



# City of Flagler Beach

P.O. Box 70 • 105 South 2nd Street  
Flagler Beach, Florida 32136

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12 SEP -4 AM 9:09  
COMMISSION  
CLERK

August 30, 2012

Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

RE: City of Flagler Beach Resolution 2012-24

Dear Sir or Madam:

Enclosed, please find Resolution 2012-24, adopted by the Commission of the City of Flagler Beach supporting a Florida Power & Light customer's right to be allowed to choose not to have a wireless smart meter installed at no additional monthly or other charge. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Penny Overstreet", is written over a horizontal line.

Penny Overstreet, CMC  
City Clerk

Enclosure

DOCUMENT NUMBER-DATE  
05977 SEP -4 12  
FPSC-COMMISSION CLERK

## RESOLUTION 2012-24

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, IN SUPPORT OF THE RIGHTS OF THE CITIZENS OF FLAGLER BEACH, TO ALLOW AN ELECTRIC COMPANY TO INSTALL A WIRELESS SMART METER ON A CUSTOMER'S PREMISES, IF THE CUSTOMER REQUESTS SUCH INSTALATION AND THE ELECTRIC COMPANY PROVIDES AN EFFECTIVE DATE; AND PROVIDED THAT THE ELECTRIC COMPANY FOLLOWS THE FEDERAL ENEGRY POLICY ACT OF 2005 AND THE EPA ACT OF 2005 WHERE CUSTOMERS MUST BE GIVEN A CHOICE TO OPT-IN ON INSTALLATION OF SMART METERS, PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the utility company must provide to the customer prior written notice indicating that the meter will use radio or other wireless means for two-way communication between the meter and the company and informing the customer of his or her rights; and

**WHEREAS**, customers be allowed to choose not to have a wireless smart meter installed at no additional monthly or other charge; and

**WHEREAS**, if a utility company has installed a wireless smart meter prior to the effective date of this resolution, the company shall provide notice of the installation to the applicable customer and such notice shall include a statement of customer rights; and

**WHEREAS**, due to the presence of large (15 or more) banks, or groups, or multiples, of meters located within the interior of multi-family or multi-business buildings, that a ban be placed upon interior installation of smart meters without incurring any monthly fees or other charges or penalties; and, that such large banks, or groups, or multiples, of interior smart meters be allowed only with written, unanimous agreement from all customers where such large banks, or groups, or multiples, of interior smart meter installations may occur.

**WHEREAS**, the commission is mindful that, pursuant to section 366.04(1), Florida Statutes, authority to regulate and supervise the smart meter program is vested solely in the Florida Public Service Commission; and

**WHEREAS**, through public information about smart meters, the Commission has become aware of the strongly held, good faith beliefs of certain citizens in Flagler Beach and surrounding areas that smart meters present safety, health, and security concerns; and

**WHEREAS**, while the Commission takes no position on the validity or non-validity of such concerns, the Commission strongly believes that citizens should not be forced to accept smart meters against their will and strongly held, good faith beliefs; and that utility providers only install smart meters in the homes of residents/business who request them with no additional monthly or other charges for those who opt-out; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH AS FOLLOWS:

SECTION 1. The above recitals are incorporated as it fully stated here in as the finding of the City Commission of Flagler Beach, Florida.

SECTION 2. It is the position of the City of Flagler Beach Commission that given concerns of some city residents regarding smart meters, applicable utilities and the Florida Public Service Commission should consider amending the smart meter installation program allowing customers who opt-in or request participation in the program to receive smart meters.

SECTION 3: A copy of this resolution shall be provided immediately to the Florida Public Service Commission.

SECTION 4. All resolutions or parts of resolutions in conflict herewith are and the same are hereby repealed.

SECTION 5. This Resolution shall become effective immediately upon passage as provided by law.

PASSED AND ADOPTED THIS 14<sup>th</sup> DAY OF JUNE, 2012.

CITY OF FLAGLER BEACH, FLORIDA  
CITY COMMISSION

ATTEST:

  
\_\_\_\_\_  
Linda Provencher, Mayor

  
\_\_\_\_\_  
Penny Overstreet, City Clerk