

**Antonia Hover**

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**From:** Office of Chairman Clark  
**Sent:** Monday, February 3, 2020 9:37 AM  
**To:** Commissioner Correspondence  
**Subject:** FW: Sunshine Act and Americans with Disabilities Act Requests  
**Attachments:** SC SUNSHINE ADA PSC 2020.2.2A.pdf

Good morning,

Please place in Docket No. 20180088.

Best regards,

Hannah E. Barker  
Executive Assistant to Chairman Gary Clark Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399  
(850) 413-6004

-----Original Message-----

From: s4wt\_health [mailto:healthexpert@scientists4wiredtech.com]  
Sent: Monday, February 03, 2020 5:53 AM  
To: Office of Chairman Clark; Office of Commissioner Polmann; Office of Commissioner Graham; Office of Commissioner Brown; Office of Commissioner Fay  
Subject: Re: Sunshine Act and Americans with Disabilities Act Requests

Please see attached, signed letter.  
Thank you very much!  
S Clarke

On 2020-02-03 05:43, s4wt\_health wrote:

> See subsequent message for attachment with signatures.  
> Thank you.

>

> To: Florida Public Service Commission, 2540, Shumard Oak Blvd,  
> Tallahassee, FL 32399-0850  
> Attn: Commissioners Gary F. Clark, Chairman,  
> Commissioner.Clark@psc.state.fl.us ;  
> Donald Polmann, Commissioner.Polmann@psc.state.fl.us ; Art Graham,  
> Commissioner.Graham@psc.state.fl.us ; Julie I. Brown,  
> Commissioner.Brown@psc.state.fl.us ; and Andrew G. Fay,  
> Commissioner.Fay@psc.state.fl.us

> From: Susan Clarke, healthexpert@scientists4wiredtech.com  
> c/o 1080 Cypress Parkway #424, Kissimmee FL 34759  
> 2020

>

> OFFICIAL SUNSHINE ACT and ADA REQUEST  
> CERTIFIED MAIL

2 February

BY EMAIL AND USPS

>  
> Notice to Agent is Notice to Principal; Notice to Principal is Notice  
> to Agent  
>  
> Dear Chairman Clark and Commissioners Polmann, Graham, Brown and Fay:  
>  
> Thank you for guiding Florida PSC in your respective professions in  
> engineering, law and more.  
>  
> Given my background as a Research Assistant, post-masters, at the  
> Harvard School of Public Health, with specialty in radiofrequency /  
> microwave (“RF/MW”) radiation bioeffects, I would offer my services in  
> this area in relation to energy conservation, telecommunications, and  
> Advanced Metering Infrastructure (“AMI”) and other RF/MW-irradiating  
> utility meters.  
>  
> I call your attention to the PSC Memorandum of July 26, 2018, Docket  
> No. 20180088-EI – Petition for limited proceeding for approval of a  
> smart meter opt-out tariff, by Duke Energy Florida, LLC.  
>  
> Note that Duke Energy states therein that it intends to conclude its  
> AMI build-out by the end of December 2021. I regret to inform you  
> that Duke has been using threats of force, even of arrest, to coerce  
> earlier installation, apparently for the purpose of being able to  
> collect opt-out fees sooner rather than later. This represents, over  
> a 23-month period, a difference of ~\$455 – not an insignificant amount  
> for many customers, especially low-income, disabled and elderly  
> customers.  
>  
> As you are aware, Duke has in the past submitted to PSC information  
> requiring correction for compliance. I bring to your attention more  
> misinformation in need of correction and compliance. For example,  
> Duke stated during the process described in the said Memorandum that,  
> “because it is not required to offer an alternative meter, all costs  
> associated with the non-standard meters will be recovered from the  
> participating customers”. This plainly constitutes  
> cross-subsidization fraud.  
>  
> In correction: first, the 2005 federal law providing that customers  
> “may” choose an AMI meter did not allow that a utility could later  
> claim a mandate for AMI meters so as to justify charging a tariff to  
> those who do not choose it. The U.S. Congress would find this notion  
> in abuse of its legislation, which supersedes state laws. Secondly,  
> there exists no such substantially different “alternative meter” as  
> Duke claims. As you well know, Duke’s AMI meters, whether  
> “communicating” or not, are essentially the same: one on and one off,  
> (“on” and “off”, respectively). Thirdly, Duke is not burdened,  
> financially or in any other way, in providing and installing for some  
> customers a “non-communicating” or “off” AMI meter. Each customer,  
> regardless the choice, receives installation of an AMI meter, across  
> the board, and for >99% of customers, installation is free. AMI  
> installation, whether for “on” or “off” meters, involves the same  
> set-up process, with neither extra work nor extra expense. To be

