

The need for 'opt outs' and wired alternatives



Image source: <http://2.bp.blogspot.com/-k7RtVOx5FmY/Tki0ChvyW9I/AAAAAAAADV4/4QCQUmzWY5Y/s1600/smart-meter-free-zone-signs-on-meters.jpg>

Legal rulings

In Maine, USA, a “landmark” legal ruling has been made to allow individuals to ‘opt out’ of the Smart Metering program and retain their existing analogue meters (SKT&A 2011). This was the first time a US state had demanded that an electric utility must allow utility customers the choice to opt out. It is claimed that the decision “*will benefit utility customers throughout the country.*”

Alan Stone of law firm Skelton, Taintor & Abbott successfully proved in the “landmark” ruling that as a result of unresolved concerns on health, privacy and cyber-security issues related to the installation of wireless meters on their homes, customers should be allowed a choice over whether such meters are installed.

The Central Maine Power Company had “*argued vigorously that customers should not be allowed to opt out*”, which the Maine Public Utilities Commission found unreasonable and unjust (SKT&A 2011).

Energy users in Maine have two ‘opt out’ options: they either retain their existing analogue meter or receive a Smart Meter and have its transmitter turned off. They pay extra for either option (SOP 2011).

PG&E in California presently offer customers the opportunity to partially ‘opt out’, with a charge being made by PG&E to deactivate individuals’ Smart Meters along with an additional monthly charge (LaMonica 2011). The California Public Utilities Commission President Michael Peevey has additionally now told members of the public that the utility “*will provide for you to go back to the analog meter if that’s your choice,*” (OTLB 2011a).

Milham (2011) suggests allowing individuals to only partially 'opt out' may not be enough to address health concerns, as the switching-mode power supply (SMPS) of some Smart Meters can continue to emit high-frequency radio signals (which have been indicated in some studies as being potentially injurious to health) 24/7. Further action is urgently required. Measures can be taken to avoid such problems.

"I have had a number of cases where symptoms continued after the [smart] meter's transmitters were disabled, but disappeared when an analog meter was reinstalled. I think it prudent to offer customers the option of retaining their old utility meter or to have another reinstalled." Milham (2011).

Additional legal claims may be following the 'victory' by Alan Stone, as a US attorney has provided guidelines available online detailing how individuals can file small claims suits over Smart Meters (Koehle 2010). There is a need to resolve such problems.

The cost of 'opt outs' - United States

Consumers in Maine, USA, are to be charged a one-time fee of \$40.00 fee and a monthly charge of \$12.00 for retaining their existing meter. If they opt for choosing to have a non-transmitting Smart Meter they will be liable for an initial fee of \$20.00 and a monthly charge of \$10.50 (SOP 2011).

The above charges are markedly lower than those that PG&E wishes to charge its customers who wish to 'opt out'. They propose that consumers pay \$270 up front and a \$14 monthly fee, or \$135 up front and a \$20 monthly charge for the option of having Smart Meters that have had their wireless transmission deactivated (Chediak 2011, LaMonica 2011). PG&E does not presently wish to let consumers keep their old meters.

At present, PG&E estimates that approximately 145,800 customers may chose to have their Smart Meters disabled at a potential cost of \$84.4 million (Chediak 2011).

Consumer reaction to PG&E: "... a smart meter costs between 3 and 10 times as much as a traditional meter depending on options and communications choices; installation costs 2-3 times the cost of a traditional meter; traditional meter reading fees are around \$1 per month. ... IF PG&E wanted to be fair they would let you opt out ahead of the meter installation, lower your rate to the pre-program level and then charge a monthly meter reading fee equal to the actual costs of the read," Damiano (2011).

Why 'opt outs' don't always work



112 Smart Meters in apartment complex

Source: OTLB (2011).

112 wireless Smart Meters have been installed in the large apartment complex shown above. If the individual who lives immediately above them opts out she is still exposed to microwaves from the remaining 111 units (OTLB 2011).

"In the US, if too many people opt out, the utility companies have vowed to put a repeater in neighborhoods, possibly on utility poles right outside some people's windows, to boost the signal. REPEATERS emit even more intense radio frequency radiation, so these are also unacceptable," CST (2011). The use of fibre-optics for smart grids as championed in Chattanooga (Baker 2011) would avoid such logistical problems.

