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STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the application
of The Detroit Edison Company
seeking approval and authority
to implement its proposed Advanced
Metering Infrastructure Opt-Out
Program.

Case No. U-17053
Volume No. 1

PREHEARING

Proceedings held in the above-entitled matter
before Dennis W. Mack, J.D., Administrative Law
Judge with Michigan Administrative Hearing System, at
the Michigan Public Service Commission, Constitution
Hall, 525 West Allegan, Nisbet Room, Lansing, Michigan,
on Monday, September 10, 2012, at 1:56 p.m.

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On behalf of The Detroit Edison Company

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(Continued)

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1 Lansing, Michigan

2 Monday, September 10, 2012

3 At about 1:56 p.m.

4 - - -

5 (Hearing commenced pursuant to due notice.)

6 JUDGE MACK: Good afternoon. This is a
7 proceeding before the Michigan Public Service Commission
8 on the application and request of The Detroit Edison
9 Company seeking approval and authority to implement its
10 proposed Advanced Metering Infrastructure Opt-Out
11 Program. This case is processed under Docket No.
12 U-17053.

13 My name is Dennis Mack, I'm an
14 administrative law judge for the Michigan Administrative
15 Hearing System.

16 Could we have appearances, starting with
17 the applicant, please.

18 MR. SOLO: Good afternoon, your Honor.
19 Michael Solo on behalf of The Detroit Edison Company.

20 JUDGE MACK: Thank you, Mr. Solo.

21 MR. ERICKSON: Donald E. Erickson and
22 John A. Janiszewski appearing on behalf of Attorney
23 General Bill Schuette.

24 JUDGE MACK: Thank you, Mr. Erickson.

25 And I would note that the attorney
Metro Court Reporters, Inc. 248.426.9530

1 general has filed a notice of intervention, and thus is a
2 party to this proceeding.

3 MS. BARONE: Good afternoon, your Honor.
4 I'm Patricia S. Barone, assistant attorney general,
5 appearing today on behalf of the Michigan Public Service
6 Commission Staff.

7 JUDGE MACK: Thank you, Ms. Barone.

8 Mr. Solo, would you care to address the
9 notice requirements?

10 MR. SOLO: Yes, your Honor. I had
11 verified that the notice requirements have been
12 satisfied. The Company published the notice of hearing
13 in newspapers of general circulation in Detroit Edison
14 Service territory. The proof of service to that end have
15 been filed electronically with the Commission, and I
16 noticed this morning they are in fact on the Commission's
17 electronic filing system. I have a physical copy here
18 for your review or Staff's review, your Honor, if you're
19 interested.

20 JUDGE MACK: I am all set, I reviewed it
21 this morning on the website.

22 Mr. Erickson, Ms. Barone, do you need
23 time to review the paper copies?

24 MS. BARONE: No, your Honor. We looked
25 at them, and they appear to be in order.

1 JUDGE MACK: Thank you.

2 MR. ERICKSON: No, your Honor.

3 JUDGE MACK: And no objections to the
4 notice of this proceeding? Hearing none. Based on
5 Mr. Solo's representations in the September 7, 2012,
6 filing, the notice requirements have been satisfied.

7 At this point, we will take up the
8 petitions to intervene. By my count, we have eight of
9 them, although I have been informed that Dr. Hillman is
10 not seeking to intervene. Is Dr. Hillman here?

11 DR. HILLMAN: Yes. Yes, your Honor.

12 JUDGE MACK: And you are not seeking
13 intervention in this proceeding?

14 DR. HILLMAN: Well, I was assuming that
15 we, some of us would have a chance to make a statement,
16 and I applied for a statement.

17 JUDGE MACK: So you want to participate
18 without intervention?

19 DR. HILLMAN: Yes.

20 JUDGE MACK: Thank you.

21 I will then note that we have seven
22 petitions to intervene. And at this point I would like
23 to ask the proposed intervenors to stand up, state their
24 name and their address for the record, please. And could
25 we start over here on the left.

1 MR. HOLTON: John Holton, 2392 Barclay
2 Avenue, Shelby Township, Michigan.

3 JUDGE MACK: Thank you.

4 MS. HOLTON: Pauline Holton, 2392
5 Barclay, Shelby Township.

6 JUDGE MACK: Thank you.

7 MS. SPRANGER: Karen Spranger, City of
8 Warren, 7520 Hudson, Warren, Michigan.

9 JUDGE MACK: Thank you.

10 MS. EDWARDS: Cynthia Edwards, 1985
11 Upland Drive, Ann Arbor, Michigan.

12 JUDGE MACK: Thank you.

13 MS. KURTZ: Lynn Kurtz, 210 Foss Street,
14 Ann Arbor, Michigan.

15 JUDGE MACK: Thank you.

16 MR. CUSUMANO: Dominic Cusumano, 25801
17 Harper, St. Clair Shores, Michigan.

18 JUDGE MACK: Thank you.

19 MS. CUSUMANO: Lillian Cusumano, 25801
20 Harper, St. Clair Shores, Michigan.

21 JUDGE MACK: Thank you.

22 MR. MELTZER: Richard Meltzer, 20850 Wink
23 Street in Southfield, Michigan.

24 JUDGE MACK: Thank you.

25 Mr. Solo, position on the petitions to
Metro Court Reporters, Inc. 248.426.9530

1 intervene?

2 MR. SOLO: Your Honor, I'd like to place
3 a general objection with regard to the customers, the
4 people that I believe are customers with regard to
5 intervention. I'd like to explain my position, and
6 perhaps future dialogue might be able to rectify some of
7 my concerns. I recognize that each of the individuals
8 who just indicated their names are pro per and not
9 represented by counsel, so I'll be sensitive to that in
10 my remarks.

11 Under Rule 201, petitions to intervene
12 must be detailed in specific with regard to the grounds
13 in which parties are seeking intervention. Under
14 Michigan law, parties are required to be in the zone of
15 interest and must demonstrate injury in fact. In
16 addition, under Michigan law, individuals may not
17 represent corporations or other legal entities or
18 associations, they must be represented by legal counsel
19 in proceedings.

20 As I read through each of the
21 interventions, a lot of them spoke about details that are
22 greatly outside the scope of this proceeding. This
23 proceeding is about Detroit Edison's application to get
24 approval of an Opt-Out Program or AMI; it is not about
25 the merits of AMI, the technology, the potential health

1 concerns, it's about the Opt-Out Program and the charges
2 for that Opt-Out Program. In each of those interventions
3 that I did receive, they had a substantial amount of
4 detail about other issues that are not related to this
5 proceeding. The Commission has addressed the AMI program
6 in detail in Edison's two subsequent general rate cases,
7 and opened up Docket U-17000 with regard to a series of
8 questions that many of the people in the audience today
9 have already placed written comments that the Commission
10 Staff considered in issuing its report. So I have a
11 general objection with regard to the scope.

12 Having said that, I understand that there
13 are at least two intervenors that appear to be residing
14 at the same address; I'm not sure which one is actually
15 the customer who would have standing in that respect, or
16 if they both intend to participate separately as separate
17 intervenors. I'd also like your Honor to be aware that
18 under Rule 205, substantially identical interests can be
19 managed by the presiding officer to avoid repetition. It
20 would seem to me that having two separate intervenors
21 residing at the same address when only one is a customer
22 would warrant that type of consolidation or coordination
23 of interest.

24 So that's the gist of my objection, your
25 Honor. If you require me to go specific on each person,

1 I'd be happy to do that, but it would seem to me it's
2 practical to handle it in a general manner like that.

3 JUDGE MACK: I would agree, Mr. Solo.
4 Would your concerns, at least for the purposes of
5 intervention, be alleviated if we were to establish that
6 the proposed intervenors are customers and are
7 challenging the cost aspect of the program?

8 MR. SOLO: Certainly with regard to the
9 first statement, your Honor. I think it's important that
10 the record is clear today that we leave that the scope of
11 this proceeding is limited purpose proceeding at the
12 Commission. I'm troubled with the notion of pro per
13 represented individuals having an opportunity to file
14 testimony and that being greatly outside the scope and
15 then we're going to have a tremendous amount of
16 administrative burden dealing with motions to strike and
17 such. So it would be my hope that we could leave here
18 today with clarity regarding the scope of this case to
19 avoid some of those pitfalls.

20 JUDGE MACK: So it was a yes to
21 customers?

22 MR. SOLO: Yes.

23 JUDGE MACK: And a definite maybe to
24 challenging the cost aspects the of Opt-Out Program?

25 MR. SOLO: Yes, your Honor.

1 JUDGE MACK: Just for the purpose of
2 intervention?

3 MR. SOLO: Yes, your Honor.

4 JUDGE MACK: O.K. Thank you, Mr. Solo.
5 Mr. Erickson?

6 MR. ERICKSON: I have no objections or
7 comments at this time, your Honor.

8 JUDGE MACK: Thank you.

9 Ms. Barone?

10 MS. BARONE: I would concur in Mr. Solo's
11 comments with respect to identifying who exactly are the
12 customers involved in the households where two people are
13 trying to intervene. And other than that, the Staff has
14 no objection.

15 JUDGE MACK: Thank you.

16 I do have a few questions of the proposed
17 intervenors. I will start with Mr. Holton. Are you a
18 customer of Detroit Edison?

19 MR. HOLTON: Your Honor, I am co-owner of
20 the home where the service is provided. Even though the
21 bill may be in my wife's name, I have the thorough
22 documentation of all the issues involved, I am the main
23 writer of all the documents we sent in.

24 JUDGE MACK: That's fine. I understand.

25 I was going to ask Mrs. Holton the next question, and I

1 understand.

2 So, Mrs. Holton, the bill is in your
3 name?

4 MS. HOLTON: Yes, it is.

5 JUDGE MACK: And I will note that both
6 your petitions to intervene challenge, in part, the cost
7 aspect of the proposed program, or the program that is
8 proposed in the application. So I will come back to your
9 petitions to intervene.

10 Ms. Spranger, I just want to be -- and I
11 assume this question is answered by the fact that you are
12 sitting at that table. You are seeking intervention in
13 this proceeding?

14 MS. SPRANGER: Correct.

15 JUDGE MACK: O.K. And are you a customer
16 of Detroit Edison?

17 MS. SPRANGER: Yes. I own the home.

18 JUDGE MACK: But are you -- the bill is
19 in your name?

20 MS. SPRANGER: Yes, my bill is in my
21 name.

22 JUDGE MACK: O.K. Thank you.

23 And Cusumanos, whose bill -- or whose
24 name is on the bill?

25 MR. CUSUMANO: We're both customers of
Metro Court Reporters, Inc. 248.426.9530

1 Detroit Edison.

2 JUDGE MACK: The bill is sent in both
3 names?

4 MR. CUSUMANO: We live in separate
5 households.

6 JUDGE MACK: Oh, O.K. O.K. That solves
7 that then. And you are both, then, Mrs. Cusumano, you
8 are a customer of Detroit Edison?

9 MS. CUSUMANO: I am.

10 JUDGE MACK: O.K. I am prepared to grant
11 intervention to all of the proposed intervenors who are
12 customers of Detroit Edison, and in their pleadings,
13 petitions to intervene indicated that they are
14 challenging the cost aspect of this proposed program. So
15 with that -- and I also believe the Holtons --

16 You want to speak before I roll?
17 Sometimes you can talk yourself out of it, but --

18 MS. HOLTON: Excuse me. If it chooses,
19 my husband could speak, then. If you choose not to let
20 me speak, too, I want him.

21 JUDGE MACK: Speak on the petition to
22 intervene?

23 MS. HOLTON: Yes.

24 JUDGE MACK: If you feel compelled to
25 speak, but I think you may have just went away from my

1 ruling and you may not want to speak.

2 MS. HOLTON: Excuse me. Sorry.

3 JUDGE MACK: That's O.K.

4 As for as the Holtons, Mrs. Holton, you
5 are the named customer, but as Mr. Holton indicated, and
6 I believe for the purposes of this proceeding, you're
7 married, you both own the home, you both are in effect
8 paying the bills, so for that reason, I will grant the
9 petition to intervene filed by Pauline Holton, John
10 Holton, Dominic Cusumano, Lillian Cusumano, Richard
11 Meltzer, Linda Kurtz, Cynthia Edwards, and Karen
12 Spranger.

13 As for your argument, Mr. Solo,
14 concerning the scope of this proceeding, I understand it,
15 but I am not prepared at this time to rule on it, I'm
16 just dealing with the petitions to intervene. If you
17 feel it's necessary at some future point to file a motion
18 in limine, a motion for a more definite statement under
19 the Administrative Procedures Act, or even a motion to
20 strike, and then we will get responses and we will have
21 argument on that. I think that's the best way to deal
22 with that.

23 And for the proposed intervenors, what
24 we're dealing with here is an argument, a legal argument
25 essentially that this proceeding is very limited in its

1 scope, and any evidence outside that scope is irrelevant,
2 and thus inadmissible. But if that is in fact raised by
3 the Company or any other party, you will have the chance
4 to file a written response, and you will be able to come
5 back here to Lansing, and you will be able to argue your
6 position. But for right now, we have, just dealing with
7 intervention, you are all parties to this proceeding.

