

DOCKET U-180525

Safe Utility Meters Alliance – Northwest (SUMA-NW) is imperatively responding to the Washington Utilities and Transportation Commission (WUTC) and Investment Owned Utilities (IOUs) regarding public policy on Advanced Metering Infrastructure (AMI). We are strongly opposed to AMI for myriad reasons: public cost, corporate capture, loss of privacy, fire risk, cybersecurity risk, negative environmental impacts, and increasing health concerns. We recognize that WUTC has already determined that IOUs can deploy AMI, but we continue to challenge WUTC and IOUs to prove that AMI is safe, reliable and fairly priced.

The WUTC Mission is “to protect the people of Washington by ensuring that investor-owned utility and transportation services are safe, available, reliable and fairly priced.”

Policy is currently scientifically misinformed about wireless technology, corporate capture, data value, and security. The commission should not rely on industry-centric science that is motivated by profit. SUMA-NW is an alliance of an informed public. Our responses to each section of questions is relative to responses from IOUs and other stakeholders in this matter.

QUESTIONS FOR CONSIDERATION

Responses to the following questions will assist the Commission in conducting its inquiry:

Data Privacy

1. What information pertaining to customers’ energy usage do companies currently collect, retain, or share with third parties?
 - a. What incremental or different information will companies collect or retain with the implementation of AMI?
 - b. Under what circumstances would sharing customer information be necessary for companies to provide utility service?
 - i. What specific information would it be necessary for companies to share to provide utility service?
 - ii. With whom or with what organizations would it be necessary for companies to share such information?
 - c. If not necessary for providing utility service, what information do companies anticipate sharing with third parties for the benefit of customers, and for what specific purpose should the utility share the information with third parties?
2. With respect to the information provided in response to Question #1, please respond to the following:
 - a. What kind of historical data, and for what time period, should companies maintain information in order to comply with regulatory reporting needs (load studies, conservation and energy efficiency, reliability)?
 - i. How will companies dispose of customers’ energy usage information collected from AMI when it is no longer needed or used?
 - b. What rights do or should customers have with respect to their energy use data (co-owners of the data, right to access, right to share with third-parties)?
 - i. What type of customer notice should be required regarding the collection, storage, use, and disclosure of customer data (within a company and with third-parties)?
 - ii. How should the companies be required to obtain customer authorization to share data?
3. How will companies manage and protect customers’ energy usage data generated by AMI technologies?
 - a. How should the rules differ for individual customer data and aggregated use data?

01/11/19 15:51

Received
Records Management

- b. What data collected by AMI should be classified as personally identifiable customer information (PII)?
 - i. How should the rules differ for Anonymous Personal Usage Information (defined as data not explicitly classified as PII that may reveal details, patterns, or other insights into the personal lives, characteristics, or activities of individual customers)?
- c. How have companies evaluated cyber security risks in the planning, design, or implementation of the AMI system?
 - i. Did your evaluation cause any changes to the plan or procurement of system components? How?
 - ii. If you are using a third-party vendor for any portion of the AMI network, have you evaluated your supply chain for the necessary data security protections? Are there contractual requirements?
 - iii. In the event of a cyber security incident that impacts AMI meters or back office systems, what is your plan to mitigate the rate impact to customers?
 - 1. Are you purchasing (or do you plan to purchase) cyber security insurance for this project? Does this protection extend to third-party vendors in the event the breach of customer data is beyond your firewall?
- d. Should the companies be required to report any breach of customer data to the Commission? If not, what set of parameters or threshold is appropriate to require reporting of a breach?
 - i. What timeframe should the companies be required to report the breach to the Commission?
- e. Should the National Institute of Standards and Technology (NIST) cyber security standards form a basis for keeping customer data secure? If not, why?
- 4. How will customers have access to their energy usage information collected in AMI?
 - a. What platform will you use for customer data access?
 - b. How will you educate customers on viewing and using the platform?
 - i. Will the usage provided to customers be at the same granularity as programmed into the customer's smart meter? What type of outage reporting will you provide?
 - c. What time intervals will you use to send customers their energy usage data (near real-time, sub-hourly, daily)?

SUMA-NW Response:

ACLU and Public Counsel have stated our positions namely:

“Public Counsel firmly believes that the data collected by advanced metering, or any other metering platform belongs to the customer who generated the energy usage data and recommends that this principle be included in a comprehensive data privacy framework.”

and

“Technology has created unprecedented ways to glean, store, and utilize personal information without our consent, or even our knowledge. The ACLU-WA works to increase the control every individual has over their personal information, expand the right to privacy, and ensure civil liberties are enhanced rather than compromised by technological innovation.”

