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We deal with the segment of the disabled population that are severely impacted by environmental exposures, resulting in neuro-toxicity. Currently in the Las Vegas we have been contacted over the years by 6,000 residents who are afflicted in varying degrees to said exposures.

What is Neuro-toxicity?

From the National Institute of Neurological Disorders and Stroke a division of the National Institutes of Health:

"Neurotoxicity occurs when the exposure to natural or manmade toxic substances (neurotoxicants) alters the normal activity of the nervous system. This can eventually disrupt or even kill neurons, key cells that transmit and process signals in the brain and other parts of the nervous system.

*Neurotoxicity can result from exposure to substances used in chemotherapy, radiation treatment, drug therapies, and organ transplants, as well as exposure to heavy metals such as lead and mercury, certain foods and food additives, pesticides, industrial and/or cleaning solvents, cosmetics, and some naturally occurring substances. **Symptoms may appear immediately after exposure or be delayed. They may include limb weakness or numbness; loss of memory, vision, and/or intellect; headache; cognitive and behavioral problems; and sexual dysfunction. Individuals with certain disorders may be especially vulnerable to neurotoxicants.***

"Encephalopathy is a term for any diffuse disease of the brain that alters brain function or structure. Encephalopathy may be caused by infectious agent (bacteria, virus, or prion), metabolic or mitochondrial dysfunction, brain tumor or increased pressure in the skull, prolonged exposure to toxic elements (including solvents, drugs, radiation, paints, industrial chemicals, and certain metals), chronic progressive trauma, poor nutrition, or lack of oxygen or blood flow to the brain."

In May 2008, the National Neurotechnology Initiative Act, was introduced by bi-partisan members of Congress and the Senate to allocate 200 million dollars to battle brain related illnesses. It is estimated that 1 in 3 Americans are living with a brain related illness, injury or disease. [1]

We would like for the Commissioners to keep the following in mind when they review and make their decision regarding any changes to the deployment of smart meters (s'meters).

Everyone is entitled to equal access under the Fair Housing Act. Apartment complexes are not allowed to discriminate or deny accommodations to those with any type of disability. Those with environmentally mediated disabilities have enough barriers to overcome to try and find housing that is devoid of chemical exposures, now they have electromagnetic radiation creating further access to housing.

If these 'smeters are in fact allowed to proceed, those who have medical issues or disabilities that will be exacerbated from the s'meters, will not have access to housing. As most multi-family dwellings will have a bank of s'meters upon the exterior wall. As these s'meters are not in synchronization with each other, you will have them emitting rf's constantly, so, there will literally be a constant barrage of rf's that the tenants will be exposed to.

The service animals who assist the disabled will be impacted and it follows their impedance will result in less effective performance for the disabled. Not to neglect the fact, that harming a service animal carries with it their own set of legal consequences, for said harm, especially when it is aware of the harm.

The placement of these s'meters on places of public accommodations also violates the ADA, by making the buildings inaccessible.

On October 25th, there was testimony citing NRS and federal rules regarding the disabled and service animals, so we are attaching it hereto, for a formal recordation of said notification of probable ADA violations.

In summary, these s'meters will preclude certain disabled demographics from finding housing and put their service animals in certain jeopardy.

We implore this Commission to stop these threats of homelessness to the disabled and harm to their animals, by halting the deployment of the s'meters and immediate removal of them from any building that is classified as a 'place of public accommodation'.

1. "*Bipartisan Group of Senators and Representatives Introduce Bill to Battle Brain-related Illness*" http://www.epilepsy.com/newsfeeds/press_release/975986

Thank you.

NATIONAL TOXIC ENCEPHALOPATHY FOUNDATION

/s Angel De Fazio

Thank you Commissioner, Consumer Protection Representatives for allowing me to present my concerns.

Before I start, I want to make a formal ADA request, since this Commission is a state government office, it is suppose to be accessible to the public. As a disabled person I am requesting that there be no smart meter placed upon this building to impede my access to these public meetings. This is a reasonable accommodation as stated under both state and federal laws.

I want this Commission to keep the following in mind. WE are desperately trying to attract new business to our state. We need a major carrot to dangle to entice them. Right now, with all the notoriety AND HEAVILY DIRECTED NEGATIVE PUBLICITY THAT WE ARE GIVING NV Energy, they are not making us appealing in the least.

What business wants to come to NV and lose the ‘perceived’ profits from our tax structure, only to be consumed by the black hole utility commonly referred to as NV Energy and Sierra Pacific.

Does the Commission actually think that businesses are going to reduce power consumption during the summer to create an uncomfortable working environment for all concerned?

You have the power to make us the Mecca for those who are seeking to escape the smart meter nightmare.

Upon information and belief, the members of the panel some are licensed to practice law in NV. That privilege comes with the expectations that they have a moral, ethical and fiduciary duty to uphold the NRS and also Federal Laws.