8 So with that, we will turn to the
9 scheduling of this.

10 Oh, and Mr. Solo, you're noting that the
11 authority to choose a representative, I'm familiar with
12 the rule. I don't believe we're at that point quite yet.
13 We had seven intervenors, along with the three
14 established parties. At some point I may entertain that
15 sua sponte on my own, or the parties, if they find it
16 very awkward to proceed with this number, but I don't
17 think we're at that point.

18 MR. SOLO: Your Honor, of the intervenors
19 that I recall from reading their specific petition to
20 intervene, the only one amongst them that are now
21 intervenors that made an indication that was unclear to
22 me whether or not they had association representation
23 issue were the Holtons with regard to -- and I apologize
24 for not remembering the name of the acronym, it's
25 something along the lines of American Revolution

1 something or another.

2 MS. HOLTON: (Inaudible.)

3 JUDGE MACK: Yeah. And the one thing I'm
4 going to ask of everybody, we can not speak over, we have
5 to record everything, and she has to know who is saying
6 it. So if a question is addressed, it's addressed to me,
7 and then I will ask for a response if I deem it
8 necessary.

9 Mr. or Mrs. Holton, would you care -- and
10 I believe it's Mr. Holton's petition to intervene, and it
11 is -- I guess your concern, Mr. Solo, is that it was
12 filed on behalf of the organization W4AR as opposed to
13 individually?

14 MR. SOLO: That was the part that was
15 unclear to me. If your ruling is that the Holtons
16 individually as customers have intervenor status, I'm
17 fine with that; but I wanted to get an understanding with
18 regard to the fact that they are not intervenors on
19 behalf of that organization.

20 JUDGE MACK: That makes sense. And,
21 Mr. Holton, I believe it's your petition, Mr. Holton.
22 Mrs. Holton does not reference that organization.
23 Mr. Holton, is your petition to intervene filed on your
24 behalf individually?

25 MR. HOLTON: Yes, your Honor, it is.

1 JUDGE MACK: And you are not seeking to
2 intervene through this organization of W4AR?

3 MR. HOLTON: No, your Honor.

4 JUDGE MACK: Thank you.

5 Does that satisfy?

6 MR. SOLO: It does, your Honor.

7 JUDGE MACK: And my initial ruling was
8 individually, but thank you for bringing that up.

9 So at this point, we will look at the
10 schedule in this matter. Have the parties or Mr. Solo
11 and Mr. Erickson, Ms. Barone, have we a draft schedule?

12 MR. ERICKSON: I received a draft
13 schedule from the Staff. I'm ready to talk about
14 schedule if we can do anything that we can mutually agree
15 upon, your Honor, as far as I'm concerned.

16 JUDGE MACK: Well, let's have a starting
17 basis. Does somebody have -- go ahead, Ms. Barone.

18 MS. BARONE: Would you like me to pass it
19 out to the intervenors?

20 JUDGE MACK: I would. If you have extra
21 copies, I would really appreciate that.

22 MS. BARONE: I do.

23 JUDGE MACK: And what we're going to do
24 is Ms. Barone is going to submit a proposed schedule.

25 Let's go off the record.

1 (At 2:12 p.m., proposed schedule provided to all
2 intervenors, and a 12-minute discussion was held off
3 the record.)

4 JUDGE MACK: O.K. While we were off the
5 record, we came up with a proposed schedule in this
6 matter; I will go through it at this point.

7 Staff and intervenors will file and serve
8 their direct testimony and proposed exhibits by November
9 8, 2012; rebuttal testimony and exhibits will be filed
10 and served by December 6, 2012; motions to strike will be
11 filed and served by December 20, 2012; replies to motions
12 to strike will be filed and served on January 3, 2013.

13 Cross-examination in this matter will take place on
14 January 15, 16, and 17 of 2013; it will commence at 9:00
15 a.m. on January 15 at a location to be determined.

16 Initial briefs in this matter will be filed by February
17 12, 2013; reply briefs will be filed by February 26,
18 filed and served by February 26, 2013. The target date
19 for the proposal for decision is March 29, 2013. In that
20 proposal for decision will be the date for exceptions and
21 replies to exceptions consistent with the applicable
22 rules of the Commission.

23 Do any of the parties object to that
24 schedule? Hearing no objection, that schedule is
25 adopted.

1 Mr. Solo, anything?

2 MR. SOLO: Your Honor, it's come to my
3 attention that there is a customer in the audience that
4 wants to ask you questions with regard to intervention
5 and filing statements. She's been signaling me. You
6 might want to take it up.

7 JUDGE MACK: I'm sorry. You were over --
8 I really don't want to do that on the record. I may have
9 to go back on the record at some point. But thank you,
10 Mr. Solo. Anything else?

11 MR. SOLO: No, your Honor.

12 JUDGE MACK: And Mr. Solo, you are going
13 to see to it that the September 7 -- or I'm sorry -- the
14 September 10 direct and exhibits are provided to
15 everybody? We'll get that list.

16 MR. SOLO: Yes, your Honor. We'll also
17 file a proof of service to that effect. I believe that
18 the Commission secretary requested that that would be due
19 before September 17. I quickly checked it while we were
20 in the hearing room, it looked like Ms. Spranger was a
21 person that we did not serve initially, and we have no
22 record of any intervention document from her.

23 JUDGE MACK: I recall her petition to
24 intervene could have been read both ways, and that's why
25 I asked her if she did in fact want to intervene. So we

1 will see to it that all the intervenors receive a copy of
2 what was filed on the 10th.

3 Anything else Mr. Solo?

4 MR. SOLO: And I'll need the address and
5 e-mail address for her as well, your Honor.

6 JUDGE MACK: Yeah. Thank you.

7 MR. ERICKSON: Your Honor, for the
8 clarification of the intervenors, I might suggest
9 something, and that is that these are deadlines for
10 taking these actions by the parties specified, but that
11 as the intervenors might like to know, that if they don't
12 feel they want to file testimony, they don't have to; if
13 they don't feel they want to file a brief, they don't
14 have to, it's up to them. If they don't file a brief, of
15 course, silence can be taken against you. But I thought
16 they might like to know that these are not dates that
17 everybody must file, but these are the deadlines for
18 filing if we're going to file.

19 JUDGE MACK: Thank you, Mr. Erickson.
20 That is a good point. I've been somewhat careful not to
21 give legal advise, and I don't believe that is legal
22 advice.

23 But this is a judicial proceeding, and
24 there are rules. So but what Mr. Erickson said is true.

25 Anything else, Mr. Erickson?

1 MR. ERICKSON: No, your Honor. I just
2 thought that that's one of those nuances of deadlines
3 that sometimes if people are willing to remain silent,
4 they can, and I thought I'd suggest that for a, here
5 publicly.

6 JUDGE MACK: And the other thing is, if
7 you really want to be lawyers, you will wait until the
8 last minute to prepare whatever you have to file. Right.

9 Ms. Barone, anything?

10 MS. BARONE: Will we be discussing the
11 discovery rules, too?

12 JUDGE MACK: That is a good point. This
13 was not on here. What's your proposal, Ms. Barone?

14 MS. BARONE: I would propose that parties
15 answer discovery questions within 14 days of being served
16 the question, and use their best efforts; if they can't
17 provide the answer on time, to call the party who made
18 the request and let them know that the answer will be
19 there as soon as possible.

20 JUDGE MACK: And that would be up to the
21 initial filing date and 7 days thereafter, or do you want
22 to stick with 14 throughout?

23 MS. BARONE: I think we'll -- I think we
24 should have time in that since the rebuttal filing is
25 December 6 and the hearing is not until January 15 to

1 have the 14-day turnaround, to make it less confusing.

2 JUDGE MACK: The holidays are in there.

3 MR. ERICKSON: Your Honor.

4 JUDGE MACK: Yes.

5 MR. ERICKSON: I have a problem if we're
6 talking about 14 days from the time of November 8 and
7 going forward, especially after December 6; we don't have
8 as much time during those, in those periods as we do from
9 September to November. And I think that parties who find
10 they have discovery questions to ask about the preceding
11 filings might need a little bit more prompt turnaround to
12 the extent people with best efforts can do it. So I
13 would suggest 14 calendar days from the date that
14 discovery is served and 7 calendar days from the date
15 that discovery is served after November 8. And
16 incidentally, I'm proposing, of course, e-mail service,
17 which is what we generally do.

18 MS. BARONE: Staff has no objection to
19 that, your Honor.

20 JUDGE MACK: Thank you.

21 Mr. Solo, any objections to that
22 proposal?

23 MR. SOLO: One moment, your Honor. No
24 objection, your Honor.

25 JUDGE MACK: Thank you.

1 Let's go off the record.

2 (At 2:31 p.m., there was a three-minute discussion
3 held off the record.)

4 JUDGE MACK: We are back on the record.
5 While we were off the record, there was a general
6 discussion concerning discovery. The parties are
7 proposing that there will be a 14-calendar-day turnaround
8 for discovery requests and responses, or responses to
9 discovery requests up until November 8, 2012; thereafter,
10 the turnaround is 7 calendar days. Is there any
11 objection? Hearing none, that agreement is noted on this
12 record. As always in your discovery requests, best
13 efforts are appreciated.

14 Mr. Solo, anything else you need to add
15 to discovery?

16 MR. SOLO: Yes, your Honor. Based on a
17 discussion off the record, I'd like to indicate that
18 discovery filed late on Friday during the shortened
19 discovery period of seven days, based on the best
20 efforts, the Company will be acting as if those were
21 received on Monday in terms of processing those requests.

22 JUDGE MACK: And late on Friday is after
23 noon?

24 MR. SOLO: Yes, your Honor.

25 JUDGE MACK: O.K. Any objections to
Metro Court Reporters, Inc. 248.426.9530

1 that? And that would apply to all the parties.

2 MR. ERICKSON: I'm not clear on what
3 Mr. Solo is saying. Is he saying when they open it and
4 receive it, that that will be, extend the deadline for
5 responding, or is he saying the date that the discovery
6 request is sent would extend the filing date? For
7 example, if I'm hearing what Mr. Solo is saying, if I
8 e-mail him a discovery request by noon on Friday --

9 JUDGE MACK: Let's go -- let's do the
10 alternative. You e-mail it to him on a Friday after
11 November 8 at 1:00 p.m.

12 MR. ERICKSON: Yes.

13 JUDGE MACK: What Mr. Solo is proposing
14 is the receipt date is treated as the next Monday, given
15 the difficulty in formulating a response on Friday
16 afternoon. Is that correct, Mr. Solo?

17 MR. SOLO: Yes, your Honor. At all
18 times, the Company will exercise its best efforts to
19 respond to discovery. If we're in a position to respond
20 within three days, we in fact do that; but based on that
21 shortened schedule, we'll make our best efforts to comply
22 within that subsequent week, but for practical purposes,
23 we'll view it as received on Monday when we can start
24 working on it.

25 JUDGE MACK: Does that clarify,

1 Mr. Erickson?

2 MR. ERICKSON: Under the circumstance
3 your Honor described then, the deadline for responses
4 would be the Monday following the date that I submitted
5 the request?

6 JUDGE MACK: Presuming a 1:00 p.m. or
7 sometime filed on Friday afternoon, correct.

8 MR. ERICKSON: O.K.

9 JUDGE MACK: Does that make sense?

10 MR. ERICKSON: Yes, I understand what's
11 being said, and that's fine, your Honor. It just means
12 that if I send it out on Friday afternoon, I'll have to
13 wait effectively nine days.

14 JUDGE MACK: Unless you send it at 11:59
15 a.m. on Friday.

16 Ms. Barone, do you have any objection to
17 the proposal of Mr. Solo?

18 MS. BARONE: No, your Honor.

19 JUDGE MACK: Any of the intervenors have
20 an objection? You have a question?

21 MS. KURTZ: Yes, I do. I would like it
22 to be seven days from whatever time you send it on
23 Friday.

24 JUDGE MACK: Any other objections?

25 MS. CUSUMANO: I would object, that it

1 should be at the end of the business day if it's a
2 Friday, which would be 4:30 or 5:00 o'clock.

3 JUDGE MACK: A true seven-day?

4 MS. CUSUMANO: A true seven days.

5 JUDGE MACK: Any other objections?

6 MR. MELTZER: I would accept 3:00
7 o'clock, your Honor, as a late Friday afternoon where it
8 gets deferred to Monday. Noon seems very early to me.

9 JUDGE MACK: Thank you.

10 Any other? Go ahead.

11 MS. SPRANGER: Have there ever been a
12 malfunction from a computer to another computer, is that
13 going to be a reason to accept it if it's late from the
14 computer you use?

