

December 6, 2011

I want to thank the Commission for opening this docket along with holding workshops on this docket.

I have 2 quick items before I begin my comments.

1. I want to commend the people up north at the PUC, who helped the customers navigate the electronic filing system. All of them were immediately responsive to emails and took the time needed to help people open up their accounts, and I felt they needed to be acknowledged for their outstanding actions.
2. Also, can the Commission please explain the difference between a workshop and hearing protocols for those who are not familiar with the processes?

I didn't expect that NV Energy's response to the PUC, would wind up being an adult fairy tale, sans the sex, with bouts of extreme hilarity, from erroneous reporting and intentional lies, so easily discredited by their own prior actions.

Please note that this report, that was submitted on December 2nd, was signed off by Shawn M. Elicegui, Associate General Counsel, who basically asserts that the report is factual, apparently, she missed the class on ethics and truthfulness in law school.

Rather than spend a couple of hours today and denying others from participating, I will request answers regarding questions on the smart meters and I will address the more 'questionable' items in NV Energys report, rather than discredit all their so called 'justifications' at this time.

What are the model numbers for ALL of the smart meters and manufacturers, from the first non-digitals deployed up to the radiating ones now.

Who is your code enforcer and just what exactly does he have the power to do? How many people have you threatened people with this person, for refusing smart meters.

Where is the proof that you own the sidewalk by the meter, produce either a deed or any other legal document to substantiate this allegation of ownership.

Where are the health and safety testing for all demographics living in Nevada

Is there a Hg switch in the meters

Why have you been telling customers they were federally mandated

Did you threaten elderly customers who were on the delay list to force them to have them installed

How many claims have been made for damages sustained from the meters

What is the individual costs for each of the meters that you purchased. How much are you charging the customers for the meters

How much are you paying the outside contractor for installation, is it hourly or per meter, aka piece meal

Are all the meters PIF or paying in installments

What were the test conditions used to determine the amount of radiation from the meters. What were the health and age of the subjects that were exposed and were there blind studies and were these random samplings?

Where are the coagulation tests of erythrocytes from the exposure, time of onset and time of return to normal

How many people are on the delay list

When did you decide to implement the grid

When did u start installing the non transmitting meters on new homes and did you apply for the grant before or after you installed these?

Did you charge the customers for those meters on their first bill, if so, how much and what is the current charge for these meters?

How much are you selling the analog meters for scrap and is that money being rebated back to the customers

If you had excess cash to pay off the senior notes why are you asking for a rate increase, you could have used that money to cover so called perceived losses.

What are the test results of a fetus during neural tube development and the follow up of school aged children

What effects does the so called low level radiation have on the telomeres of the cell

How long has the permeability of the blood brain barrier effects been detected/resolved and how much fluid was leaked during the permeability of the barrier?

Where are the long term studies on pacemakers and implanted brain or other medical devices. Produce FDA proof that these meters under ALL the conditions you are now exposing residents to is not problematic. Not an outdated report that your 'expert' provided, under controlled conditions that do not mimic the current situation with the meters currently being deployed.

Also, the FDA is not commenting on smart meters until they finish working on the study like the National Toxicology Program.

Where are your tests on proliferation of cell division with exposure to constant radiation

Since there are banks of meters on a multi family unit, and they are not calibrated and 'transmit' at different times, what tests were done to verify safety of these banks, What is the effects of other utility meters upon yours and what tests have been run on the multitude of meters?

What tests were done on service animals ability to perform since they are known for being more sensitive to environmental aberrations

Since they got a grant, the costs of the meter should be halved, so what is the actual out of pocket expense by NV Energy for these meters.

I would like to know, what are the reporting criteria and times for filing with the DOE on the progress of the program? When was the last report filed? Is this filing a matter of public record? If so, where can a person obtain a copy of the filings?

Is any portion of this grant associated with any type of military, surveillance, research, development of weapons systems or Department of Defense?

Exhibit 1, I want confirmation from someone at NV Energy that it is in fact a copy of one of the exhibits they submitted under Docket 10-02009, Volume 16, DSM 24-30 NVE ASD Project Plan, not sure of the date filed with the PUC. Commonly referred to as Assistance Agreement/Working Copy.

What department or departments are associated with this grant?

In box 9, there is reference to authority, what do those 2 codes represent? Lets take 31 USC 6304, what is the actual title of this United States Code?

Is it fair to say, it is also referred to as *Title 31 - MONEY AND FINANCE
SUBTITLE V - GENERAL ASSISTANCE ADMINISTRATION
CHAPTER 63 - USING PROCUREMENT CONTRACTS AND GRANT AND
COOPERATIVE AGREEMENTS
Sec. 6304 - Using grant agreements?*

Also in box 9, 10 USC 2358, what is the actual title of this United States Code?

