

American Academy of Environmental Medicine
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www.aaemonline.org

Proposed Decision of Commissioner Peevey (Mailed 1/22/2012) BEFORE THE PUBLIC UTILITIES
 COMMISSION OF THE STATE OF CALIFORNIA
 On the proposed decision 11-03-014

Dear Commissioners:

The Board of the American Academy of Environmental Medicine opposes the installation of wireless "smart meters" in homes and schools based on a scientific assessment of the current medical literature (references available on request). Chronic exposure to wireless radiofrequency radiation is a preventable environmental hazard that is sufficiently well documented to warrant immediate preventative public health action.

As representatives of physician specialists in the field of environmental medicine, we have an obligation to urge precaution when sufficient scientific and medical evidence suggests health risks which can potentially affect large populations. The literature raises serious concern regarding the levels of radio frequency (RF - 3 KHz - 300 GHz) or extremely low frequency (ELF - 0- 300 Hz) exposures produced by "smart meters" to warrant an immediate and complete moratorium on their use and deployment until further study can be performed.

The board of the American Board of Environmental Medicine wishes to point out that existing FCC guidelines for RF safety that have been used to justify installation of "smart meters" only look at thermal tissue damage and are obsolete, since many modern studies show metabolic and genomic damage from RF and ELF exposures below the level of intensity which heats tissues. The FCC guidelines are therefore inadequate for use in establishing public health standards. More modern literature shows medically and biologically significant effects of RF and ELF at lower energy densities. These effects accumulate over time, which is an important consideration given the chronic nature of exposure from "smart meters". The current medical literature raises credible questions about genetic and cellular effects, hormonal effects, male fertility, blood/brain barrier damage and increased risk of certain types of cancers from RF or ELF levels similar to those emitted from "smart meters". Children are placed at particular risk for altered brain development, and impaired learning and behavior. Further EMF/RF adds synergistic effects to the damage observed from a range of toxic chemicals. Given the widespread, chronic and essentially inescapable ELF/RF exposure of everyone living near a "smart meter", the Board of the American Academy of Environmental Medicine finds it unacceptable from a public health standpoint to implement this technology until these serious medical concerns are resolved. We consider a moratorium on installation of wireless "smart meters" to be an issue of the highest importance.

The Board of the American Academy of Environmental Medicine also wishes to note that the US NIEHS National Toxicology Program in 1999 cited radiofrequency radiation as a potential carcinogen. Existing safety limits for pulsed RF were termed "not protective of public health" by the Radiofrequency Interagency Working Group (a federal interagency working group including the FDA, FCC, OSHA, the EPA and others). Emissions given off by "smart meters" have been classified by the World Health Organization International Agency for Research on Cancer (IARC) as a Possible Human Carcinogen.

Hence, we call for:

- An immediate moratorium on "smart meter" installation until these serious public health issues are resolved. Continuing with their installation would be extremely irresponsible.

Saturday, April 14, 2012 America Online: GNIR201

Exhibit
D

JA 09180

Radiation Sickness; Victoria Jewett Comments, Sept. 2, 2013

Current FCC limits for human exposure to radio frequency radiation are already set way too high. I am unable to tolerate the proliferation of 4G technology, especially the 4G cell towers. I am also unable to be in a WiFi field, or near a cordless telephone base unit. This means that I can hardly go anywhere, including theaters, coffee shops, hospitals, municipal buildings, etc. I cannot travel because I cannot stay in any hotels. I can no longer work as a librarian. When I am exposed to these currently-legal levels of radiation I get a headache, nausea, and dizziness, and I feel weak and sick all over. I cannot sleep in these fields. I have moved out of the city of Santa Fe, and feel the radiation intensely when I go into town. I know many people who are being similarly injured.

Exposure limits need to be drastically lowered! Current limits are thermally-based and do not protect real people who are exposed 24/7 against our will. I implore you to address the growing numbers of people injured and displaced by this technology.

Radiation Sickness; Michael J. Hazard Comments, Sept. 2, 2013

FCC 12-152

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of Proceeding 03-137	)	
	)	
Notice of Proposed Rulemaking	)	
18 FCC Rcd 13187, 13188 ¶1 (2003)	)	ET Docket No. 03-137
	)	
And	)	
	)	
Service Rules for the Advanced Wireless Services	)	WT Docket No. 12-357
H Block---Implementing Section 6401 of the	)	
Middle Class Tax Relief and Job Creation Act of	)	
2012 Related to the 1915-1920 MHz and	)	
1995-2000 MHz Bands ¶53 footnote 95	)	

To: Office of the Secretary
Federal Communications Commission
Washington, DC 20554

Comment Filed by: (Michael J. Hazard)
(2908 Broken Willow Circle)
(Las Vegas, NV 89117)
(mhazard36@cox.net)
(702-376-4859)

September 2, 2013

AFFIDAVIT OF MICHAEL J. HAZARD

State of NEVADA

CLARK County

I, Michael J. Hazard, attest that my statements are true to the best of my knowledge.

Comment round for ET Docket No. 03-137 and WT Docket No. 12-357.

- 1.) My name is Michael J. Hazard. My address is 2908 Broken Willow circle, Las Vegas, NV 89117.
- 2.) I am a Certified Water Quality Analyst Technician
- 3.) Whereas our society in general is being inundated with multiple sources of RF (Radio frequency) and EMF (Electromagnetic Force) output from Wi-Fi, Cell Phone towers and cell phones themselves, smart meters, smart phones, smart appliances, microwaves, dish networks etc.
- 4.) Whereas FCC standards for RF emissions are outdated having been established many years ago when the frequency of RF emitting devices was much more uncommon,
- 5.) Therefore, I'm requesting that a precautionary action level of 0.0003 uW/cm² to 0.0006 uW/cm² be implemented by the FCC for maximum RF level exposure to humans. On a precautionary public health basis, a reduction from the BioInitiative 2007 recommendation of 0.1 uW/cm² (or one-tenth of a microwatt per square centimeter) for cumulative outdoor RFR down to something three orders of magnitude lower (in the low nanowatt per square centimeter range) is justified.

A scientific benchmark of 0.003 uW/cm² or three nanowatts per centimeter squared for 'lowest observed effect level' for RFR is based on mobile phone base station-level studies. Applying a ten-fold reduction to compensate for the lack of long-term exposure (to provide a safety buffer for chronic exposure, if needed) or for children as a sensitive subpopulation yields a 300 to 600 picowatts per square centimeter precautionary action level. This equates to a 0.3 nanowatts to 0.6 nanowatts per square centimeter as a reasonable, precautionary action level for chronic exposure to pulsed RFR.

These levels may need to change in the future, as new and better studies are completed. We leave room for future studies that may lower or raise today's observed 'effects levels' and should be prepared to accept new information as a guide for new precautionary actions.

Respectfully submitted by

Michael J. Hazard

2908 Broken Willow Circle

Las Vegas, NV 89117

Radiation Sickness; Melinda Wilson Comments, Aug 30, 2013

Comments on Notice of Inquiry, ET Docket No. 13-84

August 30, 2013

Office of the Secretary, FCC

445 12th Street, SW

Washington, DC 20554

I have been injured by RF radiation that complies with current exposure limits.

In November 2008 I had just moved into a 9th Floor apartment between Harvard and M.I.T.

The third or fourth time I sat at the living room window and looked out at the view, after about 20 minutes I felt like I had been on a cell phone for about 2 hours.

I moved from the window and over to the other end of the apartment and the feeling went away.

However, later that day when I tried to use my cell phone it felt very uncomfortable.

Soon I could no longer use my cell phone at all without extreme disorientation and headache.

I was able to move to the 4th Floor but the damage had been done. I am no longer able to use a computer, stay under fluorescent lights, and can no longer work around electronics.

I had to leave the city because I could find no place to live where I was not overexposed to wireless frequencies.

Now I live in rural Arizona but they are building new cell phone towers and exposure is increasing again.

Please lower your exposure limits to protect the vulnerable of my generation and new generations.

Melinda Wilson

P.O. Box 3056

Snowflake, AZ 85937

Radiation Sickness; Maggi Garloff Comments, Aug. 29, 2013

FCC 13-39

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of	)	
	)	
Reassessment of Federal Communications	)	ET Docket No.
13-84		
Commission Radiofrequency Exposure Limits and	)	
Policies	)	
	)	
Proposed Changes in the Commission's Rules	)	ET Docket No. 03-
137		
Regarding Human Exposure to Radiofrequency	)	
Electromagnetic Fields	)	
	)	

To: Office of the Secretary
Federal Communications Commission
Washington, DC 20554

Comment Filed by: Maggi Garloff
29 Jefferson Ave.
San Rafael, CA 94903
maggigarloff@yahoo.com
415.613.9488

August 30, 2013

AFFIDAVIT OF MAGGI GARLOFF

State of California, Marin County

I, Maggi Garloff, attest that my statements are true to the best of my knowledge.

Comment round for FCC ET Docket No. 013-84 and ET Docket No. 03-137

1. My name is Maggi Garloff My address is 29 Jefferson Ave. San Rafael, CA 94903

2. I am retired Executive Director for a Non-Profit

3. Both my husband and I suffer from EHS, EMF exposure. Our journey began about 10 years ago. Most solutions we found and researched ourselves. Nick, my husband, has a high tech background and I an Executive Director for a Non-Profit Organization. We both had been exposed to wireless devices and EMF during the majority of our career.

4. For 5 years we lived in a house with faulty wiring. Chronic exposure to dirty electricity and high magnetic fields was compounded with the introduction of cell phones and all things wireless we had incorporated into our lives. By 2009, he had progressed to a state of full-blown dementia – sat in a dark room staring at the ceiling for most of the day. He was irritable, confused, depressed, angry and a real challenge to live with. Meanwhile, I, too, was beginning to have memory issues, experienced shortness of breath, extreme weight gain, and a host of other physical symptoms. The medical community both misdiagnosed and mis-prescribed medications for us.

5. List of symptoms:

Extreme eczema - prescribed cortizone

Shortness of Breath _ prescribed asthma inhaler

Balance and vertigo issues - prescribed exercises and dramamine

Extreme fatigue

Difficulty concentrating/thinking

Confusion

Allergic reactions to pollen, foods

Elevated Blood Sugar

Difficulty sleeping

Loss of strength in hands

Typing skills deteriorating

Grinding teeth

6. About this time, a friend introduced me to the concepts of EMFs, hypersensitivity and Gia Wellness products (a noise field nano-technology developed by the military to protect communications personnel). Because I'd had no luck with traditional medicine, was desperate and willing to try anything, I put Gia guards on all our electric appliances and electronic devices, all over Nick's room, in my car, and started drinking their *i-water*.

Over the next few months, the change in my husband's behavior was profound. He went from being afraid to leave the house, being confused and unable to identify friends and acquaintances, to going for walks by himself without getting lost, picking bouquets of flowers for me, being less anxious. He began reading scientific and technical journals again; recognizing and identifying people; and generally becoming a happier person. As for me, my eczema disappeared, I started sleeping nights, could think more clearly, and lost 20 lbs. We had a competent EMF electrician inspect our home. The faulty wiring was corrected; ambient electrical fields were reduced; use of Stetzer filters further reduced emissions. Our immediate environment felt calmer, my bedroom truly became a sleeping sanctuary. Our health issues improved dramatically.

7. Our problems are a result of exposure to RF Radiation. Any exposure to RF radiation is harmful to the general population. My wish is to have it completely out of our homes and public areas however, at this time I agree with The BioInitiative Report suggesting to lowering the EMF exposure level so as to minimize our population's RF radiation exposure which is in sharp contrast to the FCC's current drive to maximize wireless coverage, use and therefore maximize our population's RF radiation exposure and the associated health effects (cancer, cardiac and immune system dysfunction as well as behavioral and developmental problems in children). SEE ATTACHED.

Maggi Garloff
29 Jefferson Ave.
San Rafael, CA 94903
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415.613.9488

Radiation Sickness; ADA/FHA; Holly Manion Comments, Sept. 2, 2013

FCC 13-39

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Reassessment of Federal Communications	)	ET Docket No. 13-84
Commission Radiofrequency Exposure Limits and	)	
Policies	)	
	)	
Proposed Changes in the Commission's Rules	)	ET Docket No. 03-137
Regarding Human Exposure to Radiofrequency	)	
Electromagnetic Fields	)	
	)	

To: Office of the Secretary
Federal Communications Commission
Washington, DC 20554

Comment Filed by: Holly Manion
17090 El Mirador
Rancho Santa Fe, CA 92067
HollyManion@gmail.com
858-756-5287

August 30, 2013

AFFIDAVIT OF HOLLY MANION

State of California]

San Diego County]

I, Holly Manion, attest that my statements are true to the best of my knowledge.

Comment round for FCC ET Docket No. 013-84 and ET Docket No. 03-137

1.) My name is Holly Manion. My address is 17090 El Mirador, Rancho Santa Fe, CA 92067.

2) I am a residential real estate broker in Rancho Santa Fe, California. I also maintain an EMF information website, www.emfhealthalert.com.

3) On June 16, 2011 a man hired by San Diego Gas and Electric (SDGE) installed what he called was "an upgrade" to my Mother's utility meter. Following the installation of this utility meter upgrade, my Mother complained of a constant high pitched ringing in her ears, and she did not feel well. She felt lethargic; she complained about her vision; and she had a hard time with her speech and focus. Her legs, especially her feet became swollen. Within a week she fell for no apparent reason.

My brother, sisters and I take care of my Mother. These were very unusual symptoms for her. We could not figure out what was causing her declining health until she mentioned the man who had come by to upgrade her meter. I brought over my RF testing equipment and found that the RF bursts from the meters were every few minutes and extremely high. Readings were far in excess of what is allowable for total ambient surroundings of $1000 \mu\text{W}/\text{cm}^2$. So we immediately removed the meter! Within a few days of the meter being removed, Mother's symptoms decreased, and she returned to her normal health.

A concerned neighbor and medical writer familiar with microwave radiation, Susan

Foster, wrote SDGE a letter on my Mother's behalf discussing her symptoms and comparing the intensity of radiation of the smart meter on Mother's house to the radiation of the cell towers on fire stations, and what the radiation did to the health of the firefighters. Susan Foster referenced a letter from Dr. Olle Johansson, Karolinska Institute, Stockholm Sweden to the California Public Utilities Commission. [See letters attached: Susan Foster, Dr. Olle Johansson](#)

4) In May of 2011 the World Health Organization- International Agency for Research on Cancer (IARC) classified radiofrequency radiation as a class 2B possible carcinogen. This is the same category as DDT, lead based paint, car exhaust and chloroform. The FCC must address and incorporate the appropriate measures to take into account the IARC's 2B classification before subjecting the masses to preventable and harmful non ionizing microwave exposure.

5) 2012 BioInitiative Report classifies radiofrequency radiation as a carcinogen. <http://www.bioinitiative.org> This is one of the most comprehensive reports prepared by 29 independent scientists and medical experts from around the world. It included 1800 new studies reporting abnormal gene transcription, geno-toxicity and single and double-strand DNA damaging, stress proteins because of the fractal RF antenna like nature of DNA, chromatin condensation and loss of DNA repair capacity in human stem cells, reduction in free radical scavengers-particularly melatonin, neurotoxicity in humans and animals, carcinogenicity in humans, serious impacts on human and animal sperm morphology and function, effects on offspring behavior, effects on brain and cranial bone development in the offspring of animals that are exposed to cell phone radiation during pregnancy.

