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Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

Re: Docket 130223-EI – Final Comments on FP&L’s Petition for approval of optional non-standard meter rider – Addressing Staff’s Recommendation

Dear Commissioners,

I am writing to comment on Docket 130223-EI and request these comments be considered before your 1/7/14 meeting as well as be placed *once* on the public record for this docket in a timely fashion.

I have reviewed the tariff petition filed by FP&L, the data requests sent by Staff to FP&L and FP&L’s responses and the Staff’s Recommendation Report. I will present below why the Commission should not approve the FP&L petition or the Staff’s recommended revisions. As I have previously stated in my letters submitted to the Commission on the Smart Meter Workshop on September 20, 2012 as well as this docket in letters dated September 23, 2013 and November 22, 2013 (appearing in the consumer correspondence on the docket file), I object to any fees to retain my current analog meter. Justification of costs have not been made by FP&L or properly analyzed by Staff and significant issues are still unresolved. The Commission should set this tariff on hold and set up full evidentiary public hearings to address the issues presented by consumers as to cost, health and privacy and fully investigate the costs being presented by FP&L.

Staff’s recommendation:

Staff claims they did a proper review of FP&L’s filing and has recommended a slight change to the request:

One Time Enrollment Fee:

	FP&L	Staff	Comment
Customer care	\$11.30	\$8.06	(1)
Field Visit	\$77.06	\$77.06	(2)
Meter testing	\$5.00	\$5.00	(3)
Meter reading Workflow	\$11.98	\$4.79	(4)
Total	<u>\$105.34</u>	<u>\$94.91</u>	(5)

Monthly Recurring Costs:

	FP&L	Staff	Comment
Unrecovered up front costs	\$7.14	\$4.65	(6)
Manual Meter read	\$6.81	\$6.81	(7)
Meter Read OSHA & Vehicle	\$0.05	\$0.05	(7)
Billing & project Support	\$0.40	\$0.40	(8)
Collections & Disconnect	\$0.45	\$0.45	(9)
Physically Investigate Outages	\$0.10	\$0.10	(10)
Project Mgmt Costs	\$0.95	\$0.95	(11)
Total	\$15.90	\$13.41	(12)

- 1) Staff has reduced the number of customer care representatives after year 2. They justify this recommendation with the following statement:

“Staff believes the four customer care employees would be fully utilized only during the initial program set up period. After the initial enrollment period, the level of effort to support the opt –out program is expected to decrease. Staff suggests FP&L will need four customer care employees the first two years and the next three years only one employee.”

Although FP&L clearly states that the initial enrollment period (for which the bulk of the activity covered under this charge) is no more than 3 months (January 2014 to March 2014) as customers will either accept a smart meter or be charged a fee, staff has determined the enrollment period to be 2 years and based their adjustment on this 2 yr period with NO justification. If Staff believes that staffing after the initial enrollment can be accomplished with one customer care employee than why is the adjustment not made to allow 4 employees for 3 months and one thereafter? Where did staff get 2 years? Why didn't staff request FP&L to submit the estimated opt out transactions by month for the 3 year period for which FP&L was seeking costs? Wouldn't such data be needed to properly analyze this workload and justify the assumptions?

In addition, FP&L stated that customers would have the option to use a web-based service as opposed to using customer service. Customers who use the web service should get a reduced upfront fee that excludes the \$6.21/call cost. If they didn't cause the cost they shouldn't pay for it. Have two fee schedules, one for self-service and one for customer assistance in enrollments.

- 2) FP&L has stated in their filing and answers to Staff data requests that there are 24,000 customers on their “postpone list” and an additional 12,000 that have either barricaded their meter or refused access to their property to install a smart meter (I think it is safe to assume these people do not want the meters). So there are a total of 36,000 customers who have their old analog meter. FP&L also states in response to Question 10 of the first set of