15 JUDGE MACK: I can't answer that
16 question. You can always make that argument.

17 MS. SPRANGER: I know. Unless I do it
18 twice through a new computer, can I mail it?

19 JUDGE MACK: If you can get it in their
20 hands by the due date.

21 MS. SPRANGER: I can mail it directly to
22 the Company?

23 JUDGE MACK: You can mail it, but the
24 rules do require electronic service on any and all
25 records. But right now we're dealing with Mr. Solo's

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1 proposal.

2 I've heard a few objections. Any others?

3 MS. EDWARDS: I would object, and that
4 would be the end of the day on Friday.

5 JUDGE MACK: End of the day on Friday.
6 Thank you.

7 Any others?

8 Mr. Solo, it doesn't look like you've got
9 a stipulation to this effect. Are you seeking a ruling
10 on your request?

11 MR. SOLO: No, your Honor. We'll make
12 our best efforts.

13 JUDGE MACK: Thank you. I appreciate
14 that.

15 We have established the schedule.
16 Ms. Barone, I believe I was with you when you brought up
17 discovery. Is there anything else?

18 MS. BARONE: No, your Honor.

19 JUDGE MACK: Do any of the intervenors
20 have any issues before we take a break and start the
21 public comment period?

22 MR. ERICKSON: Your Honor, I'd like to
23 seek a clarification, because it came to my mind as I was
24 listening to the discussion here. When we serve
25 information electronically by e-mail, we not only serve

1 the Company, but we serve every one of the rest of the
2 eight or nine of us simultaneously, so that I don't just
3 serve the Company or just serve one other individual, I
4 serve all of the other parties that you have admitted.

5 JUDGE MACK: Correct.

6 MR. ERICKSON: And I got the possibility
7 of confusion that somebody would expect to serve only the
8 person they were sending a discovery to or only the
9 person they were sending pleadings to, and I just think
10 we ought to clarify that when I send something out, I got
11 to send it to everybody; when somebody else sends
12 something out, they've got to send it to everybody.

13 JUDGE MACK: And that's in the context of
14 discovery requests and responses?

15 MR. ERICKSON: Discovery requests,
16 testimony, whatever.

17 JUDGE MACK: Well, the testimony, in
18 setting the schedule, I said file and serve, so if it's
19 not served on another party, that party is certainly free
20 to move to strike it. Every party in this case has an
21 obligation, as I said before, to send whatever is being
22 sent to me to every other party. If you don't, you can
23 probably expect that the party that doesn't get it is
24 going to ask that it be stricken.

25 What Mr. Erickson is also talking about
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1 are discovery requests, meaning if a discovery request is
2 sent, say, from Staff to the Company, that request will
3 also be sent to all the other parties, and then the
4 Company's response to that request is sent to all the
5 parties. Is that what you're saying, Mr. Erickson?

6 MR. ERICKSON: You said it better than I
7 could.

8 JUDGE MACK: Thank you.

9 Ms. Barone.

10 MS. BARONE: One other point --

11 JUDGE MACK: Is it about --

12 MS. BARONE: -- about discovery.

13 JUDGE MACK: Is it about this very
14 specific issue about --

15 MS. BARONE: About the time you mean?

16 JUDGE MACK: No. About sending requests
17 and responses to all the parties.

18 MS. BARONE: Yes. It's about on
19 discovery, the parties should not send it to your Honor,
20 the questions and answers. Would that be correct?

21 JUDGE MACK: Yes, that would be correct.

22 MS. BARONE: Thank you.

23 JUDGE MACK: Thank you.

24 O.K. What I'm going to note on this
25 record right now, any and all discovery requests must be

1 sent to the other parties, it should not be sent to me.
2 Any and all responses to discovery must be sent to both
3 the requesting party and to all the other parties, and
4 again, it should not be sent to me. Does that satisfy
5 it, Ms. Barone?

6 MS. BARONE: Yes, your Honor.

7 JUDGE MACK: Mr. Erickson?

8 MR. ERICKSON: That's fine, your Honor.

9 JUDGE MACK: Anybody else have any issues
10 before we take a break?

11 MS. KURTZ: I have two questions. So
12 everything else should be filed on everyone, including
13 you, everything except the discovery?

14 JUDGE MACK: Correct.

15 MS. KURTZ: Thank you.

16 JUDGE MACK: And just so we're clear, you
17 file with me, you serve on other parties. So when you
18 hear file and serve, file with the tribunal, serve on the
19 other parties.

20 MR. ERICKSON: Doesn't the filing also go
21 to the executive secretary, your Honor?

22 JUDGE MACK: Mr. Erickson, I don't know.
23 I'd read the E-docket. I have no idea.

24 Go ahead.

25 MS. KURTZ: And in terms of the testimony

1 that we file, any witness has to be available in person?

2 JUDGE MACK: Yes, available for
3 cross-examination.

4 MS. KURTZ: And if the opposing party
5 isn't interested in having that person here, will that
6 testimony be accepted or not?

7 JUDGE MACK: The individual's not here
8 for cross-examination?

9 MS. KURTZ: Yes.

10 JUDGE MACK: If you can get these, all
11 the other parties to agree to waive cross-examination,
12 you can do that, but if a party wants to cross-examine a
13 witness, they will be sitting next to me.

14 MS. KURTZ: O.K.

15 JUDGE MACK: Anybody else?

16 I would urge everybody to go to the
17 E-docket and read the filing requirements; I am not up on
18 them. But Mr. Erickson made a good point, it has to be
19 sent to the executive secretary, and that is how it's
20 posted on the E-docket. I don't know the mechanics of
21 that, but I know there is information available. But
22 again, as intervenors and parties, you have taken certain
23 responsibilities, and failure to comply with those
24 responsibilities could lead to striking of a filing.

25 Anything else? O.K. Let's go off the
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1 record.

2 (2:44 p.m., a brief discussion was held off the
3 record.)

4 JUDGE MACK: While we were off the
5 record, Sharon Schmidt has indicated that she wants to
6 seek intervention in this proceeding. And Ms. Schmidt,
7 you were saying that you attempted to file a petition to
8 intervene on what date?

9 MS. SCHMIDT: I have the letter on August
10 30.

11 JUDGE MACK: And for whatever reason,
12 that was not sent to the Company or Commission Staff and
13 posted on the E-docket?

14 MS. SCHMIDT: I don't know what happened.
15 I just received an e-mail, I did it all over the phone.
16 If I was supposed to do anything more than that, I
17 apologize. But I talked to both sides saying if I could
18 ask to pick one, could I be an intervenor today if it's
19 acceptable.

20 JUDGE MACK: But did you file -- did you
21 attempt to electronically file your petition to intervene
22 on August 30 -- that's all right, I don't need that --
23 with the executive secretary of the Commission, or did
24 you mail it?

25 MS. SCHMIDT: No, I talked on the phone,
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1 I mailed it in in an e-mail, so I did all three.

2 JUDGE MACK: O.K. Mr. Solo, any
3 position?

4 Well, let me ask you this: Are you a
5 customer of Detroit Edison?

6 MS. SCHMIDT: Yes, I am.

7 JUDGE MACK: And are you contesting the
8 cost aspect of the proposed Opt-In Program -- Opt-Out
9 Program?

10 MS. SCHMIDT: Yes. And my name is on the
11 bill for Edison.

12 JUDGE MACK: O.K. Thank you.

13 Mr. Solo, any objection to Ms. Schmidt's
14 proposed intervention?

15 MR. SOLO: Nothing in addition to my
16 broad objection for all intervenors regarding what the
17 requirements are. It seems that she indicated she is in
18 fact a customer. Timely intervention is required under
19 the rules, although for good cause your Honor can decide
20 otherwise.

21 JUDGE MACK: Bound to the schedule.

22 Thank you.

23 Mr. Erickson, any objection?

24 MR. ERICKSON: I would just like to
25 obtain a copy of the paperwork that she filed, but other

1 than that, I have no objection.

2 JUDGE MACK: We'll certainly see to that.

3 And Ms. Barone, any objection?

4 MS. BARONE: No. But I would also like
5 to have a copy of her petition.

6 JUDGE MACK: Yes, we will certainly see
7 to that.

8 Ms. Schmidt, I'm going to grant your
9 petition to intervene. I'm sorry. And could you, for
10 the record, say your name, spell your last name, and give
11 your address, please.

12 MS. SCHMIDT: Sure. My name is Sharon,
13 S-h-a-r-o-n, Schmidt, S-c-h-m-i-d-t, 20238 Catalano,
14 C-a-t-a-l-a-n-o, Clinton Township, Michigan.

15 JUDGE MACK: Zip code.

16 MS. SCHMIDT: 48035.

17 JUDGE MACK: Thank you. Ms. Schmidt, I
18 am going to treat your petition to intervene as a late
19 filing, however, I am going to grant it and I'm going to
20 bind you to the schedule that we have established here
21 today. I'm also going to request that you provide a copy
22 of your petition to intervene to Mr. Solo, Mr. Erickson
23 and Ms. Barone, and we have to get a copy of that and see
24 that it is put on the E-docket, too, so we will talk to
25 you while we're off the record.

1 Oakland Township. I live at 1261 Oakwood Court in
2 Rochester Hills, and I'm a customer of DTE.

3 The cities of Rochester and Rochester
4 Hills both asked in past resolutions expressing serious
5 concerns about Smart Meters, and they had a very strong
6 interest in allowing opt-out for their citizens. I have
7 a bill, House Bill 5411 that some of the provisions that
8 would pertain to cost would be that we should not be
9 charging costs to people who have serious concerns about
10 their health or their privacy, there should be no cost to
11 remove. Certainly when I filed my bill, DTE had
12 indicated the day before they were not going to allow any
13 opt-outs, the day after, they said they now will allow
14 opt-outs. So those of us who got Smart Meters and didn't
15 want them, they didn't get our express approval, I think
16 those should be removed at no cost, and really it should
17 be immediate. There's a lot of people that have these,
18 or have considerable consternation, and I don't think
19 they want to wait until March or April, and I don't think
20 they should, especially if they didn't give their written
21 consent. I think we should follow along the lines of
22 Vermont; they have Act 170 that says that there's not to
23 be any costs in Vermont, so somehow they're able to do it
24 for an opt-out, and no removal costs as well.

25 I understand that there's talk that
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1 analogs are no longer being produced, but certainly if
2 they're removing analogs, they should have had the
3 wherewithal to understand they might want to inventory
4 those, so they certainly should have had inventory, and
5 if they're currently not being produced, they ought to
6 figure out how to get them produced. And I think it's
7 specious to say that they're not being produced so we
8 can't utilize those and put those back on.

9 I think, also -- I used to work at
10 MichCon and I was a CPA and interacted regularly with the
11 ratemaking department and understand some of the
12 interests of creating and the denominators, and I will be
13 looking with interest in how the filings have come out.
14 I understand there's one today that was filed that has a
15 little bit more specificity on the costs and the
16 denominators and the fixed costs that they're trying to
17 spread. I do think there should be the ability and the
18 cost aspects to allow municipalities, if they would like
19 to opt out as a whole, seems like then the cost would be
20 substantially less than what they're suggesting on a
21 monthly basis, and I would even argue that if homeowner
22 associations or condo associations were talking about
23 something.

24 If we had Choice, if we had Electric
25 Choice, we wouldn't be here. It's obvious that we're

1 here because folks have no other option but to use the
2 Company that is being provided, at least at this time.
3 We perhaps someday will have more choice, especially if
4 companies that aren't -- that are going to continue to do
5 things like this, I think it will certainly bode well for
6 those of us who want more choice.

7 So those are my main, my main things I'd
8 like to put on the record. I have other aspects if the
9 Smart Meters are in place, but as I understand it, this
10 is strictly for opting out. For those that are in place,
11 I think they should only -- my bill talks about only one
12 burst or one sending per month should be allowed, and
13 that their information should not be used by anybody but
14 the utility unless they give express consent otherwise.

15 But certainly in summary, I don't think
16 customers should be charged for what they believe is
17 protecting their health and/or their privacy or, for that
18 matter, businesses who are concerned about the impact
19 that customers or businesses -- I know you'll hear plenty
20 of good testimony, folks that are concerned they can't
21 even go into businesses because of their health, what it
22 does to them if they have Smart Meters, so I think if
23 these businesses feel that this is negatively impacting
24 their business, then they should be able to opt out at no
25 cost as well.

1 So I appreciate your time, and I would
2 like that on the record. Thank you.

3 JUDGE MACK: Thank you, Representative.

4 Next is -- please, no applause. No
5 applause. Thank you.

6 Next we will -- would Rebecca Morr come
7 up, please. Ms. Morr, if you could state your name and,
8 if you so desire, your address on the record, please.

9 MS. MORR: Yes. My name is Rebecca Morr,
10 I live at 2752 Gloucester Way, G-l-o-u-c-e-s-t-e-r Way,
11 Ann Arbor.

12 I feel strongly that there should be a
13 free opt-out, that there should be an analog option.
14 Currently DTE is not allowing an analog, they will
15 replace a meter with a different digital meter. Analogs
16 are safer, and that should be allowed.