What department is associated with this code?

Does this title accurately define what this code is associated with?

*TITLE 10--ARMED FORCES
Subtitle A--General Military Law
PART IV--SERVICE, SUPPLY, AND PROCUREMENT
CHAPTER 139--RESEARCH AND DEVELOPMENT*

Why is NV Energy using monies that are directly associated with the Armed Forces? Who approved this code when this grant was signed? Why wasn't this code challenged?

Just what is the intended purpose of this deployment? As NV Energy has with directive determination, agreed to this type of research/development. Why weren't the customers made aware of this? Just what type of research does NV Energy think they are going to use the residents for? Are the protocols that have been developed under federal law for human testing, being implemented by NV Energy?

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E. Smart meters do not violate the American with Disabilities Act or the Fair Housing Act.

Commenters have suggested that the installation of smart meters discriminates against individuals whom allegedly suffer from electromagnetic hypersensitivity ("EHS") access in violation of the Americans with Disabilities Act ("ADA") and the Fair Housing Act (the "Housing Act").⁷¹ Existing decisional law does not support this assertion.⁷²

Finally, the accommodation suggestions made by several commenters – a moratorium on the installation of smart meters, a rule proscribing the installation of smart meters in public facilities, and an "opt-out" provision – are not "reasonable" accommodations.⁷⁸ As Dr. Kornberg notes, "From a medical point of view, it is clinically unrealistic to fashion one or more accommodations that would appropriately address symptoms characterized by commenters as EHS/IEI-EMF."⁷⁹

I will interject prior to responding, regarding federal acceptance of EI as referenced by Kornberg on page 127. Since he is professing and presenting

himself as an expert and medical practitioner, he should have be aware of a 1992 memo:

MCS Disorder and Environmental Illness as Handicap

Directive Number: GME-0009

Index: 9.207

*Subject: MCS Disorder and **Environmental Illness** as Handicaps*

March 5, 1992

MEMORANDUM FOR: Frank Keating, General Counsel, G

FROM: Carole W. Wilson, Associate General Counsel for Equal Opportunity and Administrative Law, GM

*SUBJECT: Multiple Chemical Sensitivity Disorder and **Environmental Illness** as Handicaps*

*This memorandum analyzes whether Multiple Chemical Sensitivity Disorder ("MCS") and **Environmental Illness** ("EI") are or can be "handicaps" within the meaning of subsection 802(h) of the Fair Housing Act (the "Act"), 42 U.S.C. _ 3602(h), and the Department's implementing regulation, 24 C.F.R. _ 100.201 (1991).*

In sum, we conclude that MCS and EI can constitute handicaps under the Act. Our conclusion is consistent with the weight of both federal and state judicial authority construing the Act and comparable legislation, the Act's legislative history, as well as the interpretation of other Federal agencies, such as the Social Security Administration and the Department of Education, construing legislation within their respective domains. The Civil Rights Division of the Department of Justice has also informed us that it believes MCS and EI can be handicaps under the Act. In addition, HUD has consistently articulated this position, and FHEO agrees with our conclusion.

Just because a 'malady' is becoming prominent, does not preclude the fact that it is not valid. Years ago, they claimed premenstrual syndrome was 'psychological', making the same claims regarding fibromyalgia, now they are readily accepted as valid maladies.

What NV Energy and Dr. Kornberg have intentionally omitted, that not only those with EMF are affected by radiation. Since they used the term "decisional law", they should have done their research that TE is accepted under decisional law, recognized by SSA and the National Institute of Neurological Disorders and Stroke a division of the National Institutes of Health

NVE response intentionally ignored the statement from the National Toxic Encephalopathy Foundation, which apparently, they couldn't refute, so they left it out.

Since Kornberg on page 132 brought up ICD codes: "All recognized and defined diseases, medical conditions, symptom disorders, and causes of injury, death and disability can be assigned in what is known as an ICD (International Classification of Diseases) code as defined by the World Health Organization²⁶ (WHO) and as applied to record keeping in the United States by the National Center for Health Statistics (NCHS) within the Centers for Disease Control and Prevention (CDC). "

Apparently, Kornberg, is not aware that the CDC actually has an internal policy regarding fragrances and other environmental triggers in the indoor air environment, that he is so hard trying to discredit, has Department wide recognized this health concern, otherwise, they would never have issued a policy on it, I refer to:

Category: Safety Management

CDC-SM-2009-01

Date of Issue: 6-22-2009

Proponent: Office of Health and Safety, Office of the Director

Indoor Environmental Quality

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C. Building Occupants

1. Non permissible products;

-Scented or fragranced products are prohibited at all times in all interior spaces owned, rented or leased by the CDC. This includespersonal care products (e'g' colognes, perfumes...) should not applied at or near actual workstations, restrooms or anywhere in CDC owned or leased buildings.

