



Advancing Sound Public Health Policy
on the Use of Electromagnetic Radiation (EMR)
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To: The Commonwealth of Massachusetts Department of Public Utilities
From: Diana Warren, The EMR Policy Institute, Inc.
Date: July 24, 2013
Re: D.P.U. 12-76 Comment on July 2, 2013 "Report to the Department of Public Utilities from the Steering Committee"

CC: Attorney General Martha Coakley
Senator James Eldridge
Representative Thomas Conroy
By email to Mark D. Marini, Secretary, D.P.U. (dpu.e.filing@state.ma.us)

The EMR Policy Institute, Inc. (EMRPI) hereby submits formal comment on the July 2, 2013 "Report to the Department of Public Utilities from the Steering Committee" ("Report") in the Investigation by the Department of Public Utilities on its own Motion into Modernization of the Electric Grid (Investigation).

The EMR Policy Institute (EMRPI) is a national advocacy organization established in 2003. Its mission is to advance precautionary public policy which protects the public from hazardous electromagnetic field (EMF) and radiofrequency radiation (RF) exposures from wireless devices and technologies which include RF smart meters and smart grid infrastructure. EMRPI is engaged in informing and educating policy makers and the public about the adverse biological effects of wireless technology demonstrated by the current state of the scientific evidence (for summary see bioinitiative.org) and the need for policies that protect the public in the regulatory landscape of obsolete FCC RF exposure guidelines. The FCC guidelines are based on twenty-five year old science. In 2011 the WHO IARC classified all RF devices and technology as a class 2B possible carcinogen.

The EMRPI continues to challenge the inadequacy of the US safety policy on EMF and RF exposures by submitting official comment to state and federal agencies. EMRPI's record of comment as individual board members and through its organization dates back to 1997. It includes comment and testimony before state agencies and legislatures, and key federal agencies such as NAS, FCC, GAO, NIOSH, NTIA and the DOJ. The EMRPI has participated in taking three cases to the US Supreme Court challenging the FCC's RF safety policy as inadequate to protect all members of the public in all exposure scenarios. In 2011 EMRPI conducted a nation-wide study from Maine to California that found hundreds of wireless antenna sites to be in violation – up to and in excess of 600% - of the FCC's RF human exposure safety limits. Such antenna sites are often used for smart meter data transmissions. The FCC is not enforcing its own exposure limits and therefore state governments and agencies need to adopt policies that protect rather than put the public in harmful RF exposure situations. In California and other states smart meters have been found to be in violation of RF exposure rules in the manner in which they are installed and located. FCC rules only regulate equipment to equipment interference of wireless smart meters, not RF exposures to people.

While the EMRPI acknowledges the need to modernize the electric grid in Massachusetts and nation-wide, the Institute advocates that such modernization be accomplished using devices, infrastructure equipment and technologies that do not sacrifice the health or safety of the public.

It is unacceptable that the Investigation failed to acknowledge let alone consider non-wireless possibilities and approaches to grid modernization. In fact, the whole of the Investigation's content and process was predicated on the fact - albeit unspoken, but implied - that grid modernization equated with utilizing wireless technology. For this reason and others which will be given below the Report is narrowly focused and seriously flawed. The investigation was not completed. Any DPU policy action now based on this Report would be a mistake. The citizens of Massachusetts deserve better advocacy and protection of their interests by the DPU when developing policy for grid modernization. The DPU serves the public not the utility industry it is supposed to regulate.

Last October the Department of Public Utilities (DPU) issued a notice of investigation (NOI): "Investigation by the DPU on its own Motion into Modernization of the Electric Grid", D.P.U. 12-76. The NOI stated purpose was to open an "... inquiry

to investigate policies that will enable Massachusetts electric distribution companies and their customers to take advantage of grid modernization opportunities.” The NOI also stated the purpose “will be to solicit input from stakeholders that will guide the Department’s approach to grid modernization...”

The NOI also specified that “The Working Group process will include the electric distribution companies and other interested stakeholder representatives” and “The Department anticipates that numerous stakeholder groups will be interested in this investigation. All electric companies shall participate in this investigation. Other stakeholder groups that are interested in participating should indicate such interest...” by informing both the DPU and the consulting firm which facilitated the investigation process. I informed the DPU of my interest in attending the DPU grid modernization meetings.

During the Investigation I attended both Customer-Facing and Grid-Facing Subcommittee meetings as an observer rather than a member of the working group panel, and therefore I could not contribute information or comment during the proceedings. I noted that other than the participation of representatives from the Attorney General’s Office and the Low Income Network on the subcommittees no other stakeholder organizations were acting like consumer advocates. Although Cape Light Compact was supposedly in the “Consumer Groups category” its representative was typical of other stakeholders in not focusing on consumer concerns and did in fact challenge the AG’s representative’s customer advocacy. The questions and points the Ag’s Office made were legitimate. If it were not for the presence of the AG Office there would have been no effective public advocacy.