6) "Public safety standards are 1,000 – 10,000 or more times higher than levels now commonly reported in mobile phone base station studies to cause bio effects. "(<http://www.bioinitiative.org/conclusions/>) At least five new cell tower studies are reporting bioeffects in the range of 0.003 to 0.05 $\mu\text{W}/\text{cm}^2$ at lower levels than reported in 2007 (0.05 to 0.1 $\mu\text{W}/\text{cm}^2$ was the range below which, in 2007,

effects were not observed). Researchers report headaches, concentration difficulties and behavioral problems in children and adolescents; and sleep disturbances, headaches and concentration problems in adults.

7) The FCC has a duty to protect the public health and safety from harm from radiofrequency radiation. My home is located high on a hill a few hundred feet from a telecommunication cell site which was installed in 2007. Over the last few years my health has changed. I feel increasing pressure in my head, ringing in my ears; I have high blood pressure, occasional heart palpitations, decreasing vision, and sleeping problems. At times I cannot enjoy my yard and pool area as the pressure in my head is unbearable. I have friends who have complained about the RFR in my yard as well. Meanwhile, I have spent thousands of dollars, and lots of time turning my bedroom into a faraday cage so I can give my body time to recover from constant exposure of RF microwaves from the cell sites, smart meters, WiFi and other wireless communicating systems surrounding. My bedroom has been painted with a special EMF blocking paint, and is surrounded by copper mesh. Copper mesh covers all windows as well. In all parts of my home I use a wired phone: my Internet is attached with an Ethernet cable; I do not use a microwave; I do not have a smart meter, and I rarely use a cell phone. It is in the off position most of the time. Yet the intensity of RF radiation in my home and property is increasing. This radiation is all involuntary exposure, and is affecting my health and the enjoyment of my property.

8) Existing FCC public safety limits are inadequate to protect public health. New biologically based maximal exposure guidelines and limits are needed which take into account long term, non thermal effects, and include vulnerable groups such as, children, fetuses, the elderly, the ill, disabled, genetically challenged, and the electro-hypersensitive. These limits should take into account the effects of cumulative

exposure of radiating devices operating simultaneously, including but not limited to involuntary exposure from smart meters, cell towers and WiFi, along with voluntary personal devices such as cell phones, computers, and Ipads. The masses are being exposed to a blanket of RF radiation emitted by the many wireless systems and devices which create an electro smog we cannot not see, feel or touch, but indeed affects our bodies at the cellular level.

9) Expansion of broadband wireless systems is exposing entire communities to continuous and involuntary source of microwave radiation. The RF signal goes throughout homes that do not want to subscribe. Individuals and families cannot “opt out” of blanket wireless broadband exposure.

10) The FCC is in violation of the Americans with Disabilities Act (ADA) by failing to modernize its RF safety limits, and promoting blanket wireless radiation coverage.

The microwave radiation from wireless technology causes serious functional impairment to many whose symptoms have been characterized under the name radiofrequency sickness. The symptoms can range from discomfort to life-threatening depending on the exposure and the individual involved. [Please see [“Provocation Study using Heart Rate Variability Shows Radiation from 2.4 GHz Cordless Phone Affects Autonomic Nervous System”](#) (Eur. J. Oncol. Library, vol. 5) at http://electromagnetichealth.org/wp-content/uploads/2010/10/Havas_HRV_Ramazzini1.pdf The near universal presence of radiation from wireless devices that does not fall below biologically meaningful safety limits is seriously limiting the ability of a growing segment of the American population to participate in civil society and community life.

11) US citizens and tax payers deserve updated radiofrequency radiation safety limits based on biology, not physics. In order for the FCC to fulfill its Congressional mandate to protect the public health and safety from harm from radiofrequency radiation, it must update its RF safety regulations.

"In the Telecom Act of 1996 Congress directed the FCC to set its own RF safety

regulations for emissions from Personal Wireless Services Facilities (PWSF). The House Committee on Commerce said it was the Commission's responsibility to adopt uniform RF regulations "with adequate safeguards of the public health and safety." (H.R. Report No. 104-204, p. 94)

12) FCC does not possess the expertise to set biologically- based radiofrequency radiation safety limits. EPA does. Therefore, the FCC should advocate that Congress direct the EPA to establish biologically- based radiofrequency radiation safety limits and provide the budget and resources to carry out that task. 2012 HR6358 was an excellent example of legislation to authorize the EPA to establish biologically-based radiofrequency radiation safety limits.

13) Compliance with FCC radiofrequency radiation limits is often cited as an excuse to ignore evidence of harm by transmitting utility meters, cell sites, 4G networks, etc. and force harmful exposure on people against their will. Therefore the FCC is causing substantial harm to citizens by not updating RF exposure limits to biologically- based safety limits.

14) RF radiation from wireless infrastructures is affecting more than just people, it is affecting animals, birds, bees, butterflies and plants. The lack of appropriate biologically-based RF safety limits is damaging the environment. This document was commissioned by the government of India

http://www.moef.nic.in/downloads/public-information/final_mobile_towers_report.pdf

and this one is a review of the literature

http://www.biolmedonline.com/Articles/Vol4_4_2012/Vol4_4_202-216_BM-8.pdf "

Impacts of radio-frequency electromagnetic field (RF-EMF) from cell phone towers and wireless devices on biosystem and ecosystem – a review," Biology and Medicine

15) A moratorium should be placed on sales of new spectrum, transmitting utility meter installation, and installation of additional base stations for wireless service

while biologically-based safety limits are being developed.

16) The FCC has a duty under Scenic Hudson to create a complete record and to consider seriously my Comments in order to fulfill its obligation to represent the public interest.

Respectfully submitted by
Holly Manion
P.O. Box 1189
Rancho Santa Fe, CA 92067
August 30, 2013

A handwritten signature in cursive script, reading "Holly Manion", written in black ink.

Radiation Sickness; James Baker Comments, Aug, 22, 2013

Comments on Notice of Inquiry, ET Docket No. 13-84

Submitted by James Baker

Most exposure to RF/MW is involuntary and with no informed consent due to the proliferation of cell towers, WiFi and wireless utility meters and the general lack of public knowledge on the harm from exposure to RF/MW (i.e., people do not read user's manuals which warn not to hold phones and other devices to the head or body or know of the thousands of studies indicating harm from such exposure).

The FCC has not revised its exposure guidelines for RF/MW since 1996. While they rely on The Institute of Electrical and Electronics Engineers (IEEE) for their exposure guidelines, this organization is comprised of engineers, not doctors, physicists or biologists and the IEEE relies on the measurement of the Specific Absorption Rate (SAR) which can only account for a thermal effect in dead animal tissue and cannot be considered protective for non thermal biological health effects in living beings. SAR, which is currently used for near field measurement cannot measure the cellular, atomic or sub-atomic level of change while it is quite clear from the scientific evidence that there are disturbances and oscillations within cells induced by environmentally accounted RF/MW that do not cause heating. These effects include: DNA damage which may lead to cancer, neurodegenerative diseases, reproductive declines or even heritable mutations. Brain tumors, decrease in reproductive capacity, headaches, memory loss, fatigue, insomnia, heart arrhythmias, etc. are reported among people exposed to RF/MW. The FCC ET Docket No. 13-84 recommends moving to a SAR value only for near and far field exposures. This is entirely inadequate and would also make it impossible for field measurements to verify compliance as it requires a transmitter and a thermal probe inserted into dead animal tissue to measure and verify. (Ref. -

<http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0062663> ***Evaluation of Specific Absorption Rate as a Dosimetric Quantity for Electromagnetic Fields Bioeffects***)

Additionally, the current guidelines are based on a study performed on monkeys which determined that the harmful level of RF/MW exposure was when the monkeys stopped eating. Or as this military report puts it: "The most sensitive and reliable confirmed biological response that could be considered potentially harmful to humans has been found to be the disruption of food-motivated learned behavior." This basis is not up to date science and the guidelines need to reflect the thousands of studies that find harmful non thermal biological health effects from low level RF/MW exposure. [Ref. - <http://health.mil/dhb/afeb/meeting/0417slides/RFR%20Standards.pdf>]

The guidelines also do not take into account that in 2011 The International Agency for Research on Cancer (IARC) classified RF/MW as a Class 2B Possible Human Carcinogen (May 31, 2011). This is the same class as DDT, lead, dioxin, chloroform, gasoline, diesel fuel, fuel oils, welding fumes, and ethylbenzene. [Ref. - http://www.iarc.fr/en/media-centre/pr/2011/pdfs/pr208_E.pdf]

The FCC RF/MW SAR exposure guidelines do not account for non thermal biological health effects. There are thousands of studies and millions of people which provide evidence of a non thermal effect that occurs far below the FCC RF/MW exposure guideline. The exposure guideline needs to be lowered to the recommendation of the BioInitiative Report 2012, comprised by 29 world-recognized experts in science and public health policy. The 2012 update reviewed 1,800 new studies on RF/MW exposure and recommends an RF/MW exposure guideline of .0003 micro watts per square centimeter (uW/cm²) power density value. The current FCC RF/MW exposure guideline is 1,000 uW/cm² which only allegedly accounts for a thermal effect. (Ref. ***THE BIOINITIATIVE REPORT 2012 A Rationale for Biologically-based Public Exposure Standards for Electromagnetic Fields (ELF and RF)*** - <http://www.bioinitiative.org>)

Safety standards for sensitive populations need to be set at lower levels than for healthy adult populations. Sensitive populations include the developing fetus, the infant, children, the elderly, those with pre-existing chronic diseases, and those with developed electrical sensitivity (EHS).

Conclusions: We must have biologically based RF/MW exposure guidelines that protect from non thermal effects. The FCC must drop SAR values and use only electric field based power density values. They must lower the exposure value to a level that protects from non thermal biological health effects for the general population and for sensitive populations. It is obvious that other living beings which are smaller than humans would also be considered sensitive populations and special consideration needs to be given to animals and organisms that rely on magnetic fields for navigation and orientation. (Ref. <http://www.omicsonline.com/open-access/0974-8369/0974-8369-4-179.pdf?aid=12830> ***Impacts of radio-frequency electromagnetic field (RF-EMF) from cell phone towers and wireless devices on biosystem and ecosystem – a review***)

I am one of the millions of people who have been harmed from RF/MW exposure from our wireless communications transmitters. There is ample epidemiological evidence that low level continuous RF/MW exposure of the type present near cell towers causes harm. (To date the U.S. has not conducted ONE epidemiological study on RF/MW.) There are also millions of people world-wide who have recognized that they are harmed by this low intensity exposure. I, for example, had a close encounter with cellular antennas located on a building. I developed muscle aches, memory loss and insomnia during this exposure. I was able to make the connection and now go to great lengths to avoid being in the vicinity of RF/MW transmitters in order to stay healthy and functioning. This includes quitting my job and moving from my home. It also includes avoiding homes and businesses that have RF/MW

transmitters. (Ref. <http://www.nrcresearchpress.com/doi/pdf/10.1139/A10-018> Levitt, B.B. and Lai, H. 2010. ***Biological effects from exposure to electromagnetic radiation emitted by cell tower base stations and other antenna arrays.*** *Environmental Reviews*, 18 : 369-395. DOI:10.1139/A10-018 and http://www.avaate.org/IMG/pdf/ESTUDIO_BRASIL_BrazilCellTowerStudy.pdf Mort

ality by neoplasia and cellular telephone base stations in the Belo Horizonte municipality, Minas Gerais state, Brazil)

Therefore this proceeding requires a NEPA evaluation contrary to the FCC assertion that it does not. (Ref - <http://www.ca6.uscourts.gov/opinions.pdf/10a0374p-06.pdf> Per No. 09-5761 **Heartwood, Inc., et al. v. Agpaoa, et al.** there is standing to challenge the current exposure guidelines because people have suffered an 'injury in fact' that is concrete and particularized; is actual or imminent; is traceable to wireless exposure; and that it is likely that this injury will be redressed by lower exposure guidelines.)

The FCC must work with Congress to re-fund the EPA's non ionizing radiation protection research program for developing safe exposure guidelines because the FCC cannot both promote wireless technologies and regulate RF/MW radiation.

The FCC must stop facilitating, encouraging, and supporting the reckless expansion of WiFi and other wireless exposures due to the involuntary exposure of our population to RF radiation which is inherently biological harmful to humans and other living beings.

Most exposure to RF/MW is involuntary and with no informed consent due to the proliferation of cell towers, WiFi and wireless utility meters and the general lack of public knowledge on the harm from exposure to RF/MW (i.e., people do not read user's manuals which warn not to hold phones and other devices to the head or body or know of the thousands of studies indicating harm from such exposure). Millions of people have managed to make the connection between their ill health and RF/MW exposure, but there are millions more who are being harmed, or have even died from cancers, etc. who do not know the cause or who to protect themselves. The FCC must act responsibly or it will be held accountable for these injuries and deaths and can be sure that every day people are making the connection between their ill health and RF/MW exposure deemed safe by the FCC. This situation will not be tolerated for long.

And, finally, I am left wondering if government agencies communicate as the National Toxicology Program headquartered at the National Institute of Environmental Health Science is currently leading the largest laboratory rodent study to date of which the final results are not expected until 2014. Why would the FCC prematurely change our exposure guidelines when these results have not been released? (Ref. - <http://www.niehs.nih.gov/health/topics/agents/cellphones/>)

Radiation Sickness; Deborah Cooney, Verified Complaint,
Cooney v. California Public Utilities Commission et al,
No. 12-cv-06466-CW, U.S.D.C. N.D. Cal. (Dec 17, 2012)

Deborah Cooney, Plaintiff, In Propria Persona
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858-467-0776
celestecan@hotmail.com

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO

DEBORAH COONEY,

Plaintiff,

vs.

THE CALIFORNIA PUBLIC UTILITIES
COMMISSION (CPUC); MICHAEL R.
PEEVEY, PRESIDENT; THE STATE OF
CALIFORNIA; KAMALA D. HARRIS,
ATTORNEY GENERAL; SAN DIEGO GAS
& ELECTRIC (SDG&E), ITRON, INC.,
AND DOES 1-20, INCLUSIVE;

Defendants.

VERIFIED COMPLAINT

JURY TRIAL DEMANDED

Comes now the "Plaintiff", Deborah Cooney, in propria persona, to allege and verify the following "Complaint":

I. PARTIES

PLAINTIFF: Deborah Cooney
P. O. Box 282
Green Bank, WV 24944-0282
(858) 467-0776
celestecan@hotmail.com

1. Plaintiff has been forced to take refuge in the National Radio Quiet Zone in Green Bank, WV, as a result of the injuries and losses that are the subject of the instant claim. She sleeps in a cabin

VERIFIED COMPLAINT

without electricity and can tolerate being in electricity for only a few hours per day. Plaintiff maintains the California residence listed below; however, Plaintiff has not been able to physically live in California for over a year. Given the Plaintiff's injuries, sensitivities, remote location, and financial constraints, she is requesting telephonic appearances to the full extent allowed by law.

5911 Chateau Dr.

San Diego, CA 92117

DEFENDANT: The California Public Utilities Commission ("CPUC")

505 Van Ness Avenue

San Francisco, CA 94102

(415) 703-2782 phone

(415) 703-1758 fax

<http://www.cpuc.ca.gov>

2. With several offices throughout California, the CPUC headquarters are listed above. The CPUC is a regulatory agency established by the California Legislature to oversee the safe and effective delivery of various utility services. A public entity, the CPUC operates under the auspices of the executive branch of government of the State of California. It is entirely funded by taxpayer dollars levied on the citizens of California. The home page of the CPUC website states: "The CPUC regulates privately owned electric, natural gas, telecommunications, water, railroad, rail transit, and passenger transportation companies. The CPUC serves the public interest by *protecting consumers* and ensuring the provision of *safe*, reliable utility service and infrastructure at reasonable rates, with a commitment to *environmental enhancement* and a healthy California economy." (Emphasis added.)

