Listen Jan,

In case it hasn't sunk in...I DO NOT TAKE NOE FOR AN ANSWER!

You are OBLIGATED to respond to the OTHER person's query about staff being part of the 'party'.

DO not ASSUME that we will NOT be coming up before the Commission in the future.

IF you DON'T LIKE dealing with the public...GO INTO PRIVATE PRACTICE!

Angel De Fazio, BSAT
President/Executive Director
National Toxic Encephalopathy Foundation
NTEF-USA.Org

Nevada's Disability Representative
Functional Needs Working Group
A project of FEMA R9 RDIS
Founder
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-----Original Message-----
From: Jan Cohen <jcohen@puc.nv.gov>
To: ntefusa@aol.com <ntefusa@aol.com>; dnorris <dnorris@ag.nv.gov>; djacobsen <djacobсен@ag.nv.gov>; pstuhff <pstuhff@ag.nv.gov>; ewitkoski <ewitkoski@ag.nv.gov>
Cc: nelsonorth <nelsonorth@cox.net>; emmcor1 <emmcor1@aol.com>; unbromated <unbromated@gmail.com>; cw7790 <cw7790@msn.com>; mhazard36 <mhazard36@cox.net>; doc <doc@synergeticshealth.com>; iowndi <iowndi@cox.net>; info <info@unitedwellnesscitizensalliance.org>; sciencegem <sciencegem@yahoo.com>; sbrunette <sbrunette@dps.state.nv.us>; standup4freedom <standup4freedom@cox.net>; iwannanewmouse <iwannanewmouse@cox.net>; pennyh44 <pennyh44@gmail.com>; nvjack <nvjack@cccomm.net>; ork5star <ork5star@gmail.com>; marylahren <marylahren@hotmail.com>; drdave <drdave@hopperinstitute.com>; rschweickert <rschweickert@gmail.com>; karennis1 <karennis1@yahoo.com>; believingyoucan <believingyoucan@cox.net>; ziepp <ziepp@reagan.com>; whitesage8 <whitesage8@earthlink.net>; j.hazard22 <j.hazard22@yahoo.com>; vickid <vickid@lasvegasvalleyteaparty.com>; contact <contact@thepeoplesinitiative.org>; lkelley_45 <lkelley_45@msn.com>; nbeety <nbeety@netzero.net>; e.windheim <e.windheim@comcast.net>; edfomb <edfomb@comcast.net>; joshuahart <joshuahart@baymoon.com>; lap <lap@laplumlee.us>; bodriscoll <bodriscoll@reno.gannett.com>; mackenzie.warren316 <mackenzie.warren316@gmail.com

Sent: Thu, Jan 10, 2013 9:52 am
Subject: RE: PUC Website update, partial party etc.

Upon attestation by the Assistant Commission Secretary, the order will be issued. The tariffs will be filed, and the implementation of the opt-out program will commence. There is no further need for communication to this office on the matter.
Dear Jan,

I take issue with the draft order that I just noticed. During the meeting on January 9th, Burtenshaw stated that she drafted the Order, if you doubt this, remember I have the video of it.

When I went to re-review the draft, on page 2 it is signed off by SAC. After reviewing the PUC Division List, it appears that Shelley Cassidy drafted and signed off on the Order. So who drafted it Burtenshaw or Cassidy.

Along with the fact that you signed off on this as Secretary/Assistant Secretary. We were under the impression that you are the General Counsel, which one is it?

One can extrapolate that by you signing off on it, the order was in fact NOT prepared by Burtenshaw as we were informed.
Do not try and feign that it was Burtenshaw but Cassidy submitted it, that is not what drafted implies, don't try and argue semantics. Cassidy is an attorney and fully comprehends what drafted means. If that was in fact the case, then you signed off on what can be perceived as deceptive as to whose work product this was.

We know that you voluntarily spoke with one of the ratepayers after the agenda item for Docket 12-05003, wherein, upon information and belief, you stated that the analog would be the meter as the alternative. When queried what happens if NVE does not follow the recommendation you stated to file a complaint with the Commission.