- In addition,....the use of some products with fragrance may be detrimental to the health of workers with chemical sensitivities, allergies, asthma and chronic headaches/migraines.

4. Sensitive individuals- Supervisors will carefully consider and to the extent feasible and in accordance with CDC polices, accommodate the needs of sensitive individuals.

As a side note, Kornberg on page 142 cited the following on his CV:

11-16-10 - Expert Witness - State of Maine Utilities Commission, Docket No 2010-345,Elisa Boxer-Cook, et al, "Request for Commission Investigation into Pursuing Smart Meter Initiative," Central Maine Power, Iberdrola USA.

What he neglected to mention apparently, his testimony was impotent and inadequate, as the Maine PUC determined that smart meters in a press release on May 25, 2011: "...convinced the MPUC to order CMP to offer customers the option of opting out of the smart meter program and retaining their existing electromagnetic meters. Stone proved that because of unresolved concerns relating

to health, privacy and cyber security resulting from the installation of wireless meters on their homes, customers should have a choice concerning the installation of those meters. CMP argued vigorously that customers should not be allowed to opt out, and the MPUC found that position to be unjust and unreasonable. “

His following statement is a blatant lie to promote NV Energy’s ability to refuse to accommodate: “*There are no ICD-9, ICD-9-CM, ICD-10 or ICD-10-CM disease codes (diagnoses) for any of the purported medical conditions described by some of the commenters in Docket No. 11-10007. These problems, as described, are not amenable to formal diagnostic disease classification (diagnoses) and, therefore, are not medically actionable within a rational clinical framework, in accordance with reasonable standards of medical care.*”

Predicated on those statements, here are the ICD codes that are recognized by the medical profession for toxic chemical exposures related to the brain:

323.7 Toxic encephalitis.

G92 Toxic encephalopathy

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

*“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.”*

Along with:

What is Neuro-toxicity?

*“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.”*

SO my question is, how are they going to justify not accommodating this irrefutable disability and accommodations are federally mandated for this recognized disability?

In May 2008, the National Neurotechnology Initiative Act, was introduced by bipartisan 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. "Bipartisan Group of Senators and Representatives Introduce Bill to Battle Brain-related Illness" http://www.epilepsy.com/newsfeeds/press_release/975986

Federal Register (Sept. 3, 2002) mentioned " The (Architectural and Transportation Barriers Compliance) board recognizes that multiple chemical sensitivities and electromagnetic sensitivities may be considered disabilities under the ADA if they are so severely impair the neurological, respiratory or other functions of an individual that it substantially limits one or more the individual's major life activities."

Apparently, in order to receive the grant, NV Energy is federally mandated to following/abide by the following:

From page 151

National policy Assurances to be incorporated as award terms (August 2008)

1. *Non-discrimination policies*

-5. *On the basis of ...disability...under Title VIII of the Civil Rights Act (42 USC 3601 et. Seq) as implemented by the Department of Housing and Urban Development at 24 CFR part 100; and*

-6. *On the basis of disability in the Architectural Barriers Act of 1968 (42 USC 4151 et seq.) for the design, construction and alteration of buildings and facilities financed with federal funds.*

I am in possession of a letter dated *March 4, 2009*

To: Agency Senior Accountable Officials for Recovery Act Activities Agency Civil Rights Directors for Federally Assisted Programs

From: Loretta King Acting Assistant Attorney General for Civil Rights United States Department of Justice

Referencing: The American Recovery and Reinvestment Act of 2009: Civil Rights Compliance Responsibilities of Federal Agencies and Recipients of Federal Financial Assistance

The deployment of these meters are a DIRECT violation of the following federal civil rights laws, I quote from the letter:

Federal agencies will shortly begin distributing Recovery Act funds. It is important to note that they must do so in accordance with all nondiscrimination and equal opportunity statutes, regulations, and Executive Orders that apply to the distribution of funds under the Recovery Act. Agencies that grant funds also must ensure that their recipients and subrecipients comply with Title VI of the Civil Rights Act of 1964 (prohibiting race, color, and national origin discrimination including language access for limited English proficient persons), Section 504 of the Rehabilitation Act of 1973 (prohibiting disability discrimination), Title IX of the Education Amendments of 1972 (prohibiting sex discrimination in education and training programs), the Age Discrimination Act of 1975 (prohibiting age discrimination in the provision of services), and a variety of program-specific statutes with nondiscrimination requirements.