DEFENDANT: Michael R. Peevey, President

The California Public Utilities Commission (CPUC)

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505 Van Ness Avenue
San Francisco, CA 94102
(415) 703-2782 phone

3. The CPUC website states: “Michael R. Peevey was appointed President of the California Public Utilities Commission (CPUC) by Governor Gray Davis on December 31, 2002, having been originally appointed to the CPUC by Governor Davis in March 2002. In December 2008 Governor Arnold Schwarzenegger reappointed Mr. Peevey to the CPUC for another six-year term. As President of the CPUC, Mr. Peevey is committed to *protecting* the public interest by *promoting consumer needs*, while challenging utilities to embrace new technologies and provide *safe, high-quality services*.” (Emphasis added.) The website describes Defendant Michael R. “Peevey’s” long career with Southern California Edison Company, one of the privately owned utilities which he is now entrusted to regulate, and further states, “He also serves as Chairman of the California Emerging Technology Fund.”

4. The California Emerging Technology Fund (CETF) is a private non-profit organization, created by the CPUC, under Defendant Peevey’s reign, to enable and justify the approval of the 2005 mergers of communication behemoths, SBC with AT&T, and MCI with Verizon, which violated the spirit of our anti-trust protections, if not the law, itself. Furthermore, the CETF website states its mission as follows: “accelerating the deployment and adoption of [wireless] broadband and other advanced communication services”, to penetrate “underserved” markets and maximize corporate profits, despite the overwhelming scientific and empirical evidence that these wireless technologies are harmful to humans.

DEFENDANT: The State of California
State Capital, Suite 1173
Sacramento, CA 95814
<http://www.gov.ca.gov>

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5. The “State” of California is named as a separate defendant, as distinguished from Defendant CPUC. Thus, we include any other agencies, such as the California Council on Science and Technology (CCST) and the California Air Resources Board (CARB), which are commissioned to work in tandem with CPUC, and should have stepped in to prevent the gross negligence and mitigate the Plaintiff’s injuries and damages. Defendant State remains liable for the misconduct of all of its agencies (including Defendant CPUC) and employees (including Defendant Peevey), whether or not they are specifically or separately named herein.

DEFENDANT: Kamala D. Harris, Attorney General
 State of California Department of Justice
 1300 “I” Street
 Sacramento, CA 95814-2919
 (916) 445-9555
<http://www.oag.ca.gov>

6. Attorney General “Harris” is named as a Defendant in her official capacity. According to her website: “The Attorney General represents the people of California in civil and criminal matters....In addition, the Attorney General establishes and operates projects and programs to *protect* Californians from fraudulent, unfair, and illegal activities that victimize consumers or threaten *public safety*. The Attorney General also enforces laws that safeguard the environment and natural resources...It is our duty to serve our state and work honorably every day to...:

- Enforce and apply all our laws fairly and impartially.
- Ensure *justice, safety, and liberty* for everyone.” (Emphasis added.)

DEFENDANT: San Diego Gas & Electric (“SDG&E”)
 P. O. Box 129831

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San Diego, CA 92112-9831

(619) 696-2000

<http://www.sdge.com>

7. SDG&E is a wholly owned subsidiary of Sempra Energy, a California corporation. According to its website, “SDG&E is a Sempra Energy utility. Based in San Diego, Sempra Energy is a Fortune 500 energy service company with 2011 revenues of \$10 billion. With 17,500 employees worldwide, the Sempra Energy companies develop energy infrastructure, operate utilities, and provide related products and services to about 31 million consumers worldwide.”

DEFENDANT: Itron, Inc.

2111 North Molter Road

Liberty Lake, WA 99019-9469

(509) 924-9900

<https://www.itron.com>

8. “Itron”, Inc. is a Washington state corporation with operations spanning around the globe, including several offices in California. The address listed above is Itron’s headquarters. Some California office locations are listed below. The website reads: “Itron is a global technology company. We build solutions that help utilities measure, analyze, and manage energy and water. Our broad product portfolio includes electricity, gas, water, and thermal energy measurement and control technology; communications systems; software; and professional services. With thousands of employees supporting nearly 8,000 utilities in more than 100 countries, Itron empowers utilities to responsibly and efficiently manage energy and water resources.”

2107 Channing Way

Berkeley, CA 94704

(510) 549-9118

1111 Broadway

Oakland, CA 94607

(510) 844-2800

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II. JURISDICTION

9. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. section 1331 because Plaintiff's claims arise under the laws of the United States.

10. This Court has diversity of citizenship jurisdiction over this action pursuant to 28 U.S.C. section 1332 because the matter in controversy exceeds \$75,000 exclusive of interests and costs and because the Plaintiff has been forced to flee to West Virginia to mitigate damages caused by Defendants (28 U.S.C. section 1332(a)(1)) and because Defendant Itron is a Washington corporation headquartered in Washington state. (28 U.S.C. section 1332(c)(1))

11. This Court has original jurisdiction over the civil rights claims in this action pursuant to 28 U.S.C. section 1343(a).

12. This Court has supplemental jurisdiction over this action pursuant to 28 U.S.C. section 1367(a).

13. The declaratory and injunctive relief requested is authorized by 28 U.S.C. sections 2201 and 2202 and 15 U.S.C. section 1267(a) pertaining to hazardous substances.

III. VENUE

14. Venue is appropriate in this judicial district pursuant to 28 U.S.C. section 1391(b)(1) because Defendants CPUC and Peevey are located in San Francisco and all Defendants reside in California. Although its principal place of business is in Washington, Defendant Itron, a corporate entity, is deemed to reside in California pursuant to 28 U.S.C. section 1391(c)(2) because it is subject to this Court's jurisdiction.

1 15. Venue is appropriate in this judicial district pursuant to 28 U.S.C. section 1391(b)(2) because
2 a substantial part of the events and omissions giving rise to the claim occurred at Defendant
3 CPUC's offices in San Francisco.

4
5 **IV. STATEMENT OF THE CASE**

6 16. This Complaint was originally filed in the Superior Court of California on August 19, 2012.
7 The original Complaint was filed within the one year timeframe prescribed by the applicable
8 statutes of limitations. A claim was filed with Defendant State within the 6 month timeframe
9 required by law for suing a public entity. The original Complaint was dismissed without
10 prejudice so that it could be simultaneously re-filed in U.S. Court.

11
12 17. All Defendants were properly served by mail in accordance with California Code of Civil
13 Procedure (CCCP) section 415.30. Defendant CPUC properly returned the Notice and
14 Acknowledgement of Receipt, but Defendants SDG&E and Itron failed to do so.

15
16 18. Defendant CPUC, represented by Defendant Harris, demurred to the Complaint on
17 November 15, 2012, claiming that the Attorney General's office, with all of their legal expertise,
18 could not find a statute establishing their regulatory duty to the Plaintiff or the general public to
19 oversee the safe delivery of utility services. Yet the following sections of the California Public
20 Utilities Code plainly establish such a duty:

21 303(a) prohibits commissioners from holding an official relation to or financial interest in any
22 person or company subject to their regulation;

23 315 requires Defendant CPUC to investigate accidents;

24 328 requires Defendant CPUC to ensure the safe delivery of natural gas and prohibits the utilities
25 from assessing additional fees for safety;

1 330(f) and (g) requires Defendant CPUC to regulate the safe and healthy delivery of electricity;
2 364 requires Defendant CPUC to establish standards for the high quality, safe, and reliable
3 delivery of electricity, including reporting and review requirements;
4 761 requires Defendant CPUC to fix unsafe rules, practices, equipment, appliances, facilities,
5 services or methods;
6 2101 requires Defendant CPUC to enforce safety standards and prosecute violations;
7 8360 requires Defendant CPUC to ensure the safety of the modern Smart Grid;
8 8362 requires Defendant CPUC to ensure that the Smart Grid plan complies with state and
9 federal law.
10 8363 requires Defendant CPUC to implement the Smart Grid in a manner which does not
11 compromise safety, integrity, or reliability;
12 8364 requires public utilities to submit their Smart Grid plans to Defendant CPUC for approval.

13
14 19. The following sections of the California Government Code establish liability to the Plaintiff:
15 815.2(a) A public entity is vicariously liable for the negligence of an employee.
16 815.6 A public entity is liable for its failure to discharge a mandatory duty to protect.
17 820(a) A public employee is liable for injury caused by his act or omission.
18 820.8 Nothing exonerates a public employee from liability for injury caused by his own
19 negligence.
20 11120 The people retain sovereignty over the State agencies which serve them.

21
22 20. The following sections of the California Civil Code further establish Defendant CPUC's
23 liability:
24 43 Right of protection from bodily restraint or harm and from injury to personal relations.
25 1708 All persons must abstain from injuring the person or property of another or infringing upon
26 the rights of another.
27 1709 One who willfully deceives another is liable for damages.

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1710 Deceit is defined as an untrue assertion, suppression of a fact so as to mislead, or a false promise.

1714(a) Liability for injury arises from want of ordinary care or skill.

21. Moreover, Defendant CPUC's own website advertises its regulatory duty to protect consumer safety. Its denial of this duty, via the Demurrer, could be construed as false advertising. It also begs the question: What purpose does Defendant CPUC serve if not to ensure the public safety? Why should we continue to fund Defendant CPUC with our tax dollars while they continue to shirk their duties?

22. In researching the law to prepare a response to the Demurrer, Plaintiff discovered significant issues of federal law which were beyond the scope of the California courts, such as U.S. Constitution, Amendments I, IV, V, IX, X and XIV, Right to free exercise of religion and right to petition the government for redress of grievances, Right of the people to be secure in persons and houses, Right to life, liberty, and property, due process of law, and private property not to be taken for public use, Rights retained by the people, Right to privacy, States shall not deprive citizens of privileges, life, liberty or property, due process of law, and/or equal protection of the laws.

15 U.S.C. ss. 1261-7 Commerce Code, Chapter 30 Hazardous Substances

18 U.S.C. ss. 241-2 Criminal Code, Chapter 13, Civil Rights, Conspiracy against rights, Deprivation of rights under color of law

18 U.S.C. section 371 Criminal Code, Chapter 19 Conspiracy to defraud United States

18 U.S.C. ss. 653 and 666 Criminal Code, Chapter 31 Embezzlement and Theft, Disbursing officer misusing public funds, Theft or bribery concerning programs receiving Federal funds

18 U.S.C. ss. 1001 and 1018 Criminal Code, Chapter 47 Fraud and False Statements

42 U.S.C. ss. 1983, 1985 and 1986 Public Health and Welfare Code, Chapter 21 Civil Rights, Civil action for deprivation of rights, Conspiracy to interfere with civil rights, Action for neglect to prevent

42 U.S.C. section 3515b Public Health and Welfare Code, Chapter 33, Subchapter I, Prohibition on funding certain experiments involving human participants

42 U.S.C. ss. 7401, 7412, 7470, and 7477 Public Health and Welfare Code, Chapter 85, Subchapter I, Air Pollution Prevention and Control, Clean air

42 U.S.C. section 9607 Public Health and Welfare Code, Chapter 103, Subchapter I, Hazardous Substances Releases, Liability, Compensation

42 U.S.C. section 13101 Public Health and Welfare Code, Chapter 133, Pollution Prevention, Pollution should be prevented or reduced at the source...

42 U.S.C. ss. 17381, and 17386 Public Health and Welfare Code, Chapter 152, Subchapter IX, Smart Grid, (8) Provision to consumers of timely information and control options, Matching Fund

45 CFR Part 46 Public Welfare, Protection of Human Subjects, known as the "Common Rule"

23. Plaintiff traveled home to California in August, 2012, during the time that she was drafting the original Complaint. She had high hopes of living there again, since she had opted out of the Smart Meter program. Unfortunately, she continued to be bothered by the high levels of ambient radiation from the Smart Grid surrounding her neighborhood and other areas of California. Because of the ill-conceived Smart Grid deployment, she could no longer live in her home state. Her return to West Virginia created an additional diversity of citizenship issue, which, by law, must be addressed in federal court.

24. Now is the most expeditious time to transfer the case to federal court. The case has scarcely begun. Service has not yet been completed on two of the Defendants. The Demurrer hearing date is not until February 22, 2013. In the interest of judicial economy and preserving public

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1 funds, the Demurrer should never have been filed. Defendant Harris should have been diligent
2 enough to notice Defendant CPUC's statutory duty to the Plaintiff. With the Plaintiff's legal
3 assistance provided in paragraphs 18-22 above, Defendant Harris should not need to file another
4 demurrer in this Court. The Plaintiff humbly asks the Court to strike any similar demurrer, if
5 filed again, as it is clearly for the sole purpose of harassing the Plaintiff and obstructing justice.

6 7 **V.STATEMENT OF FACTS**

8 **A. PRECIPATORY ACTS OR OMISSIONS GIVING RISE TO CLAIM**

9 25. Defendants recklessly approved, mandated, facilitated, or allowed the Smart Meter roll out
10 without conducting adequate research as to the health effects of Smart Meter radiation on
11 humans.

12
13 26. Defendants recklessly approved, mandated, facilitated, or allowed and continue to approve,
14 mandate, facilitate, or allow the Smart Meter roll out, after being presented with reliable
15 research, scientific and empirical evidence proving the detrimental health effects of Smart Meter
16 and similar radiation on humans.

17
18 27. A letter dated July 9, 2011 was sent to Defendant CPUC from Ollie Johansson, Associate
19 Professor, Dept. of Neuroscience, Karolinska Institute, Stockholm, Sweden, one of Europe's
20 largest and most prestigious medical universities, which awards the Nobel Prize in Physiology or
21 Medicine. Dr. Johansson has been studying the health effects of wireless devices for many
22 years. Based on the body of evidence, he concluded that "EMR [Electromagnetic Radiation]
23 exposures should be reduced now rather than waiting for proof of harm before acting. It is not in
24 the public interest to wait." He also alerted Defendant CPUC to the World Health Organization
25 (WHO) recent determination to include radiofrequent radiation (such as emissions from Smart
26 Meters) on the 2B list of carcinogens. (See [http://www.scribd.com/doc/55484389/Just-Say-No-](http://www.scribd.com/doc/55484389/Just-Say-No-Big-Brothers-Smart-Meters)
27 [Big-Brothers-Smart-Meters, http://ki.se/ki/jsp/polopoly.jsp?d=21984&a=54583&l=en](http://ki.se/ki/jsp/polopoly.jsp?d=21984&a=54583&l=en))

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28. A letter to Defendant CPUC and a position paper by the American Academy of Environmental Medicine (AAEM) discusses harmful effects from smart meters and recommends a moratorium on smart meter use. (See <http://aaemonline.org/pressadvisoryemf.pdf>)

29. The American Academy of Environmental Medicine, a prominent, highly regarded, authoritative international association, established for over fifty years, with thousands of physician members, has called for "immediate caution regarding smart meter installations. Citing several peer-reviewed scientific studies, the AAEM concludes that "significant harmful biological effects occur from non-thermal RF exposure" showing causality. (Press Advisory, April, 2012). The AAEM also expresses concern regarding significant EMF, ELF, and RF fields on human health.