Data Requests “Customers under the NSMR tariff will keep their current meters”. Why hasn’t the Staff challenged this portion of the upfront fee for the initial enrollment period? FP&L is stating that during the initial period this cost will not be incurred. If they are allowing customers to keep their current meter than a field visit to install a non-communicating meter is unnecessary and this portion of the costs should only take effect AFTER the initial enrollment period and only when FP&L is required to remove a smart meter and replace it with a non-standard meter. No one should be charged this fee in the initial enrollment period since FP&L did not alert its customers in their smart meter deployment communications that there was a postpone list. Many customers believe there was no choice. It is only fair that customers, who want to refuse a smart meter during January-March 2014, the initial enrollment period, should do so without charge. April 2014 and thereafter, if a customer wants to change their choice of meters, the charge would be appropriate as FP&L would actually incur costs to swap out the meter. Such charge should be made for ALL swap outs whether it is a change from analog to smart meter or smart meter to analog. That is truly keeping with FP&L’s assertion that all costs should be born by the “cost-causer”. By Staff not properly addressing this component of the upfront fee they are in a sense condoning fraud. FP&L will not need to visit my premise but they will be charging me for it. In the future FP&L may be swapping out analogs for smart meters and not charging the ‘cost causer”. They state in their responses that they do not intend to charge a customer for a field visit to install a smart meter who calls for new service but has an analog meter on their home. However, if a new customer calls and has an analog on there home and doesn’t want a smart meter, they will pay this charge even though FP&L does not have to come out a put an analog on the home. How does this make sense? How does this follow a charge the “cost causer” principle? I need a drink or Staff needs to stop drinking.

- 3) FP&L claims they will need to test the non-standard meters once every three years. I am not sure if this testing was performed in the past, as I have never seen anyone at my meter performing a test. How will the customer be assured his meter is being tested? The best way is for the Commission to allow the cost but only charge the \$15 when that service is performed. This could be included in the tariff and will ensure that if FP&L does not test your meter you will not be paying for something that did not occur.
- 4) FP&L claims that it will need to incur additional costs to change the workflow for meter readers. FP&L started their “postpone” list, by its own admission, sometime prior to August 2010. They are calculating 2 transactions – an “establish” and a “remove”. During the initial enrollment of this non-standard meter there is nothing to “remove” and we have already been “established”. This fee should not apply to the initial enrollees. It may have some validity after the initial enrollment.
- 5) Although both the Staff and FP&L state they believe in charging the “cost causer” for incremental costs they fail to review the proper NET incremental costs. Not one question was raised by Staff to explore what the variable costs to the standard service are and what costs would be avoided and not incurred for the 12-40 thousand customers that may elect to opt out. One such obvious item is the cost of the smart meter itself. If I am told I am keeping my old meter than FP&L does not have the cost of new smart meter. It is improper accounting to consider only the cost incurred to set up a non standard meter system and not consider the variable costs that will not be incurred because the customers did not take a smart meter.

- 6) Staff has reduced the non-recovered up front costs by requiring a 5 year amortization versus a 3 yr. But staff has never explored the validity of those costs. In Docket # 130160 FP&L revealed that approx. 6K smart meters have failed to communicate after installation. If the meter is unable to wirelessly transmit the reading to the Company then someone is going to have to go out to read that meter or estimated charges need to be made in order to bill for the service. I am a CPA with significant experience with developing billing systems and front ends. No billing system is built for one scenario, there is always various work arounds built in as you never know what is going to happen. FP&L is attempting to recoup some of its costs through this tariff that it would have incurred anyway. When there is a glitch in the smart meter for whatever reason will FP&L be utilizing (piggybacking) on any of these systems or meter readers they are building and charging the NSMR for? How are they billing the 6000 customers exposed under Docket # 130160 today? How are/were they planning to bill and service the customers that they admitted they have not yet deployed smart meters to in the Miami Dade area (see response to First set of data Requests, Question 2)?

The bulk of the upfront costs that is being amortized are for system changes, approx. \$2 million. In addition, FP&L is claiming they need more handhelds without explaining where all the old ones went. Regarding the system changes I cannot do a proper analysis because the contract is secret and was held from public view as "confidential". But \$2 million could be compared to 10-15 full-time programmers for a year. They must have hired the same firm that the Secretary of Health hired for the Obamacare website. There is just not that much code to write to justify that cost. You do not need a whole separate billing system, just a front end to get the readings in. You need just one empty field in your system/program to use to flag the customers and most big companies have such fields available. FP&L should already have developed most of what's needed to accommodate smart meters that fail to work, emergency situations and transitional circumstances such as Miami Dade. This cost is just an attempt to retrieve additional revenues and to keep the cost of opting out as high as possible to ensure that the 40K who do not want the smart meter is dwindled down to the 12K who are fortunate, like I, to be of sufficient financial means to afford it.