Other civil rights laws may impose additional requirements on recipients and subrecipients. These laws include, but are not limited to, Title VII of the Civil Rights Act of 1964 (prohibiting race, color, national origin, religion, and sex discrimination in employment), the Americans with Disabilities Act (prohibiting disability discrimination in employment and in services provided by State and local governments, businesses, and non-profit agencies), and the Fair Housing Act (prohibiting race, color, national origin, age, family status, and disability discrimination in housing), as well as any other applicable civil rights laws.

NV Energy cited:

28 CFR 36.305 (if removal of a barrier impacting a disability under the ADA is not readily achievable, no accommodation efforts have to be made); *MX Group, Inc. v. City of Covington*, 293 F.3d 326, 344 (6th Cir.2002) (citing 28 C.F.R. § 35.130(b)(7) and noting that, if the public entity can demonstrate that making reasonable modifications to policies, practices, or procedures to avoid discrimination on the basis of disability would fundamentally alter the nature of the service, program or activity, it is not required to do so); *Pickern v. Best Western Timber Cove Lodge Marina Resort*, 2002 U.S. Dist. LEXIS 1709, 9-10 (E.D. Cal. 2002) (the term "readily achievable" is defined as "easily accomplishable and able to be carried out without much difficulty or expense," 42 U.S.C. § 12181(9), and the factors to be considered in making this determination include: (1) the nature and cost of the action; (2) the overall financial resources of defendants; and (3) the type of operations of defendants).

Sec.36.302 Modifications in policies, practices, or procedures.

(a)General. A public accommodation shall make reasonable modifications in policies, practices, or procedures, when the modifications are necessary to afford goods, services, facilities, privileges, advantages, or accommodations to individuals with disabilities, unless the public accommodation can demonstrate that making the modifications would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations.

Sec.36.304 Removal of barriers.

(a) General. A public accommodation shall remove architectural barriers in existing facilities, including communication barriers that are structural in nature, where such removal is readily achievable, i.e., easily accomplishable and able to be carried out without much difficulty or expense.

It is READILY achievable by not installing them and there is not financial burden on the business/public accommodation.

Smart meters are NOT altering the nature of the goods, services, facilities, privileges, advantages or accommodations. AS most of these places are accessible sans the smart meters, but, the addition of the smart meter would now result in a barrier. The current analog meters do not create a barrier and have been in use for decades without any modifications needed to accommodate anyone.

Just what business did this 'citation' they referenced, have to do with any public accommodation? If they are going to cite case law, they need to incorporate the nature of the business that litigated, not a generic case.

It would have been more 'impressive' if they had a business whose business was impacted, not a utility, who entered into a contract that their customers had no input over, that is having a direct impact upon their financial future.

None of these meters are associated with the goods, services, facilities etc., that they want to apply them to.

These meters are an ELECTIVE decision by NV Energy and the deployment is not necessary for any business to function. As a matter of fact, these meters, will have a direct, negative impact because of the future, time of use billing.

These meters rather than having a positive effect upon the economy, will be highly detrimental, as small businesses or any business for that matter, can not avail themselves of the so called perceived benefits of using less power during the hot summer months. What customer of theirs wants to go into a store, restaurant etc., that has a high indoor temp, when they are seeking a respite from the heat?

Yet, all the whining they are doing and smoke/mirrors are refusing to address disabilities that are fully covered. As such, they BETTER cover every disabled person with toxic encephalopathy, as this disability fits the so called criteria, that their expert Kornberg 'established' and tried to discredit, as earlier referenced.

Which we want ACCOMMODATIONS NOW or be prepared to explain why the grant requirements have been ignored, to the US DOJ.

NV Energy's response regarding the ADA intentionally neglected service animals being affected by EMF's. Back in the late 90's a study was conducted that has never been challenged showing a direct correlation between dogs and EMF.

A new study of canine cancer indicates that EMF may pose a cancer risk to humans. Published in the February 15th issue of the 'American Journal of Epidemiology', Dr. John S. Reif and his team of the researchers at Colorado State University of Veterinary Medicine have reported that the family pet may be a "sentinel species" much like canary used in mine shafts to detect a gas leak that would be likely to kill a human if exposed.

Dr. Reif and his research team studied 230 dogs that had been hospitalized with lymphoma. After a review of the wiring in each pet's home, Reif and his research team measured the EMF where the dog spent the majority of its time.