As I listened many days to comments and discussion among the Working Group stakeholders it was clear to me as a Massachusetts electric customer myself and as a board member of EMRPI that consumer views, opinions and serious concerns about smart grid technology were not understood or being voiced. I was disappointed to observe that the composition of the working groups and the process itself did not represent the people of Massachusetts with the exception of the AG’s Office advocating the cost/benefit issue. Consideration of non-wireless alternatives was left off the table and yet the public was not present to speak its own mind. Thousands of dollars must have been spent on this flawed inadequate investigative inquiry that never got to the heart of the growing consumer opposition to wireless smart meters here in Massachusetts and around the US.

The NOI laid out eight “Areas of Inquiry” the last of which was the catch-all category: Health, Interoperability, Cyber security, and Privacy, and stated “The Department recognizes that there are additional potential concerns related to grid modernization, such as health effects of customer-facing technologies, the interoperability of devices, cybersecurity, and privacy”. Not once during the Customer-Facing Subcommittee meetings was the word “health” mentioned nor was this area of inquiry on meeting agendas. Neither was the issue of privacy an agenda topic and the issue of safety was not a NOI “area of Inquiry”. Safety is also an issue of serious public concern. During the first Customer-Facing Subcommittee meeting several representatives of a major smart meter manufacturing company referred to customers who are concerned about health effects as the “tin foil hat” people. Industry and state public utility commissions should take seriously the concerns of citizens who have educated themselves about smart meter technology. The health issue is not going away especially because a significant percentage of the public is experiencing health issues from wireless smart meter exposure. As deployment of smart meters continues the number affected will increase.

The Report mentions health twice: on page 2 and 100 but in the context of parroting back the NOI statements. The Report’s Section 5. “Principles and Recommendations” beginning on page 44 lists and comments on all the NOI areas of inquiry, except for one: Health. Across the country the number one issue is health followed by privacy as serious concerns about wireless smart meters. EMRPI urges the DPU to conduct an open investigative inquiry about health and privacy with participation and input from the public.

Page 16 of the NOI asks a question the Report does not answer: “What steps should the Department take to address the health concerns associated with grid modernization that have been raised in a few other areas of the country?” Health should not be treated as a PR problem about how to handle the public’s concern about health. It should instead be handled as the legitimate issue it is. And the question trivializes the backlash against RF smart meters – whether they are AMR or AMI, or whether the concern is health, safety, cost, privacy or security. While the public is concerned about reliability it does not rise to the level of four issues of concern previously listed. Opposition to smart meters is growing across the nation including, Connecticut, Maine, Vermont and Massachusetts here in New England. Recently, Maine ordered investigation of smart meter deployments a utility had claimed would save customers money but will instead cost millions. <http://www.mpbnet.com/News/MaineNewsArchive/tabid/181/ctl/ViewItem/mid/3475/ItemID/28240/Default.aspx>

The NOI also asks: “What steps should the Department take to address cybersecurity and privacy concerns with the grid modernization?” The report glosses over this question on page 49 with a one sentence non-response. With the recent revelations about NSA surveillance, citizens are concerned that eventually smart meters will be also used as a surveillance tool. During a Customer-Facing Subcommittee meeting several stakeholders strongly advocated for third party access to smart grid data. The National Institute for Science, Law and Public Policy’s 2012 publication, “Getting Smart About the Smart Grid” by Timothy Schoechle, Ph. D., deals with the cost, cyber security and privacy issues.

Conclusions

The Report is not a recommendation blueprint for DPU policy and action as it does not encompass the centrally important issues the public wants addressed.

The public was not party to the investigation. The investigation failed to be an open process as the Report claims. The most important key stakeholders, members of the public, for whose benefit the DPU serves, did not participate or speak at any of the committee proceedings.

The broad interests and concerns of the public were either not presented or inadequately discussed. Many comments about customers were not about advocating for what customers really want but about how to manage these customers, how to "educate" them, how to get them to "engage" which is PR for getting customers to accept wireless smart meters.

The investigation failed to address the inquiry issues of health and privacy. The NOI did not include safety as an issue to investigate.

The Report failed to consider non-wireless devices and technologies for grid modernization.

The Customer-Facing Subcommittee only made cursory mention of privacy and never once was the word "health" mentioned. The Report mentions the word health twice: on page 2 and 100.

The Report is built on a foundation of sand.

Failed due to the DPU's incorrect characterization in the NOI of the extent that health, safety, privacy and security are issues which are resonating with Americans across the country by underestimating the backlash against smart meters and smart grid technology? The Report refers to BC Hydro's business case model as an "excellent model" yet this utility has experienced strong customer backlash against smart meter deployment which has resulted in the Provincial Government approving an opt-out program for customers who oppose wireless smart meters.

On behalf of Massachusetts electric customers and residents, the EMRPI strongly urges the DPU to postpone making any new policy decisions that would sanction a wireless smart grid based on the July 2, 2013 Report generated by a investigation that was flawed and incomplete, and instead immediately conduct an in depth examination of health, safety, and privacy issues. Massachusetts has the opportunity to adopt grid modernization policy that avoids the costly mistakes other states have and are making. Beginning to adopt the best policy starts with renewing the investigation with more fact finding, public input and discussion.

Respectfully submitted by



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