- 7) The cost of someone coming to your home to read a meter is a legitimate incremental cost. What the Staff failed to explore is whether it was a necessary cost. What are the alternates? It is not necessary to have a monthly meter read. I went 11 years not having a monthly read of my gas meter (located in the basement) in NY because of my work schedule. The company estimated the bill, asked for customer readings and once or twice a year I had to set up an appointment for an actual read by the gas company. It worked fine. There are two alternatives to avoid this charge but the Staff never explored them. Alternative # 1 is to have the customer submit manual self reads to FP&L with a once a year meter read visit to ensure no foul play or submit digital photos of the meter to verify the readings. Alternative # 2 would be to put the customer on estimated readings based on history with a once a year manual meter visit. I would contend that the once a year visit should not be charged. FP&L is placing their equipment on customer's property. It is their duty to ensure that such equipment (whether it be a smart meter or a NSMR) is in good working order and should be as a matter of routine physically inspected annually. The verification of the customers reading can be taken at this time at no costs or minimum cost. Since the inspection should be for all meters (smart or NSMR) there would be no "cost causer".

- 8) This cost appears out of line. FP&L intends to have an initial enrollment period of Jan-March 2014. After that date the project is over and complete, yet they have continuing staff requirements for years.
- 9) This is where both FP&L and Staff talk out of both sides of their mouth. If you believe the “cost causer” should take the charge, not the whole customer base, then why would you support charging collection costs to all those choosing a NSMR? Why not propose a special collection fee for NSMR that go into collection? I understand that FP&L will incur costs to go out and disconnect a meter for non-payment since they will not be able to disconnect from the office like the smart meter. But why do compliant good paying customers need to bear the costs of nonpaying customers? FP&L should propose a charge for collection customers to cover their costs, not charge everyone.
- 10) One of the biggest fraud items with this “Smart Meter” stuff is the notion that sensors are needed on our homes to tell whether electricity is flowing or not. In my 30 years as a homeowner and electric utility customer I have never experienced ONE instance where my house did not have electricity but my neighbor did. The fact is that when electricity fails, it fails at the transformer level or substation level etc. – not at the individual home. If we have an electric failure I plan to stand by my meter and wait for the FP&L serviceman to come and check if my power was restored! This is stupid, as it will not happen. FP&L knows that when it gets the transformer fixed or whatever, the service will be restored to those homes. If they want they could revert to a charge like the telephone companies – “we will send a repairman out to check but if the problem is not our system and is in your inside wire you will be charged”. This method is closer to FP&L and Staff’s “cost causer” philosophy. If someone makes you come out because a circuit breaker in their home failed and they didn’t check it – then charge them for their stupidity.
- 11) Staff thinks it is fine to hire a \$136K/yr. fulltime person to oversee what? I have run many projects for large companies in my career and this charge is a joke! Once the initial enrollment period of Jan-Mar 2014 is over, what is this person going to do for 40 hours per week? You expect customers to pay \$.95/month for someone to do what? Has FP&L provided any support as to the types of issues this person will handle? Has FP&L been asked to provide any projections to support the number of opt-outs they are anticipating after March 2014? I would like this job. It’s like winning the jackpot and becoming the Maytag repairman.
- 12) In general, FP&L and Staff have purposely kept the cost of the opt out high (to eliminate some resisters who may be low income) by using the unsupported assumption that there will be 12,000 customers out of 40,000 that take the non-standard meter. The commission needs to understand that 40,000 do not want the smart meter and should instruct FP&L to submit the calculation using 40,000. If you consider the points above and the actual people who want to opt out, would that significantly reduce these costs? Yes it would. But the goal is to keep it high in order to discourage those to not disobey the State’s wishes.

In addition, it is highway robbery to allow FP&L to put a smart meter on a home that has contracted for a NSMR and then continue to charge them up to 30 days for something they are not getting! FP&L should be required to have non-standard meters on all their repair trucks that service areas with customers selecting this service. If there is an occurrence where they have to put a temporary smart meter on the home, FP&L should be required by

tariff to prorate the monthly charge for the days where the non-standard meter was not on the home.

Cost Causers and Non-Standard Service

Both FP&L and Staff use these terms in their documents throughout this filing. To an accountant, like myself, those phrases have meanings. But when you examine the past practice of the Commission you find it is just a game. Let me give you some examples. This list is not meant to be all-inclusive.