Reif concluded that the overhead electric power lines that ran adjacent to the homes and along the streets connecting the homes constituted the biggest overall contributor to residential EMF. It was the external wiring - rather than the homes integral wiring system that fetched the prize as the problem area. They also found that the dogs exposed to EMF's from these overhead lines had an 80% greater risk of contracting cancer than the dogs that lived where the powerlines were buried. The canine cancer risk was 90% greater in dogs who lived in homes where the EMF was in excess of 2 mG. This study has very important ramifications as lymphoma in dogs is similar to human leukemia and has been used as a comparison in a number of other studies involving pollutants.

Leading EMF journal 'Microwave News' reported on this new study in its March/April Issue (1999). Dr. Reif told 'Microwave News' that the results are "supportive of the notion that exposure to EMFs as measured by wire codes is associated with lymphoma."

NVE mendaciously ignored the NTP program along with every one of their experts, which is suppose to be the defining report on RF. So the intentional failure to address federally funded research, which WILL wind up confirming toxicity from RF/EMF, which is the supposed areas of expertise by their 'experts' is highly suspect. Either reports incorporate all relevant facts or stop using a ½ pregnant support system to promote your lies/deceptions.

NVE report submitted on *December 2, 2011, page five states:*
B. NV Energy's smart meters are accurate and reliable.

With respect to accuracy and reliability, in July 2010, the Commission found that the "technology associated with [the NVEnergize program] is reliable and accurate."¹⁴

Yet, to cite one of the more highly discrediting of accuracy regarding these meters, in a recent Las Vegas Sun article dated November 23 <http://www.lasvegassun.com/news/2011/nov/23/state-hears-lots-complaints-about-nv-energys-new-s/> *Dan Stegemann was floored when he received his NV Energy bill only a few days after the utility installed a "smart meter" in his Las Vegas home. The bill was for \$12,498 and to add to his amazement, the bill was for a period when he was away from home, Stegemann told the state Public Utilities Commission.*

As NVE explained in *Docket No. 10-02009 Page 41*
The ASD project will also provide significant operational savings to customers. The project produces estimated annual operational savings of \$25.0 million for Nevada Power (\$35.0 million for both Sierra and Nevada Power) by elimination of manual meter reading, reduction in over one million truck rolls (equivalent to two million miles traveled), improvements in safety metrics, increased awareness of reliability incidents, reduction in energy theft, increased distribution asset utilization, and improvements in cash flow.⁸⁰

Obviously, some of savings are attributable to labor force reductions. However, NVE approached this issue in fair and appropriate manner. NVE invited affected employees to apply for other positions, many of which are resulted from the technological advancements deployed as part of NVEnergize. Indeed, nine employees were re-deployed in October and NVE anticipates that another 10 employees would be re-deployed in December. In addition, NVE worked with contractors to assist affected employees. Finally, it is important to recognize that, to date, NVEnergize has created 211 jobs.

Problem is they just recently laid off about 100 employees, with more to come in 2012. This is a fictitious number, unless they are 'creating new positions to transfer employees to and making it appear that there are more new/open positions, when in fact, the numbers are not factual.

Just what was used to calculate these supposed savings to the customers? What accounting method was used. What was the sample size, time of year, housing situation of the supposed test data base, occupancy factors, type of appliances and lifestyle demographics. Since we are a 24 hour state, what segment of the working class/shifts were used? How many were home bound and reliant upon electric medical devices?

Considering other states have determined that the costs outweigh the benefits, how can you be so assured of your so called benefits/cost reductions to the consumers?

Your accounting rivals the boys from Brooklyn's 'books'!

I find it highly amusing to say the least, that NONE of the 'evidence that NV Energy has supplied, shows long term studies of the meters they are installing. SO everything they cited to try and negate the request for opting out is negated by their failure to prove this has been fully tested.

Along with the fact there are no studies that their 'experts' provided regarding embryological neural tube development during the first trimester. You can not exclude this subset of the population, by using only adults, there are completely different developmental issues.

Since they referenced my submission, they are fully aware and what they mendaciously neglected was the recent report on radiation and the developing fetus.

It goes without saying that childhood asthma is on the rise and the highest percentage of hospital visits are from those 18 years and under.

Since Dr. Kornberg is a medical doctor, one would expect he would be up to date on the research of magnetic fields and fetal development. Or maybe he is more concerned with providing so called expert testimony rather than being fully informed of current research. As they say in the legal field, he who signs the check, gets the benefit of the report//testimony. Which Kornberg optimized in his report.