17 UNIDENTIFIED: Can't hear you. Louder.

18 JUDGE MACK: I'm going to ask, I
19 understand the acoustics in the room, but please don't
20 speak out. You're just going to have to make due with
21 what we have. The important thing is we get this on this
22 record. If everybody speaks out, it's very disruptive.
23 So I'm going to ask nobody speak out, please.

24 Ms. Morr, go ahead, please.

25 MS. MORR: Thank you. Also, there needs
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1 to be some sort, especially if there's no free opt-out,
2 there needs to be some sort of accommodation for people
3 who do become ill, who have health limitations because of
4 these meters. Also, there needs to be an immediate
5 opt-out, we shouldn't have to wait until these
6 proceedings are finished.

7 I realize that DTE says these are safe.
8 I think the reason that a free opt-out is warranted is
9 that it is reasonable at this point to have health
10 concerns. There is enough information from reliable
11 sources, from prestigious universities, studies, many of
12 which are very recent, that indicate that a more prudent
13 approach to wide-spread wireless is warranted, and
14 especially since there is that information out there, it
15 makes it imperative that a free opt-out is available.
16 One of these was the World Health Organization that was
17 just in the, a year ago that they said wireless
18 technologies such as use in the cell phones is now on the
19 Type 2B carcinogenic list; that wasn't a willie-nilly
20 decision, it was a decision that came about, 30 top
21 scientists all over the world spent 7 days plowing
22 through all the existing research to come up with that
23 decision. In the last few months, a study at Yale also
24 indicated that there could be dangers for pregnant women
25 to be exposed to cell phones or wireless technology like

1 cell phones.

2 Wireless is not new, but our extensive
3 use of it is new, and I would suggest that no one, not
4 even DTE, has all the answers. And because there is
5 doubt as to what, really what limits are safe, we really
6 should be able to opt out for free. Thank you.

7 JUDGE MACK: Thank you, Ms. Morr.

8 Next, Lucille Doke. Ms. Doke, if you
9 could state your name and spell it, and your address if
10 you so desire.

11 MS. DOKE: Lucille Doke, L-u-c-i-l-l-e,
12 Doke, D, as in David, o-k-e. I live in Ypsilanti
13 Township, which previously received a moratorium from the
14 attorney general's office for Smart Meters.

15 I previously sent a letter to the
16 attorney general's office and eleven other elected
17 officials in the State of Michigan, state, local and
18 county governments, and because of circumstances which I
19 explained in that letter which had to do with the fact
20 that wireless had led to an aggravation of a childhood
21 damage of the valves in my heart due to rheumatic fever,
22 because of that, I needed surgery in December 2011. As a
23 result of that, when I found out the Smart Meters were
24 being put in at everybody's house, I had moved into an
25 apartment building, I asked the 12 people in my building,

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1 the 11 other people in my building to support me in
2 requesting that our building be free from the
3 installation of these AMIs. I am now asking that --
4 those 12 meters are on the outside wall of my bathroom,
5 and I previously stated the energy and reactions I was
6 having coming from these meters into my apartment, how
7 they had affected me throughout my apartment. I am now
8 asking that -- this is not a building of high-level
9 rents, and I assume that the other tenants are like me
10 and would find it a hardship to pay extra money for the
11 electricity and gas meters on top of the high electric
12 and heating costs that we already pay for service in the
13 building. I know that I am retired and on fixed income,
14 and I can not afford to pay extra monies for two meters
15 that each of us has for utility service.

16 I am aware that because of my open-heart
17 surgery and the, and a pacemaker which was established, I
18 qualify for ADA jurisdiction. What I'm asking for is
19 that I can not pay these extra charges for the eleven
20 other apartments in my building, and I don't think it
21 would be kosher to ask my customer -- ask my neighbors to
22 pay that cost for me. So I'm asking that if MPSC grants
23 DTE the right to charge these prices for opting out, that
24 such charges be waived for all 12 apartments in my
25 building, and in fact, I'm asking that all such charges

1 be denied to DTE because all opt out is -- it is my
2 belief that all opt-out requesting customers should be
3 treated the same way.

4 I truly do not believe that people are
5 simply denying DTE the right to charge its customers for
6 opting out, I believe that people are truly either
7 negatively affected by the EMFs or RFs that this program
8 uses, or they're concerned about the fact that this
9 technology does or will have upon their health in some
10 fashion.

11 With the way that DTE and other utility
12 companies are planning to use the technology, we the
13 customers who are free people living in a free society
14 can not get away from it. The utility companies are
15 telling us that we must use it. If that is the case and
16 the powers that be can not say no to the utility
17 company's plans, then I also say that we the customers
18 who keep you in business, keep them in business, should
19 not have to pay for it on top of that lack of freedom to
20 choose.

21 There are some detailed descriptions of
22 how the meters have personally affected my body. I have
23 now updated it to include what has happened recently
24 since that letter of April 2012. I believe that those of
25 us who can feel what is going on in our bodies when we

1 are in the presence of EMFs, radio frequencies and
2 wireless, that we're simply canaries in a coal mine. It
3 is affecting everybody, they just don't know it yet.

4 For these reasons and because I'm not
5 just speaking for myself, I'm speaking for all my
6 neighbors and for everyone who does have this
7 sensitivity, I'm asking that if it's going to happen,
8 which it seems to be, that we not be charged for it.
9 Thank you.

10 JUDGE MACK: Thank you, Ms. Doke.

11 Joseph Hunt. Joseph Hunt. Mr. Hunt,
12 name, and if you care, address, please.

13 MR. HUNT: My name is Joseph Hunt, I live
14 at 8306 Stanley, that's in the City of Warren, Michigan,
15 at the intersection of 12 and Van Dyke.

16 I am basically here today with several of
17 the intervenors, I know five of the nine through my
18 interaction with them last year. I ran for mayor of the
19 City of Warren last year. I speak to a lot of people --

20 THE REPORTER: Excuse me. I --

21 JUDGE MACK: That's O.K. If you could
22 speak slowly and speak this way, please.

23 MR. HUNT: Last year I ran for mayor of
24 Michigan's third largest city. I ran into a lot of
25 people that were concerned about the Smart Meters based
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1 upon their health and privacy concerns. Specifically at
2 the time when I had met five of the intervenors last
3 year, 20 months ago, the issue really was what rights do
4 we have as citizens of the United States in order to
5 basically opt out of having a change in the technological
6 environment, something attached to our houses.

7 My biggest concern is basically the
8 Fourth Amendment right to the Constitution, unreasonable
9 search and seizure. Even though that appeared -- it
10 applies to the government, the idea is that the
11 government body is actually allowing the DTE, a corporate
12 citizen, to attach the units to people's homes.

13 My big question to the Michigan Public
14 Service Commission is, why are you not even following
15 your own rule, which is basically 461.15, regarding
16 customer meter reading. And this is the idea behind it
17 is that we are specifically here to talk about the
18 Opt-Out Program, the opt-out cost. See, I live in Macomb
19 County, and Macomb County is one of the only 83 counties
20 in the state that basically passed a resolution to the
21 MPSC asking for a study of the health and privacy
22 concerns regarding the meter implementation. Now, in
23 Oakland County, the damage is already done. And it's to
24 my understanding that there's not been a single AMI meter
25 installed in Macomb County. That's what I would like to

1 preserve.

2 I'm also a candidate for Macomb County
3 Board of Commissioners, so this is very, very important
4 to me. I don't want one in my house, but the real
5 question comes down to, in taking a look at Michigan
6 Codified Law 460, which is Public Service Commission, you
7 go right to the beginning, and the commissioners have
8 basically taken an oath to the Constitution of the United
9 States and the Constitution of the State of Michigan to
10 the best of their ability. Well, I know all about the
11 Constitution of the United States, and read the
12 Constitution of the State of Michigan, and the real
13 question is when we're talking about the opt-out, the \$87
14 for administrative costs and the \$15 per month, that's
15 only based upon 4,000 expected residential customers.
16 What about the business customers? That is a
17 discriminated against class of customer, because
18 specifically, in the City of Warren, we are number one in
19 the county as far as residential property values and
20 number one in industrial property values.

21 The real question comes down to is that
22 you're moving forward in Oakland County with the
23 implementation of the meters; however, in Macomb County
24 we're free and clear right now, we'd like to stay that
25 way. But the MPSC is not even following their own rule

1 about customer meter reading, where basically the DTE
2 company or any electrical power company provides the
3 customer the option in order to call an 800 number, send
4 a self-addressed stamped envelope to the Company, or
5 basically call by telephone doing your own meter reading.
6 That's saving \$180 a year. So specifically at this
7 point, the only time that DTE has to come out to a home
8 that has any meter is basically once a year. That's
9 where the cost basis should be. So this \$87 a month and
10 the \$15 per month thereafter with the AMI meter or the
11 transmitter shut off is really nonapplicable if the MPSC
12 only followed their own rule.

13 I know there's a lot of people going to
14 speak, but the deal comes to this: Macomb County is a
15 DTE meter-free community at this point as far as the AMI,
16 and I'd like to keep it that way. Thank you.

17 JUDGE MACK: Thank you, Mr. Hunt.

18 Phyllis Maenza. I apologize if I
19 butchered that last name. If you could come up, please.

20 MS. MAENZA: That was good.

21 JUDGE MACK: Thank you. If you could
22 state your name, spell your name, and provide your
23 address.

24 MS. MAENZA: My name is Phyllis Maenza,
25 M-a-e-n-z-a, and I live at 24900 Wilmont, Eastpointe,
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1 Michigan.

2 I just wanted to say at first, I believe,
3 like others do, that we need an interim solution now, and
4 not until -- not have to wait until April.

5 The other thing I wanted to say was when
6 I called DTE, I was told that there was no mandate. So I
7 don't know who -- I guess it depends on who you talk to,
8 there is a mandate or there isn't, and if there is no
9 legal mandate, then why are we even talking about opting
10 out of something that's not even legally implemented.
11 And that's it.

12 JUDGE MACK: Ms. Maenza, thank you very
13 much for your comments today.

14 MS. MAENZA: Thank you.

15 JUDGE MACK: Alandra Meade.

16 MR. SOLO: Your Honor, can you restate
17 the last name?

18 JUDGE MACK: Meade. And if you could do
19 that, state your name, spell your name, and your address.

20 MS. ALANDRA MEADE: My first name is
21 Alandra, A-l-a-n-d-r-a, last name Meade, M-e-a-d-e. Can
22 I start?

23 JUDGE MACK: Yes, go ahead.

24 MS. ALANDRA MEADE: I'm an eleventh
25 grader in public school in Ann Arbor, Michigan, and I
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1 have three major health conditions, which one of my
2 doctors recommended in order to keep me healing, that I
3 should not have a Smart Meter on my home, so I began to
4 do research on the subject, and after my research, I was
5 quite astounded by what I found.

6 I want to prevent illness, and personally
7 I need to opt out, as I know many others do, and I do not
8 want to be penalized by that by extra fees. I believe
9 the opt-out should be free.

10 I don't think DTE was aware of the
11 serious dangers and health risks associated with the
12 meters, because I believe they would want to be offering
13 a service that benefits them and their customers, and I
14 would like them to not charge more to opt out of this. I
15 don't see why you would need to be charged extra to try
16 and preserve your health. In light of the extensive
17 evidence I can show you, I'm asking that homes and public
18 facilities and businesses can request and have compliance
19 to opt out of Smart Meter installation, be able to keep
20 their analog meter without having their service cut off,
21 and not be charged any fees or price increase from this.

22 I would like to share two of the most
23 prominent sources that have said that Smart Meters are
24 not good for the overall well-being of a person. For
25 instance, the World Health Organization, "The World

1 Health Organization's International Agency for Research
2 on Cancer has classified radio frequency electromagnetic
3 fields as possibly carcinogenic to humans (Group 2B),
4 based on an increased risk for glioma, a malignant type
5 of brain cancer, associated with wireless phone use."
6 Note also that class 2B carcinogens also include lead,
7 asbestos and DDT, and I definitely wouldn't want to be
8 around something like that.

9 Also, one of the other most important
10 arguments is a statement by the Board of the American
11 Academy of Environmental Medicine on January 11, 2012.
12 They also state, that, "The Board of the American Academy
13 of Environmental Medicine opposes the installation of
14 wireless Smart Meters in homes and schools based on the
15 scientific assessment of the current medical literature.
16 Chronic exposure to wireless radio frequency radiation is
17 a preventable environmental hazard that is sufficiently
18 well documented to warrant immediate preventative public
19 health action.

20 "As representatives of physician
21 specialists in a field of environmental medicine, we, the
22 board, have an obligation to urge precaution when
23 sufficient scientific and medical evidence suggests
24 health risks which can potentially affect large
25 populations."

1 They also go on to state that the FCC
2 guidelines for our safety that have been used to justify
3 the Smart Meters only look at thermal tissue damage and
4 are obsolete since many modern studies show metabolic and
5 genomic damage.