Customer data beyond what is necessary to discern payment is the property of the customer. Privacy and Security are distinctly different. Privacy is primary, security is only necessary after privacy is lost. <https://www.aclu.org/issues/national-security/privacy-and-surveillance>

Privacy is protected by the 4th Amendment of the Constitution. Collection of granular usage data is unreasonable search and seizure inside the personal domain of the customer.

“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

Customer consent should occur prior to installation, as an opt-in not an opt-out with extortion fees and rates applied. Daily (or more) reads are not a uniform benefit to the customer. Rather than a wireless, all data technology we should deploy gateway solutions that allow the user to control all but the necessary data.

Prepaid Service and Customer Deposits

5. What kind of prepaid services will you implement for AMI customers?

a. Will companies keep separate accounting records for prepayment services associated with AMI?

b. Will the prepayments accrue interest?

c. How do companies anticipate changing deposit calculations based on information available from AMI technology?

d. How will you address the issue of customers receiving a double bill for the transition month, which will include both the closing bill for post-read billing and the first month of prepayment?

6. How will prepayment systems comply with notice requirements?

7. How will you incorporate energy assistance into prepayment agreements?

SUMA-NW Response:

No comment, Public Counsel made good points on this.

“Ultimately, based on the limited data and evaluations available regarding prepaid programs and the likelihood of consumers being stripped of necessary protections, Public Counsel does not believe prepaid programs are favorable to customers.”

Remote Disconnection

8. What are the advantages and limitations of remote disconnection?

9. If the Commission allows remote disconnections for non-payment, in what circumstances would you remotely disconnect customers?

10. What percentage of current disconnection visits result in the customer making a payment to stop the impending disconnection after the service technician makes contact, but before service is disconnected?

11. Is it necessary to modify current rules governing disconnection or customer notice rules to allow companies to remotely disconnect and reconnect customers?

12. During what time of day should disconnection and reconnections occur (*e.g.*, before noon, 24 hours a day, or during business hours only)?

a. In the case of a customer disconnected for non-payment, how long will the company take to remotely reconnect service after payment has been received?

SUMA-NW Response:

The highest incidence of fire and explosions occur with this feature.

<https://smartgridawareness.org/2016/08/25/how-the-smart-meter-remote-disconnect-can-cause-fires/>

Also as noted by Public Counsel:

“Public Counsel believes that remote disconnections, unlike remote reconnection, may result in more harm and loss of consumer protections than the current standard practice of disconnection in Washington State.”

Meters

13. What meters will the companies be installing in Washington State (brand, make, model)?

a. What are the parameters for measuring and testing the accuracy of the meters?

b. What accuracy range do manufacturer(s) guarantee for those meter sets?

14. Are you aware of any health or safety concerns related to AMI?

a. What research have you conducted concerning health or safety for the meter sets you will be purchasing?

b. Please provide copies or electronic links to the research and any studies on which you have relied.

15. Please explain your current tampering and theft detection process.

a. How might AMI technology alter that process?

SUMA-NW Response:

All brands, makes and models of AMI meters have problems; some accuracy, some fire, and some firmware.

The digital meter manufacturers claim that their meters are more accurate than analog meters, however this claim is being challenged as there are increasing reports that increases in bills are not as a result of more accuracy but faulty measurement. Further, there is no way to verify or audit the data collected in the field, therefore no path of appeal.

Accuracy versus precision:

“In simplest terms, given a set of data points from repeated measurements of the same quantity, the set can be said to be *precise* if the values are close to each other, while the set can be said to be *accurate* if their average is close to the *true value* of the quantity being measured. ... the two concepts are independent of each other, so a particular set of data can be said to be either accurate, or precise, or both, or neither.”

Accuracy study shows 500% variance, University of Twente:

<https://www.utwente.nl/en/news/!/2017/3/313543/electronic-energy-meters-false-readings-almost-six-times-higher-than-actual-energy-consumption>

Study shows digital meters are more intolerant to external conditions; cold, heat, water:

<https://www.slideshare.net/bravenna/keeping-customers-safe>

Digital meters last 5-7 years whereas analog meters last 40-70 years:

<https://smartgridawareness.org/2018/09/25/technology-obsolescence-reduces-smart-meter-lifetimes/>

We don't need more wireless networks; we need a community owned wired solution... "Re-Inventing Wires" is a white paper by the technology think tank, "National Institute for Science, Law & Public Policy": <http://electromagnetichealth.org/wp-content/uploads/2018/02/ReInventing-Wires-1-25-18.pdf>

Landis+Gyr – Fire study and sensor mitigation (Tesco):

<https://www.slideshare.net/bravenna/hot-socket-issues-causes-and-best-practices-107760703>

Health:

Studies used by PSE to support their position that there is no evidence of harm are a cherry picked, myopic selection of studies. It comes from a public inquiry in 2014 about the safety of wireless (Wi-Fi) in schools.