- a. Budget Billing – FP&L has a non-standard service for billing called Budget Billing. In order to offer this service, meant to help those who cannot properly manage finances and plan for bill fluctuations, FP&L needed to write programs and set up a process. Does FP&L charge a fee for this non-standard billing service? I could not find one on their website. So it can be assumed that all ratepayers paid for the costs of this nonstandard service. Can the Commission explain why it was determined that the “cost causers” should not pay for this service and such costs should be spread to all ratepayers?
- b. Spanish literature/Customer service – FP&L offers a special Spanish speaking customer service department as well as translates all of its materials into Spanish – including their Proposed Opt Out materials under this docket. FP&L does not charge for this non-standard material. Can the Commission explain why customers who are causing the cost (inability to speak English) are not charged a fee? Is the \$5000 included in the opt out costs really necessary – did FP&L even survey the 40K who refused to see if they need Spanish literature?
- c. Docket # 130160 is allowing FP&L to repair 400 customer meter enclosures that may be in need of replacement at no cost to the customer even though the rules state that the meter enclosures are the responsibility of the customer. Can you justify why all ratepayers are paying for the new meter enclosures of a few and why there was no fee levied to the cost causer in compliance with Commission rules?
- d. FP&L also offers special non-standard services to the blind and deaf at no additional fees. (Law may require this service. But the “State” often disregards the principle of “cost causer” when it wants to, doesn’t it?) Customers have written both FP&L and the Commission stating they were becoming ill from the EMF’s from the smart meter and some told you that they had pacemakers and other equipment and were advised by their doctors not to have a smart meter. Why is it the Commission does not have the same compassion for the electro-sensitive that it has for the blind and deaf? Are the electro-sensitive not covered under ADA and where was that matter addressed in Mr. Clemence’s Smart Meter Workshop Report? Did Staff consider or investigate a medical exemption? I have seen no evidence of it nor does the FCC prohibit such.
- e. Coming before the Commission is a recently filed Docket # **130286 -- Petition for approval of new commercial/industrial service rider by Florida Power & Light Company**. FP&L is asking permission that they can provide up to 50 special, secret (confidentiality agreements are required) pricing deals with large industrial customers. Will you throw cost causation principles out the window and approve it? What will

happen to these customers smaller competitors when you allow the big guys to use extortion to extract special deals? Will they be unable to compete with these “big guys” because Gov. Scott has given their competitors special tax breaks and the FPSC has given them special energy prices (or otherwise stated that the politicians and the regulators created an unlevelled playing field for their friends)? Weren’t your original tariffs for commercial and industrial customers driven off of cost principles and wouldn’t it be violating such principles to approve this petition for a special tariff by FP&L? I will watch it closely.

- f. In this current opt out filing; FP&L has clearly stated that if an individual buys a home that has an analog meter, after the original enrollment period, and they want a smart meter, there will be no charge. Even though FP&L will need to run a service tech out to that home, put on a new expensive smart meter and customer service reps will have to put that information into a system. There will be costs incurred, but the customer will not be charged a fee for that service visit. Per FP&L and Staff such costs should be charged to all ratepayers – under what principle?
- g. FP&L’s current smart meter includes a second transmitter called a Zigbee. It adds considerable cost to the meter. Its only purpose is to interface with smart appliances and Home Energy Management Systems (HEMS). Why did Staff recommend, and the Commission approve, the costs for the inclusion of this transmitter in all smart meters? All seem to agree that such HEMS will not be required. Why are all customers paying for something they will not be using? Why weren’t these types of meters (smart meters with zigbee chips) only deployed to those who take such services and appropriately charged to them as “cost causers”?

What I have found in my research is that when you obey the “State” and do what they want there is no penalty regardless of cost causation. But when you don’t obey the State, there will be penalties and all applicable financial rules apply. Oh Brave New World, 1984 has arrived at last.

Other Corrections /Clarifications to Staff Recommendations Report

1. Although Staff did ask the question in data request 1, question 10 to define ‘non-communicating meter’, FP&L failed to answer the question. They did not define what type of meter would be provided. This is a critical point that needs to be resolved. The Commission should look to California and Nevada who are ahead of Florida in this smart grid. The digital non-communicating meters continued to result in health difficulties for their customers. The non-Standard meter needs to be an analog meter and the tariff needs to specifically indicate what meter the customer is contracting for.

See Nevada <http://www.lasvegassun.com/news/2013/jan/09/nv-energy-customers-can-opt-old-style-meters/> and

California <http://lamesa.patch.com/groups/susan-brinchmans-blog/p/bp--puc-orders-pge-to-offer-analog-meters-as-smart-me4240b673a5>

2. Staff has not addressed the issue of multi-family dwellings. There is an issue of where such meters are located (banks of meters on one wall, affecting some residents more than others) as well as private property ownership. FP&L is stating that decision rests

entirely with their customer, not the property owner. The equipment is being placed on walls that may be jointly owned or owned by someone different than the customer. FP&L and the Staff need to address private property rights. FP&L has stated, “only the customer of record for a premise will have the option to elect the non-standard meter service for that premise” (petition, par 19). This violates private property rights. The owner(s) have the legal right to refuse the Network Management Equipment on their property. The Commission needs to address this issue before approving this tariff. The issue of the establishment of the Neighborhood Area Network was brought up at the Smart Meter Workshop and completely ignored by Staff and left unaddressed.