Why wouldn't the PUC file if they do not grant us the right to the analog. If the PUC is so 'sure' that our wishes will be upheld, and IF NVE goes against the 'Order', shouldn't the PUC be the one to go after NVE? Just WHERE does the culpability of the PUC to enforce their orders extend? Your job is to oversee...therefore, if NVE didn't comply you should be doing it as part of your job.

According to your Division List:

\[DIRECTOR\ OF\ REGULATORY\ OPERATIONS\]

The Director of Regulatory Operations ("DRO") supervises and manages all aspects of Staff, consisting of five technical divisions and Staff Counsel. The DRO ensures that all Staff employees perform at a high level of competence and professionalism; organizes and manages all Staff regulatory functions including resources to ensure timely completion of analyses and submission of testimony, comments, reports and other filings to the Commission; and makes recommendations to the Commission regarding public utility matters. Additionally, the DRO monitors public utilities' compliance with applicable statutes, regulations and Commission orders.

It appears that YOUR OFFICE SHOULD BE MONITORING THE COMPLIANCE, NOT US FILING A COMPLAINT.

By placing the responsibility on the ratepayers, it is no assurance that the PUC will in fact, even follow thru with the normal procedures regarding complaints/disputes, most likely the PUC will DISMISS it and feign that they followed the order. It's another 'pie in the sky' promise spewed forth by the PUC. As Chris Sewell, Acting Manager of Customer Disputes is literally in bed with staff attorney Tammy Cordova. Do you really think that they are going to allow our complaint go forward into a Docket? Cordova has fought us on this and her 'influence' with Sewell could be called into question.

The webpage states the following as 'procedural:
May 1, 2012: NV Energy filed a Joint Application for approval of a proposed trial smart meter opt-out program. The Application was assigned docket number 12-05003.


Nov. 30, 2012: The Attorney General's Bureau of Consumer Protection ("BCP") filed a Motion for Stay of the Order.

Dec. 4, 2012: The Presiding Officer in docket number 12-05003 granted BCP's Motion for Stay.

Dec. 11, 2012: BCP filed a Petition for Reconsideration or Rehearing, or Both.

Dec. 17, 2012: NV Energy filed an Answer to BCP's Petition for Reconsideration or Rehearing, or Both, attaching a stipulation entered into between NV Energy and BCP.

Dec. 26, 2012: Staff filed an Answer to BCP's Petition and Objection to Stipulation.

Jan. 9, 2013: The Commission granted BCP's Petition for Reconsideration, denied the Petition for Rehearing, rejected the stipulation entered into between the BCP and NV Energy, and issued a Modified Final Order.

What was omitted are the following:

12/03/2012
/G3
MOTION/RESPONSE/REPLY/WITHDRAW
/Staff filed Response to BCP's Motion for Stay.

On your web update page:

"PROCESS TO PARTICIPATE IN THE TRIAL SMART METER OPT-OUT PROGRAM"
The process will be outlined in NV Energy's tariff filing.

Where you NOT there when even Wenzel chastised NVE for not thoroughly informing/notifying the public over the installation of smart meters. Did the PUC NOT learn ANYTHING about the wanton failure of NVE to notify ratepayers? Do you REALLY want to REVISIT this nightmare? THIS FOX GUARDING THE HEN HOUSE is not going to be blindly accepted as you heard today in the 'after' session public
Now, the following was asked of me and we are desirous of a COMPLETE and DOCUMENTED response:

If the PUCN staff is a "party" to these proceedings, thus rendering the stip as a "partial party stip"??

I don't believe this for a minute, as they have no interest in the outcome— they are merely advisory to the board. Do you know of any statute or law that makes the staff a party??

If the PUCN staff are somehow a party to these proceedings, along with NVE and ratepayers (BCP), then the board has a clear conflict of interest! They cannot be impartial when a party to the proceedings works for them! And advises them! Any decision rendered by the board with a conflict of interest in the outcome is VOID, according to NRS.

We expect a response to this missive. ESPECIALLY REGARDING DRO AND THEIR WRITTEN AND DEFINED JOB DESCRIPTIONS as elaborated above. Bear in mind you are a PUBLIC SERVANT, you ARE REQUIRED to respond to the public's requests, as you are playing the 'selective' response game, that we are not going to tolerate. Also, I expect that the errors on your website be immediately corrected for the sake of consistency and accuracy.

Thanks.

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