*Prenatal Exposure to Weak Magnetic Fields Leads to Childhood Asthma
First Prospective EMF Epidemiological Study Ever Done - 2011*

A mother's exposure to weak power-frequency magnetic fields during pregnancy substantially increases the chances her child will develop asthma, according to a new study by [De-Kun Li](#) and coworkers at [Kaiser Permanente](#) in Oakland, CA. An average magnetic field exposure of just 2 mG (0.2 μ T) during pregnancy more than triples the child's risk of getting asthma by the age of 13, they report in a [paper](#) released today by the Archives of Pediatrics & Adolescent Medicine, a publication of the American Medical Association ([AMA](#)).

"It's a very provocative finding that needs replication," [Jonathan Samet](#) told Microwave News. Samet, an epidemiologist at the University of Southern California (USC) and a member of the [National Cancer Advisory Board](#), served as the chair of the [IARC panel](#) that in May classified cell phone radiation as a possible human carcinogen.

If Li's findings are confirmed, they would have enormous implications for public health. [Asthma](#), inflammation of the airways to the lungs, leads to shortness of breath, wheezing and coughing. It is the most common chronic disease among American children. [Ten percent](#) of school-aged children have asthma. Over the last few decades, the [incidence](#) of childhood asthma has jumped from a rate of 2.9% among those under 18 in 1980 to 6.7% in 2004, according to the U.S. Centers for Disease Control ([CDC](#)).

Li's study is the first prospective epidemiological study ever carried out on any group exposed to any type of electromagnetic fields (EMFs). The mothers' magnetic field exposures were measured during the first or second trimester and the health of their children—a total of 626 boys and girls—was followed for the next 13 years. Li sees a clear dose-response: Every 1 mG increase in median magnetic field exposure during pregnancy led to a 15% increase in asthma in the offspring. The trend is highly significant.

The observed association is supported, according to Li, by the additional finding that the observed effect of magnetic field exposure got stronger when combined with two known risk factors for asthma. For one, if the mother herself has asthma, the chances her exposed child also gets asthma doubles again, to an overall sixfold increased risk. "The fetus of a mother with a history of asthma is especially vulnerable to magnetic field exposures," Li told Microwave News. And first-born children, who have been shown to have higher risks of developing asthma, were found to be at even greater risk when their mothers were exposed, on average, to more than 2 mG.

The mothers wore an [EMDEX-II meter](#)—which measures magnetic fields in the 40-800 Hz frequency range—for 24 hours and they were later asked if that day was similar to or different from a typical day of their pregnancy. The observed association among their children emerges as significant for those who said it was a typical day. In an interview, Li asserted that limiting the measurements to a single day did not weaken his study. "Had we measured the magnetic fields every day, the association would have been even stronger," he said.

This new [prospective](#) study comes on the heels of last week's confusing [retrospective study](#) on tumor risks among [young cell phone users](#). One of that study's principal investigators, [Martin Röösli](#), among others, is now saying that he is convinced that there's no point doing any more retrospective epidemiology.

Li has come to the same conclusion. "We should stop conducting retrospective case-control studies for EMF effects," he told us. "These studies just add noise rather than providing valid evidence to clarify issues," adding that, "EMF exposure simply can't be reliably assessed retrospectively." As for prospective studies like his own, Li said: "Yes, they are hard to conduct and take a long time to complete. But we have to start somewhere."

Even then, the mechanism for the asthma effect would be demanded. Li offers a suggestion: "Prenatal exposure to high magnetic field levels could interfere with the development of both [epithelial cells](#) and normal immune systems," but quickly adds that working out the mechanism will require research by multidisciplinary collaborations.

"Childhood asthma has genetic and environmental determinants and any mechanistic basis for the observed association is highly speculative based on current understanding," says USC's Samet. "In this instance, more research is definitely needed."

NV Energy intentionally falsified their statement regarding Underwriters laboratory on page 13 foot note 42 NV Energy states: 42 Underwriters Laboratories Inc. ("UL") is an independent product safety certification organization established in 1894 with its corporate headquarters located in Northbrook, Illinois. UL has developed standards and testing procedures for certain products, materials, components, assemblies, tools and equipment. UL has developed (a) Standards for "Meters for Flammable and Combustible Liquids and LP-Gas," that cover "positive displacement liquid meters" used in the "assembly of motor fuel dispensing devices," (b) Standards for Enclosures for Electrical Equipment, and (c) Standards for Power Conversion Equipment. UL has not developed standards for electrical meters.

According to Underwriters laboratory, they have testing standards for smart meters:

UL Smart Meter Testing: Here are a few of the meters UL certifies: Smart energy meters, electromechanical and electronic, residential and commercial, active and reactive, single phase and poly phase, indoor and outdoor. We also offer testing for: Core meter accuracy, EMC, vibration, environmental simulation, ANSI, AS/NZS and IEC standards, safety to UL standards.