AAEM calls for:

- Immediate caution regarding Smart Meter installation due to potentially harmful RF exposure.
- Accommodation for health considerations regarding EMF and RF exposure, including exposure to wireless Smart Meter technology.
- Use of safer technology", amongst other conclusions. (See AAEM Press Release, April 12, 2012 <http://aaemonline.org/pressadvisoryemf.pdf>)

Note: RF means radio frequency

EMF means electromagnetic field

ELF means extremely low frequency

30. AAEM has also directly warned CPUC Commissioners about smart meter environmental hazards and public health risks in a resolution and letter dated January 19, 2012:

"Dear [CPUC] Commissioners:

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1 The Board of the American Academy of Environmental Medicine opposes the installation of
2 wireless 'smart meters' in homes and schools based on a scientific assessment of the current
3 medical literature (references available on request). Chronic exposure to wireless radiofrequency
4 radiation is a preventable environmental hazard that is sufficiently well documented to warrant
5 immediate preventative public health action.

6 As representatives of physician specialists in the field of environmental medicine, we have an
7 obligation to urge precaution when sufficient scientific and medical evidence suggests health
8 risks which can potentially affect large populations. The literature raises serious concern
9 regarding the levels of radio frequency (RF – 3 KHz – 300 GHz) or extremely low frequency
10 (ELF – 0- 300 Hz) exposures produced by "smart meters" to warrant an immediate and complete
11 moratorium on their use and deployment until further study can be performed." (See
12 <http://www.scribd.com/doc/79470430/AAEM-Resolution>)
13

14 31. Other peer-reviewed studies that have been available to all of the Defendants and in the
15 public domain include:

16 Hill, AB. The Environment and Disease: Association or Causation? Proceedings of the Royal
17 Society of Medicine. 1965; 58: 295-300.

18 Xu S, Zhou Z, Zhang L, et al. Exposure to 1800 MHZ radiofrequency radiation induces
19 oxidative damage to mitochondrial DNA in primary cultured neurons. Brain Research. 2010;
20 1311: 189-196.

21 Phillips JL, Singh NP, Lai H. Electromagnetic fields and DNA damage. Pathophysiology. 2009;
22 16: 79-88.

23 Ruediger HW. Genotoxic effects of radiofrequency electromagnetic fields. Pathophysiology.
24 2009; 16(2): 89-102.

25 Zhao T, Zou S, Knapp P. Exposure to cell phone radiation up-regulates apoptosis genes in
26 primary cultures of neurons and astrocytes. Neurosci Lett. 2007; 412(1): 34-38.

27 Lee S, Johnson D, Dunbar K. 2.45 GHz radiofrequency fields alter gene expression on cultured
28

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human cells. FEBS Letters. 2005; 579: 4829-4836.

Demsia G, Vlastos D, Matthopoulos DP. Effect of 910-MHz electromagnetic field on rat bone marrow. The Scientific World Journal. 2004; 4(S2): 48-54.

Lai H, Singh NP. Magnetic-field-induced DNA strand breaks in brain cells of the rat. Environmental Health Perspectives. 2004; 112(6): 687-694. Available from: <http://ehp03.niehs.nih.gov/article/info:doi/10.1289/ehp.6355>

Mashevich M, Foldman D, Kesar, et al. Exposure of human peripheral blood lymphocytes to electromagnetic fields associated with cellular phones leads to chromosomal instability. Bioelectromagnetics. 2003; 24: 82-90.

Magras IN, Xenos TD. RF radiation-induced changes in the prenatal development of mice. Bioelectromagnetics. 1997; 18:455-461.

Ban R, Grosse Y, Lauby-Secretan B, et al. Carcinogenicity of radiofrequency electromagnetic fields. The Lancet Oncology. 2011; 12(7): 624-626. Available from: [http://www.thelancet.com/journals/lanonc/article/PIIS1470-2045\(11\)70147-4/fulltext?_eventId=login](http://www.thelancet.com/journals/lanonc/article/PIIS1470-2045(11)70147-4/fulltext?_eventId=login)

Hardell L, Carlberg M, Hansson Mild K. Use of cellular telephones and brain tumour risk in urban and rural areas. Occup. Environ. Med. 2005; 62: 390-394.

Nittby H, Brun A, Eberhardt J, et al. Increased blood-brain barrier permeability in mammalian brain 7 days after exposure to the radiation from a GSM-900 mobile phone. Pathophysiology. 2009; 16: 103-112.

Awad SM, Hassan NS. Health Risks of electromagnetic radiation from mobile phone on brain of rats. J. Appl. Sci. Res. 2008; 4(12): 1994-2000.

Leszczynski D, Joenvaara S. Non-thermal activation of the hsp27/p38MAPK stress pathway by mobile phone radiation in human endothelial cells: Molecular mechanism for cancer - and blood-brain barrier – related effects. Differentiation. 2002; 70: 120-129.

Santini R, Santini P, Danze JM, et al. Study of the health of people living in the vicinity of mobile phone base stations: 1. Influences of distance and sex. Pathol Biol. 2002; 50: 369-373.

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1 Abdel-Rassoul G, Abou El-Fateh O, Abou Salem M, et al. Neurobehavioral effects among
2 inhabitants around mobile phone base stations. *Neurotox.* 2007; 28(2): 434-440.

3 Hutter HP, Moshammer H, Wallner P, Kundi M. Subjective symptoms, sleeping problems, and
4 cognitive performance in subjects living near mobile phone base stations. *Occup. Environ. Med.*
5 2006; 63: 307-313.

6 Kolodynski AA, Kolodynska VV. Motor and psychological functions of school children living in
7 the area of the Skrunda Radio Location Station in Latvia. *Sci. Total Environ.* 1996; 180: 87-93.

8 Rea WJ, Pan Y, Fenyves EJ, et al. Electromagnetic field sensitivity. *Journal of Bioelectricity.*
9 1991; 10(1 &2): 243-256.

10 McCarty DE, Carrubba S, Chesson AL, et al. Electromagnetic hypersensitivity: Evidence for a
11 novel neurological syndrome. *Int. J. Neurosci.* 2011; 121(12): 670-676.

12 Ingole IV, Ghosh SK. Cell phone radiation and developing tissues in chick embryo – a light
13 microscopic study of kidneys. *J. Anat. Soc. India.* 2006; 55(2): 19-23.

14 Lubec G, Wolf C, Bartosch B. Amino acid isomerisation and microwave exposure. *Lancet.* 1989;
15 334: 1392-1393.

16 Smith CW. Quanta and coherence effects in water and living systems. *Journal of Alternative and*
17 *Complimentary Medicine.* 2004; 10(1): 69-78.

18

19 32. A March 11, 2011, posting on stopsmartmeters.org reads:
20 “San Francisco, CA- Facing mounting opposition to wireless ‘smart’ meters being rolled out by
21 California utilities, including 10 local governments who have criminalized installations, and 23
22 more who have demanded that the CPUC stop the program because of widespread reports of
23 health impacts, the Commission yesterday signaled that it would ask one of California’s utilities-
24 PG&E- to develop a plan to allow customers to opt out of having a wireless meter installed- at
25 customers’ expense....

26

27

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1 Environmental health advocates and a burgeoning grassroots movement to halt the installations
2 welcomed the CPUC's admission that there is a health crisis with the smart meter program, but
3 slammed the meager steps proposed to address it. According to Joshua Hart, Director of Stop
4 Smart Meters!, 'Admitting that there is a problem is the first step to fixing that problem.
5 However, an individual opt out at customer expense for PG&E customers is a diversion.... The
6 bottom line is that these meters are hurting people- and no one deserves to be subject to powerful
7 microwave radiation pulses 24 hours a day in their own home.'

8
9 The wireless meters have been widely reported to cause headaches, dizziness, ringing in the ears-
10 even memory loss and heart palpitations among susceptible individuals due to bursts of
11 microwave radiation. The movement against wireless meters is the sharp end of a growing
12 movement demanding health-based standards for wireless technology. Michael Peevey, who
13 Gov. Brown has allowed to continue chairing the Commission, has continually insulted
14 individuals with electro-sensitivity, inferring that they are 'just making it up.' Peevey, the former
15 President and Senior Executive of Southern California Edison (SCE) has ties to the
16 telecommunications industry, and continues to chair the Commission that is meant to oversee the
17 utilities, despite popular outrage about clear conflicts of interest. SCE plans to have installed 5.3
18 million meters between 2009 and 2012.

19 Health advocates say they will continue protests and civil disobedience until a moratorium is
20 imposed on any further installation, independent hearings on health are scheduled at the state
21 level, and the utilities are directed to remove unwanted meters." (See
22 [http://stopsmartmeters.org/2011/03/11/cpuc-admits-to-smart-meter-health-crisis-opt-out-plan-](http://stopsmartmeters.org/2011/03/11/cpuc-admits-to-smart-meter-health-crisis-opt-out-plan-falls-short/)
23 [falls-short/](http://stopsmartmeters.org/2011/03/11/cpuc-admits-to-smart-meter-health-crisis-opt-out-plan-falls-short/))
24

25 33. Defendant Peevey has breached ethics and violated the California Public Utilities Code
26 section 303(a) by holding official relations to and a financial interest in several companies or
27 persons subject to regulation by Defendant CPUC. Defendant Peevey serves as Chairman of the
28

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1 CETF alongside Expert Advisors, Kurt Rasmussen, Vice President of Verizon and Thomas Brill,
2 Officer of SDG&E. This creates an official relationship. Both Verizon and SDG&E are
3 regulated by Defendant CPUC. The CEFT received \$60 million in funding from Verizon and
4 AT&T, two companies which are under the regulatory authority of Defendant CPUC. This
5 creates a financial interest as well as an official relationship.

6
7 34. Defendant Peevey admitted the California Council on Science and Technology (CCST) study
8 as the sole basis for safety recommendations for the Smart Grid, to the exclusion of all other
9 peer-reviewed studies and recommendations from qualified health professionals. Bryan
10 Hannegan serves on CCST's Council, yet he is a VP of the Electric Power Research Institute
11 (EPRI), many of whose members are electric utilities, some of whom are under Defendant
12 CPUC's regulation. This creates an official relationship and a conflict of interest prohibited by
13 law.

14 35. Defendant Peevey may not have divested himself of stock, stock options, or pension funds
15 from Southern California Edison, his former employer and a company under Defendant CPUC's
16 regulatory authority. This would create a serious conflict of interest due to financial holdings.
17 Defendant Peevey's actions suggest that he maintains a relationship with the public utilities
18 under his regulatory authority which is a good deal cozier than arm's length. There must be
19 some motive for his eagerness to undermine the public health and safety. Further discovery is
20 needed on this issue.

21
22 36. A June 11, 2012, article in La Maison features Harvard-educated physician, Dr. David O.
23 Carpenter, founder of the University at Albany School of Public Health, joined by more than 50
24 of his esteemed colleagues to "correct some of the gross misinformation" being propagated by
25 industry-funded studies and corrupt government agencies, such as Defendant CPUC. Highlights
26 include:

1 “A technical study performed by Sage Associates in California indicates that RF levels from
2 various scenarios depicting normal smart meter installation and operation may violate even the
3 out-of-date US public safety standards.”

4 “Wireless smart meters typically produce atypical, relatively potent and very short pulsed
5 RF/microwaves whose biological effects have never been fully tested. They emit these
6 millisecond-long RF bursts on average 9,600 times a day with a maximum of 190,000 daily
7 transmissions and a peak level emission two and a half times higher than the stated safety signal,
8 as the California utility Pacific Gas & Electric recognized before that State’s Public Utilities
9 Commission. Thus people in proximity to a smart meter are at risk of significantly greater
10 aggregate of RF/microwave exposure than with a cell phone, not to mention the cumulative
11 exposure received by people living near multiple meters mounted together, pole-mounted routers
12 or utility collector meters using a third antenna to relay RF signals from 500 to 5,000 homes.”

13
14 “In addition to the erratic bursts of modulated microwaves emitted by wireless smart meters
15 transferring usage data to electric, gas and water utilities, wireless as well as wired smart
16 (powerline communication) meters are also a major source of ‘dirty electricity’ (electrical
17 interference of high frequency voltage transients typically of kilohertz frequencies). Some
18 scientists, such as American epidemiologist Sam Milham, believe that many of the health
19 complaints about smart meters may also be caused by dirty electricity generated by the «
20 switching » power supply activating all smart meters.”

21
22 “As Australian Associate Professor of neurosurgery Vini G. Khurana reports, adverse
23 neurological effects have been reported in people who sustain close proximity to wireless meters,
24 especially under 10 feet (3 metres).”

25 “This is why so many scientists and medical experts urgently recommend that measures
26 following the Precautionary Principle be applied immediately...”

27
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- 1 • David O. Carpenter, MD, Director, Institute for Health & the Environment, University at
2 Albany, USA
- 3 • Franz Adlkofer, M.D., Chairman of the Pandora Foundation, Coordinator of the European
4 Reflex Report on DNA-damage by cellphone radiation, Neuendorf, Germany
- 5 • M. S. H. Al Salameh, PhD, Professor of Electrical Engineering, University of Science &
6 Technology, Irbid, Jordan
- 7 • Jennifer Armstrong, MD, Past President, American Society for Environmental Medicine,
8 Founder, Ottawa Environmental Health Clinic, Ontario, Canada
- 9 • Pierre L. Auger, MD, Occupational medicine, Multiclinique des accidentés 1464, Montreal,
10 Quebec, Canada
- 11 • Igor Beliaev, PhD, Head research scientist, Cancer Research Institute, Slovak Academy of
12 Sciences, Bratislava, Slovak republic
- 13 • Fiorella Belpoggi, PhD, Director Cesare Maltoni Cancer Research Center, Ramazzini Institute,
14 Bologna, Italy
- 15 • Dominique Belpomme, MD, Director of the European Cancer and Environment Research
16 Institute, Brussels, Belgium
- 17 • Martin Blank, PhD, former President, Bioelectromagnetics Society, Special Lecturer,
18 Department of Physiology and Cellular Biophysics, Columbia University Medical Center, New
19 York, USA
- 20 • Barry Breger, MD, Centre d'intégration somatosopique (orthomolecular medicine), Montreal,
21 Quebec
- 22 • Simona Carrubba, PhD, Prof. Biophysics, Daemen College, Amherst, NY, Associate
23 Researcher, Neurology, Buffalo General Hospital, Buffalo, NY
- 24 • John Cline, MD, Professor, Institute for Functional Medicine, Federal Way, WA, USA,
25 Medical Director, Cline Medical Centre, Nanaimo, BC, Canada
- 26 • Alvaro Augusto de Salles, PhD, Professor of Electrical Engineering, Federal University of Rio
27 Grande do Sul, Porto Alegre, Brazil