The following are taken directly from our NRS and failure to address these in relationship to the harmful installation of smart meters or any type of radiation emanating devices, warrants a look at US DOJ filings on a myriad of causations, regarding the disabled.

NRS 426.068 “Disability” defined. “Disability” means, with respect to a person:

- 1. A physical or mental impairment that substantially limits one or more of the major life activities of the person;***
 - 2. A record of such an impairment; or***
- Being regarded as having such an impairment.***

NRS 651.050 Definitions. As used in NRS 651.050 to 651.110, inclusive, unless the context otherwise requires:

- 1. “Disability” means, with respect to a person:***
 - (a) A physical or mental impairment that substantially limits one or more of the major life activities of the person;***

- (b) A record of such an impairment; or**
- (c) Being regarded as having such an impairment.**

2. "Place of public accommodation" means:

(a) Any inn, hotel, motel or other establishment which provides lodging to transient guests, except an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of the establishment as the proprietor's residence;

(b) Any restaurant, bar, cafeteria, lunchroom, lunch counter, soda fountain, casino or any other facility where food or spirituous or malt liquors are sold, including any such facility located on the premises of any retail establishment;

(c) Any gasoline station;

(d) Any motion picture house, theater, concert hall, sports arena or other place of exhibition or entertainment;

(e) Any auditorium, convention center, lecture hall, stadium or other place of public gathering;

(f) Any bakery, grocery store, clothing store, hardware store, shopping center or other sales or rental establishment;

(g) Any laundromat, dry cleaner, bank, barber shop, beauty shop, travel service, shoe repair service, funeral parlor, office of an accountant or lawyer, pharmacy, insurance office, office of a provider of health care, hospital or other service establishment;

(h) Any terminal, depot or other station used for specified public transportation;

(i) Any museum, library, gallery or other place of public display or collection;

(j) Any park, zoo, amusement park or other place of recreation;

(k) Any nursery, private school or university or other place of education;

(l) Any day care center, senior citizen center, homeless shelter, food bank, adoption agency or other social service establishment;

(m) Any gymnasium, health spa, bowling alley, golf course or other place of exercise or recreation;

(n) Any other establishment or place to which the public is invited or which is intended for public use; and

(o) Any establishment physically containing or contained within any of the establishments described in paragraphs (a) to (n), inclusive, which holds itself out as serving patrons of the described establishment.

3. "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

(Added to NRS by 1965, 689; A 1971, 1058; 1991, 1027; 2009, 716)

NRS 651.070 All persons entitled to equal enjoyment of places of public accommodation. All persons are entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any place of public accommodation, without discrimination or segregation on the ground of race, color, religion, national origin, **disability or sexual orientation.**

(Added to NRS by 1965, 689; A 1969, 587; 1991, 1028; 2009, 717)

NVE deployment of these meters are depriving those who are adversely reactive to electromagnetic radiation and radio frequency.

NRS 651.080 Deprivation of, interference with and punishment for exercising rights and privileges unlawful; penalty.

1. Any person is guilty of a misdemeanor who:

(a) Withholds, denies, deprives or attempts to withhold, deny or deprive any other person of any right or privilege secured by NRS 651.070 or 651.075;

(b) Intimidates, threatens, coerces or attempts to threaten, intimidate or coerce any other person for the purpose of interfering with any right or privilege secured by NRS 651.070 or 651.075; or

(c) Punishes or attempts to punish any other person for exercising or attempting to exercise any right or privilege secured by NRS 651.070 or 651.075.

2. A prosecution for violation of a local ordinance authorized by NRS 651.100 is a bar to any prosecution pursuant to this section.

(Added to NRS by 1965, 690; A 1997, 75)

NRS 651.090 Civil actions; damages; equitable relief; costs and attorney's fees.

1. Any person who:

(a) Withholds, denies, deprives or attempts to withhold, deny or deprive any other person of any right or privilege secured by NRS 651.070 or 651.075;

(b) Intimidates, threatens, coerces or attempts to threaten, intimidate or coerce any other person for the purpose of interfering with any right or privilege

(Added to NRS by 1965, 690; A 1977, 1609; 1991, 1029; 1997, 75)

Aside from the disabled, there are other demographics that are covered/protected by state statute regarding these meters/barriers.

ABUSE, NEGLECT, EXPLOITATION OR ISOLATION OF OLDER PERSONS AND VULNERABLE PERSONS

NRS 200.5091 Policy of State. It is the policy of this State to provide for the cooperation of law enforcement officials, courts of competent jurisdiction and all appropriate state agencies providing human services in identifying the abuse, neglect, exploitation and isolation of older persons and vulnerable persons through the complete reporting of abuse, neglect, exploitation and isolation of older persons and vulnerable persons.