6 We urge you to act in good conscience and
7 to help us to protect our homes, families and communities
8 regarding the Smart Meters. Please do not let utility
9 companies charge us extra to opt out and keep our health
10 and our analog meters, and make this process available
11 and easy for its customers. Thank you.

12 JUDGE MACK: Thank you, Ms. Meade.

13 Laura Meade.

14 Let's go off the record.

15 (At 3:25 p.m., there was a brief discussion held off
16 the record.)

17 JUDGE MACK: Ms. Meade.

18 MS. LAURA MEADE: My name is Laura Meade,
19 and I am -- do you want my address?

20 JUDGE MACK: Yes, please.

21 MS. LAURA MEADE: 3430 Edgewood Drive,
22 Ann Arbor.

23 And I am also a mother of Alandra, and
24 since she has the health conditions and we were talking
25 to the doctor, I got, you know, concerned. But she

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1 actually went and did the research, and after that, I
2 really seriously want to be able to opt out, and we can
3 not afford to pay more. I'm a single working mother.
4 And so I guess I felt the need to be here today because I
5 was aware that many seem to be minimizing or unaware of
6 the potential risks of the Smart Meters. And I believe
7 the opt-out should be free due to the evidence that the
8 Smart Meter affects one's health, everyone's health.

9 I believe DTE must be unaware that the
10 Smart Meters are environmentally and biologically toxic
11 and harmful to all of us and to their customers. And we
12 found much more evidence than Alandra gave, very
13 credible, and it was helpful to demonstrate that there
14 are plenty of documented health risks involving the Smart
15 Meter usage. So but after hearing the research today, I
16 was hoping that you all and DTE would agree there should
17 be a reduction on the use of Smart Meters for the safety
18 of all, and I want you to at least determine that homes
19 and public facilities and businesses should be able to
20 request, have compliance to opt out of the Smart Meter
21 installations, and ask that to be able to keep their
22 analog meters without their service being cut off, and
23 that no one should be charged any fees or price increase
24 from this. And I would also like to ask that we not have
25 to wait until April, because I understand there's extra

1 problems with getting them removed from the homes.

2 We live in a condo area where the --
3 also, we have two meters right at my bedroom window,
4 that's my neighbor and mine, and I want to know that my
5 neighbor wouldn't have to have hers and she doesn't want
6 it and that she wouldn't have to pay extra because I
7 don't want the meter to affect our health. So it's easy
8 for her to call and say she didn't want it, that was
9 agreeable, but if she's charged extra, then it puts our
10 health at risk. So I want to know that no one will be
11 charged extra for that reason.

12 So I wanted to just share a few of the
13 things I heard, that the sworn declaration of Dr. David
14 Carpenter, who's an M.D., also Director, Institute for
15 the Health and Environment, he's at the University of
16 Albany, and he's a professor of environmental health
17 sciences within the School of Public Health. He's
18 formerly the dean of the School of Public Health at the
19 University of Albany, he's director of the Wadsworth
20 Center for Laboratories and Research of the New York
21 State Department of Health. The exposure to EMF has been
22 linked to a variety of adverse health outcomes. The
23 health endpoints that have been reported to be associated
24 with EMF and/or RF, including -- there are a lot of
25 things here -- childhood leukemia, adult brain tumors,

1 childhood brain tumors, genotoxic effects, like DNA
2 damage and micronucleation, neurological effects and
3 neurodegenerative disease like ALS and Alzheimer's,
4 immune system dis-regulation, allergic and inflammatory
5 responses, breast cancer in men and women, miscarriage
6 and some cardiovascular effects.

7 And there's suggestive to strongly
8 suggestive evidence that our exposures may cause changes
9 in cell membrane function, cell communication,
10 metabolism, activation of proto-oncogenes, and can
11 trigger the production of stress proteins at exposure
12 levels below current regulatory limits. It goes on to
13 say: The resulting effects can include DNA breaks and
14 chromosome aberrations, including death of the brain
15 neurons, increased free radical production, activation of
16 the endogenous opioid system, cell stress and premature
17 aging, changes in brain function, including memory loss,
18 retarded learning, performance impairment in children,
19 headaches, fatigue, sleep disorders, neurodegenerative
20 conditions, changes in immune function, and reduction in
21 melatonin secretion and cancers. And there's more, I can
22 give more, I don't know if I have enough time.

23 But it did also add that the agent, the
24 Smart Meter type of EMFs and things injure some
25 individuals into a condition in which symptoms will be

1 more easily re-triggered with subsequent exposure. And
2 for a priori susceptible individuals and those using
3 electronic medical devices, it can respectively
4 exacerbate to the extant medical conditions and disrupt
5 medical device operation, even to the point of death.

6 There were many other sources, so I won't
7 have time to quote them. But the International Research
8 Center of Healthy and Ecological Technology was in
9 Berlin, Germany. Olle Johansson, who's associate
10 professor at Karolinska Institute and the Royal Institute
11 of Technology in Stockholm, and also the Parliamentary
12 Assembly of the Council of Europe, who in 2001 they
13 actually called on European governments to take
14 reasonable measures to reduce the exposure to
15 electromagnetic fields.

16 So anyway, we've researched this
17 extensively, so I just ask that in light of this and much
18 more evidence, that it does affect people's health
19 medically, I would ask that -- I mean I understand DTE
20 maybe thought this was acceptable, but they probably
21 haven't, didn't have the research. And now I ask they
22 modify their Smart Meter plan so they can find a way to
23 serve the people safely, allow them to opt out, and I ask
24 that it be easy, accessible, and that they would not --
25 they would keep their analog meters and not be penalized

1 with extra fees. Thank you.

2 JUDGE MACK: Thank you, Ms. Meade.

3 Ms. Meade, when you get a chance -- Ms. Meade, when you
4 get a chance, could you also --

5 MS. LAURA MEADE: O.K. Even though I --

6 JUDGE MACK: I appreciate it.

7 I'm going to take the best shot I can
8 with the next speaker. Richard Riley Mathis of Ann
9 Arbor. Anybody in Ann Arbor? It appears to be the
10 middle name is Riley.

11 UNIDENTIFIED: Oh, where is she? She
12 went out to the restroom.

13 JUDGE MACK: Kerry Krentz. Mr. Krentz,
14 if you could come up spell your last name.

15 MR. KRENTZ: My name is Kerry Krentz,
16 K-e-r-r-y K-r-e-n-t-z, and I'm a Michigan electric
17 ratepayer.

18 The cost of opting out is ridiculous.
19 For decades we have been paying for meter readers to come
20 to our door and read the meters; that cost is not going
21 away, that cost can continue, no rate increase involved,
22 and we opted out and nobody losses any money. That's
23 what it's about. Makes it simple. I don't understand.
24 Thank you.

25 JUDGE MACK: Thank you, Mr. Krentz.

1 MR. KRENTZ: It's already paid for.

2 JUDGE MACK: Darren Schmidt.

3 DR. SCHMIDT: My name Dr. Darren Schmidt,
4 I'm at 1117 Wines Drive, Ann Arbor.

5 JUDGE MACK: Can you spell your last
6 name, please?

7 DR. SCHMIDT: Schmidt, S-c-h-m-i-d-t.

8 JUDGE MACK: Thank you.

9 DR. SCHMIDT: Darren, D-a-r-r-e-n.

10 JUDGE MACK: Thank you.

11 DR. SCHMIDT: So I've been treating
12 electromagnetic frequency and radio frequency sensitive
13 patients for about four years, and they have costs
14 associated with that, and adding a Smart Meter, \$180 a
15 year fee to not having a Smart Meter is not fair at all.
16 And I see a lot of pain and suffering caused by Smart
17 Meters. I see it now in my practice.

18 It was already mentioned, Rule 15 and
19 R 460.115, customer meter reading. Utilities shall
20 provide each customer with the opportunity to read and
21 report energy usage provided the customer accurately
22 reports energy usage on a regular basis. A utility shall
23 provide postage-paid, pre-addressed postcards for this
24 purpose upon request. So the utility pays for that. Or
25 the utility may permit customers to report meters

1 readings on a secure company website by telephone or
2 other reasonable means. At least once every 12, months a
3 utility can obtain an actual meter reading of energy
4 usage to verify the accuracy of readings reported in this
5 manner. Notwithstanding the provisions of this rule, a
6 utility company representative may read meters on a
7 regular basis. That comes right from Michigan law.

8 And when the federal government passed
9 the 2005 and 2007 energy bills, which some of that money
10 is being used by Detroit Edison, it says there's -- it
11 says: The consumer must be offered the meter or request
12 a meter and opt in. So that's where I stand on this. We
13 should have at least a free opt-out and then no charge on
14 that. Thank you.

15 JUDGE MACK: Thank you, Dr. Schmidt.

16 Nancy Rose Gerber [sic]. If you could
17 state your name, spell your name, and your address,
18 please.

19 MS. GERLER: My name is Nancy Rose
20 Gerler, N-a-n-c-i, middle name Rose, R-o-s-e, last name
21 G-e-r-l-e-r, 1613 Dicken, D-i-c-k-e-n, Drive, Ann Arbor,
22 Michigan. I thank you for this opportunity to speak
23 before you.

24 I have many objections to the AMI
25 program, and the opt-out in specific. I have -- one of
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1 the things I find is that since this covers only
2 residential, not business, I question the applicability
3 regarding mixed-use buildings. Certainly in Ann Arbor
4 there are a number of buildings that are retail or
5 professional first floor, and multiple units on floors,
6 as well as multi-unit dwellings, as illustrated by
7 Lucille Doke's comments, people that may have banks of
8 meters that share dwellings with others. So it seems to
9 me discriminatory and that opt-out should be universal,
10 and the opt-out should be free. And in a supposed
11 free-market society, we here are subject to a monopoly by
12 DTE who has dictated a technology to its customers that
13 there is no federal and/or state mandate for, as has been
14 mentioned earlier. And there are many questions
15 regarding this technology and many objections, also, that
16 have been discussed.

17 But to impose a technology that has not
18 had any long-term studies on it in terms of its actual
19 efficacy, benefits, even longevity of the meters; the
20 analog meters, which illustrate an "archaic technology"
21 in the minds of some in fact appears to be some brilliant
22 technology as they seem to last indefinitely. The one on
23 our home has been there 45 years and seems to be
24 functioning perfectly.

25 The problem with these new Smart Meters

1 that are being put on, besides some of the safety and
2 health issues, is that they're also very vulnerable to a
3 number of interferences that could occur, anything from
4 hacking to electromagnetic pulse, solar flares, take-out
5 electronics, and we are headed in and are in a period of
6 increased solar activity now through 2013, which is going
7 to make these units vulnerable and make the grid even
8 more vulnerable to failing. So this is something that
9 has not been addressed here.

10 The analog meters have been reliable, and
11 yet there is no mention here of allowing consumers to
12 retain their analog meters, which would be quite the
13 savings since the Smart Meters and digital meters come at
14 great additional cost, and there's questionable longevity
15 as to upgrades, software, et cetera. So in terms of the
16 consumers and absorbing costs over time, we have no idea
17 what the cost to us will be, since we bear all these
18 costs.

19 Because the 2005 Energy Act allows
20 customers to opt in and effectively choose this new
21 technology and there isn't a mandate, it should not be
22 enforced upon us, and should certainly not be at an extra
23 charge to prevent what for many people will be
24 interferences and impact on their health, risks to
25 privacy, and many of the other objections that are being

1 brought up here today.

2 The MPSC Rule 460.115 that would allow
3 self-reporting of meters should be absolutely the mandate
4 here. And I believe that DTE's projection of only 4,000
5 customers opting out is greatly misleading, as I
6 personally have spoken to hundreds of people that don't
7 want these meters, and many people who have called DTE
8 and have been led along, told that there was an opt-out
9 list and the opt-out list was pulled and never existed,
10 and to ask citizens that are already suffering from
11 meters on their homes to wait to greatly into 2013 to
12 have any resolution is also inappropriate.

13 I would like to say, too, that there is a
14 great problem when you're dealing with neighbors, mesh
15 networks, and the overlay of this technology with the
16 many other technologies that exist out there, wireless
17 technologies, from cell phones to Wi-Fi to cable, and I
18 know that it is in violation of the FCC for any wireless
19 devices to interfere with existing wireless devices, and
20 I can state that since the implementation of Smart Meters
21 in my neighborhood, I have had interference with cordless
22 phones, television, remote control devices, and even
23 garage door openers. So to me, there is interference
24 that needs to be investigated as well.

25 The opt-out proposal is unacceptable in
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1 that it already adds to exorbitant fees incorporated in
2 the installation of the AMI program, no cost benefit
3 analysis has been provided to the MPSC, nor to the
4 public, no public benefit nor consumer savings can be
5 proven, but there's ample proof that an excessive
6 financial burden is already being placed on consumers in
7 the forms of charges and fees, as well as proposed large
8 rate increases that would include time of day and
9 critical peak pricing. You add on top of that the
10 extraordinary costs for the opt-out penalty, I think
11 that's far more than the market can bear, and I believe
12 that the opt-out has been set high and that DTE has done
13 a rapid install against the objections of consumers so
14 that they may double dip on this and get money for the
15 opt-out. People who do not want this program are already
16 paying for it in their bills, they should not have to pay
17 additionally, and we need a fast resolution.