> clear, the cost is the same, regardless the type of AMI meter.  
> Therefore no “set-up” fee can lawfully be charged, without  
> discrimination against those who choose an “off” meter. Yet Duke  
> presumes to charge such customers \$96.34, which is \$7.34 more than  
> FP&L charges, and entirely unnecessary, since these are essentially  
> the same meters. This multiply discriminatory charge has apparently  
> been allowed by PSC.  
>  
> Furthermore, as you know, Duke demands of only “off” customers a  
> monthly surcharge of \$15.60 for what it calls “upfront IT costs and  
> monthly meter readings”. In correction: first, if the “off” meter  
> truly is off, then there ought be no IT cost. Secondly, if, contrary  
> to Duke’s advertising, the “off” meter is truly on and in need of IT,  
> then fraud is apparent. Thirdly, any IT needed for an “off” meter is  
> less than that for a “communicating” or “on” AMI meter, such that,  
> since there is zero charge for an “on” AMI meter, any IT-related  
> charge for an “off” AMI meter is discriminatory.  
>  
> Fourthly, the US has decades’ worth of home meter-reading. When I was  
> growing up, we’d fill in and mail a card each month. No meter reader  
> was necessary. The honest among us ought not be punished for the  
> dishonest. As accommodation, Duke could receive photos each month,  
> and finally make only one visit per year, rather than imposing even  
> more upon one set of its customers. FP&L, which drives over the same  
> streets as does Duke, charges only \$13, a differential of \$2.60/per  
> month. Electric utility ConEd in New York State, whose trucks must  
> have snow tires with chains, and whose drivers must make their way up  
> and down precarious, winding mountain slopes on ice, and then leave  
> their vehicles and trudge through more snow and ice to read meters in  
> the freezing cold...charges only \$9/month. Clearly, both Duke and FP&L  
> are gouging – and “gouging” presumes that a fee were justified in the  
> first place, which, due to coercion, it is not.  
>  
> Whether “on” or “off”, AMI is being forced upon customers – often  
> plainly against their vocal and written will – thus cannot lawfully  
> involve a charge. Indeed, Duke recognizes in said Memorandum that  
> charging some customers and not others for AMI meters would constitute  
> unlawful cross-subsidization. However, Duke, in addition to managing  
> to pay no taxes, per a recent NY Times article, currently engages in  
> just such illegality, and in ways that are most egregious, where  
> perpetrated so as to coerce, by threats of arrest, those who are  
> low-income, disabled, pregnant, and/or elderly, into finding funds and  
> becoming victim-participants in cross-subsidization fraud.  
>  
> As you may be aware, both such fraud and the Federal Communications  
> Commission (FCC) guideline are currently under challenge at the DC  
> Circuit Court of Appeals, where FCC has recently lost. I urge you to  
> reconsider your policies and align with the federal, de facto opt-in,  
> to halt the highly discriminatory actions of the utilities in their  
> efforts to force money out of the poor with non-communicating AMI  
> meters, subsidizing those with communicating AMI meters; and to stop,  
> under fear of a gun, threats and actual false arrest (which my husband  
> and I have innocently suffered by the FL utilities) of those who

- > choose non-communicating meters but cannot afford at once to pay.
- >
- > Regarding public records, I hereby inquire under the FL Sunshine Act:
- >
- > 1. Has Duke the authority to require a customer to switch to some type
- > of AMI meter prior to the end of December 2021; and if so, where, in
- > FL statutes?
- > 2. Has Duke the authority to require a customer to switch to any type
- > of AMI meter within a matter of a few days, or under another deadline,
- > and if so, where?
- > 3. Has Duke the authority to require a customer to switch to any type
- > of AMI meter under threat of "Sheriff" or other law enforcement
- > arrest; and if so, where?
- > 4. Does PSC officially or otherwise encourage utilities to use threats
- > of arrest, for the purpose of furthering the AMI build-out?
- > 5. Is "non-communicating" AMI meter hardware substantially different
- > from a "communicating" AMI meter hardware?
- > 6. Is the installation of a "non-communicating" AMI meter
- > substantially different from that of a "communicating" AMI meter?
- > 7. What is the purpose and functioning of the IT and its set-up in
- > regard to the "non-communicating" AMI meter, and how do these differ
- > from the functional IT and the IT set-up, respectively, of a
- > "communicating" AMI meter?
- > 8. Can a "non-communicating" AMI meter be switched to a
- > "communicating" AMI meter, and if so, by what process?
- > 9. What is the anticipated lifespan of an AMI meter, and what is PSC's
- > plan for metering, following AMI obsolescence?
- > 10. Does Duke Energy provide better set-up than does FP&L, to charge
- > its customers more?
- > 11. Does Duke Energy provide better meter-reading service that somehow
- > benefits its customers better than does FP&L's meter-reading, so as to
- > justify its higher fee?
- > 12. Why has PSC, unlike its corresponding agencies in some other
- > states, failed to provide for low-income, disabled, pregnant, and
- > elderly customers who cannot afford the imposition of
- > "non-communicating" meter fees, when they need to choose a
- > "non-communicating" meter?
- > 13. Is PSC aware of the covert agency professionals who rather
- > consistently choose "non-communicating" meters but, unlike the said
- > disadvantaged groups, have plenteous funds with which to splurge on
- > them?
- > 14. Is PSC aware of reports of FCC rules violations by "communicating"
- > AMI meters?
- > 15. Is PSC aware of fires caused by "communicating" AMI meters?
- > 16. Is PSC aware of surveillance performed by "communicating" AMI
- > meters?
- > 17. What biological studies of RF/MW radiation peaks, such as
- > "communicating" AMI meters deploy, has PSC reviewed in connection with
- > initiating the AMI build-out?
- > 18. What is the nature of the expertise in RF/MW radiation bioeffects
- > science within PSC?
- > 19. Has PSC authority over RF/MW radiation bioeffects?
- > 20. Is PSC familiar with the claims of fraudulent processes by which

