers, have not been informed about these issues and been given an opportunity of informed consent to the application of advanced meters (digital transmitting meters or Smart Meters) on their property. Hopefully, they will before this program is implemented and further funds allocated.

Another problem with advanced Smart Meters is that though they may be technologically advanced (but as a result expensive and prone to malfunction), this technology of information gathering could be misused and is a threat to the well-established common law rights occupants. The information could be hacked and "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures..." could be violated or compromised by hackers or others misusing the data (see Article 4 of the Bill of Rights). The Utilities and Transportation Commission should not allow this, even for an investor utility. The existing basic analog meter technology has been used reliably for many decades. Before

any fundamental changes are applied to the end user the issue should be thoroughly vetted, especially by those most directly affected by the change in conjunction with expert independent opinions. The commissioners might also want to view the professionally produced video on the subject, which runs 1 hour and 41 minutes: ***Take Back Your Power*** (Takebackyourpower.net).

Another issue that should be considered is the Avista expenditures and federal expenditures for energy assistance programs. Before approving a rate increase it should be determined if possibly Avista is unnecessarily contributing or excessively contributing to the energy assistance program and whether these funds in turn could be used to offset a rate increase. Also, the ratepayers through donations in Project Share with their bills may be unnecessarily donating or excessively donating unknowingly for illegal immigrants whereas the federal government should be paying for the problems it creates instead of passing the costs off onto the people in local communities.

At the crux of this issue are federal immigration policies and a failure to enforce the immigration laws, and many communities are adversely impacted as a result. I have been told by an expert source that in the energy assistance program the applicants cannot even be asked about their legal status to even be present in this country. Thus, “illegal immigrants” are getting assistance but we don’t know how many or how much they are getting. This is an unnecessary cost to Avista since without the illegals it would need to donate less. It needs to be determined what percentage of households or of the 43,000 people getting low-income energy assistance are households with illegal aliens. In other words, what percentage of the low-income energy assistance is going to illegal aliens or “refugees” who are participating but not being paid by a federal agency? If the participants cannot be asked about legal status at this time (and they should be) then a best statistical estimate should be made. For example, if 10% of the low-income energy assistance is going to illegal aliens and unreimbursed “refugees” then a bill for this amount should be sent to probably Department of H&HS or ICE. If they don’t pay enlist the help of the local member of congress to get payment.

This issue is particularly troubling since the Independent Auditors Report for Spokane Neighborhood Action Partners (SNAP) shows that for 2014 Avista paid \$4,960,670, which was an increase from \$4,657,211 for 2013 (pg. 36). However, federal payments to SNAP (current period from the previous period) have declined through Department of Commerce-Community Services (pg.48). In most places illegal aliens are increasing not decreasing. If 10% of the low-income assistance funds, for example but it could be higher, are going to illegals or used for illegal aliens then the federal agencies should pay entirely this 10% as well as additional amounts they pay for low income Americans or those lawfully here. In this scenario Avista would get a 10% reduction or refund of their payment. For 2014 this would amount to \$496,067, which could be used to offset some of the rate increase.

The federal government and its agencies have been passing off the costs of its failed immigration policies to local and county governments and to utilities wherein local tax or rate payers are adversely affected by being forced to indirectly pay for federal immigration policy. Its time to stop hiding costs of illegal immigration and distributing them through utility bills.

Thank you for your consideration, /s/ Philip A. Duggan