

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

MICHAEL A. DELANEY
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

August 3, 2012

NH Electric Co-op
579 Tenney Mountain Highway
Plymouth, NH 03264

Re: Joan E. Wirth
Our File No. 201299515

Dear Sir or Madam:

The Consumer Protection and Antitrust Bureau ("Bureau") received the enclosed complaint about your business.

Please advise the Bureau, in writing, as to your position on this matter and tell us what action you have taken, or intend to take, with respect to this complaint. If you have been able to resolve this matter directly with the complainant, please advise the Bureau so that we may close the file.

Please provide your response within two weeks of the date of this letter, so that we may review it, forward a copy to the consumer, and take whatever further action is appropriate.

Sincerely,

A handwritten signature in cursive script that reads "James T. Boffetti".

James T. Boffetti
Senior Assistant Attorney General
Consumer Protection and Antitrust Bureau
Tele: 603-271-3643
Fax: 603-223-6202

Enclosure

Copy to: Joan E. Wirth

Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301-2429

Joan E. Wirth
348 Hundred Acre Wood
Bristol, NH 03222
July 27, 2012

NH Department of Justice
Office of Attorney General Michael Delaney
33 Capitol St.
Concord, NH 03301

RE: URGENT NOTICE
On RSA 374.62

Dear Attorney General Delaney,

As a NHEC member, I was one of the petitioners who testified at the Grafton County Superior Court about the NHEC AMI program with "mandated" installation of smart meters planned on every one of nearly 82,000 NH homes without exception. That court case has now been closed without any decision made by the Judge on our petition, except for his "dismissal without prejudice." I have been in communication with Amanda Noonan of the NH PUC after sending a letter on March 5 to Debra Howland, Executive Director requesting a hearing. The PUC continues to deliberate on whether they have any responsibility for NHEC members' safety of provided electrical service.

NHEC members were given a one week notice that wireless Smart Meter installations would occur in our area sometime after July 25.th I sent NHEC a certified letter of notification that the new law RSA 374.62 requires that a utility company must obtain a signed consent from the property owner before installation of a wireless smart meter. I have not had an answer from NHEC CEO or Chair of the Board. I did receive an email from Clint Hutchins of Member Solutions that RSA 374.62 did not apply to the smart meter as part of the "gateway device" referred to in the RSA. He also stated that the installation of smart meters would continue in our area imminently. NHEC denial of the RSA ruling is a particularly unconscionable action given exposure to RF EMF has now been classified by IARC as a 2B carcinogen. This includes the radiation from wireless smart meters. Over 2000 expert scientific studies agree that the radiation penetrates the human body, causing damage at the cellular level. Children are particularly vulnerable. This is a very critical issue in light of the current scientific evidence for potential serious public health impacts on NH citizens, especially with unknown amounts of long-term exposure 24/7 to this radiation in their homes and neighborhoods.

Other important issues are:

- 1)** The Energy Act of 2005 does NOT mandate the installation of wireless smart meters on homes. It only states that the meters may be "offered" and installed "upon request."
- 2)** There have been instances in other states about the wireless meters causing home fires, and appliance burn out, therefore raising safety concerns as the meters are not UL tested or UL certified.
- 3)** Since the meter collects electrical use data, and transmits it wirelessly, there is concern regarding privacy invasion, security, and violation of 4th Amendment rights as well as Federal Laws. Refer to the Congressional Research Service document on "Smart Meter Data: Privacy and Cybersecurity" which includes a section on how utility cooperatives may especially be in violation of the Federal laws. The SB 266 Bill was developed to protect the public against privacy invasion and misuse of electrical data. It is the Smart Meter that collects the data and transmits it wirelessly that leads to privacy/ security risks.

4) NHEC has continuously and grossly misrepresented the smart meter product as being entirely "safe;" however, when asked for proof, they do not come up with any information. NHEC has never held a meeting with their members before their decision about spending nearly \$36 million dollars to purchase and install the smart meters. I believe this is in violation of the NH Code 91 A Open Meeting Act and our Bill of Rights under NRECA. At this time most NHEC members have no idea that their meter was changed to a smart meter, what potential safety hazards and property damage these meters could cause, or the potential for health effects from the RF radiation. NHEC does not have any warning sign on their product (the smart meter) to notify persons that there is danger in being too close to these radiating meters. Therefore, home occupants and visitors are not aware of the danger of standing, playing or working near the meter.

5) NHEC members are protected by the NRECA Bill of Rights which NHEC is violating since they do not provide us with correct information and do not give their members the right to be a part of the AMI program decision before smart meter installations began. NHEC also relies on an "assumed" consent as stated in their Terms and Conditions, whereby, if you use the electricity they provide, you have a contract with them even without any signed form. Since members have no choice of enrolling under another electrical utility service due to franchise areas, members are trapped into accepting unfair and irresponsible electric utility actions, serving a monopoly role against their own members who have no ability to protect their health, safety, privacy, their families, and their neighborhood.