VERIFIED COMPLAINT

- 1 • Christos Georgiou, Prof. Biochemistry, Biology Department, University of Patras, Greece
- 2 • Andrew Goldsworthy, PhD, Honorary lecturer in Biology, Imperial College, London, UK
- 3 • Claudio Gómez-Perretta, MD, Director, Centro de Investigación, Hospital Universitario LA Fe,
- 4 Valencia, Spain
- 5 • Livio Giuliani, PhD, Senior Researcher, National Insurance Institute (INAIL), Chief of
- 6 Radiation and Ultrasounds Research Unit, Rome, Italy
- 7 • Yury Grigoriev, PhD, Chair Russian National Committee on Non-Ionizing Radiation
- 8 Protection, Moscow, Russia
- 9 • Settimio Grimaldi, PhD, Director, Institute of Translational Pharmacology (Neurobiology and
- 10 molecular medicine), National Research Council, Rome, Italy
- 11 • Magda Havas, PhD, Centre for Health Studies, Trent University, Canada
- 12 • Lennart Hardell, MD, Professor of Oncology, University Hospital, Örebro, Sweden
- 13 • Denis L. Henshaw, PhD, Professor of Physics, Head of The Human Radiation Effects Group,
- 14 University of Bristol, UK
- 15 • Ronald B. Herberman, MD, Chairman of Board, Environmental Health Trust, and Founding
- 16 Director emeritus, University of Pittsburgh Cancer Institute, USA
- 17 • Donald Hillman, PhD, Dairy Science, Professor Emeritus, Department of Animal Science,
- 18 Michigan State University, USA
- 19 • Isaac Jamieson, PhD, Environmental Science (electromagnetic phenomena in the built
- 20 environment), independent architect, scientist and environmental consultant, Hertfordshire, UK
- 21 • Olle Johansson, PhD, Professor of Neuroscience (Experimental Dermatology Unit), Karolinska
- 22 Institute, Stockholm, Sweden
- 23 • Yury Kronn, PhD, Soviet authority on physics of nonlinear vibrations and high frequency
- 24 electromagnetic vibrations, founder of Energy Tools International, Oregon, USA
- 25 • Vini G. Khurana, MBBS, Associate of Professor of Neurosurgery, Australian National
- 26 University, Australia
- 27 • Henry Lai, PhD, Professor of Bioengineering, University of Washington School of Medicine,
- 28

VERIFIED COMPLAINT

Seattle, WA, USA

- Abraham R. Liboff, PhD, Professor Emeritus, Department of Physics, Oakland University, Rochester, Michigan, USA
- Don Maisch, PhD, Researcher on radiation exposure standards for telecommunications frequency, EMFacts Consultancy, Tasmania, Australia
- Erica Mallery-Blythe, MD, Emergency Medicine Physician, England
- Andrew A. Marino, MD, Professor of Neurology, LSU Health Sciences Center, Shreveport, LA, USA
- Karl Maret, MD, President, Dove Health Alliance, Aptos, CA, USA
- Fiorenzo Marinelli, PhD, Researcher on biological effects of EMFs, Institute of Molecular Genetics, National Research Council, Bologna, Italy
- Andrew Michrowski, PhD, Director, Planetary Association for Clean Energy, Ottawa, Canada
- Sam Milham, MD, former chief epidemiologist, Washington State Department of Health, USA
- Joel M. Moskowitz, PhD, Director, Center for Family and Community Health, School of Public Health, University of California, Berkeley
- Gerd Oberfeld, MD, Public Health Department, Salzburg State Government, Austria
- Mike O'Carroll, PhD, Professor Emeritus (Applied Mathematics), University of Sunderland, UK
- Jerry L. Phillips, PhD, Director, Center for Excellence in Science, Department of Chemistry and Biochemistry, University of Colorado, USA
- John Podd, PhD, Professor of Psychology (experimental neuropsychology), Massey University, New-Zeland
- William J. Rea, MD, thoracic and cardiovascular surgeon, founder of the Environmental Health Center, Dallas, Tx, USA
- Elihu D. Richter, MD, Professor, Hebrew University-Hadassah School of Public Health and Community Medicine, Jerusalem, Israel
- Leif G. Salford, MD, Senior Professor of Neurosurgery, Lund University, Sweden

VERIFIED COMPLAINT

- 1 • Nesrin Seyhan, MD, Founder and Chair of Biophysics, Medical Faculty of Gazi University,
- 2 Turkey
- 3 • Cyril W. Smith, PhD, lead author of “Electromagnetic Man”, retired from Electronic and
- 4 Electrical Engineering, University of Salford, UK
- 5 • Morando Soffritti, MD, Scientific Director of the European Foundation for Oncology and
- 6 Environmental Sciences “B. Ramazzini” in Bologna, Italy
- 7 • Carlos Sosa, MD, surgeon affected by the Microwave syndrome, Medellin, Columbia
- 8 • Antoinette “Toni” Stein, PhD, Collaborative on Health and the Environment (CHE-EMF
- 9 Working Group), Co-Coordinator, Berkeley, CA, USA
- 10 • Stanislaw Szmigielski, MD, PhD Professor of Pathophysiology, Consulting Expert, former
- 11 director of Microwave Safety, Military Institute of Hygiene and Epidemiology, Warsaw, Poland
- 12 • Lauraine Vivian, PhD, Senior Lecturer, Primary Health Care Directorate, Faculty of Health
- 13 Sciences, University of Cape Town, South Africa.
- 14 • Bradford S. Weeks, MD, Director, The Weeks Clinic, Clinton, WA, USA
- 15 • Stelios A. Zinelis, MD, Vice-President, Hellenic Cancer Society, Cefallonia, Greece

16 (See <http://maisonsaine.ca/smart-meters-correcting-the-gross-misinformation/>)

17
18 37. In *Friedman v. Public Utilities Commission*, 2012 ME 90, the Maine Supreme Court decreed
19 “Contrary to the **Commission's** conclusion, we are not persuaded that **Friedman's** health and
20 safety concerns were “resolved”...”

21 22 B. DEFENDANTS ARE VIOLATING BANS ON HUMAN EXPERIMENTATION

23 38. Defendants did not properly inform Plaintiff or any other California residents that they would
24 be the subjects of a state-wide grand experiment on the health effects of Smart Meter radiation.

25
26 39. Defendants did not properly obtain the Plaintiff’s or other California residents’ consent to the
27 experiment.

28 VERIFIED COMPLAINT

40. Defendants failed to implement proper controls over the experiment, follow sound scientific methods, or even record results. Defendants never followed up or kept records of the health effects that they were supposed to be studying. When presented with evidence of harm to the unwitting subjects, Defendants ignored, dismissed, discredited, or denied it. This is not proper procedure for a scientific study.

41. The EMF Safety Network published the following information:

“*CCST STUDY LEAVES SMART METER HEALTH QUESTIONS UNANSWERED*
Report Admits that Smart Meter Radiation ‘Continues to be of Concern’

San Francisco- A coalition of health and environmental advocates opposing radiation-emitting ‘smart’ meters today questioned the recommendations of a report released yesterday, calling the installation of 10 million wireless meters throughout California ‘a giant experiment on the population.’ The California Council on Science and Technology (CCST) released a draft of their Smart Meter report yesterday- a response to Assemblymember Jared Huffman’s (D-San Rafael) request and question, ‘Are the FCC Safety Standards adequate to protect people from harm?’

The CCST report answers that the FCC safety standards are adequate for thermal impacts yet non-thermal impacts from radiation emitting devices like Smart Meters is still unknown. Despite this uncertainty, the report inexplicably gives the green light for continued installation.

Cindy Sage of Sage Associates, a professional environmental consultant who last week released a study showing that ‘smart’ meters likely exceed already

1 high FCC limits on human exposure to microwaves, said ‘Installing millions
2 of RF transmitters in peoples’ homes when we already have substantial
3 scientific evidence about the risks of chronic, low-level RF is a risk not
4 worth taking. Especially without any discussion, or disclosure to the
5 public about trade-offs made without their knowledge or consent.’

6
7 The CCST study found that radiation from a ‘Smart’ Meter is forty times as
8 high as a wireless wifi router, contradicting PG&E’s previous claim that the
9 meters emit a minute fraction of the radiation of common household devices.

10
11 ‘Comparing wireless meters to other wireless devices that are voluntary,
12 and which many people choose not to use is not a fair comparison to
13 government-mandated meters that expose people in their homes 24 hours a
14 day.’ Sage says.

15 Stop Smart Meters!, the EMF Safety Network, and other groups opposing
16 ‘smart’ meters continue to receive reports from hundreds of people
17 experiencing health impacts after the wireless meters are installed,
18 including sleep problems, headaches, tinnitus and nausea. The California
19 Public Utilities Commission has received over 2000 complaints of health
20 impacts. The CCST report failed to interview anyone reporting health
21 symptoms, and neglected to cite peer-reviewed findings of non-thermal
22 biological damage from low level RF emissions.

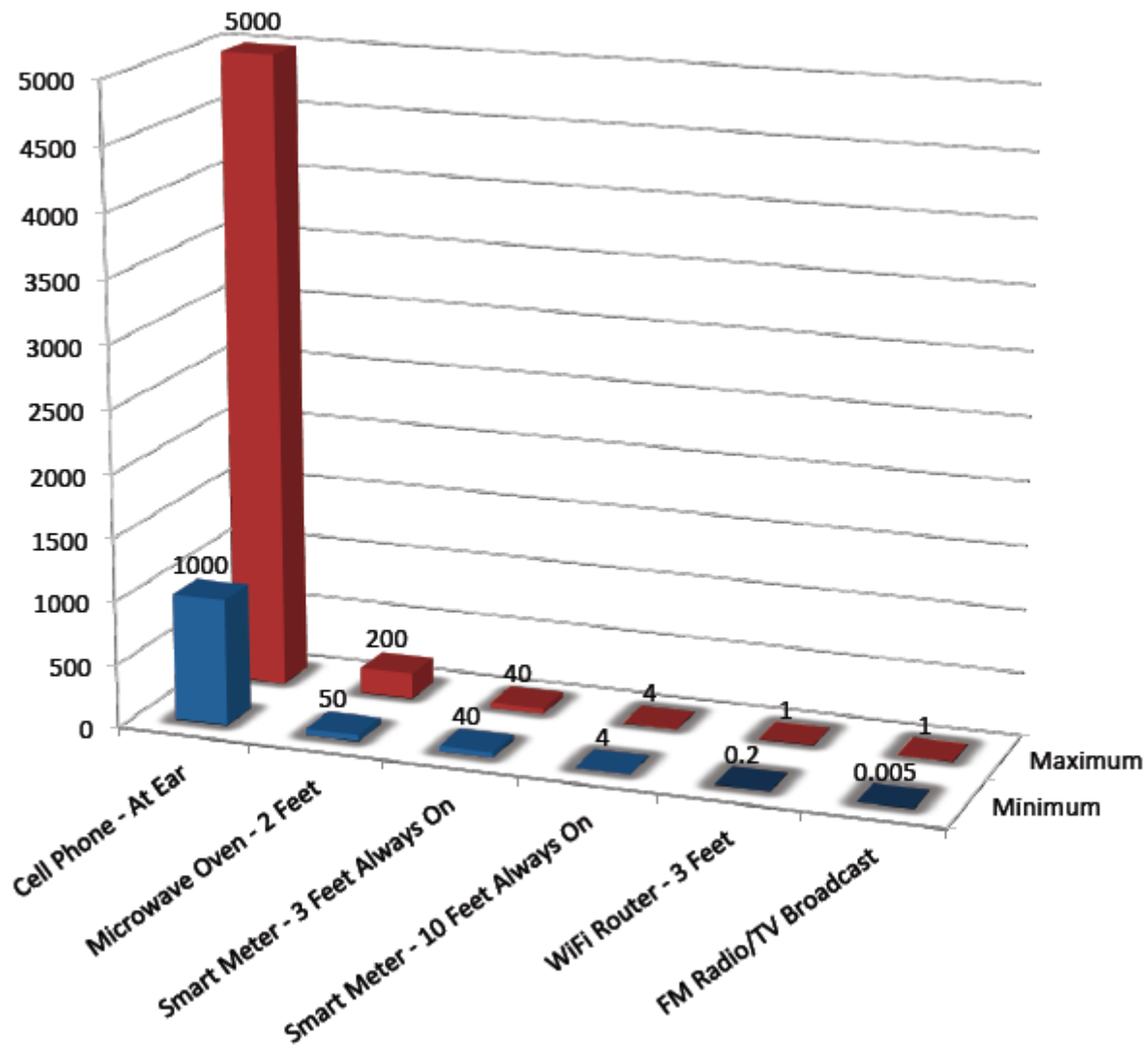
23
24 ‘The costs for having guessed wrong is likely to have enormous economic and
25 public health consequences for Californians for decades to come,’ Sage
26 concludes.” (See http://emfsafetynetwork.org/?page_id=3299)
27

28 VERIFIED COMPLAINT

42. The CCST was established by the California Legislature, Assembly Concurrent Resolution No. 162, to achieve an economic development objective, with no directive or authority over the public health. Its composition is heavily weighted with industry executives and academic engineers, rather than bona fide health professionals. It is an entirely inappropriate vehicle for public policy research concerning matters of health and safety. (See <http://www.ccst.us/ccstinfo/charge.php>)

43. The following April 20, 2011, posting on StopSmartMeters.org features Daniel Hirsch, a lecturer and expert in nuclear policy at the University of California Santa Cruz.

“And here are the two charts that seek to compare microwave radiation from smart meters to cell phones, microwaves and other devices. The first is from the CCST report- taken directly from EPRI- an energy industry front group. The second is from Mr. Hirsch’s analysis (pdf), corrected for whole body, cumulative exposure.



The CCST report mixed units and published this highly misleading chart, which was presented as fact by many media outlets. Why is our state legislature allowing their 'independent' health study to be hijacked by industry? We learned in 6th grade math class never to compare different units of measurements on one chart- perhaps the industry 'scientists' who prepared this chart never completed grade school?