According to the Washington State Department of Health:

“Many schools are adopting Wi-Fi as an effective way to make the Internet available to more students. A Washington resident concerned about the safety of Wi-Fi in schools asked the Washington State Department of Health and the Office of the Superintendent of Public Instruction to review research about health effects from Wi-Fi devices.”

And,

“The two agencies reviewed all summary documents published in English by national or international health agencies since 2000. The reviewed documents included a thorough review of scientific literature on some aspect of human exposure to radiofrequency (RF) fields. Wi-Fi devices generate RF fields, as do cell phones, cell towers, radar, microwaves, and radio and TV broadcasts. None of the 16 documents reviewed found evidence that low levels of RF fields have any adverse health effects in humans. The Department of Health and the Office of the Superintendent of Public Instruction produced a draft report about Wi-Fi safety....”

In other words, we can only use the studies that will let us do what we want. 16 studies out of 1000's, English only versus major studies in Sweden, Greece, Israel, or Italy, etc. An analysis that only included studies from the years 2000-2014. How is that thorough?

Cell phones, that are repeatedly used as a safe standard compared to AMI meters, have been compromised by the recent National Toxicology Program (NTP) study:

<https://ntp.niehs.nih.gov/results/areas/cellphones/>

NTP Final Report was released on November 1, 2018, showing “clear evidence” that cell phone radiation causes cancerous heart tumors:

<https://www.niehs.nih.gov/news/newsroom/releases/2018/november1/index.cfm>

and the Ramazzini Institute study:

<https://www.sciencedirect.com/science/article/pii/S0013935118300367?via%3Dihub> .

Further, more recent, more comprehensive collections of studies are available at:

BioInitiative Report <http://www.bioinitiative.org/>

Electromagnetic Radiation (EMR) and Fields (EMF) are troubling enough internationally that these are now designated as a class 2B carcinogen:

WHO http://www.iarc.fr/en/media-centre/pr/2011/pdfs/pr208_E.pdf

International insurance underwriter Swiss RE is concerned enough for business liability to include EMR in their risk analysis as a High Impact risk in the Casualty category (note that it is in the Casualty category not the Health category):

http://www.swissre.com/library/Swiss_Re_SONAR_2013_Emerging_risk_insights.html

Relying on Public Agencies and Industry Science also compromises the truth:

Corruption of the advisory bodies that we depend on: <https://truepublica.org.uk/united-kingdom/mobile-phone-cover-up-govt-advisory-body-disbanded-inaccurate-and-misleading-conclusions-remain/>

Studies provided are not proof of safety, merely insufficient evidence. We must be cognizant of the 70/30 rule.

Dr. Henry Lai 2006 analysis: “But when he filtered the studies into two stacks—those funded by the wireless industry and those funded independently—Lai discovered industry-funded studies were 30 percent likely to find an effect, as opposed to 70 percent of the independent studies.”

<https://www.seattlemag.com/article/uw-scientist-henry-lai-makes-waves-cell-phone-industry>

Merchants of Doubt; Asbestos, DDT, Lead, Tobacco...

The AMI Industry is utilizing this exact strategy to force unsuspecting utilities and people into accepting their inferior technology for the pure sake of profits.

“The U.S. scientific community has long led the world in research on public health, environmental science, and other issues affecting the quality of life. Our scientists have produced landmark studies on the dangers of DDT, tobacco smoke, acid rain, and global warming. But at the same time, a small yet potent subset of this community leads the world in vehement denial of these dangers.

In their new book, *Merchants of Doubt*, historians Naomi Oreskes and Erik Conway explain how a loose-knit group of high-level scientists, with extensive political connections, ran effective campaigns to mislead the public and deny well-established scientific knowledge over four decades. In seven compelling chapters addressing tobacco, acid rain, the ozone hole, global warming, and DDT, Oreskes and Conway roll back the rug on this dark corner of the American scientific community, showing how the ideology of free market fundamentalism, aided by a too-compliant media, has skewed public understanding of some of the most pressing issues of our era.

“A well-documented, pulls-no-punches account of how science works and how political motives can hijack the process by which scientific information is disseminated to the public.”—Kirkus Review

“Anyone concerned about the state of democracy in America should read this book.”—Former Vice President Al Gore, author of *An Inconvenient Truth*”

Precautionary Principle

Finally, we insist that the WUTC adopt constraints until the Industry can prove that wireless AMI meters are safe, rather than relying on unsubstantiated statements that no proof exists that they cause harm. “The precautionary principle (or precautionary approach) to risk management states that if an action or policy has a suspected risk of causing harm to the public, or to the environment, in the

absence of scientific consensus (that the action or policy is not harmful), the burden of proof that it is not harmful falls on those taking an action that may or may not be a risk.”