Additional claims (Milham 2011, Brangan & Heddle 2011, Wilner 2011), with regard to possible health effects from RF emitted by the switching-mode power supply (SMPS) also have to be taken into account.

If SMPS and RF/microwave issues are not properly addressed, 'opt outs' linked to health concerns may prove at least partially ineffective, as individuals may still be being exposed to unwanted radiation, which may be in violation of WHO health promotion initiatives – *Refer to Appendix 3.*

As noted by Wilner (2011), if concerned customers pay more for an 'opt out' installation yet derive no material benefit, it *"would be a violation of CPUC Code Section 451 which describes any utility rate that is unjust and/or unreasonable as unlawful."*

If consumer concerns are addressed, 'opt outs' and the risks they cause to the credibility of the rollouts, may be dramatically reduced, particularly if the technology can be made more attractive.

References

- Baker, L. (2011), EPB Deploys America's Fastest Fiber-optic Smart Grid, http://www.electricenergyonline.com/?page=show_article&mag=68&article=550
- Brangan, M.B. & Heddle, J. (2011), Ecological Options Protest. Application 11-03-014 filed before the Public Utilities commission of the State of California on 24 March 2011, 17 pp.
- Chediak, M. (2011), PG&E to Charge Up to \$20/Month to Turn Off Wireless Meters, <http://www.bloomberg.com/news/2011-03-24/pg-e-to-charge-up-to-20-month-to-turn-off-wireless-meters-1-.html>
- CST (2011), Immediate Opt-Out and Ban on Smart Meters, <http://www.citizensforsafetechnology.com/Immediate-OptOut-and-Ban-on-Smart-Meters,5,1082>
- Damiano, R. (2011), Opt Out and be Punished. Online comment given to SmartGridNews.com article: PG&E files game-changing smart meter opt out plan. But will it work?, <http://www.smartgridnews.com/artman/publish/news/PG-E-to-anti-smart-meter-customers-Sure-we-ll-shut-em-off-for-a-price-3577.html>
- Koehle, O. (2010), Chapter Seven, Law Suits Concerning Smart Meters, In: Just Say No to Big Brother's Smart Meters, pp. 95-99, <http://www.refusesmartmeter.com/smart%20meter%20aug%2026.pdf>
- LaMonica, M. (2011), PG&E offers opt-out for smart meters at a cost. Green Tech, http://news.cnet.com/8301-11128_3-20047091-54.html#ixzz1WPL7HJcP
- Milham, S. (2011), Smart meter illness. E-mail sent to Judge DeBerry by Physician Dr Sam Milham on 12th May 2011, https://www.pge.com/regulation/GRC2011-Ph-II/Pleadings/WilnerAssoc/2011/GRC2011-Ph-II_Plea_WilnerAssoc_20110525_211252Atch01_211253.pdf
- OTLB (2011), Why Opt Out is a Cop Out, Posted on March 23, 2011 by onthelevelblog <http://stopsmartmeters.org/2011/03/23/why-opt-out-is-a-cop-out/>
- OTLB (2011a), PG&E Begins Removing 'Smart' Meters Due to Health Effects, <http://stopsmartmeters.org/2011/11/01/pge-begins-removing-smart-meters-due-to-health-effects/>
- SGN (2011), Smart Meters: PG&E files game-changing smart meter opt out plan. But will it work?, SmartGridNews.com, <http://www.smartgridnews.com/artman/publish/news/PG-E-to-anti-smart-meter-customers-Sure-we-ll-shut-em-off-for-a-price-3577.html>
- SKT&A (2011), Skelton, Taintor & Abbott Wins Landmark Smart Meter Case, <http://www.skelontaintorabbott.net/news/85/77/Skelton-Taintor-Abbott-Wins-Landmark-Smart-Meter-Case.html>
- SOP (2011), Maine Utilities Must Offer Consumer a Smart Meter Opt Out, Spencer Ogden Power, <http://www.sopower.co.uk/news/maine-utilities-must-offer-consumer-a-smart-meter-opt-out-news-11402015193>.
- Wilner, D.L. (2011), Selection of e-mails by individuals sent to The Honorable Administrative Law Judge Bruce DeBerry California Public Utilities Commission, https://www.pge.com/regulation/GRC2011-Ph-II/Pleadings/WilnerAssoc/2011/GRC2011-Ph-II_Plea_WilnerAssoc_20110525_211252Atch01_211253.pdf