VERIFIED COMPLAINT

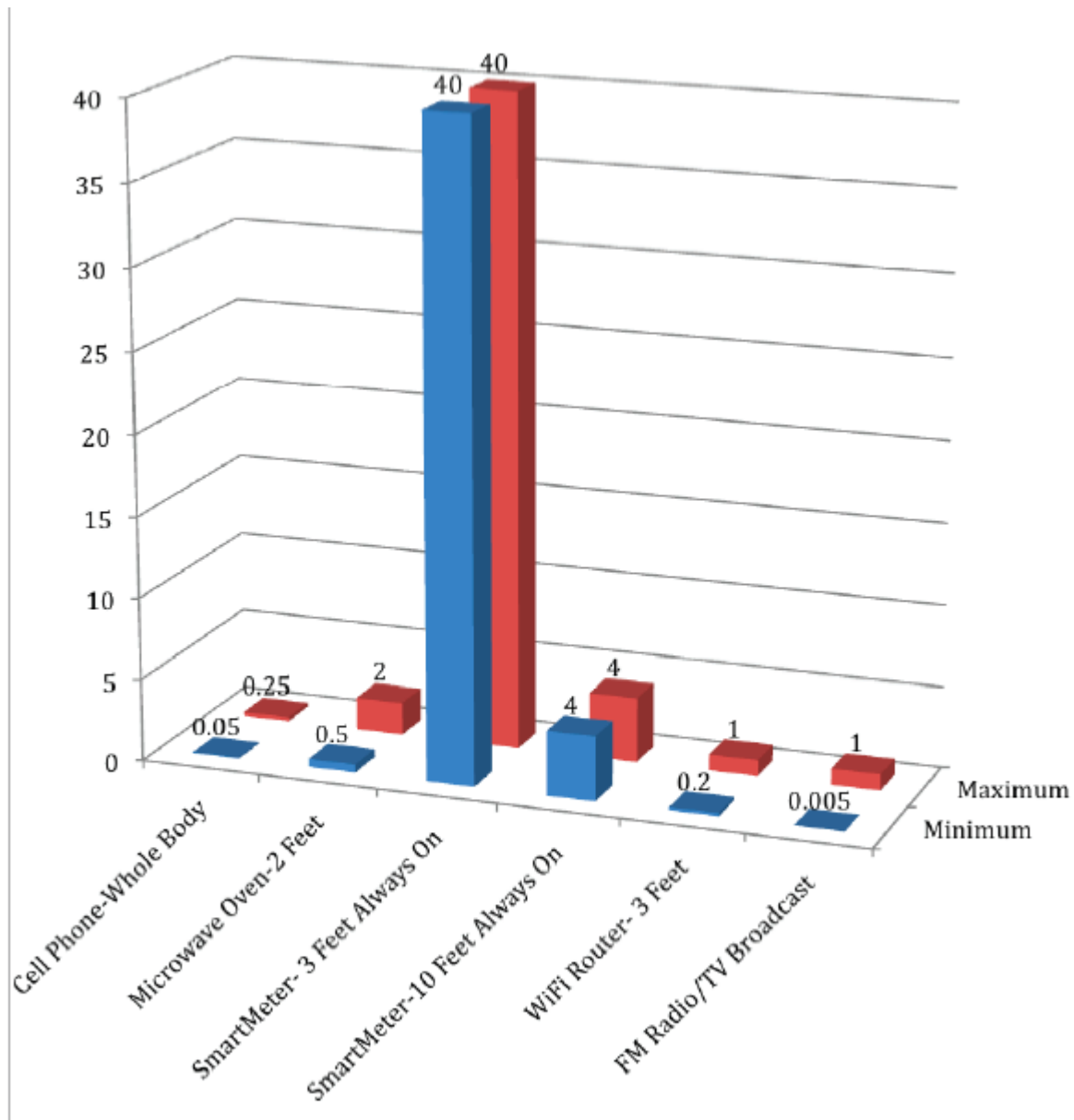


Chart produced by Daniel Hirsch, corrected to represent cumulative, whole body exposure. When the chart is corrected to reflect the same units of measurement, it appears that smart meters are at least 100x more powerful than cell phones, which are increasingly being linked with brain tumors.” (See <http://stopsmartmeters.org/2011/04/20/daniel-hirsch-on-ccsts-fuzzy-math/>)

44. The U.S. Court of Appeals for the D.C. Circuit has explained, “the ethical problems of conducting cancer experiments on human beings are too obvious to require discussion.” *Environmental Defense Fund v. EPA*, 510 F.2d 1292, 1299 (D.C. Cir. 1975).

VERIFIED COMPLAINT

45. In 1932, the U.S. Public Health Service and the Tuskegee Institute recruited about 600 poor, African-American farmers for the purpose of studying the natural progression of syphilis in men. The men volunteered under the impression that they were to receive free medical care for life. They were not informed that they had syphilis and their syphilis was never treated, even though by 1947 penicillin had become the standard treatment. The facts of this experiment became public in July 1972 whereupon the study was immediately terminated, but not before many of the men had died and had communicated syphilis to their wives and children. (*See*, Centers for Disease Control, “The Tuskegee Timeline”, *see*, <http://www.cdc.gov/tuskegee/timeline.htm> (*accessed* 9/20/2012)).

46. The Tuskegee syphilis experiment and other U.S. governmental sponsored human research horrors prompted Congress to pass the National Research Act of 1974 which created a commission to develop principles for the protection of human subjects in scientific experimentation.

47. Four years later, the commission produced: the “Belmont Report: Ethical Principles and Guidelines for the Protection of Human Subjects of Research, Report of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research.” DHEW Publication No. (OS) 78-0012. (*See* http://epahumantesting.files.wordpress.com/2012/08/ohrp_belmont_report.pdf) (*accessed* 9/20/2012).

48. In 1991, the Belmont Report was incorporated into federal regulations at 45 CFR Part 46, also known as “the Common Rule.”

49. Federal rules found at 45 C.F.R. Part 46 apply “to all research involving human subjects conducted, supported or otherwise subject to [federal] regulation.” The Smart Grid is federally funded and subject to federal regulation.

50. 45 C.F.R. § 46.102 (i) defines “Minimal risk” as “the probability and magnitude of harm or discomfort anticipated in the research are not greater in and of themselves than those ordinarily encountered in daily life or during the performance of routine physical or psychological examinations or tests.”

51. 45 C.F.R. § 46.111 prohibits risks to human subjects that are greater than minimal risks.

52. 45 C.F.R. § 46.111 prohibits imposing risks that are not reasonable in relation to anticipated benefits.

53. 45 C.F.R. § 46.116 prohibits human experimentation “unless the investigator has obtained the legally effective informed consent of the subject.”

54. 45 C.F.R. § 46.116 requires the informed consent to provide “a description of any reasonably foreseeable risks or discomforts to the subject.”

55. 45 C.F.R. § 46.122 specifically prohibits expenditure of Federal funds for research involving human subjects unless the requirements of 45 C.F.R. Part 46 rules have been satisfied. The Smart Grid is federally funded.

56. 45 C.F.R. § 46.123 provides authority for an agency head to require agency support for any project be terminated or suspended in the manner prescribed in applicable program requirements, when the agency head finds an institution has materially failed to comply with the terms of 45

1 C.F.R. Part 46 rules. In this case the agency head refers to Defendant Peevey, President of
2 Defendant CPUC.

3
4 57. 42 U.S.C. § 3515b states that no “funds appropriated by this Act or subsequent
5 Departments of Labor, Health and Human Services, and Education, and Related Agencies
6 Appropriations Acts shall be used to pay for any research program or project or any program,
7 project, or course which is of an experimental nature, or any other activity involving human
8 participants, which is determined by the Secretary or a court of competent jurisdiction to present
9 a danger to the physical, mental, or emotional well-being of a participant or subject of such
10 program, project, or course, without the written, informed consent of each participant or subject.”

11
12 C. DEFENDANTS FRAUDULENTLY RECEIVED FEDERAL FUNDS

13 58. The American Recovery and Reinvestment Act of 2009, signed into law by President Barack
14 Obama on February 17, 2009, provided the U. S. Department of Energy with approximately \$11
15 billion in federal tax dollars to modernize the electric power grid. Of this sum, approximately \$4
16 billion funded the Smart Grid Investment Grant Program.

17
18 59. 42 U.S.C. Public Health and Welfare Code, Chapter 152, Subchapter IX authorizes the Smart
19 Grid program and the fifty percent matching funds available for qualifying investments. 42
20 U.S.C. section 17381(8) specifies a provision to consumers of timely information and control
21 options. Defendant SDG&E has breached both the letter and the spirit of this directive to
22 accurately inform consumers and allow them control of devices on their homes. Defendant
23 SDG&E has intentionally misinformed or failed to inform consumers about the hazards and risks
24 of the wireless Smart Grid equipment that they have chosen to purchase from Defendant Itron
25 and possibly other manufacturers for home and neighborhood installation. Defendant SDG&E
26 has refused to honor or even listen to consumer requests for healthier, safer equipment, thus
27 denying them control options.

28 VERIFIED COMPLAINT

60. Under the 42 U.S.C. section 17386 guidelines for qualifying matching funds, Defendant SDG&E received approximately \$28 million on April 26, 2010 to implement an advanced wireless communication system, thus accelerating Smart Grid applications and devices. Defendant SDG&E also received approximately \$6 million on September 22, 2010 to develop a Smart Grid pilot program for demonstration purposes. Defendant SDG&E may have received additional funds unbeknownst to the Plaintiff. Defendant SDG&E used a portion of the Smart Grid matching funds to purchase defective Smart Meters and other equipment from Defendant Itron.

61. Defendant SDG&E intentionally made false statements, that its officers knew to be untrue, and suppressed or concealed the truth in order to procure the above-mentioned federal funding. In so doing, Defendant SDG&E violated:

18 U.S.C. section 371 Criminal Code, Chapter 19 Conspiracy to defraud United States,
18 U.S.C. ss. 653 and 666 Criminal Code, Chapter 31 Embezzlement and Theft, Disbursing officer misusing public funds, Theft or bribery concerning programs receiving Federal funds, and
18 U.S.C. ss. 1001 and 1018 Criminal Code, Chapter 47 Fraud and False Statements.

62. In its Smart Grid Deployment Plan, filed June 2011 with Defendant CPUC, Defendant SDG&E states:

“Empower Consumers to Actively Participate in the Operations of the Grid.”

“SDG&E’s vision is customer-centric and its strategy requires that the utility place a high priority on implementing technologies that empower customers in ways they value...” Page 100

“SDG&E places its highest priority on safely ensuring reliability of service to customers.” Page 101

1 “The highest priority is assigned to ensuring safe and reliable service to Customers... support
2 customers' preferences...making customer value a key component of SDG&E's investment
3 decision-making process” Page 101

4
5 “The highest priority is placed on ensuring the safety and reliability of service to customers, and
6 this strategy will help ensure that SDG&E is able to integrate growing levels of intermittent
7 resources while maintaining safety and reliability.” Page 102

8
9 “SDG&E's vision is customer-focused and will place a high priority on implementing
10 technologies that empower customers in ways that customers value.... ongoing dialogue with
11 customers....” Page 102

12
13 “SDG&E's Smart Grid Deployment Plan places a high priority on reducing the total
14 environmental footprint of the current electric generating and delivery system in the San Diego
15 region... its vision of working with customers and other stakeholders to create a connected and
16 sustainable smart energy future. This ensures that SDG&E's technology investments create or
17 contribute to a platform for functionality that its customers value and that empowers them...
18 SDG&E's Smart Grid Deployment Plan will significantly reduce the total environmental
19 footprint of the electric system by creating a platform that will integrate technologies and
20 services supporting California's emission reduction and other environmental goals.” Page 103

21
22 **“Customer Empowerment** - SDG&E is investing in an infrastructure to ensure that customers
23 have the necessary information from the utility and third parties as well as the capabilities to
24 make energy management decisions that meet their needs and desires...” Page 104

1 “SDG&E is deploying new Smart Grid technologies in conjunction with traditional infrastructure
2 to ensure the safe, reliable, and efficient integration of PEV charging load with SDG&E’s overall
3 system...” Page 105

4
5 “SDG&E’s Reliability and Safety program improves measurement, control, protection, and
6 optimization to support the resiliency and responsiveness of the grid.” Page 107

7 <http://www.sdge.com/sites/default/files/documents/smartgriddeploymentplan.pdf>
8

9 63. Defendant SDG&E failed to comply with California law in its implementation of the Smart
10 Grid as follows:

11 California Public Utilities Code section 8360 requires the safe, reliable, efficient deployment of
12 the modern Smart Grid, including (h) providing customers with timely information and control
13 options;

14 California Public Utilities Code section 8363 requires implementation of the Smart Grid in a
15 manner which does not compromise safety, integrity, or reliability;

16
17 64. The following sections of the California Civil Code further establish the Defendants’ liability
18 for the resulting injuries to the Plaintiff:

19 43 Right of protection from bodily restraint or harm and from injury to personal relations.

20 1708 All persons must abstain from injuring the person or property of another or infringing upon
21 the rights of another.

22 1709 One who willfully deceives another is liable for damages.

23 1710 Deceit defined as an untrue assertion, suppression of a fact so as to mislead, or a false
24 promise.

25 1714(a) Liability for injury arises from want of ordinary care or skill.
26
27
28

65. Defendants CPUC and Peevey were entrusted with the duty to oversee the California Smart Grid implementation, including providing for the public safety and protection from bodily harm, requiring and reviewing plans and reports submitted by the utilities, including Defendant SDG&E. Through their own negligence, they failed to do so. Thus, by operation of state and federal law, they are liable for damages and injuries to the Plaintiff.

D. DEFENDANTS VIOLATED FEDERAL LAWS REGULATING POLLUTANTS

66. Under 15 U.S.C. section 1261 subsections (f)(1)(A)(i) and (g), RF radiation from Smart Meter equipment qualifies as a hazardous substance based on its toxicity, because it “has the capacity to produce personal injury or illness to man through ingestion, inhalation, or absorption through any body surface.” The World Health Organization has classified it as a class 2B carcinogen. The Smart Meter equipment itself also qualifies as a “mechanical hazard” under 15 U.S.C. section 1261 subsections (s)(2) (6) (7) (8) and (9). The Smart Meter equipment is a “banned hazardous substance” pursuant to 15 U.S.C. section 1261 subsection (q)(1)(A) because it is intended for use by children (and families and the general public) and it emits “a hazardous substance in such a manner as to be susceptible of access by a child...”

67. Defendant Itron violated 15 U.S.C. section 1263 subsection (a) by introducing a banned hazardous substance into interstate commerce. Defendant SDG&E violated 15 U.S.C. section 1263 subsection (c) by receiving and delivering a banned hazardous substance. 15 U.S.C. section 1264 subsection (a) provides for criminal penalties and subsection (c) provides for civil penalties of up to \$100,000 per violation not to exceed \$15,000,000 total. In addition, subsection (d) authorizes Defendant Harris to bring a civil action for injunction. This Court has jurisdiction to restrain violations pursuant to 15 U.S.C. section 1267(a).

68. Pursuant to 42 U.S.C. section 7401(a)(3) air pollution prevention and control is the primary responsibility of Defendant State.

VERIFIED COMPLAINT

69. 42 U.S.C. section 7412(b)(3)(B) requires the Administrator (of the EPA) to add any hazardous air pollutant to the list upon showing that it “may reasonably be anticipated to cause adverse effects to human health or adverse environmental effects.”

70. 42 U.S.C. section 7470 subsection (1) protects the public health from “any actual or potential adverse effect” from air pollution or “emissions to the ambient air.” Subsection (3) “insure[s] that economic growth will occur in a manner consistent with the preservation of existing clean air resources.” Subsection (5) “assure[s] that any decision to permit increased air pollution in any area to which this section applies is made only after careful evaluation of all the consequences of such a decision and after adequate procedural opportunities for informed public participation in the decisionmaking process.” The Defendants have violated all of these provisions. Section 7477 empowers either Defendant State or the Administrator of the Environmental Protection Agency (EPA) to take enforcement measures, which include seeking injunctive relief.

71. Defendants are liable for the damages caused by their release of hazardous substances pursuant to 42 U.S.C. section 9607.

72. Pursuant to 42 U.S.C. section 13101 subsection (b), “pollution should be prevented or reduced at the source...”

E. DEFENDANTS CAUSED PERSONAL INJURY TO THE PLAINTIFF

73. Defendants recklessly and carelessly caused serious injury to the Plaintiff and the Plaintiff’s loved ones in her own home and community by installing harmful radiation devices on Plaintiff’s home and numerous similar radiation devices in the vicinity of Plaintiff’s community. The devices are commonly referred to as “Smart Meters.”

VERIFIED COMPLAINT

1
2 74. Defendants installed the Smart Meters without obtaining the Plaintiff's informed consent, nor
3 did they obtain the informed consent of any other resident of the home, nor the consent of the
4 property owner.

5
6 75. Defendants repeatedly ignored and downplayed Plaintiff's attempts to inform them of the
7 damages that they were creating with the Smart Meters. On January 21, 2011, and May 9, 2011,
8 Plaintiff sent letters to Defendants SDG&E, CPUC, and Harris, notifying them of their
9 transgressions and requesting relief. None of the Defendants even deigned to respond to the
10 Plaintiff's health and safety issues. Numerous telephone calls to these Defendants were also
11 unanswered or mishandled.