Billing Requirements

16. In what circumstances do you believe estimating a customer’s bill will be required with AMI?
17. Generally, what type of reporting will be available on customer bills as it relates to usage? More specifically:
 - a. What mechanism in customers’ bills will display customer-elected load curtailment and control?
 - b. What type of reporting will you provide as it relates to tamper and theft detection?
 - c. What type of reporting will you provide as it relates to voltage reduction?
18. Will the AMI system give customers the ability to program budget billing and conservation goals?
19. Explain the rate and bill flexibilities you will offer customers in conjunction with AMI deployment.

SUMA-NW Response:

Studies show that TOU do not support conservation, except as noted for Prepaid service as a coercive function against low-income customers. Maximilian Chang gave an exemplary testimony including impacts on conservation after AMI was deployed in Maryland: <http://www.synapse-energy.com/sites/default/files/Direct-Testimony-Max-Chang-MD-PSC-9418-Pepco-Rate-Case-16-053.pdf>

Customer Education

20. Please identify the policies and education programs will you use to inform customers about the following:
 - a. How to report suspected equipment malfunction.
 - b. How to get help reading usage, voltage reduction reports, and outage reports.
 - c. How to use the AMI technologies to curtail electricity use, and the potential to help control peak demand for all customer classes.

SUMA-NW Response

Meter manufacturers and data management corporations are spewing propaganda. Show us the data. How much energy reduction have residential customers achieved relative to AMI meters solely? How has AMI deployment supported deployment of alternative energy? Where are the cost savings for the customers? Have bills gone down? Tell us the real story, not the propaganda. Where is the data that supports this from the customers’ perspective?

Refer to the Maximilian Chang testimony already provided.

NE Utilities, Eversource explains clearly why AMI meters are unnecessary:

“Eversource does not believe smart meters and/or AMI are key enabling investments for the future of the modernized grid.”

https://www.puc.nh.gov/dtsearch/makeframe.asp?request=docket&submit=Go&index=%2FPUCSearchIndex&SearchForm=%2FdtSearch%2FdtSearch_form.html&cmd=search&autoStopLimit=5000&stemming=Yes&maxFiles=10&stemming=yes

Here is an excellent summary of the propaganda from the Industry (Merchants of Doubt) and the truth, The EMF Controversy - Common Misconceptions:

<http://www.emfwise.com/myth.php>

WRITTEN COMMENTS

Written comments in response to the Notice and the questions listed above must be filed with the Commission no later than 5 p.m., Friday, September 7, 2018. Pursuant to WAC 480-07-250(3), written comments must be submitted in electronic form, specifically in searchable .pdf format (Adobe Acrobat or comparable software). As provided in WAC 480-07-140(5), those comments must be submitted via the Commission's web portal at www.utc.wa.gov/e-filing. If you are unable to submit documents via the portal, you may submit your comments by email to the Commission's Records Center at records@utc.wa.gov or by mailing or delivering an electronic copy to the Commission's Records Center on a flash drive, DVD, or compact disc that includes the filed document(s). Comment submissions should include:

- The docket number of this proceeding (U-180525).
- The commenting party's name.
- The title and date of the comment or comments.

The Commission will post all written comments on its website at the following URL address: www.utc.wa.gov.

If you have questions regarding this rulemaking, you may contact staff leads, Amy Andrews, at (360) 664-1304 or by email at amy.andrews@utc.wa.gov, or Rayne Pearson, at (360) 664-1136, or by email at rayne.pearson@utc.wa.gov.

Stakeholders will have further opportunity for comment. Information about the schedule and other aspects of the rulemaking, including comments, will be posted on the Commission's website as it becomes available. If you wish to receive further information on this rulemaking, you may:

- 1) Call the Commission's Records Center at (360) 664-1234.
- 2) E-mail the Commission at records@utc.wa.gov.
- 3) Mail written comments to the address below.

When contacting the Commission, please refer to Docket U-180525 to ensure that your placement on the appropriate service list(s). The Commission's mailing address is:

Executive Director and Secretary
Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, Washington 98504-7250

NOTICE

If you do not want to comment now, but do want to receive future information about this rulemaking, please notify the Executive Director and Secretary in one of the ways described above and ask to be included on the mailing list for Docket U-180525. If you do not do this, you might not receive further information about this rulemaking.