How can UL help you get on the smart grid? We know the Smart Grid. We can help you get your products on it. Providing compliance, market and regulatory insights, anticipating new smart grid functions, assisting product manufacturers with compliance to the new standards.

With the introduction of complex new technologies come risks. For everyone affected by the Smart Grid, the safety of these new products is paramount. That's why UL's compliance expertise is essential to getting safer technology on the Smart Grid. For more than 115 years, we have worked to educate consumers and certify that the products they bring home are safe. We work with regulators to create installation codes and standards that let consumers feel comfortable

about bringing smart meters into their homes and businesses. For manufacturers, we evaluate the safety of their devices and provide education on emerging technologies and standards. UL certification means that everyone, from regulators to consumers to utilities, can be confident in the safety of that product.

And as leaders in the current Smart Grid standards, UL will remain at the forefront of helping manufacturers bring their new technologies to market.

Apparently, NV Energy either wants to hide the fact these meters won't pass UL standards, or are trying to convince the PUC that the commenters are asking for issues that are not readily available or that commenters will not fully research and challenge their comments.

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E. NV Energy has taken steps calculated to build consumer confidence in and acceptance of NVEnergize.

Citing that they send out letters to the customers, when in fact, this is a fallacious statement, there are numerous people who never received a letter, only to discover a meter had been installed without their knowledge.

Their concept of building consumer confidence has been nothing short of intimidation, lies and threats, which I am sure this Commission will be hearing from other angry consumers.

I noticed that the response from NVE clearly neglected the prevalence of how their 'staff' responded to emails and questions. Whereby, in my submission I cited months of ignored requests for answers etc., with highly documented exhibits confirming said avoidance. They skewed the facts with 'statistics' that I call into question, of their response etc. How did the non responses from Eastler and Koon fit into their 'stats'?

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Some calls involve post-installation claims relating to property damage. These issues are initially addressed by Scope Services, which is contractually obligated to investigate and resolve claims. A customer, for instance, might indicate that she does not have power, or has an oven or an air conditioning unit that does not turn on after the installation. A Scope Services supervisor performs a field visit, investigates the concern, and attempts to resolve the issue. Frequently, the issue is easily resolved (e.g., by closing a circuit breaker). If, however, the customer remains unsatisfied, the claim is transferred to NVE. NV Energy investigates the

claim and works with the customer to reach a mutually acceptable negotiated resolution.

Another hallucination by NV Energy regarding their so called 'concerned, customer service'. I refer to a *Channel 13 story, air date of July 20, 2011 regarding Char Auriemma, she had her new smart meter installed back in February and had issues from day one. "I went to work everything was working, I came home, not so much," Auriemma says. She claims during installation of the new meter, a power surge actually fried her home computer. And she isn't alone with her concerns.*

So months on end, is their idea of resolution and concern for the customer?

When on page 26 they cite the following time periods for resolutions:

3. Claims - 281 (0.048%) *The average response time to an initial claim is within 2 business days, while processing for resolution takes an additional 5 business days, depending on customer cooperation.*

| <i>Property Repair</i> | <i>Property Damage</i> | <i>Other/Pending</i> |
|------------------------|------------------------|----------------------|
| 99 | 114 | 68 |

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Commenters are requesting NV Energy and PUCN flexibility, not only by insisting upon an "opt-out" option for afflicted persons; but also by the establishment of "safe-zones" free of overexposure to RF for those "sensitive" persons who have opted out of the program. Commenters and their "scientific" supporters have not and can not specify the level of RF exposure below which the purportedly afflicted person will be safe.

Apparently, NV Energy needs to go back to basic biology and understand that each human is different and therefore, they have to get rid of their specific to the general mentality.

If other states throughout the country are not using this bogus/fraud/black hole of a con job, what makes NV Energy exempt from non deployment? Their figures, experts are nothing short of intent to deceive the PUC, to promote their agenda at the expense of Nevadans.

Please indulge me while I play quasi-attorney for a bit.

NV Energy's response filed on December 2nd, tried to substantiated their refusal to provide an opt out option. Apparently, whoever wrote the response didn't check to see what their other department is providing customers regarding non-acceptance/installation of the meters.

Apparently, since, at least September, 2011, NVE has surreptitiously been providing to customers a letter to not install smart meters. This letter is endorsed by NVE, et al, by its election to provide it to customers for their signature, inferring that, upon receipt there will be no meters installed on said referenced property. Exhibit_5__. This letter to not install, is a bastardized version of the one NVE Stop Smart Meters has been providing to it's members, Exhibit 6. Although, NV Energy has selectively edited it to remove confirmation of lies that have been perpetuated by NV Energy's executives and representatives.