3. Data request 1, Question 3. FP&L claims they do not know what other utilities are doing and provides an incomplete record. For the record, this little citizen, cold e-mailed a Vermont group and within hours found out that Vermont, which has a legislative opt out, has a 4% opt out rate – see attached. I was surprised at first but the guy told me that they got the bill passed early and the activists stopped educating the public. Surveys say that most people don’t know they even have a smart meter on their homes. FP&L is not planning to alert all customers to this new tariff. The Staff is also not requiring them to alert all customers, why? Were all customers alerted to Budget Billing when it was introduced? The Commission should require FP&L to communicate this new non-standard service to all customers. Many customers believe they do not have a choice and are unaware there is a “postpone” list since FP&L did not include that information in their deployment postcards they sent out to “current residents”. Also owners of buildings who rent them out and may be the customer (include electric in the rent) are also unaware as “current resident” mail is not forwarded to owners of record who do not reside at the residence. Staff did not include an explanation as to why it is appropriate not to alert all customers of this new option.
4. FP&L states in response to second data request, question # 7 that “When the test year data was prepared in 2011, the company had less than 50 customers objecting to smart meters. Based upon the information available to FP&L at that time, the company did not plan for or project any costs associated with a non-standard meter.” I believe this is not the complete truth, or stated differently it is a lie. If FP&L had no intention of offering a non-standard meter they would not have established a postpone list prior to **August 2010**. FP&L is an industry big wig and participates in many of the industry forums and groups. One such group is the Association for Demand Response and Smart Grid (see this where Ms. Barbara Leary from FP&L is an active participant on panels <http://www.demandresponsetownmeeting.com/agenda/>)

This same group issued a National Action Plan Communications Plan Umbrella in July 2011. My professional experience tells me this was created not overnight but over at least a 6-12 month period. The plan shows what the big guys decided to do to avoid the nightmare California saw when they tried to force the meters on the public. See page 24 where they write

“ For customers who remain unconvinced, the utilities would do well to provide alternatives such as relocation of the meter or “organic” meters without radio transmitters. As these are likely to be a few customers with big voices, from a communications’ perspective, it is better to recognize the fear is real and let them opt-out.”

<http://www.demandresponsesmartgrid.org/Resources/Documents/NAP%20Docs/NAPC%20Action%20Guide%20Part%201%2011.07.07.pdf>

FP&L knew they would be offering an opt-out but chose to not include such plans in the rate case. The goal was to keep the ‘resisters’ quiet so the deployment could be done without many customers knowing. They did not want protests that would alert customers. The postpone option was also kept quiet to keep the number of ‘resisters’ to a minimum.

5. Staff’s recommendation letter in Case Background states that a workshop was conducted to address customers concerns. This is also a LIE. Staff conducted an industry dog and pony show to pretend to address customer concerns. Staff conducted a workshop on September 20, 2012 and waited and held off their report until February 19, 2013 to allow FP&L to get nearer to completing their deployment. Staff’s report shows no research occurring after the workshop – why 5 months to write minutes? I personally presented the multi-family dwelling issue. Did that issue appear in Staff’s report or was it ignored? Ms. Deborah Rubin submitted 4 binders of health studies abstracts showing biological harm at levels way below the FCC guidelines. She requested that such data be given to the State Health Dept. for review. Today, such binders still sit on the floor of Staff’s offices. How can Staff, with no health expertise, make any determination on such studies without enlisting the experts of the Health Dept.? Staff ignored all the data as if it was not presented to them in their February 19th Report. It may be true that the smart meters comply with FCC guidelines. But it is also true that per the Federal experts (EPA), the FCC guidelines are only testing and covering for thermal impacts (heating of tissue), they do NOT cover all effects (biological). Florida Statute 501.122, which charges the Florida Health Dept. with oversight of non-ionizing radiation, does not distinguish between thermal and non-thermal. It makes the Florida Health Dept. legally responsible for the entire health and safety of Florida residents (thermal or biological). Ms. Rubin’s studies should have been addressed before the political science major, which worked for a lobbying firm who lobbies for industry, wrote the health section on the Smart Meter Report. And finally, privacy concerns were never addressed either. I dare you to find in the Report a definition or description of what Mr. Clemence means when he states, “hold customer data confidentially, except for regulated business purposes”. Where are those “regulated business purposes” outlined?