(Added to NRS by 1981, 1334; A 1997, 1348; 2005, 1107)

NV Energy representatives from customer service reps to Peter Easler, Schaad Koon, Tony Sanchez have stated that unless these meters are installed they will deny service. The only way they can deny service is for non payment or energy theft. This is nothing short of wanton and mendacious intentional infliction of mental anguish and probable harm upon an older or vulnerable person.

By causing these people to fear for their health and well being versus being denied the basic necessity of life, aka electricity.

NRS 200.5092 Definitions. As used in NRS 200.5091 to 200.50995, inclusive, unless the context otherwise requires:

1. **“Abuse” means willful and unjustified:**

(a) **Infliction of pain, injury or mental anguish on an older person or a vulnerable person; or**

(b) **Deprivation of food, shelter, clothing or services which are necessary to maintain the physical or mental health of an older person or a vulnerable person.**

7. **“Vulnerable person” means a person 18 years of age or older who:**

(a) **Suffers from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage or mental illness; or**

(b) **Has one or more physical or mental limitations that restrict the ability of the person to perform the normal activities of daily living.**

My testimony today is providing you with knowledge of the impending harm, abuse of this segment of NV’s population. Therefore, giving you public notification that warrants action on your part to prevent this abuse and mental anguish.

NRS 200.50925 “Reasonable cause to believe” and “as soon as reasonably practicable” defined

1. **Has “reasonable cause to believe” if, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.**

2. **Acts “as soon as reasonably practicable” if, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, a reasonable person would act within approximately the same period under those facts and circumstances.**

One can extrapolate that the Commission could be considered conspiring by granting this deployment, when they have had foreknowledge of the ramifications associated with these meters, upon older and vulnerable persons.

NRS 200.50995 Penalties for conspiracy. A person who conspires with another to commit abuse, exploitation or isolation of an older person or a vulnerable person as prohibited by NRS 200.5099 shall be punished:

1. **For the first offense, for a gross misdemeanor.**

2. **For the second and all subsequent offenses, for a category C felony as provided in NRS 193.130.**

Each person found guilty of such a conspiracy is jointly and severally liable for the restitution ordered by the court pursuant to NRS 200.5099 with each other person found guilty of the conspiracy.

(Added to NRS by 1997, 1347; A 2003, 2568; 2005, 1114)

The threat of denial of service and justified fear of physical harm from the meters, after NV Energy's, self imposed deadline for those on the delay/defer list, is nothing short of intentional harassment. This sword of Damocles upon the citizens of Nevada, as the injuries that are being documented are weighing heavily upon NV Energy's customers is illegal.

NRS 200.571 Harassment: Definition; penalties.

1. A person is guilty of harassment if:

(a) Without lawful authority, the person knowingly threatens:

(1) To cause bodily injury in the future to the person threatened or to any other person;

(2) To cause physical damage to the property of another person;

(3) To subject the person threatened or any other person to physical confinement or restraint; or

(4) To do any act which is intended to substantially harm the person threatened or any other person with respect to his or her physical or mental health or safety; and

(b) The person by words or conduct places the person receiving the threat in reasonable fear that the threat will be carried out.

2. Except where the provisions of subsection 2 or 3 of NRS 200.575 are applicable, a person who is guilty of harassment:

(a) For the first offense, is guilty of a misdemeanor.

(b) For the second or any subsequent offense, is guilty of a gross misdemeanor.

3. The penalties provided in this section do not preclude the victim from seeking any other legal remedy available.

(Added to NRS by 1989, 897; A 1993, 510; 2001, 2785)

We are requesting a statewide opt out option. That encompasses **RETAINING the analog meters that we currently have. No charge/fee/penalty for electing to utilize the opt out option, no cost replacement of **ONLY** analog meters, nothing else, like the so called digital non-radiating meters, to those who desire to not be part of the smart meter program.**

Removal of any and all charges associated with smart meters, since we are not using them, we should not have to be penalized for a purchase we had no input over.

Immediate halt to the deployment of smart meters in any and all buildings, services, venues, etc., of public accommodation that will create barriers for those who are disabled.

Along with banning them at rehab facilities, long term care facilities, and other facilities that house or treat those who are protected under the aforementioned statutes.

These people are incapable of making reasonable decisions predicated on their medical situations for exposures related to smart meters.

New construction should automatically have the analog meters installed and let the new home buyer make the determination if they want the smart meter.

Require FULL and public disclosure on NVE website, of the independent, peer reviewed, LONG TERM (GREATER THAN 5YEARS) PREDICATED on both casual exposure aka 8 normal business hours and 24/7 constant for those home bound and infirmed, health studies of these meters, ON EVERY DEMOGRAPHIC THAT NV ENERGY AND SIERRA PACIFIC SERVES, INCLUDING SERVICE ANIMALS, FETUS'S, INFANTS, geriatrics, vulnerable populations AND THOSE WITH IMPLANTED MEDICAL DEVICES, the model, the actual cost of the meter along with what the consumer is expected to contribute.