12
13 76. From January, 2011, through May, 2012, Defendants refused to remove the harmful
14 equipment despite repeated requests by the Plaintiff. On May 31, 2012, the Plaintiff filed her
15 "Opt-Out" notice, in which she again called for the removal of all Smart Grid equipment within a
16 two-mile radius of her home. Again, she notified Defendant SDG&E of the health, safety, and
17 legal issues. Although Defendants have recently removed two Smart Meters affixed to
18 Plaintiff's residence, they have failed to address the ambient radiation from millions of Smart
19 Meters in the community, causing further damages and failing to mitigate damages.

20
21 77. Furthermore, Defendants have the nerve to charge Plaintiff a fee for NOT providing her with
22 Smart Meters.

23
24 78. By August 24, 2011, Plaintiff had sustained such serious injuries that her life was in jeopardy
25 and she was forced to flee from her home and business in order to seek refuge from the radiation.
26 Plaintiff continues to suffer some of the serious effects of the injury, such as tinnitus, a
27 particularly distressing condition for a professional musician who depends on acute hearing.

28
VERIFIED COMPLAINT

1 Other symptoms have subsided as long as she stays away from electromagnetic radiation, which
2 is getting more and more difficult to do.

3
4 79. In addition to pain and suffering caused by severe injuries from radiation, Plaintiff lost her
5 home, her business, her means of making a living, her ability to live in California, her lifestyle,
6 her ability to live in electricity, the companionship of her domestic partner and significant other
7 who developed a heart condition from the radiation but elected to remain at home and take heart
8 medication, her cat who suffered and died from the radiation. Plaintiff has lost her liberty to
9 travel freely about and is a virtual prisoner in the rapidly shrinking "safe" areas. Plaintiff has
10 suffered catastrophic losses which were proximately caused by the Defendants' negligence.

11
12 F. DEFENDANTS VIOLATED PLAINTIFF'S RIGHTS

13 80. The Defendants have abridged the Plaintiffs civil rights under the United States Constitution
14 as follows:

15 First Amendment right to free exercise of religion

16 Plaintiff believes in living in harmony with nature and keeping the body well-nourished, well-
17 rested, and free of toxins. Defendants have infringed upon her right to practice this religious
18 belief in the privacy of her own home.

19 First Amendment right to petition the government for redress of grievances

20 Defendants have refused to honor or even respond to Plaintiff's requests for safety and protection
21 from harmful radiation in her own home.

22 Fourth Amendment right of the people to be secure in persons and houses

23 Defendants have violated Plaintiff's person (body) and home with their unwanted radiation.
24 Defendants have imposed a permanent physical occupation of Plaintiff's residence without
25 consent and without just compensation. "At the very core" of the Fourth Amendment "stands the
26 right of a man to retreat into his own home and there be free from unreasonable governmental
27 intrusion." *Silverman v. United States*, 365 U. S. 505, 511 (1961)

28 VERIFIED COMPLAINT

1 Fifth Amendment right to life, liberty, and property

2 Defendants have subjected Plaintiff to harmful microwave and electromagnetic radiation which
3 slowly “cooks” and kills. Although, to date, Plaintiff has been able to escape and stay alive, the
4 transgression remains a concern. Defendants have proximately caused Plaintiff to lose her
5 liberty to live, work, or travel in California. Defendants have proximately caused Plaintiff to
6 lose her property, including her cat, Mimi, her business, and her savings.

7 Fifth Amendment right to due process of law

8 Defendants have refused to address Plaintiff’s grievances.

9 Fifth Amendment protection from private property being taken for public use

10 Defendants have used the airwaves in the Plaintiff’s home for public use without just
11 compensation and without her informed consent. Defendants are guilty of trespassing and
12 conversion.

13 Ninth and Tenth Amendment rights retained by the people and right to privacy

14 Defendants have conducted a toxic intrusion of Plaintiff’s person (body) and home, in ways that
15 usurp power and disparage rights possessed by the Plaintiff.

16 Fourteenth Amendment: States shall not deprive citizens of privileges, life, liberty or property,
17 due process of law, and equal protection of the laws

18 All of the above applies specifically to Defendants State, CPUC, Peevey, and Harris.

19
20 81. The infringement of civil rights described above are expressly prohibited by the Criminal
21 Code, 18 U.S.C. ss. 241-2, Chapter 13, Civil Rights, Conspiracy against rights, Deprivation of
22 rights under color of law. Civil remedies are set forth in the Public Health and Welfare Code, 42
23 U.S.C. ss. 1983, 1985, and 1986, Chapter 21, Civil Rights, Civil action for deprivation of rights,
24 Conspiracy to interfere with civil rights, Action for neglect to prevent.

25
26
27
28 VERIFIED COMPLAINT

1 G. DEFENDANTS HAVE COMMITTED BATTERY

2 82. All Defendants were complicit in the intentional act of implementing the Smart Grid. All
3 Defendants knew that the equipment would emit RF radiation, throughout California
4 neighborhoods, including Plaintiff's home. The RF radiation came into contact with the
5 Plaintiff. It was harmful and offensive to the Plaintiff. It was the proximate cause of the
6 Plaintiff's injuries. Thus, all of the elements of battery are satisfied: Action, intent, and harmful
7 or offensive contact. The Defendants are liable for the damages under California Civil Code ss.
8 1708 and 1714(a).

10 H. DEFENDANTS SDG&E AND ITRON ARE LIABLE FOR THEIR DEFECTIVE PRODUCT

11 83. On or about August 24, 2011, Plaintiff was injured by the Smart Grid equipment,
12 manufactured by Defendant Itron, installed by Defendant SDG&E, and approved or mandated by
13 Defendant CPUC. Each of the Defendants knew that the product would be used without
14 inspection by the Plaintiff for defects. The product was defective when it left the control of each
15 Defendant. At the time of injury, the product was being used as intended. Plaintiff was an
16 unwilling user and purchaser of the product, as well as an unwitting bystander.

18 84. Count One -- Strict Liability: Plaintiff's injury was the legal proximate result of Defendant
19 Itron, who designed, manufactured, and assembled the product and Defendants SDG&E and
20 CPUC who sold the product to the public.

22 85. Count Two -- Negligence: Defendants Itron, SDG&E, and CPUC owed a duty to the Plaintiff
23 to protect her from physical harm from their defective product.

25 86. Count Three -- Breach of Warranty: Defendants breached an implied warranty of product
26 safety.

I. PLAINTIFF HAS TAKEN RESPONSIBILITY TO MITIGATE DAMAGES

87. Plaintiff has lived an exemplary and healthy lifestyle. Plaintiff takes care of her health, eating fresh, nourishing, organic foods, drinking clean water and nothing else (no coffee or soft drinks), getting plenty of exercise and fresh air, going to the beach or natural landscape daily to practice yoga, swim, walk, hike, jog or bicycle. Consequently, Plaintiff has enjoyed excellent health.

88. Plaintiff is a teetotaler. Plaintiff has never used drugs, whether prescription or street drugs.

89. Plaintiff practices her religious belief in natural healing, using only gentle, safe, effective, traditional methods of healing from illness or injury. Plaintiff does not use forceful, harmful allopathic medicine.

90. Plaintiff has protected herself from second hand smoke and other chemical exposure.

91. Plaintiff has carefully avoided RF radiation by using a corded, land-based telephone, rather than a cell phone, avoiding wireless internet, keeping her distance from visible cell phone towers or cell phone users, keeping her distance from power lines.

92. One reason that the Plaintiff has been so diligent in avoiding radiation is because she is so sensitive to it. Exposure has always caused her to experience immediate, unpleasant symptoms including headaches, sinus congestion, nausea, and fatigue.

93. Plaintiff is still alive today because she acted swiftly to mitigate damages and injuries from the Smart Grid, perceptively noting her physical reactions to radiation fields. If she had not taken these precautions, she would most assuredly have succumbed to the onslaught, as did her cat, Mimi.

VERIFIED COMPLAINT

94. Plaintiff noticed that she felt better when she stepped out the door of her house than when she was inside the house. She could feel the immediate effects of radiation when she walked in the front door, experiencing a pins-and-needles feeling all over her skin, muscle contractions, stiffness, and pain, ataxia, dehydration, etc.

95. Plaintiff felt a shock to her heart every four hours, at exactly 1:00, 5:00, and 9:00, as if something was being transmitted every four hours, on the hour. The shock would initiate cascading heart attack symptoms: chest pain, shortness of breath, heart palpitations, nausea, circulatory problems, edema, numbness, and an impending sense of doom. She noticed that this did not occur when she was not at home.

96. Plaintiff began spending more time at the beach and refraining from sleeping at home, in order to preserve her health. Finally, on August 24, 2011, she left her home in search of a radiation-free place to recover, regain, and maintain her health.

J. DEFENDANTS ACTED WITH MALICE, FRAUD, AND OPPRESSION

97. Defendants maliciously installed or allowed the installation of Smart Meter radiation devices on and about the Plaintiff's residence, knowing or with reasonable diligence they should have known, that these devices emitted a high level of radiation that would jeopardize the health and safety of a chemically and electrically sensitive person such as the Plaintiff.

98. Defendants defrauded the Plaintiff and the general public by downplaying the effects or potential effects of such high levels of radiation.

99. Defendants reckless and criminal behavior was oppressive and harmful to the Plaintiff and her loved ones.

K. GROUNDS FOR INJUNCTIVE RELIEF

100. There is a substantial likelihood of success on the merits of this case.

101. The Plaintiff faces astronomical and irreparable damages and serious injury in her own home if injunction is not granted. Moreover, there are hundreds, if not thousands, of other Californians facing similar damages and injuries.

102. The balance of harm to the Plaintiff and the general public weighs in favor of the Plaintiff. There is no higher priority than public safety. The hardship to the Plaintiff and the general public greatly outweighs any costs that Defendants would incur through the issuance of the injunction as requested. In fact, the Defendants will actually save money, in the long run, by immediately removing unsafe equipment, thus mitigating damages and injuries to the population at large and reducing the number and dollar amount of claims for cancer, heart disease, and other ailments that manifest over time. Furthermore, the electric grid worked flawlessly before the Smart Grid deployment. The Defendants could easily redeploy the old equipment already in their possession, until such time as new Smart Grid equipment could be designed, manufactured, procured, and properly tested for safety. In the alternative, and in light of the grave damage, the prohibitive cost, the insignificant benefit, and lack of public support, the Smart Grid project may have to be scrapped in its entirety.

103. The granting of the requested injunction would serve the public interest of the people of California by protecting all citizens and visitors from harmful radiation and by setting a precedent to protect citizens from potentially toxic intrusions in their own homes.

V. PLAINTIFF RETAINS ALL RIGHTS

104. Plaintiff reserves the right to amend the Complaint to correct legal errors or omissions due to her inexperience in legal matters, or to supplement with additional information which is revealed through discovery, or for any other reason.

105. The true names and capacities of Defendants sued herein as Does 1-20, inclusive, are unknown to the Plaintiff, and the Plaintiff therefore sues these Defendants under fictitious names. Plaintiff will amend this Complaint to allege their true names and capacities when ascertained. These fictitiously named Defendants were involved in the design, approval, implementation, and furtherance of the acts complained of herein.

106. Plaintiff incorporates all paragraphs and causes of action into all other paragraphs and causes of action herein.

107. Plaintiff wishes to exercise the right to a civil jury trial conferred upon her by the Seventh Amendment to the U.S. Constitution.

108. Plaintiff appears in this action In Propria Persona or Pro Se, and asks that the issues raised herein be addressed “on the merits”, *Sanders v. United States*, 373 US 1, at 16,17 (1963); and addressed with “clarity and particularity”, *McClesky v. Zant*, 111 S. Ct. 1454 at 470-71 (1991); and that the Plaintiff be afforded a full and fair evidentiary hearing, *Townsend v. Sain*, 372 US 293 at p.1 (1962) See also *Picking v. Pennsylvania Railroad Co.*, 151 F.2d 240 (3rd Cir. 1945).

109. Plaintiff asks this Court to recognize the fact that this “Pro Se litigant’s pleadings are to be construed liberally and held to less stringent standards than lawyers.” *Haines v. Kerner, Warden of Illinois State Penitentiary at Menard*, 404 U.S. 519, 92 S. Ct. 594, 30 L. Ed. 2d, 652 (1972).

VERIFIED COMPLAINT

1 See also *Platsky v. CIA*, 953 F. 2d 26 (1971), “Court errs if Court dismisses pro se litigant
2 without instructions of how pleadings are deficient and how to ‘repair’ pleadings.”

3
4 110. “Pleadings are intended to serve as a means of arriving at fair and just settlements of
5 controversies between litigants. They should not raise barriers which prevent the achievement of
6 that end...Proper pleading is important, but its importance consists in its effectiveness as a
7 means to accomplish the end of a just judgment.” *Maty v. Grasselli Chemical Co.*, 303 US 197
8 (1938).

9
10 111. “A State cannot exclude a person from the practice of law or from any other occupation in a
11 manner or for reasons that contravene the Due Process or Equal Protection Clause of the
12 Fourteenth Amendment.^[5] *Dent v. West Virginia*, 129 U. S. 114. Cf. *Slochower v. Board of*
13 *Education*, 350 U. S. 551; *Wieman v. Updegraff*, 344 U. S. 183. And see *Ex parte Secombe*, 19
14 How. 9, 13.” *Schware v. Board of Bar Examiners of NM*, 353 US 232, P. 238-9 (1957).

15
16 112. “[T]here [can] be no sanction or penalty imposed upon one because of his exercise of
17 constitutional rights. In *Spevack v. Klein*, 385 U.S. 511, 87 S.Ct. 625, 17 L.Ed.2d 574 (1967)”
18 *Sherar v. Cullen*, 481 F. 2d 945, P. 947 (1973).

20 VI. STATEMENT OF PURPOSE

21 113. By this action, the Plaintiff endeavors to safeguard and protect the public health from the
22 greatest scourge that humanity has ever faced, the horror of radiation. Although we are
23 beginning to see the incipient stages of its devastation in our most sensitive and susceptible
24 populations, the “canaries” among us, the full effects over time could potentially become
25 crippling and irreversibly destructive to civilized society as we know it. We must take swift and
26 decisive action to nip it in the bud. We cannot afford to continue this unwise and unethical
27 experiment on living human subjects. We have more than enough evidence that our man-made

1 radiation levels are dangerously high, already killing, injuring, and debilitating us. It is time to
2 pull the plug on this concentration-camp style of medical experimentation, being conducted
3 without the informed consent of its unwitting and vulnerable subjects. It is time to invoke the
4 precautionary principle and err on the side of prudence, rather than rushing headlong into a
5 technological holocaust of epic proportions.

6
7 114. The Plaintiff has filed this action with the sincere hope of empowering the weak to stand up
8 and push back against the tyranny of the strong, thus achieving balance and justice. The Plaintiff
9 strives to be a role model, an inspiration, and even a mentor to others who wish to assert their
10 legal rights in the face of unconscionable abuses. Most of the victims cannot afford to hire
11 counsel, and are left with only two unsavory options: knuckle under, thereby enabling the abuse,
12 emboldening the abusers, and encouraging future abuses of even greater magnitude; or make a
13 significant investment of time, energy, and emotional fortitude into the pursuit justice through
14 the legal system, taking the time to study the law, research the issues, painstakingly prepare the
15 documents, and thoughtfully compose the legal arguments. This is the dawning of the “pro per
16 revolution” in which the people take back their power through proper legal channels. Echoing
17 the wisdom of the heroic citizen activist, Ralph Nader, the corporate criminals may habitually
18 tune out the voice of the people, but they understand and take heed when they are served with a
19 civil lawsuit.