501.122 Control of nonionizing radiations; laser; penalties.—

(1) DEFINITIONS.—For the purposes of this section:

(a) “Laser” means light amplification by stimulated emission of radiation, encompassing wavelengths above and below those in visual range, if produced by laser devices.

(b) “Laser device” means any device designed or used to amplify electromagnetic radiation by stimulated emission.

(c) “Nonionizing radiation” means electromagnetic or sound waves which do not produce or result in ionization.

(d) “Ionizing radiation” means gamma and X rays, alpha and beta particles, high-speed electrons, neutrons, protons, and other nuclear particles.

(e) “Department” means the Department of Health.

(2) AUTHORITY TO ISSUE REGULATIONS.—Except for electrical transmission and distribution lines and substation facilities subject to regulation by the Department of Environmental Protection pursuant to chapter 403, the Department of Health shall adopt rules as necessary to protect the health and safety of persons exposed to laser devices and other nonionizing radiation, including the user or any others who might come in contact with such radiation. The Department of Health may:

- (a) Develop a program for registration of laser devices and uses and of identifying and controlling sources and uses of other nonionizing radiations.
 - (b) Maintain liaison with, and receive information from, industry, industry associations, and other organizations or individuals relating to present or future radiation-producing products or devices.
 - (c) Study and evaluate the degree of hazard associated with the use of laser devices or other sources of radiation.
 - (d) Establish and prescribe performance standards for lasers and other radiation control, including requirements for radiation surveys and measurements and the methods and instruments used to perform surveys; the qualifications, duties, and training of users; the posting of warning signs and labels for facilities and devices; recordkeeping; and reports to the department, if it determines that such standards are necessary for the protection of the public health.
 - (e) Amend or revoke any performance standard established under the provisions of this section.
- (3) PENALTIES FOR USING UNREGISTERED LASER DEVICE OR PRODUCT.—
- (a) No person licensed to practice the healing arts, nor any other person, may use a Class III or a Class IV laser device or product as defined by federal regulations unless she or he has complied with the rules governing the registration of such devices with the department promulgated pursuant to subsection (2).
 - (b) Any person who violates the provisions of this subsection is guilty of a misdemeanor of the second degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

6. Both FP&L and Staff are recommending that the 12,000 customers who denied access to their properties be automatically enrolled in the NSMR. There are no plans to notify them of the opt-out option. Does the Staff understand that FP&L did NOT alert people in their initial deployment communications that they had a Postpone List to begin with? So those customers did not know that they needed to call a number to get on the list. All 40K customers (those on the opt out list and those refusing access to the property) should be properly notified of this new tariff, as well as the rest of the customer base. They have rights too, no?

It is clear that the Staff and the Commission is in collusion with industry based on my observation and research over the past 18 months. Why else would FP&L start deploying smart meters in Sept 2009 a full 6 months before PSC Order 10-0153-FOF-EI that provided cost approval was made in March 2010? Did they have an inside fix? Why else would the commission require an annual report on a deployment and give no parameters for what must be included in that report? Note FP&L does not have to report its dismal usage of the promoted website that provides less than useful information on energy usage. Why else would the Commission also ignore the lack of promised cost savings in the last rate case and settle that rate case without the people's representatives' approval (OPC)? Why else would the Commission cover up the failure of these smart meters as presented in Docket #130160? Why else would the Commission (I am forecasting here) approve Docket #130286 and give special deals to large commercial customers while socking it the small businessman?

The Staff, again, has failed to do a proper investigation as noted in this letter. The Commission should not approve the Staff Recommendation. The Commission should close this Docket and open up another Docket to address the unresolved issues of smart meters in Florida regardless of the providing utility.

As the holiday season closes I am thankful to God for all I have achieved throughout my life. I am thankful for the financial resources to be able to opt-out of the ten meters behind my bed. Yes, I will reimburse my neighbors for the costs. They are all snowbirds and their heads reside far away from these meters. It will cost me \$950 upfront for ten meters and \$130/month. It is a price I am able to pay for protection of my health and maintaining privacy from “regulated business purposes”, whatever that means. I am distressed about others without the financial means to opt out of their meters and possibly neighbor meters. I ask the Commissioners, Staff, FP&L and OPC – all with ample financial means yourselves – how do you sleep at night?

Regards,

Marilynne Martin