Since the public is being charged based on usage, to finance these meters, those with higher usage will be paying much more in the long run, along with paying way over their portion.

If there was a financing agreement, what are the terms and conditions of said contract. How much of the stimulus money was applied to the down payment. What is the savings to the consumer over having an outside contractor do the installation versus NV Energy employees?

These meters are not federally mandated and since other states are electing to not deploy, because the cost vs savings is not justified, we should not be intimidated, coerced and threatened by NV Energy with denial of service, when we confront them with our rights to a safe, peaceful and non intrusive enjoyment of our private residences.

"I am only one, but I am one. I can't do everything, but I can do something. The something I ought to do, I can do. And by the grace of God, I will."

~ **Edward Everett Hale** (American Clergyman and Writer, 1822-1909)

Angel De Fazio

Acti is the leader and founder of SAFER, which stands for Save Animals From Electromagnetic Radiation.

As a service animal he has rights and remedies afforded to himself and others both at the state and federal levels.

Since these smart meters have not been tested for being safe for animals, let alone the myriad of health issues associated with humans, they are more susceptible to the effects predicated on their size/weight.

Animals cannot communicate when they are sick, they rely upon their owner to maintain their health and notice any potential abnormal health concerns.

The service animals who are trained to alert disabled individuals with seizure disorders, the animals cognitive functions must be at peak performance for the health/safety of the person and the animal. Not slowly impeded by exogenous electromagnetic radiation from any source, especially in their homes where they seek sanctuary from the outside world.

His job is to protect me outside and it's my job to keep him safe both at home and in public, so he can do his job.

In Nevada:

NRS 426.790 Unlawfully interfering with or allowing dog or other animal to interfere with use of service animal or service animal in training; unlawfully beating or killing service animal or service animal in training; penalties.

1. A person shall not:

(a) Without legal justification, interfere with, or allow a dog or other animal the person owns, harbors or controls to interfere with, the use of a service animal or service animal in training by obstructing, intimidating or otherwise jeopardizing the safety of the service animal or service animal in training or the person using the service animal or service animal in training.

(b) Willfully and maliciously beat a service animal or service animal in training.

(c) Willfully and maliciously kill a service animal or service animal in training.

*2. Unless a greater penalty is provided in **NRS 206.150**, a person who violates:*

(a) Paragraph (a) of subsection 1 is guilty of a gross misdemeanor.

*(b) Paragraph (b) of subsection 1 is guilty of a category E felony and shall be punished as provided in **NRS 193.130**.*

*(c) Paragraph (c) of subsection 1 is guilty of a category D felony and shall be punished as provided in **NRS 193.130**.*

*3. A person who violates paragraph (a), (b) or (c) of subsection 1 is, in addition to any criminal penalty that may be imposed, civilly liable to the person against whom the violation was committed as provided in **NRS 426.820**.*

4. In addition to any other penalty, the court shall order a person convicted of a violation of paragraph (a), (b) or (c) of subsection 1 to pay restitution to the person who has the disability or the person who has custody or ownership of the service animal or service animal in training for any veterinary bills, and for the replacement cost of the

service animal or service animal in training if it was killed or disabled or has become mentally or physically unable to perform its duties. The restitution must cover all costs for aides, assistance, transportation and other hardships incurred during the absence, and until the replacement, of the service animal or service animal in training.

(Added to NRS by 1981, 1916; A 1987, 824; 1995, 1993; 1999, 2516; 2001, 2891; 2003, 2975; 2005, 628)

NRS 426.820 Civil liability for engaging in certain prohibited acts concerning service animals or service animals in training.

1. In addition to any criminal penalty that may be imposed, any person, including, without limitation, any firm, association or corporation, who violates the provisions of paragraph (a), (b) or (c) of subsection 1 of NRS 426.790 or subsection 1 of NRS 426.810 is civilly liable to the person against whom the violation was committed for:

(a) Actual damages;

(b) Such punitive damages as may be determined by a jury, or by a court sitting without a jury, which must not be more than three times the amount of actual damages, except that in no case may the punitive damages be less than \$750; and

(c) Reasonable attorney's fees as determined by the court.

2. The remedies provided in this section are nonexclusive and are in addition to any other remedy provided by law, including, without limitation, any action for injunctive or other equitable relief available to the aggrieved person or brought in the name of the people of this State or the United States.

(Added to NRS by 2003, 2973; A 2005, 629)

Animal abuse is not tolerated at any level in the state. I preferred today to discuss the statutes regarding the disabled, that have more teeth, so to speak.