

To: The Commonwealth of Massachusetts Department of Public Utilities

From: Diana E. Warren, The EMR Policy Institute, Inc.

January 24, 2014

Re: DPU Docket 12-76-A

By email to: dpu.efiling@state.ma.us and mark.marini@state.ma.us

By USPS to: Mark D. Marini, Sec., DPU, One South Station, 5th Floor, Boston, MA 02110

CC: State Senator James Eldridge and Representative Thomas Conroy

The EMR Policy Institute, Inc. (EMRPI) hereby submits comment on the December 23, 2013 Order DPU 12-76-A: "Investigation by the Department of Public Utilities on its own Motion into Modernization of the Electric Grid" that proposes and outlines a grid modernization plan – the "Straw Proposal" (Plan). The SP requires each electric distribution company to file with the DPU (1) a "Grid Modernization Plan" (GMP) and (2) a Comprehensive Advanced Metering Plan" (CAMP).

In a separate notice, Janet Newton, President of the EMR Policy Institute, notified the DPU on January 17, 2014 of her interest to provide testimony at hearings the Department anticipates holding the week of February 24-28, 2014 on Docket 12-76-A. Ms. Newton intends to provide testimony on the safety and health issues.

Executive Summary

The Department of Public Utilities' issuance of its grid modernization plan and the CAMP requirement – even in proposed form – is premature and risks the future success of grid modernization in Massachusetts. Such a risk would be a costly misstep for rate payers, the public who has and may be burdened to pay additional costs to subsidize the cost of constructing a supposedly "modernized" grid, and an capital investment mistake for the utility industry. Massachusetts deserves abundant clean energy and a wise regulatory blueprint of how to achieve it. Clearly the DPU's proposed grid plan is not setting out on the right or wise course.

Comment

The proposed grid modernization plan has been formulated on inaccurate, incomplete and biased information. The DPU should put its proposed plan on hold; re-start its Investigation by focusing on the key issues of inquiry it has not yet researched: privacy, hacking (cyber-security), health, and safety. Addressing the issues of privacy and cybersecurity in separate proceedings is not prudent. The docket does not address the issue of safety (which the NOI and the Working Group Report also failed to do), however, the Introduction states that "The Department must ensure that electric distribution companies provide *safe* and reliable electric service to customers...."

The docket essentially dismisses the health issue on page 31 of the docket and does not contemplate that this issue will be the subject of a future proceeding or any investigative inquiry what so ever. The Maine PUC also made the mistake of not examining the health issue which the courts overturned. The docket makes an outlandish statement that does not reflect the current reality on the ground in Massachusetts and around the US when stating, "Judging from other proceedings, it is *possible* that some electricity customers will question the effects of RF on their health." It is happening across the state now.

The docket further states, "A number of published reports on potential health effects of AMI suggest that RF from this technology is *unlikely* to harm health." This statement also demonstrates the DPU's lack of knowledge, understanding and its bias. And are customers and the public supposed to take comfort in the supposed "fact" that RF is "unlikely" to harm? Is the DPU satisfied with taking a chance with the public's health on the premise that wireless grid devices and technologies are *unlikely to harm*? Is this a basis for prudent regulation? Clearly it is not.

Article V. Section B. (7), "Concerns about Potential Health Effects and Opt-Out Provisions" is dismissive and the references cited do not provide an accurate, complete or balanced picture of the state of the current record of independent scientific RF research.

The DPU failed to investigate alternative technologies for grid modernization other than wireless devices (AMI and AMR smart meters) and network infrastructure such as fiber optic. The Investigation was driven by market place investment and corporate self interest, by sensor manufacturers, and the utility and telecommunication industry's focus on wireless products as the only technology supposedly suitable to meet the goals of a modern grid. The Investigation must consider alternative technologies to wireless grid devices and infrastructure, specifically technologies that are safe, healthy and secure, and do not compromise privacy.

This proposed grid modernization plan is a radical departure from the DPU's usual jurisdictional scope of regulating and policy making. How is it that the Department of Utilities is dictating a policy plan that will affect individuals' right to privacy, and customer and the public's health and safety? This represents a seismic shift of the DPU's authority and risks legal challenge.

That the DPU coupled the health and opt-out issues together demonstrates a fundamental lack of understanding that rate payers - who do not want an "advanced meter" (i.e. wireless AMR or AMI smart meter)- are concerned about a issues of privacy, safety, cost, and potential hacking, and may or may not be concerned about the RF exposure health issue. Requests to opt-out are not solely driven by the health issue.

The Investigation and the DPU's propose plan does not address conservation of electricity as a strategy.

The public has been left out of the DPU's investigative process. The Department should proactively seek out testimony and input from the most important stakeholder – the public - as well as from experts who have expertise on truly smart grid modernization and wireless RF science who were excluded from the group of stakeholders the DPU chose to put on the Steering, Grid-Facing and Customer-Facing

committees of the 2013 Working Group Investigation. EMRPI urges the DPU to set up a panel expressly for the purpose of hearing the opinions and viewpoints of Massachusetts ratepayers directly from them instead of through the filters of consultants and industry representatives. We suggest that the DPU include on a panel individual rate payers who have provided written comments to the Department on Docket 12076-A. The EMRPI also urges the DPU to organize hearing panels to proactively seek out and then hear directly from experts whose view points and expertise has not been included in the DPU Investigation.

The EMRPI suggests the following experts among others the Institute could suggest to the DPU:

Duncan Campbell, Esq.

David O. Carpenter, MD, University of Albany

Devra Davis, Ph.D.

Henry C. Lai, Ph.D., University of Washington

Karl Maret, MD

Gary Olhoef, Ph.D., Colorado School of Mines

Jerry L. Phillips, Ph.D., University of Colorado

Ronald Powell, Ph.D.

Cindy Sage, MA, Sage Associates

Timothy Schoechle, Ph.D.

Jim Turner, Esq.

EMRPI urges the DPU to facilitate receiving testimony via teleconferencing devices such as Skype; the Department should accommodate off-site testimony as a “green” strategy, which supports transparency, encourages rate payer input, and fosters the gathering of information upon which to make informed intelligent regulatory decisions.