18 As myself and my mother, we have
19 experienced deleterious health consequences as well that
20 never existed prior to the Smart Meter install in our
21 neighborhood. I do not have one on my home, I wish to
22 retain my analog meter. So I am a person of
23 extraordinary sensitivity and feel ambiently what's going
24 around.

25 We ask you to really, please, take all of
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1 our considerations with utmost seriousness, and I give
2 this to you with my utmost sincerity.

3 JUDGE MACK: Thank you, Ms. Gerler. I'm
4 sorry I mispronounced your name at the beginning.

5 MS. GERLER: No problem.

6 JUDGE MACK: Bethanni Grecynski.
7 Ms. Grecynski, if you could state your name, spell your
8 name, and your address, please.

9 MS. GRECYNSKI: Sure. My name is
10 Bethanni Grecynski.

11 THE REPORTER: You're going to have to
12 speak a lot louder than that.

13 JUDGE MACK: Really. You really have
14 to --

15 MS. GRECYNSKI: Sure. My name is
16 Bethanni Grecynski, B-e-t-h-a-n-n-i, last name
17 G-r-e-c-y-n-s-k-i, I live at 1423 West Huron Street,
18 H-u-r-o-n, Ann Arbor, Michigan 48103.

19 Energy companies say that Smart Meters
20 are an important part of the smart grid and a necessary
21 part of the green movement to save energy and help create
22 a cleaner environment. On the flip side, however, there
23 are millions of people around the globe with serious
24 complaints related to adverse effects that Smart Meters
25 have on energy costs, health, and privacy. DTE has

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1 enough money and power to use the media and company-
2 backed statistics to enforce the belief that Smart Meters
3 are both necessary and also completely safe, and that
4 those customers who prefer to opt out must at least
5 update to a digital meter and pay \$87 for a Smart Meter
6 de-installation, as well as \$15 every month thereafter
7 for meter reading costs. This supposed opt-out is so
8 hilariously deficient of value that it would be laughable
9 if it were not related to such a serious issue.

10 The problems with it are as follows, and
11 I will list for you.

12 1. DTE originally installed Smart Meters without
13 offering an Opt-Out Program or even mentioning
14 installation on its website, and now wants to charge
15 customers after the fact for Smart Meter removal costs.
16 These charges are a means to extort, intimidate and
17 dissuade any person from opting out of Smart Meter
18 installation. It is not the customer's responsibility to
19 pay the \$87 for de-installation; it is DTE's
20 responsibility to pay that bill as a result of their
21 deceitful installation procedures.

22 Secondly. The Opt-Out Program does not address DTE
23 customers that still have their analog meters. If they
24 do not have a Smart Meter yet, why should they pay for
25 de-installation when there is nothing to de-install.

1 Thirdly, the Opt-Out Program does not address the
2 fact that legally, as per and previously stated, the MPSC
3 Rule 460.115, customer meter reading, consumers can read
4 their own meters and send in the information, therefore,
5 there is no justification for the \$15 meter reading
6 charge every month.

7 The Opt-Out Program does not offer a
8 solution that involves analog meters, which are an
9 important factor to the equation. Instead, DTE offers us
10 digital meters rather than analog meters as the
11 replacement option. As DTE states in its description of
12 the opt-out, and I quote: "Customers electing to opt out
13 and who already have a transmitting AMI meter installed
14 at their premise will have their meter changed to a
15 non-transmitting AMI meter. Opt-out customers who have
16 not had their current meter replaced by a transmitting
17 AMI meter at the time they request to opt out will
18 temporarily retain their current meter until such a time
19 as AMI meters in their area are installed, and
20 subsequently will receive a non-transmitting AMI meter.

21 The problem with these non-transmitting
22 digital meters is that while they do not transmit
23 wirelessly, they still emit dirty electricity that is
24 dangerous to health, especially for children and immune-
25 compromised individuals. And like Smart Meters, they

1 record energy usage in real time to be posted online,
2 which is a blatant invasion of privacy and makes the
3 customer susceptible to hacking, as well as theft.

4 DTE claims that analog meters have become
5 obsolete, but the real issue here is that analog meters
6 do not record realtime data online, so DTE can not extort
7 a customer with ridiculous peak-hour rates if they still
8 have their analog meter.

9 I ask you, why isn't anyone providing
10 protection against the monopoly of DTE when it is so
11 obviously using Smart Meters as a method to extort its
12 customers on the false grounds that it is all towards the
13 effort to "conserve energy".

14 As the State of Connecticut Attorney
15 General George Jepsen states: The pilot program results
16 showed no beneficial impact on total energy usage, and
17 the savings that were seen in the pilot were limited to
18 certain types of customers and would be far outweighed by
19 the cost of installing the new meter systems.

20 DTE can say that analog meters are
21 obsolete all it wants, but analog meters do not provide
22 energy companies the means to overcharge its customers
23 peak rates and are not susceptible to hacking, explosion,
24 or widespread power outages like Smart Meters or digital
25 meters. Advertising analog meters as obsolete is

1 convenient and convincing, but in the end, just another
2 ruse to pull the wool over the public's eye.

3 It is both unreasonable and abusive for
4 DTE to install Smart Meters as quickly as possible
5 without even posting it on the DTE website until after
6 the fact, then dissuade concerned customers from opting
7 out via ridiculous and ungrounded charges, and finally,
8 to demand that those people who actually can spare the
9 cash to opt out must replace their analog meters with
10 digital meters, which are still harmful to health and
11 privacy.

12 The Opt-Out Program must be free and
13 include analog meters, I repeat, free and include analog
14 meters in order for it to be any sort of real solution to
15 the problem. The Opt-Out Program that DTE offers as it
16 stands now is a joke. Thank you for your time.

17 JUDGE MACK: Thank you, Ms. Grecynski.

18 Alice Benbow. Ms. Benbow, if could you
19 state and spell your name and your address, please.

20 MS. BENBOW: My name is Alice, A-l-i-c-e,
21 Benbow, B-e-n-b-o-w, like Admiral Benbow. For fear of
22 retaliation, I want it on the record I refuse to give my
23 address.

24 JUDGE MACK: Go ahead, please.

25 MS. BENBOW: Next thing, thank you for
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1 having the meeting here today. I do sincerely believe
2 it, that this is a very good forum, I just wish the venue
3 had been a lot bigger.

4 I quite honestly couldn't end up sleeping
5 last night with what was taken in.

6 Do I present the stuff to you or what?

7 JUDGE MACK: No, you don't present
8 anything to me. This is just an oral statement at this
9 point.

10 MS. BENBOW: Basically a government-
11 granted monopoly, also called a de jour monopoly, is a
12 form of coercive monopoly by which a government grants
13 exclusive privilege to a private individual or company to
14 be the sole provider of a commodity. Potential
15 competitors are excluded from the market by law,
16 regulation, or other mechanisms of government
17 enforcement. O.K. What we have here is a government-
18 granted monopoly.

19 Secondly, here's my poster of King Kong
20 saying the love of money is the root of all evil. O.K.

21 You might be over the meeting today, but
22 basically God's in charge and he sees everything that's
23 going on right now, and the love of Maman right now
24 that's taking place is incredible. I'm very concerned
25 about the DTE PAC monies that have gone to different

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1 people. We have almost every politician, the attorney
2 general and everybody else all basically bought and paid
3 for. I want that on the record. I doubt seriously
4 there's going to be any kind of ramifications to this big
5 corporation whatsoever. I want it on the record that I
6 want full disclosure of any and all political parties,
7 functions that they've gone to for these different
8 people. I want it on the record I want to know what kind
9 of stock options some of these people have been given who
10 are in office. I want it on the record, any of these
11 people who are in office, any of their family members who
12 have had any stocks given to them. O.K. This very
13 serious stuff that we've got going on.

14 I agree with the lady that spoke earlier
15 dealing with the extortion. Right now I've known
16 people -- I'm a social worker by trade, I've known people
17 who can't even afford their electricity right now as it
18 is. This is Michigan. Right now these places that
19 people go to in order to get assistance because they
20 don't have enough money to pay their bills, they're out
21 of funds until the beginning of the year. This is
22 criminal. These are people who already can not afford
23 their bills. Electricity and heat are, you have to have
24 them. This is Michigan. This is Michigan.

25 I ask every single one of you to remember
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1 that you had parents who loved each other well enough to
2 go ahead and give birth to you. You're probably mothers
3 or fathers. These meters are deadly. They're cancer
4 causing. They are cancer causing. As part of a bigger
5 picture, it leads to stunted growth and development, the
6 United Nations Agenda 21. This is heavy duty stuff. Are
7 we really going to allow corporate greed to take over and
8 basically kill off people, to cause the lady with the
9 pacemaker, people with headaches and everything else to
10 keep having problems. This is wrong.

11 Whatever your decision is, God is going
12 to judge you for it and you got a choice here: Are you
13 going to choose the god of Maman or are you going to
14 choose the God, the creator of the heavens and the earth
15 here?

16 Next thing. Here's more of the
17 contributions here with the PAC and stuff.

18 JUDGE MACK: Ms. Benbow. Ms. Benbow.

19 MS. BENBOW: Yes.

20 JUDGE MACK: We're here on the Opt-Out
21 Program.

22 MS. BENBOW: I understand, but --

23 JUDGE MACK: No, no, you don't
24 understand, and please let me say what I have to say. We
25 have people who want to make a statement. You've already

1 indicated the political contributions. I'm going to ask
2 you at this point to limit your comments to the
3 application proposing the Opt-Out Program.

4 MS. BENBOW: Everybody should be allowed
5 to opt out, everybody should be able to read their own
6 meters and submit the information in, and nobody should
7 be forced to end up having to have the Smart Meters, as
8 what was stated after a city council meeting by a DTE
9 employee, that everybody would have to have it. O.K. I
10 ask for the people who have taken a sworn oath of office
11 to not shirk their responsibilities to the people and to
12 do the right thing. Thank you.

13 JUDGE MACK: Thank you.

14 Anna Janek. Ms. Janek, one second, don't
15 start yet.

16 Ms. Benbow, what are you doing?

17 MS. BENBOW: I was -- you said earlier to
18 go ahead and have things that were written down, to go
19 and present them.

20 JUDGE MACK: No. What we were asking for
21 is anybody who's reading a statement, to submit it.

22 MS. BENBOW: O.K. I'm sorry.

23 JUDGE MACK: This is not the time or
24 place to submit other documents.

25 MS. BENBOW: O.K. I'm sorry.

1 JUDGE MACK: Thank you.

2 Ms. Janek, if you could state your name
3 and spell it for the record, please.

4 MS. JANEK: Anna, A-n-n-a, Janek,
5 J-a-n-e-k. 4429 Crestdale, West Bloomfield, Michigan
6 48323.

7 JUDGE MACK: Thank you.

8 MS. JANEK: It is not fair, it is not
9 ethical business practice to force something on
10 consumers, especially something harmful to people like
11 Smart Meters. Even worse, to come here begging and maybe
12 bribing the legislatures to help you to rob your
13 customers of their money, of their health, of their
14 rights.

15 Personally, there are noticeable damage
16 to my body. It's disruption of my sleep, hot flashes,
17 and harder to concentrate and to focus.

18 I want my analog meter back. My digital
19 meter -- no digital meter which sends the dirty
20 electricity to the house, it's Smart Meters just minus
21 radiation. No extra money for DTE. I can check my own
22 and send, and send -- and call in the results.

23 And also, I'm very disgusted about this
24 proceeding. Before you were just talking, you know, and
25 making like deals. It doesn't even matter if we are

1 speaking here, you know, the result is going to be
2 whatever you want to do. I'm just disgusted. And nobody
3 cares that people are suffering, including me. And
4 nobody has the right to destroy my health.

5 JUDGE MACK: Thank you.

6 David Lonier.

7 MR. LONIER: David Lonier, L-o-n-i-e-r,
8 1842 Commonwealth, Auburn Hills, Michigan.

9 There's serious problems here. These
10 meters were not requested, nor are they replacing meters
11 that are defective or malfunctioning. In that sense,
12 they are being forced upon us, and therefore, they are a
13 form of extortion. In other words, the option we have
14 now is to either take it or take a meter that is
15 basically no different than the one we have that, the
16 only difference, it doesn't emit radioactive E, but it
17 could be transferred to do that. The meter that we have,
18 the analog meters, we're not allowed to have now, it's
19 DTE wants to eliminate them.

