

To: NCUC Chairman Finley  
NCUC Board of Commissioners  
NCUC Public Staff

From: Gloria Shen  
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Date: October 14, 2018

Re: **Docket E-2, Sub 834**  
Consumer Statement of Position

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Dear NCUC Chairman Finley, NCUC Board of Commissioners and NCUC Public Staff:

I would appreciate your review of the attached consumer statement of position.  
Thank you for your time and consideration.

Sincerely,  
Gloria Shen

Dear Chairman Finley, Commissioners and Public Staff:

I respectfully submit the following comments relating to Duke Energy Progress, LLC's Request for Approval of Revised Meter-Related Optional Programs Rider MROP (AMI Opt-Out) filed with the NCUC on October 4, 2018.

I have several concerns that I would like to bring forward for your consideration.

1. Ambiguous and Open-Ended Use of the Word "Availability" on "Sheet 1 of 3" under the section titled "Availability":

Duke Energy Progress (DEP) states (*italics mine*):

These programs are available upon request and on a voluntary basis to those Customers as described below, *subject to the availability of appropriate metering and meter-related equipment.*

Are any or all of the programs at risk of being terminated if somehow the "appropriate metering and meter-related equipment" fall in short supply or there is some other condition pertaining to the "appropriate metering and meter-related equipment" that would render the program or programs unavailable to customers?

This is a very broad condition that needs clarification. While DEP describes the programs in Rider MROP-13 as "voluntary", there is nothing optional or noncompulsory about some consumers' medical need to be served by manually read metering. Many have serious illnesses that are chronic and debilitating. It is a necessity.

For many customers who are trying to protect their health out of medical necessity, they must avoid RF emissions and therefore, should have the choice to opt-out of having a smart meter or other communicating device installed on their homes as per the NCUC ruling on June 22<sup>nd</sup>, 2018:

- (p. 13) "Therefore, the Commission concludes that customers should be able to opt out";  
(p. 14) "...the Commission believes it is inappropriate to require customers who maintain that they need to avoid exposure to RF emissions to the extent possible to protect their health to pay....smart meter opt-out charges".

It would be a grave concern to suddenly have customers denied an opt-out at all.

It would be important for the NCUC to require DEP to plan ahead so that the excuse of a lack of "availability" will not be used indiscriminately.

2. Lack of Clarity on "Sheet 2 of 3" of the filing under Section III titled "Manually Read Metering (MRM)":

The meter manufacturer and model chosen to service the customer's premise are at the

discretion of the Company and are subject to change at the Company's option, at any time.

Clarification is needed as to the clause "meter manufacturer and model...are subject to change at the Company's option, at any time."

As I had discussed in my filing dated September 21<sup>st</sup>, 2018 ( NC Consumer AMI 'Smart Meter' Cost/Risk-Benefit Analysis), the AMI meters already have a life expectancy that is less than half of what they were supposed to have vs. how they are depreciated on the books (5-7 years vs. 15-20 years, respectively). How would it be justifiable for them to be retired before their useful life "at any time" when it becomes another cost that will likely be absorbed by the DEP customer?

What happens should DEP decide that another manufacturer's AMI meter or model is to be utilized and it has been only two years since the last meter was installed? Who pays for the new meter and for the work of the contractors to remove the 'to-be-retired' meter that likely still has a useful life and the cost to install the replacement meter?

### 3. Lack of Clarity on "Sheet 2 of 3" under Section III titled "Manually Read Metering (MRM)"

DEP states:

The contract term shall be a minimum of 12 months and may be terminated by either party with thirty (30) days written notice.

Under what conditions would DEP be terminating the MRM contract if not for the reasons stated by which "The Company may refuse to provide service under this option..."? Even DEC's Rider MRM on page 1 of 1 (Original Leaf Number 121) offered more clarity:

The original term of this contract is one year and thereafter until terminated by either party on thirty days' written notice. The Company reserves the right to terminate the Customer's contract under this Rider at any time upon notice to the Customer for violation of any of the terms or conditions of the applicable schedule or this Rider.

I would like to ask the NCUC to please require DEP to remove the ambiguity of this phrasing which, as it stands, could lead to unreasonable contract terminations.

### 4. Problematic Use of the Phrase "not feasible" on "Sheet 3 of 3" under the section "General"

DEP states (*italics mine*):

Upon appropriate notice to Customer, Company reserves the right to suspend and/or terminate any or all of these meter-related programs at any time if providing the requested program is *not feasible*.

The phrase "not feasible" is far too broad and allows DEP too many possible reasons to "suspend and/or terminate" programs that could mean the difference between someone being able to opt out to try to protect his or her health plus the health of family members and the onset or worsening of any number of serious health conditions including cancer.



This is not to be taken lightly.