6) Electrical utility companies in other states (such as Vermont and Maine) have been required to provide Opt In or Opt Out programs as a reasonable and responsible resolution for consumer protection and choice. Connecticut Attorney Jepson has halted the installation program due to lack of benefits to the consumers, no cost effectiveness, and no electricity conservation. Massachusetts is, for the most part, in a wait and see mode

7) There have been no economic or environmental impact studies completed to date that I have found. Most certainly with the radiation that science has shown affects all living matter, there may be damage to vegetation, plants, trees, and wildlife in areas within the mesh network system of wireless meters, repeaters, and towers. Economic impacts resulting from the radiation effects on public health could be catastrophic to the NH economy.

We are respectfully requesting that the Dept. of Justice review the fact that NHEC smart meter installations have been and are being done without signed consent from the homeowner, and without regard for the occupants most vulnerable to unknown and untested levels of the radiation fields within and around the home. I would also request that NHEC delays further installations until the RSA 374.62 required consent form issue is resolved. Thank you for your attention to this urgent request for your review of this issue and response.

Sincerely



Joan E. Wirth
NHEC Member

Web Link Documentation Pg. 1
Submitted by Joan E. Wirth

Energy Policy Act 2005 : Smart Meters Not Mandated by Federal or State Agencies: (see P.3 "electric companies may offer time based pricing.....")

http://energy.gov/sites/prod/files/oeprod/DocumentsandMedia/NCEP_Demand_Response_1208.pdf

Smart Meter Performance Testing: NHEC Meters are not UL certified

[http://www.ul.com/global/documents/offerings/industries/powerandcontrols/smartmeter/UL_S E_V ERI_Smart_Meter_Performance](http://www.ul.com/global/documents/offerings/industries/powerandcontrols/smartmeter/UL_S E_V ERI_Smart_Meter_Performance_Testing_2011_V2.pdf)

[Testing_2011_V2.pdf](http://www.thetestlab.com/pdf/pce1099.pdf)<http://www.thetestlab.com/pdf/pce1099.pdf>

UL Certification: Required to Meet Federal, State, Local Electrical Codes

<http://www.thetestlab.com/pdf/pce1099.pdf>

New Critical Problem with Smart Meters: Switching Mode Power Supply (SMPS) and Interference with Electrical Equipment and Electronics

<http://eon3emfblog.net/?p=2180>

CT. Attorney General Halts Smart Meters: Not cost effective; no consumer benefits; no energy savings

http://www.ct.gov/ag/lib/ag/press_releases/2011/020811clpmeters.pdf

ON PRIVACY AND SECURITY ISSUES

Congressional Research Service: Smart Meter Data: Privacy and Cybersecurity (2012)

http://assets.opencrs.com/rpts/R42338_20120203.pdf

Smart Meter Data on Appliance Signature and Privacy Invasion

<http://spectrum.ieee.org/energy/the-smarter-grid/privacy-on-the-smart-grid>

<http://stopocsmartmeters.com/smart-meter-dangers/privacy-invasion/>

Smart Grid Cybersecurity Risks and Concerns

http://www.whitehouse.gov/files/documents/cyber/Spoonamore-Krutz_-_Smart_Grid_CyberSecurity_Risks_and_Concerns.pdf

NIST White Paper on Standardization Issues for Smart Grid

<http://www.nist.gov/smartgrid/upload/eu-us-smartgrids-white-paper.pdf>

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http://energy.gov/sites/prod/files/oeprod/DocumentsandMedia/NCEP_Demand_Response_1208.pdf

Smart Meter Performance Testing: NHEC Meters are not UL certified

http://www.ul.com/global/documents/offerings/industries/powerandcontrols/smartmeter/UL_S E_VERI_Smart_Meter_Performance_Testing_2011_V2.pdf<http://www.thetestlab.com/pdf/pce1099.pdf>

UL Certification: Required to Meet Federal, State, Local Electrical Codes

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<http://spectrum.ieee.org/energy/the-smarter-grid/privacy-on-the-smart-grid>

<http://stopocsmartmeters.com/smart-meter-dangers/privacy-invasion/>

Smart Grid Cybersecurity Risks and Concerns

http://www.whitehouse.gov/files/documents/cyber/Spoonamore-Krutz_Smart_Grid_CyberSecurity_Risks_and_Concerns.pdf

NIST White Paper on Standardization Issues for Smart Grid

<http://www.nist.gov/smartgrid/upload/eu-us-smartgrids-white-paper.pdf>

Joan E. Worth
948 Hundred Acre Wood
Bristol, NH 03228

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Concord, NH 03301



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