20 The problem with this, it violates our
21 rights and laws. Certain laws are put into effect to
22 protect us, and these are the laws that are violated.
23 The Michigan Consumers Protection Act says that you can
24 not replace, that DTE or anybody else, or Detroit Edison
25 can not replace a product or service that is not proven

1 to be defective or malfunctioning. And secondly, it says
2 that they can not force someone to take something that is
3 not requested. Secondly is the precautionary principle
4 of proving no harm or deprivation of rights before
5 deployment. There has been no proof that these meters do
6 not violate our rights, nor has there been any proof that
7 they don't harm us.

8 The next law that it violates is the
9 Fifth Amendment -- or I'm sorry -- the Fourth Amendment,
10 the right to privacy, and the Fifth Amendment, the right
11 to life.

12 Next violation is the collusion between
13 the Michigan Public Service Commission, Detroit Edison.
14 When they get together, the Public Service Commission is
15 protecting a monopoly, and that's in direct violation of
16 the Sherman and Clayton Antitrust Acts.

17 Next is the RICO Act, Title 18, 1961,
18 against extortion. Those laws are being violated, and we
19 have the right to be protected by them.

20 This scheme is unlawful beyond belief.
21 We as Americans and Consumers demand that we either
22 retain the analog meters or have the option to have the
23 meters replaced with analog meters at no cost. Thank
24 you.

25 JUDGE MACK: Thank you, Mr. Lonier.

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1 Dr. Donald Hillman.

2 DR. HILLMAN: Thank you, your Honor. My
3 name is Donald Hillman, I live at 750 Berkshire Lane in
4 East Lansing, Michigan. I'm a retired professor of
5 animal science from Michigan State University, and I have
6 served in this forum many times.

7 And I would refer back to -- my concern
8 here is with regard to the reliability and the validity
9 of the measurement procedures adopted by the MPSC
10 officials, MPSC Staff and the utility staff, and the
11 standards relative to toxicity concerning intensity of
12 electromagnetic fields radiating from the AMI Smart
13 Meters. This has economic consequences and costs. So I
14 would ask here if DTE has made any provision to provide
15 insurance or to warranty the claims that they're making
16 that these meters are not harmful.

17 I know that they have already sued at
18 least two families who removed the Smart Meters and
19 replaced them with ordinary meters because they had made
20 electrosensitive members of the family ill.

21 O.K. So I want to go back to the matter
22 of standards radiating from the AMI Smart Meters and the
23 measurement of those. My opinion is based on facts
24 stated herein. I concur with attorney general exceptions
25 to ALJ decisions rendered in Case U-11684 and No. U-13934

1 by Attorney General Michael Cox on behalf of former
2 Attorney General Frank Kelley and Governor Jennifer
3 Granholm. The UMSC [sic] chose to ignore their decisions
4 and mine.

5 Before the MPSC can determine whether or
6 not a Smart Meter is distributing high radio frequency
7 current, it is important that they, their employees and
8 their hired investigators use a meter that will measure
9 the total digital waveform to discover all this
10 distortion of the 60-hertz waveform often by other
11 voltage frequencies riding on the 60-hertz waveform, such
12 as you could expect to get from the Smart Meter.

13 I document this, that in 1994, the
14 Wisconsin SVAT, or Stray Voltage Analysis Team, made the
15 choice that a SVAT investigation would include only volt
16 peak, not volt peak to peak, and that decision was
17 adopted by the Wisconsin Public Service Commission, as
18 well as by Minnesota and Michigan Public Service
19 Commissions. All three states' utility commissions
20 measured with instruments such as the modified SVM-10,
21 which measured only half of the waveform, thus giving a
22 false reason. Since the utilities' volt meters do not
23 read peak-to-peak values, they use average peak readings,
24 missing the distorted waveforms and report 25 to 50
25 percent below the true RSM readings as published in Barry

1 Kennedy's Power Quality Primer -- and I forgot to bring
2 the book, but it's right there -- published in 2000,
3 pages 180 to 184, and the copy is attached in my document
4 that is already filed with this invitation.

5 Dr. Douglas Reinemann revealed in
6 testimony for MPSC Docket No. 11684 an Exhibit R, for
7 Reinemann, DJR-26, on page 3, the copy is attached, that
8 a transient will be described with the following
9 parameters:

10 Peak voltage, the maximum voltage of the
11 half cycle having the greatest excursion from zero,
12 either positive or negative, zero to peak. Now those
13 people of you who know what I'm talking about, that would
14 be clear, but means they're only measuring half of the
15 voltage transient.

16 O.K. The use of volt meter measuring
17 instruments that measure only peak voltages helps to
18 explain why Midwest Utilities and the PSC-hired
19 investigators failed to record voltage in currents that
20 exceed PSC straight voltage limits as adopted in MPSC
21 Docket No. 13934. That happens to pertain to dairy
22 herds. The courts must decide if the practice is
23 fraudulent and if MPSC officials and utilities are
24 committing malfeasance.

25 That's the end of my statement, your

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1 Honor.

2 JUDGE MACK: Thank you, Dr. Hillman.

3 Paul Smith. Mr. Smith.

4 MR. SMITH: Good afternoon. Paul Smith,
5 11112 Dill Drive, Sterling Heights, Michigan.

6 I'm a newly elected Sterling Heights city
7 council member, one of seven members of city council, and
8 I'm appearing today in my capacity as a citizen, as I'd
9 have to have three more council members with me to make
10 this a matter of official business.

11 I was inaugurated as a city councilman
12 November 15, 2011, only a few months ago. Prior to my
13 inauguration, quite a few people came to our council
14 meetings and asked for help from council to defend them
15 from Smart Meters, and told us a lot of the dangers of
16 Smart Meters. They had been ignored up to the time I got
17 on council, but as my first act as a councilman, I made a
18 motion to ban Smart Meters from Sterling Heights, and I
19 think it was a well-composed technical description of
20 what a Smart Meter was that was designed to outlaw and
21 ban the functionality of a Smart Meter and circumvent the
22 tactic of renaming a Smart Meter something like an Itron
23 Centron Digital Meter, basically a Smart Meter by another
24 name or Smart Meter which has not yet been activated with
25 the automatic shutoff features and the ability to change

1 your rate to numerous different rates according to the
2 electric company's reckoning of what peak usage is. I
3 guess they've talked as if there'd just be normal and
4 peak usage, but we're not really limited to just one rate
5 structure, we could have a normal, a base, a peak, a high
6 peak, extreme peak, really no limit to how they could
7 charge for electricity.

8 Since this issue came up, I've talked to
9 people from other areas that say when Smart Meters go in,
10 your bills go up on the order of three to four to even
11 seven times what they were before. And I guess we can't
12 talk about whether it's underlying rate changes or just
13 the Smart Meter at fault, but whatever it was, it ends up
14 in a, basically a huge shift of money from the consumer
15 to the electric company. It's very obvious why they're
16 able to pay a lot of legal fees to defend this because
17 there is a lot of money, a lot of money at stake here.

18 That issue was put on the agenda November
19 15, 2011. On January 3 of 2012, we had the big showdown,
20 the big vote on it, and as our minutes, which are
21 available online and video recordings of our city council
22 meetings online, will indicate, there's quite a few
23 citizens that showed up at the meeting, and maybe with
24 the possible exception of one, that I think the only
25 person that wasn't out and out against the Smart Meter

1 said, well, he could approve it if there was an opt-out
2 clause, everybody else was flat out against it. DTE was
3 represented by a delegation of three people, including
4 government affairs, director of government affairs, Mike
5 Chriss, Mr. Bob Sitkauskas, manager of advanced metering
6 infrastructure, and Sidney Norland (ph), director of
7 renewable energy, who to my knowledge didn't say anything
8 at the meeting. But the key element of this meeting,
9 Mr. Bob Sitkauskas -- and nobody at the meeting could
10 ever pronounce his name, they just called him Bob --
11 assured the city they have no plans to install any Smart
12 Meters in Macomb County or the City of Sterling Heights
13 until 2016. They went on to assure that there would be a
14 year of notice before any Smart Meters were installed in
15 Sterling Heights, which would give us two weeks to put
16 through a motion against it. Based on Mr. Sitkauskas's
17 repeated reaffirmed promise that there'd be no Smart
18 Meters in Sterling Heights or Macomb County until 2016,
19 my motion was kind of watered down and weakened to say
20 that the City of Sterling Heights would require an
21 opt-out clause, and that passed seven to nothing.

22 I believe that an opt-out is just plain
23 that, an opt-out, I don't want it, I won't have it. An
24 opt-out is not a buyout. What we have here is a plan
25 that costs you \$267 in the first year to buy out. See, a
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1 buyout is not an opt-out. For a low-income customer, a
2 frugal user of energy, we're talking about four to six
3 months of electric bills to not have the Smart Meter, and
4 nobody yet to this date at this meeting has mentioned if
5 you opt out, what rate do you pay. Do you pay the old
6 base rate or a new opt-out rate that DTE contrives to
7 penalize you even more for not paying the inflated rates
8 during the period of peak energy. But we still need to
9 get on the table for those that opt out and pay the \$267,
10 what then is your electric rate. That is not, has not
11 been mentioned.

12 From people out of town that talk about
13 this, I have one client that said, well, the peak rates,
14 what is it, 4:00 to 7:00 p.m. is the peak rate; no, the
15 peak rate is whenever the electric company says that
16 their generating capacity is approaching a peak, so that
17 gives the customer no way to know when or if the peak
18 rate is ever being approached. And furthermore, there's
19 no incentive to increase generating capacity; since the
20 electric company gets to charge peak rate during peak
21 usage times, they would basically keep their capacity low
22 so they're always at peak rate, so you always pay this.
23 I've heard that's supposed to save the planet and reduce
24 energy by giving people the ability to conserve, but if
25 you're a working man that comes home at 4:00 o'clock on a

1 hot day, you crank up the air conditioner, cook dinner
2 and watch television, do your wash, you have no ability
3 to use electricity at another time unless you're a
4 retiree or somebody that's independently wealthy that can
5 restructure your day to operate in the middle of the
6 night. So this business that this peak hours is somehow
7 going to motivate customers to save money is in the same
8 category as how \$4.00 a gallon gas would save fuel
9 compared to \$1.00 a gallon. Looks like when you drive to
10 Lansing, you still drive to Lansing even at \$4.00 per
11 gallon.

12 I guess in conclusion, I think this is a
13 huge political issue that cuts across democrat,
14 republican, and independent lines, that this is, there's
15 only one line here, the line between the residential
16 electric customer, the person that pays the bill, and the
17 richest, most powerful government monopoly, government
18 franchise monopoly in Michigan, DTE, that if they're on
19 the wrong side, whether it's Governor Snyder, Secretary
20 of State Ruth Johnson, Attorney General Bill Schuette,
21 your representatives, senators, even Supreme Courts,
22 cities, counties, townships, this is a termination-of-
23 career issue, that if you're on the wrong side of this,
24 it's like a brand on your forehead. You sided with DTE,
25 not the people, it's an end-of-career political issue,

1 and I think that goes for political dynasties, too, like
2 the Rocca and Switalski families that own seats in the
3 legislature handed down through the generations. This
4 will not be forgotten.

5 And I want to return this Christmas tree
6 ornament to DTE, that, you know, they can't buy my vote
7 with a Christmas tree ornament. I know DTE --

8 JUDGE MACK: Councilman. Council man,
9 please. Address your comments to the issue.

10 MR. SMITH: I'm sorry. I really want to
11 be clean on that, though. I don't want that Christmas
12 tree ornament to haunt me.

13 But DTE sponsors or they kick in some
14 money to events in Sterling Heights, like Sterlingfest or
15 Relay for Life, and they're always listed as a
16 contributor, but I guess somebody that does \$4 million a
17 month business in Sterling Heights, a few bucks to
18 charity is like a nickel in the collection basket. Thank
19 you very much.

20 JUDGE MACK: Thank you, Councilman.

21 Marguerite, I have no chance of
22 pronouncing that last name. I'm sorry.

23 MS. GWIZDALA: Gwizdala.

24 JUDGE MACK: You are going to have to
25 spell that name, please.

1 MS. GWIZDALA: Certainly. G, like good,
2 w-i-z-d, like dog, a-l-a.

3 JUDGE MACK: Go ahead.

4 MS. GWIZDALA: My home is 9870 Seltzer
5 Street, that's S-e-l-t-z-e-r Street, Livonia.

6 I wanted to mention that the meters we've
7 had all these years, DTE has admitted there's nothing
8 wrong with them, they work just fine. Our contract with
9 them is that they will service these meters, so servicing
10 the meter is what I would always expect that they honor
11 that contract. That's what I have now, and that's what I
12 want to keep. There was never any discussion about
13 something completely different than them telling us they
14 are not trespassing on our property to change the meter,
15 they're not changing meter for meter, they're putting
16 something else completely different on there that has
17 different technology.

18 And they're also not considering the fact
19 when they're talking about they think that it's very
20 safe, they may be talking about with one meter used at
21 one time that they don't feel is very unsafe, but when
22 you combine all the meters in the neighborhood and three
23 on everybody's house, they're not getting readings like
24 that, they did not get any independent studies that said
25 that; they made that up themselves that they say it's

1 safe, because over 2000 scientists worldwide disagree
2 with all the things they've been saying about safety, and
3 that's been demonstrated here today by several people.