> the FCC guideline was set?

>

> I do not mean to impose, and suppose that your staff has oft answered  
> such questions in the past.

>

> Regarding the Americans with Disabilities Act (ADA") request, here is  
> the background:

>

> A few days ago, a Duke agent threatened my husband and me with  
> imminent arrest, should we fail immediately to pay for the  
> non-communicating meter I need, due to my full disability, Common  
> Migraine, under the US Social Security Administration, for which I  
> receive only \$318/month. We receive no other benefit in our  
> household; and my husband has had no regular work, despite long  
> efforts to find it, in decades. Our car engine died and needed to be  
> rebuilt, and my computer's motherboard also died and needed to be  
> replaced with a used one, a few weeks ago. We could not celebrate any  
> holidays, for lack of funds. We suffer chronic illnesses, despite  
> our never having wasted a penny on any cigarette or "substance". We  
> work day and night, while ill, just to survive.

>

> I understand that, in positions such as yours, one may need to become  
> a bit hardened to people, despite oaths of office. Please allow me to  
> help you find a more secure, lawful place, as FCC and other agencies'  
> overreach becomes more constrained by the courts. Under ADA, kindly  
> restrain Duke TODAY from threatening us and all poor, disabled, and  
> elderly who do not have the exorbitant fees it demands, and allow free  
> accommodation in the form of 1) the option to live without grid  
> electricity; 2) the options of analog and non-communicating AMI meters  
> without cost; 3) the capacity to protect one's home, property and body  
> from others' communicating meters.

>

> With all my gratitude; signed, this 2nd day of February 2020,  
> Susan Clarke      Tim Bancalana

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

Attn: Commissioners Gary F. Clark, Chairman, [Commissioner.Clark@psc.state.fl.us](mailto:Commissioner.Clark@psc.state.fl.us) ;

Donald Polmann, [Commissioner.Polmann@psc.state.fl.us](mailto:Commissioner.Polmann@psc.state.fl.us) ;

Art Graham, [Commissioner.Graham@psc.state.fl.us](mailto:Commissioner.Graham@psc.state.fl.us) ;

Julie I. Brown, [Commissioner.Brown@psc.state.fl.us](mailto:Commissioner.Brown@psc.state.fl.us) ; and

Andrew G. Fay, [Commissioner.Fay@psc.state.fl.us](mailto:Commissioner.Fay@psc.state.fl.us)

From: Susan Clarke, [healthexpert@scientists4wiredtech.com](mailto:healthexpert@scientists4wiredtech.com)

c/o 1080 Cypress Parkway #424, Kissimmee FL 34759

2 February 2020

OFFICIAL SUNSHINE ACT and ADA REQUEST

BY EMAIL AND USPS CERTIFIED MAIL

*Notice to Agent is Notice to Principal; Notice to Principal is Notice to Agent*

Dear Chairman Clark and Commissioners Polmann, Graham, Brown and Fay:

Thank you for guiding Florida PSC in your respective professions in engineering, law and more.

Given my background as a Research Assistant, post-masters, at the Harvard School of Public Health, with specialty in radiofrequency / microwave ("RF/MW") radiation bioeffects, I would offer my services in this area in relation to energy conservation, telecommunications, and Advanced Metering Infrastructure ("AMI") and other RF/MW-irradiating utility meters.

I call your attention to the [PSC Memorandum of July 26, 2018](#), Docket No. 20180088-EI – Petition for limited proceeding for approval of a smart meter opt-out tariff, by Duke Energy Florida, LLC.

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charges, and entirely unnecessary, since these are essentially the same meters. This multiply discriminatory charge has apparently been allowed by PSC.

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With all my gratitude; signed, this 2<sup>nd</sup> day of February 2020,

  
Susan Clarke

  
Tim Biancalana