Along with the removal of 4 key management personnel's, email addresses, who have knowledge of the smart meters.

Since a designated employee, Kristina Ballmann, who has been trained by NV Energy and whose job is directly related to Analyst Resolution Center, clearly confirms that NV Energy endorses the no installation of a smart meter.

This is directly analogous to an opt out letter, which they keep feigning they do not have. The no install letter and opt out option, are interchangeable in relation to this letter's direct intention, prohibiting the installation of any type of meter outside of the current analog meter.

In this official email from NV Energy, there is not a single reference that power will be terminated if said installation is not implemented, nor exchanging the analog meter with a non-radiating digital meter, nor is there a fee associated with this no install letter. Therefore, since they have set a precedence at their own volition, this option should be afforded to all customers of NV Energy, Sierra Power et al.

Their letter acknowledges that these meters are surveillance devices, that violate state/federal wiretapping laws, they monitor and obtain invasive and detailed info on the customer, to cite a few items of concern regarding these meters.

The way we see this, it is written contract as the name suggests, as a contract whose terms have been reduced to writing. Written contracts are also commonly signed. However, a written contract may consist of an exchange of correspondence, a letter written by the promisee and assented to by the promisor without signature, or even a memorandum or printed document not signed by either party. Statutes relating to written contracts are often expressly limited to contracts signed by one or both parties. Whether such a limitation can be implied when not explicit depends on the purpose and context.

The production of NV Energy's no install letter fits the criteria of both an aleatory contract, in which the performance promised by at least one party depends upon the occurrence of an uncertain future event, and a standard form contract containing set terms that is repeatedly used and usually mass produced or preprinted by a party or an industry with only a few blank spaces to be filled in

and with a few predetermined alternate and optional clauses to choose from to accommodate slight additions and modifications. It can also fit the category of a unilateral contract in which only one party makes a promise or undertakes a performance.

IF this letter was not approved by NV Energy, there would be no legal reason for them to provide said notice to any customer. Unless, of course, NV Energy is assisting NV Energy Stop Smart Meters advocacy. These exhibits are prima facie evidence that there is an allowance to opt out under the terms and conditions, of their company endorsed no install letter.

Therefore, we are requesting immediate publication of this letter or notification of said letter to every single power customer they service in Nevada. Otherwise, those who have received this letter can be construed as exemptions and the balance of the customers are being discriminated against.

NV Energy is aware that this letter that they are providing, by acknowledging there are legal implications associated with the installation of the smart meters and know better than to violate the terms and conditions of said official letter/notification, that they adjusted/created and without force, are emailing out.

IF they stop the dispensing of the letter, over the fear that there will be such an influx, of those desirous to being excluded, proves they are playing games until caught.

I think I have proven enough fraud, lies, deceptions by these few examples I elected to present today. The rest of their fairy tale will be submitted during the next comments period.

We are not asking anymore, we are demanding a full moratorium on these meters until the National Toxicology Program has been completed and published the definitive study on RF's. Along with the PUC upholding, PURPA that STATES, this is an OPTION, not a mandate!

A side note to NV Energy, if you DID NOT in your last filing to the DOE, on the progress of the grant, fully elaborate on the following, we will be filing notification of such:

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Section 7: "Actual or anticipated problems or delays and actions taken or planned to resolve them."

I highly doubt, with the track history of Peter Eastler, Scope Service employees and numerous customer service reps lying and threatening customers qualifies as a plan/action to resolve them.

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“G; Any other incident that has the potential for high visibility in the media.”

With all the local and national media coverage on this, just how many did you report or are you going to feign plausible deniability, of not knowing how much publicity has been generated. Which will be discredited by Michael Yackira’s own admission.

Keep in mind, that “Michael Yackira - President and CEO on November 2, 2011, during a Q3 2011 Earnings Call November 2, 2011 10:00 AM ET acknowledged to Shar Pourreza – Citigroup, asking the following: A little bit of noise coming out Nevada surrounding the smart meters. Is there any updates on the TUC’s open investigation. Is it something we should worry about with NV Energize?”

While this testimony today, will be made public, along with the video that we are recording will be posted to the internet, for all Nevadans to have access to, stock holders, future businesses and other interested parties. So they have a irrefutable record of how NV Energy operates, how the State of Nevada demonstrates unbiasedness, in regards to regulatory decisions.

In closing, maybe the PUC should have any type of testimony presented to them, be under a sworn oath with the threat of perjury for giving false statements to the Commission. The entire landscape of NV Energy’s testimony, might be interesting to say the least.

Thank you for your time and consideration of the issues and truth that I have started to present.