4 I believe it's very easy to just fill a
5 note out, the numbers out every month or whenever it's
6 due to have our meter, to qualify for the meter being
7 read, or they can come once occasionally to verify that
8 it's probably been correct numbers; that should be very
9 inexpensive. And then also we don't, we don't have to
10 worry about anybody complaining of animals. They make
11 excuses that maybe there are dogs in the neighborhood,
12 reasons like that that this meter makes it better for
13 them.

14 They have been telling people that they
15 would cut their power off if they did not accept this
16 meter. Now, this is only one, only one of the untruthful
17 statements they made. I didn't want to use that other
18 word that explains that. But it is not truthful to say
19 that. I personally spoke with Senator Tupak Hunter, and
20 he said, whoever told you that; I said, well, a friend of
21 mine said that DTE told them they would shut their power
22 off if they did not accept the meter. He said, you tell
23 me if that happens, because that is not within the law.
24 He said, they can not do that. If the people are paying,
25 if the customers are paying their bills, they can not

1 shut it off. And I know many people complained that they
2 were intimidated, they had to accept the meter because
3 they did not want to lose their power. So I thank you
4 for anything you can do about this.

5 I absolutely do not want that meter. It
6 makes me think about having a microwave out there without
7 the case around it and the radiation. It is a microwave
8 radiation specs, it's not -- they keep telling us RF like
9 radio; well, it's in the microwave frequency, so I don't
10 believe it's safe. Thank you.

11 JUDGE MACK: Thank you for your comments
12 today.

13 And another one where I really can't make
14 out the handwriting. Suzanne Yarbrough. Is that
15 anywhere --

16 MS. YARBROUGH: That was great.

17 JUDGE MACK: What is it?

18 MS. YARBROUGH: Yarbrough, Suzanne
19 Yarbrough.

20 JUDGE MACK: Oh, O.K.

21 MS. YARBROUGH: S-u-z-a-n-n-e
22 Y-a-r-b-r-o-u-g-h. 33428 Richland Street, Livonia,
23 Michigan. Do you need the zip?

24 JUDGE MACK: Go ahead, Ms. Yarbrough.

25 MS. YARBROUGH: All right. There is
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1 nothing wrong with my analog meter. I as a homeowner and
2 other homeowners that are here should not be forced to
3 opt in or out of the Smart Meter program. I did not sign
4 a contract to have a Smart Meter. That's like making me
5 buy a new Cadillac when my old car is fine, there's
6 nothing wrong with it, and attaching monthly fees to
7 check the tires on my car. Why should I have to pay a
8 monthly fee if I don't want a meter, Smart Meter.

9 And all these people that are speaking
10 about health concerns, and I've met four people that have
11 become ill with their Smart Meters, and I know for a fact
12 that my cousin that lived in West Bloomfield had a
13 pacemaker, which Bob Sitkauskas from DTE said, we don't
14 know what the Smart Meter does to pacemakers. Well, if
15 they don't know what it does, why should they even be
16 implementing the Smart Meter. No.

17 Here's an example of good technology,
18 they think their technology so great, well, here's a good
19 example of government-mandated air bags. I was hit in
20 the head with an air bag at 200 miles an hour, and that's
21 really good technology. And I don't trust a government
22 telling me that these Smart Meters, I don't trust Bob
23 Sitkauskas telling me they're safe. Where's the proof?
24 Where's the independent studies that these meters are
25 safe? I never see it. I called DTE all the time, I

1 called the MPSC about it; I said, where is the proof
2 about these meters being safe. I never get any answers.
3 He quoted the FCC safety standard, some safety standard
4 that was already 30 years old. It really doesn't apply
5 to this technology. I would like an independent study --
6 where is my rights as a human being -- an independent
7 study showing that they're safe. If all these people are
8 saying that they're not safe and they're feeling sick
9 from it, why should anybody have to have it in their home
10 or their neighborhood. Thank you very much.

11 JUDGE MACK: Thank you, Ms. Yarbrough.

12 Deanna Hilbert. Deanna, I believe it
13 starts with an H-i-l.

14 O.K. Steve Willis.

15 Ron Yarbrough.

16 MR. YARBROUGH: Ron Yarbrough, 33428
17 Richland, Livonia, Michigan. That's currently an analog
18 address.

19 Myself, I never opted into a contract
20 with DTE for a new Smart Meter. In order to opt out, I
21 would have had to opt in in the first place. So the fee
22 of \$87, 15 a month, does not apply in my case because I
23 never opted in. I will just keep my analog meter and
24 take my own readings and send them in, or DTE can send me
25 an estimated bill based on prior usage.

1 Also, the Michigan Consumer Protection
2 Act of 1976 says, MCL 445.903, it says: Unfair,
3 unconscionable, or deceptive methods, acts, or practices
4 in the conduct of trade or commerce are unlawful and are
5 defined -- that's enough of that.

6 This is all part of the Agenda 21 plan
7 for smart growth. That's all I got to say.

8 JUDGE MACK: Thank you, Mr. Yarbrough.

9 Leslie Panzica-Glapa. You can probably
10 start by telling me if I got your last name wrong.

11 MS. PANZICA-GLAPA: It was perfect
12 actually.

13 JUDGE MACK: Oh, O.K. Thank you. Could
14 you spell it, please.

15 MS. PANZICA-GLAPA: L-e-s-l-i-e
16 P-a-n-z-i-c-a hyphen Glapa, G-l-a-p-a, and I live at 8010
17 Base Lake Drive, Dexter 48130.

18 And I wrote a poem as I was waiting to
19 get into this hearing. I might have to leave out one
20 word, I'll just -- it's called Smart Meter by Leslie.

21 Take out the Smart Meter, please, so my
22 16 year old son Drew and I can sleep. They promised me a
23 call back, DTE RCR, ha. Should I set up a tent or sleep
24 in my car, sleep deprivation makes me feel like I've been
25 at the bar. I don't want to smash my Jeep, I just want

1 to be able to sleep. Ringing ears, headaches from
2 microwaves, please take out -- off the Smart Meter so I
3 can be saved. I just want to be able to sleep. I just
4 want to be able to sleep. It all started on July 18, I
5 lay in bed feeling like a current going through my head,
6 feelings of torture, and I weep, I just want to go to
7 sleep. I just want to go to sleep. Thanks.

8 JUDGE MACK: Thank you.

9 I've come to the end of the list of
10 individuals who want to speak. Is there anyone who would
11 like to speak before we conclude for the day? Yes,
12 ma'am, come up, please.

13 DR. GARCIA-ROBERTS: Yes, I want to look
14 at everybody. Gentlemen, ladies, Doctor.

15 JUDGE MACK: Hold on. What's your name?

16 DR. GARCIA-ROBERTS: Dr. Margarita
17 Garcia-Roberts.

18 I wrote a letter to the Commission, and I
19 highlighted what I wanted to say, and I'm going to use
20 this to keep my memory going because I haven't had lunch.
21 But I'm writing regard to this opt-out, and the reason I
22 don't want the opt-out is my analog meter is working
23 fine. I have never had a repair to it in the 25 years it
24 has been on the wall of my condo. So why have the Smart
25 Meter? I don't remember ever receiving in my Detroit.

1 DTE bills either a notice that the Smart Meters were
2 coming.

3 And just as an aside, I remember in 2003
4 when we had the blackout and everybody was like, you
5 know, crying about this grid, it's so old and it's this
6 and that and the other, I haven't had any notice either
7 of the grid being updated, which we find out currently.

8 Over Labor Day weekend, I went to see my
9 family in Chicago and I told my son I was going to be
10 involved in this hearing. And he said, mom, he says,
11 there was a lot of fires; and I said, oh. So I did some
12 quick research. There were 12 fires in Pennsylvania
13 attributed to Smart Meters; and I thought, well, how can
14 that be. The newspaper account said there were -- I'm
15 going to follow this more deeply -- 12 fires in
16 Pennsylvania, 3 in Chicago, and this was the August 30
17 issue of the newspaper that I read, this account. And it
18 said these three fires were associated with Smart Meters.
19 And I'm thinking, that meter is on the wall of one of my
20 bedrooms in my two-bedroom condo, and I'm thinking,
21 fires, it's not easy to get away from a fire when you're
22 asleep at night. So there's -- there are safety issues;
23 fire, shorts and whatever; there's health risks; and
24 there's the privacy one, too.

25 It's disturbing to me, growing up in

1 Chicago like I did with the Chicago Police and riots when
2 I was a girl, watching people burn everything down, and
3 I'm thinking, you know, wow, this can't be Chicago. I
4 saw the Democratic National Convention on Michigan
5 Avenue, and the police were beating on kids in 1968, and
6 I'm thinking, this can't be Chicago. It was. So the
7 corruption, deceit, et cetera, it exists everywhere, and
8 we have to be on top of it, and not be easily persuaded
9 into a, into a trusting mood. Safety, health,
10 disturbing.

11 The reason I brought up the riots,
12 watching the riots in Chicago and the Democratic National
13 Convention is I don't trust people in my house. I don't
14 want anonymous people having access to my movements and
15 my habits in my house. When I turn on my microwave, when
16 I shut off my lights, when my alarm clock, my radio alarm
17 clock goes off, when the air conditioner goes up or down,
18 these movements can be tracked, and they can be
19 associated with behaviors; and I'm thinking to myself,
20 why.

21 And then why would we want to pay a peak
22 premium? As was said earlier, most of us work, we come
23 home at night, we cook dinner, we do the laundry, we run
24 the vacuum, we do whatever. I do this at night because
25 I'm working through the day, so my peak time is night.

1 In the daytime, nobody's home, that's a lesser rate.
2 Rocket science, right.

3 So I want to say, also, that we do not
4 know the long-term effects of certain things. And I
5 pointed out in the letter that I sent to the docket, for
6 example, tobacco: Tobacco we did not know that it caused
7 lung cancer, heart disease, emphysema, baa, baa, baa,
8 baa, whatever. We didn't know that. And later when
9 everybody was so sick and my father, World War II
10 veteran --

11 JUDGE MACK: Dr. Roberts, could you
12 please face the court reporter.

13 DR. GARCIA-ROBERTS: When my father was a
14 World War II veteran, he was issued rations of cigarettes
15 in these metal containers so they wouldn't be put his
16 pocket, wouldn't get wet. We did not know that it caused
17 lung cancer, heart disease, emphysema. Tobacco. Lead
18 paint, we didn't know the dangers of lead paint; they
19 were in cribs, children chewed on them, they got lead
20 poisoning, we didn't know that. We didn't know the
21 danger of silicosis, which is coal dust, miners,
22 long-term effects. Asbestos, we didn't know that either,
23 but we were working, people were working in mines, people
24 were smoking cigarettes, whatever. The Smart Meter, I
25 believe, I believe the Smart Meter is not good for our

1 bodies, the health risk. I don't think it's good for our
2 bodies.

3 And I want to emphasize to people today,
4 as was said earlier, the analog meter, I have had it 25
5 years on my wall on my condo without a single repair.
6 It's been working. And because it's no longer
7 manufactured seems to me a weak excuse, because in this
8 global economy, we can send to wherever, to China, to
9 Malaysia, to the Caribbean, wherever, and say, do you
10 want to make some money; make this meter. I think we can
11 do that.

12 So my last point is, if there is even a
13 hint of harm or injury to people, I don't think we can be
14 too cautious, too cautious at all in stopping Smart Meter
15 installations and looking at the long-term effects
16 through people that are not associated, have no interest
17 with DTE. So that's what I'm saying. Thank you.

18 JUDGE MACK: Thank you.

19 Anyone else have any comments? Come on
20 up, sir.

21 MR. CLARK: My name is Woody Clark, my
22 address is 19620 Park Lane, Grosse Ile, michigan 48138.

23 My question is, how many cities in
24 Michigan have gone on record opting out of Smart Meter?

25 Also, who are the players sitting up here, their names

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1 and their titles? That's it.

2 JUDGE MACK: Thank you, Mr. Clark.

3 Anyone else?

4 O.K. That will conclude the public
5 comment portion of this proceeding. I appreciate
6 everybody's time and attendance. And we are going to
7 close the record for the day. Thank you, everybody.

8 (At 4:36 p.m., the hearing adjourned to January 15,
9 2013.)

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C E R T I F I C A T E

I, Lori Anne Penn (CSR-1315), do hereby certify that I reported in stenotype the proceedings had in the above-entitled matter, that being Case No. U-17053, before Dennis W. Mack, J.D., Administrative Law Judge with Michigan Administrative Hearing System, at the Michigan Public Service Commission, Constitution Hall, 525 West Ottawa, Lansing, Michigan, on Monday, September 10, 2012; and do further certify that the foregoing transcript constitutes a true and correct transcript of my stenotype notes.

Lori Anne Penn, CSR-1315
33231 Grand River Avenue
Farmington, Michigan 48336

Dated: _____