The NCUC should ensure that DEP will not just arbitrarily deny customers' access to the Manually Read Metering program and neglect the order of a medical physician for those who are opting out for valid health purposes. Duke Energy Carolinas customers did not see this clause in Rider MRM under Docket E-7 Sub 1115. Surely it wouldn't be fair to subject only Duke Energy Progress customers to the "....right to suspend and/or terminate any or all...programs... if providing the requested program is not feasible" clause.

#### 5. Physician Verification Form Requirements – Burdensome and Punitive if Left As They Are

DEP refers to the "physician verification statement" under section III titled "Manually Read Metering (MRM) on "Sheet 2 of 3".

Referring to DEC's Revised Medical Release and Physician's Verification Forms filed under Docket E-7, Sub 1115 on September 13, 2018, it is increasingly recognized that the requirement for the physician's statement to be notarized is a hardship for both physicians and consumers. It is very difficult for physicians to predict when they can be available to complete a form in the presence of a notary. Emergencies arise and some appointments have to get rescheduled while other patients encounter tremendous delays to be seen. Some physicians can barely get a break in the middle of the day. Many physicians do not have notary services available in their office or clinic and either have to go out during a lunch hour to accomplish this or call a patient last-minute to arrange a mobile notary service should a small window of time come available to the doctor.

Also problematic is the fact that the Physician's Verification Statement, as it stands, includes the following phrase (*italics mine*):

Failure to complete this form, or a comparable physician statement, *in its entirety may result in disqualification for waiver of fees* under the Manually Read Meter Rider (Rider MRM).

The phrase as it currently reads is excessively punitive in the sense that *even if* a physician's statement is notarized meaning that both the physician and the patient made strenuous efforts to coordinate and arrange for notary services, there might be some tiny little detail that will still result in "disqualification for waiver of fees" especially if a comparable physician's statement is used at "... the discretion of the physician" [p. 3 of the Order Requiring Amendments to Proposed Tariff filed by the NCUC on September 4, 2018].

The wording on the form should be modified to give patients or doctors a chance to be informed and to have an opportunity to correct whatever small detail there might have been that would otherwise bar a utility consumer from having fees waived under Rider MRM, especially if there is an official notary stamp and verified physician's signature already on the completed form. A utility customer should not be disqualified altogether.

#### 6. The Proposed Opt-Out Meter Is Still a Health Threat

As brought to your attention in numerous consumer statements of position in the last several years and more recently, in over 100 submissions to the NCUC in the last month, the opt-out meter is still responsible for serious health problems and creates a situation in the wiring of homes, giving rise to voltage transients that include emissions in the radiofrequency range that impact everyone in the home. How is this an acceptable opt-out meter for anyone?

If consumers are truly to avoid exposure to RF emissions, this can only be accomplished with the use of an electromechanical analog meter which, as I had discussed in my filing dated September 21<sup>st</sup> (NC Consumer AMI 'Smart Meter' Cost/Risk-Benefit Analysis), not only is the sole option when it comes to precluding harm to human health in individual households and communities, it will also confer the mitigation or removal of serious risks associated with all smart meters\* that include the following:

- Increased costs to the state of NC for healthcare
- Invasion of privacy
- Data breaches
- Cybersecurity threats
- Fire
- Harm to the environment
- Cost to the consumer of running the meter
- Cost of new meters every 5-7 years or less; cost to the consumer to remove 'retired' meters before their full useful life; cost of installing new meter units
- Billing aberrations borne by consumers; consumer complaints that will then have to be handled by the NCUC
- Costly appliances shorting out; repair or replacement costs to consumers

\*Whether communicating or non-communicating

Analog meters have an impressive history of reliability and accuracy. It is these new AMI 'smart meters' that require maintenance, testing, continued support and sooner-than-expected replacement and they are costing utility customers significantly more than the analog meters ever did.

This is a very important decision. Your final word on an opt-out meter affects not only those who are already ill but those who could succumb to illness that could have been prevented. Your decision will impact the elderly, people in the prime of their lives, young adults just ready to start a career, parents, children, mothers-to-be and the babies they are carrying...everyone in the state of North Carolina. The opt-out meter is one that you and your family members will also be presented with. No one is immune to the effects of the radiation exposure from smart meters that have been deployed in "this uncertain regulatory environment" [NCUC Order Approving Manually Read Meter Rider with Modifications, p. 14] based on safety guidelines that were established twenty-two years ago. We all have a choice to turn off a cell phone or to not even use one. But we cannot turn off our electric meters to protect ourselves.



**Please listen to the voices of those who are suffering, those who cannot yet speak for themselves and those who have lost the ability to speak or communicate. Please represent the best interests of all North Carolinians.**

**Thank you for your time and consideration.**

**Sincerely,  
Gloria Shen**