20 **V11. REQUEST FOR RELIEF**

21 115. WHEREFORE, Plaintiff respectfully requests the compensatory, declaratory and injunctive
22 relief herein sought, as well as costs, and such other and further relief as the Court shall deem
23 proper.

24 **A.COMPENSATORY DAMAGES**

25 **First Claim for Relief**

26 116. Although the Plaintiff has suffered losses of life’s priceless treasures, which cannot easily
27 be reduced to dollar amounts, a conservative estimate is displayed below:

28 VERIFIED COMPLAINT

General Damages:

Pain, suffering, and inconvenience.....	\$ 1,000,000
Emotional distress.....	\$ 500,000
Loss of consortium.....	\$ 500,000
Loss of use of home, hometown, home state.....	\$100,000,000
Loss of lifestyle.....	\$ 1,000,000

Special Damages:

Medical expenses (to date).....	\$ 1,000
Future medical expenses (present value).....	\$ 50,000
Loss of earnings (to date).....	\$ 100,000
Loss of future earning capacity (present value).....	\$ 15,000,000
Loss of business.....	\$ 1,000,000

Punitive Damages.....	\$ 1,000,000
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Total Damages.....	\$120,151,000
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117. If the Court grants the declaratory and injunctive relief as requested below, the Plaintiff's damages will be significantly diminished, and the Plaintiff will be willing to accept only \$20,000,000 in total compensatory damages, based on the possibility that she might be able to return home to California, reunite with her loved ones, and resume some semblance of her life there.

B.DECLARATORY AND INJUNCTIVE RELIEF

Second Claim for Relief

118. Plaintiff respectfully asks the Court to declare that Defendants CPUC, Peevey, State, and Harris, have a statutory duty to protect Plaintiff and the general population from bodily harm, including the deleterious effects of radiation emitted by the Smart Grid.

VERIFIED COMPLAINT

Third Claim for Relief

119. Plaintiff respectfully asks the Court to declare that Defendant Peevey has breached ethics and violated the California Public Utilities Code section 303(a) by holding an official relationship to and a financial interest in the companies and/or persons that he is entrusted with regulating. Furthermore, Defendant Peevey must show that he has divested himself of his stock, stock options, or pension plan from his former employer, Southern California Edison, which falls under the regulatory authority of Defendant CPUC.

Fourth Claim for Relief

120. Plaintiff respectfully asks the Court to declare that the Defendants violated 42 U.S.C. section 3515b and 45 CFR Part 46 by using Federal funds to subject the unsuspecting California population to a horrific human experiment on the non-thermal effects of non-ionizing radiation, without obtaining the informed consent of the participants, and/or by subjecting the participants to greater than minimal risk, and/or by imposing risks that are not reasonable in relation to anticipated benefits.

Fifth Claim for Relief

121. Plaintiff respectfully asks the Court to declare that the Defendant SDG&E violated 18 U.S.C. ss. 371, 653, 666, 1001, and 1018 by making false and fraudulent statements in its Smart Grid Deployment Plan, by which it received Federal matching funds under 42 U.S.C. section 17386. Plaintiff further prays that the Court remand Defendant SDG&E and its officers to the U.S. Attorney General for criminal prosecution under the Title 18 Criminal Code.

Sixth Claim for Relief

122. Plaintiff respectfully asks the Court to issue a preliminary injunction pursuant to 15 U.S.C. section 1267(a) prohibiting all Defendants from transporting or receiving, or allowing the transport or receipt of hazardous substances, including Smart Meters and Smart Grid equipment,

1 across state lines. Plaintiff further requests that the Court declare that all Defendants are liable
2 for damages caused by their complicity in the release of hazardous substances, pursuant to 42
3 U.S.C. section 9607.

4
5 **Seventh Claim for Relief**

6 123. Plaintiff respectfully asks the Court to declare that Defendants CPUC, Peevey, State, and
7 Harris violated Plaintiff's civil rights under the U. S. Constitution, the highest statutory authority,
8 and thus, Defendants CPUC, Peevey, State, and Harris are liable for damages pursuant to 42
9 U.S.C. ss. 1983, 1985 and/or 1986.

10
11 **Eighth Claim for Relief**

12 124. Because of the declared infringement of state and federal law, and in order to promote and
13 protect the public health and safety, and in the interest of significantly reducing monetary
14 damages, Plaintiff prays for a preliminary injunction to immediately suspend and roll back the
15 California Smart Grid program, remove all associated radio frequency and digital equipment, and
16 replace with the original, safe, analog equipment which worked flawlessly for many years prior
17 to the Smart Grid installation.

18
19 125. Plaintiff prays that the preliminary injunction be extended until such time as a safe, reliable,
20 and efficacious Smart Grid can be designed, manufactured, procured, properly tested for health
21 and safety, and implemented; or until the people, through a referendum or through their elected
22 representatives, decide to discard, disband, and dismantle the Smart Grid program upon finding it
23 to be a useless and wasteful diversion from the quest for clean, sustainable energy.

VIII. VERIFICATION

I, Deborah Cooney, verify and declare that the factual statements in the foregoing Complaint are true and correct to the best of my knowledge and belief, under penalty of perjury under the laws of the United States.

Respectfully submitted,

Date: December 17, 2012

Deborah Cooney, Plaintiff in Propria Persona

VERIFIED COMPLAINT

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VERIFIED COMPLAINT

Radiation Sickness; Mardel DeBuhr Comments, June 12, 2013

TO THE FCC:

There would be many thousands of comments on these FCC dockets if this inquiry was properly publicized by the Media, & the FCC website & dockets were easily accessible & navigable.

Since you have not done so, nor have you ever made the much-researched & well-documented hazards of microwave technology known to the denizens of the planet, your intentions concerning the gathering of public comments in such an arcane manner cannot be taken as sincere nor productive. The same must be said of your methods of research which are known to be based on bogus premises, & are repeatedly carried out with prescribed & well-paid-off results. Even the U.S. Navy & Army published basically the same warnings as the current BioInitiative scientists as seen in the 2007 & 2012 reports.

Because we are aware of the many symptoms of RF sickness & how & when these symptoms appear & abate, we see that our whole immediate family is suffering from varying degrees of EHS, as our most of our friends & their families of all ages. It is very obvious to us who are informed, that there are changes in behavior i.e. loss of focus & short term memory, inability to communicate clearly, as well as physical symptoms like headaches, eye pain, dizziness, etc., in many who are exposed to heavy wireless router & cell/cordless phone use. There is no opportunity to escape from some level of RF exposure during the course of a day in our environment. Even when RF emissions are removed from the home (except in many cases for the unconstitutional & diabolical forced use of smart meters by utility companies), we cannot enter a public bldg, street or highway in any form of transportation without high-level RF exposure...resulting in pain, balance issues, heart irregularities, brain freeze, etc.

Having known & yet not warned the people of the World that your “sanctioned” products & the microwaves that energize them are undeniably lethal to humans & all living things, how can you justify continuing to put life on Earth in imminent jeopardy? How do you rationalize this choice with your conscience? Granted, there is an epidemic of insomnia & fatigue amongst the US population et al, but conscience is not the obvious cause. It is because your collective conscience is silent that we must, & will be, tirelessly vocal. Our hearts cry for the ignorant addicts of cell phones & their children born & unborn. Birth defects, insomnia, ADHD, autism, all the neurological diseases & cancers are rampaging through the World increasingly since you began drowning us in Microwave/RF radiation. Ever more so since you increased the number, power & frequencies of your towers’ presence in every neighborhood & in terrifying excess of output. Radiation without representation is a crime against humanity & our Democratic way of life.

We are being driven out of our home by the recent appearance of 3 towers triangulated within 1/4 to 1 mile from us. Our ears ring constantly, we are easily fatigued & out of breath, have continuous irregular heart beat & balance problems, head & eye pain, & vision losses to name a few. All this since the increase in the number of frequencies of these ever-proliferating, disgusting towers in the last approx 10 months. No one asked us or our neighbors (who are also beginning to suffer & don’t know why) if we approve of being showered & penetrated by incessant unhealthy microwave radiation. One of the 3 towers is across the street from an elementary school. Another huge tower in the community is on the property of a Catholic school, pre-school, & is 20 feet from a long-term care facility in a heavily populated neighborhood. Towers are showing up on every corner, & on multiple levels with more cell panel packages filling every blank space on them. The human body was designed to tolerate the very low level of static radiation & magnetism of our Earth, but is proven to be unable to remain

viable, let alone healthy under the constant bombardment of the pulsing frequencies of these monstrous masts.

You have done a magnificent job of keeping awareness of this invisible but insidious radiation from the unsuspecting & gullible public. How could they even dream that their own Government could commit such an unthinkable crime of clandestine genocide against their own trusting people? Indeed the Telecommunication Industry is guilty of the same crime on a global scale. Your skilful deception of the People's Trust is creating an infamous legacy you will find difficult to escape.

Radiation Sickness; Richard Wolfson Comments, June 10, 2013

Comments on Notice of Inquiry, ET Docket No. 13-84

I get headaches when I go near a cell tower, a smart meter, a cordless phone base station, a wi-fi router, or other RF transmitter. I do not use a cell phone for this reason. The headache can last a few days, and is very uncomfortable.

Radiation Sickness; James E. Peden Reply Comments, Mar. 6, 2013

FCC 12-152

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

Notice of Proposed Rulemaking
18 FCC Rcd 13187, 13188 ¶1 (2003)

And

Service Rules for the Advanced Wireless Services
H Block---Implementing Section 6401 of the
Middle Class Tax Relief and Job Creation Act of
2012 Related to the 1915-1920 MHz and
1995-2000 MHz Bands ¶53 footnote 95

ET Docket No. 03-137

WT Docket No. 12-357

To: Office of the Secretary
Federal Communications Commission
Washington, DC 20554

Reply Filed by: (James E. Peden)
(5106 Lenore Street)
(Torrance, CA 90503)
(jaspeden@yahoo.com)
(310-316-7673)

March 6, 2013

AFFIDAVIT OF James E. Peden

State of California]

Los Angeles County]

I, James E. Peden, attest that my statements are true to the best of my knowledge.

Comment round for ET Docket No. 03-137 and WT Docket No. 12-357.

1. My name is James E. Peden. My address is 5106 Lenore St., Torrance, CA 90503.
2. I am retired.
3. I am writing to express my concerns on the current RF safety guidelines. I believe that the current established IEEE and ICNIRP guidelines are inadequate to protect people from biological effects of long-term exposure to RF radiation.
4. I have had some unintended effects due to the current safety guidelines including trouble sleeping and headaches. These effects happened just after SCE installed a RF emitting smart meter on my house.
5. I would like it noted that the IARC of the World Health Organization has classified radiofrequency radiation as a class 2B possible carcinogen in May 2011.
6. The current public safety standards are 1,000 to 10,000 times higher than levels that are now often reported in mobile phone base station studies to cause bioeffects.
7. I am in favor of a SEVERE DECREASE in the current public RF safety limits to protect us from further harm while the long-term effects are studied. In other words, the RF safety regulations should recommend significantly lower limits than they currently do. This seems like the responsible thing to do.

8. We deserve a safety limit that is based on biological effects. I recommend that the FCC encourage Congress to allocate resources to the EPA to establish biologically based radiofrequency radiation safety limits. It is imperative that several nonpartisan long and short term studies should be performed. This will help guarantee public safety in the future and allow a biologically safe limit to be set.

9. As an additional safety measure, I recommend that we restrict future sales of new spectrum, transmitting utility meter installation, and installation of additional base stations for a wireless service while the above recommended studies are ongoing.

Respectfully submitted by

James E. Peden

5106 Lenore St.

Torrance, CA 90503

March 6, 2013

Radiation Sickness; Carl Hilliard Comments, Mar 4, 2013

TO FCC,

I get immediate headaches when passing near smart meters. Some of them are instant and intense until I move away. While I understand that I may be sensitive to RF, I am more concerned about my 5 children that don't seem to be effected and thus fail to remove themselves from the danger.

Further to allow the UTILITY to charge for keeping an analog meter is most egregious.

I endorse the statement made by Joel Moskowitz, Ph.D. in his Comment filed on 02/04/2013 (<http://apps.fcc.gov/ecfs/comment/view?id=6017161984>), as excerpted below.

"In my professional opinion, the FCC should request the EPA to empanel a Working Group composed of health experts who have no conflicts of interest with industry to review the scientific literature on EMR. The Group should recommend biologically-based EMR standards that ensure adequate protection for the general public and occupational health based upon the precautionary principle. Finally, the FCC should adopt the standards, testing procedures, and appropriate precautionary warning language recommended by the Working Group.

The FCC should not take any actions that may increase exposure of the population to EMR from cell phones, base stations, Wi-Fi, Smart Meters and other RF- or ELF-emitting devices. The FCC must especially protect vulnerable groups in the population including children and teenagers, pregnant women, men of reproductive age, individuals with compromised immune systems, seniors, and workers."

Radiation Sickness; Lisa Horn Comments, Mar 3, 2013

I HAVE BECOME SENSITIVE TO THE ELECTROMAGNETIC RADIATION THAT EMITS FROM OUR SMART METER AS WELL AS FROM THE MILLIONS OF TOWERS SURROUNDING MY HOME. I CANNOT SLEEP, EAR RINGING, HEADACHES, HEART PALPITATIONS.

Radiation Sickness; Alexandra Ansell Reply Comments, Feb. 27, 2013

FCC 12-152

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of	)	
	)	
Notice of Proposed Rulemaking	)	
18 FCC Rcd 13187, 13188 ¶1 (2003)	)	ET Docket No. 03-137
	)	
And	)	
	)	
Service Rules for the Advanced Wireless Services	)	WT Docket No. 12-357
H Block---Implementing Section 6401 of the	)	
Middle Class Tax Relief and Job Creation Act of	)	
2012 Related to the 1915-1920 MHz and	)	
1995-2000 MHz Bands ¶53 footnote 95	)	

To: Office of the Secretary
Federal Communications Commission
Washington, DC 20554

Comment Filed by: Alexandra Ansell
728 John Adams Lane
West Melbourne, Fl. 32904

February 27 , 2013

AFFIDAVIT OF ALEXANDRA ANSELL

State of Florida,

Brevard County

I, Alexandra Ansell, attest that my statements are true to the best of my knowledge.

Comment round for ET Docket No. 03-137 and WT Docket No. 12-357.

1. My name is Alexandra Ansell. My address is 728 John Adams Lane, West Melbourne, Florida 32904
2. I am a medical transcriptionist.
3. I was exposed to a high level of electromagnetic radiation inadvertently at work (in an MRI center) after being moved to a different work station and suffered many symptoms during the exposure while being unaware of the high electromagnetic field. The symptoms included extremely painful cluster migraine headaches for which I needed oxygen which, after only a short time, failed to provide any relief. When I realized the change in location was responsible for a high EMF exposure (an OSHA violation as demonstrated by tri-field meter) and was relocated, the symptoms abated. I subsequently could no longer use a computer with a CRT and had to have flat screen monitor or the symptoms reoccurred. I am also chemically sensitive (which predates the high EMF exposure).
4. I now work at home and try to avoid exposure to at least some radiofrequency radiation (as involuntary exposure is now unavoidable), to strong electromagnetic fields and to toxic chemicals (as per the American Academy of Environmental Medicine, there is a synergistic effect between exposure to EMF and chemicals in the chemically sensitive).

I have contacted my state and congressional representatives, Florida Power & Light, the Florida State Attorney General, the Public Service Commission and the Inspector General

of the PSC, et alia, in an attempt to halt the installation of smart meters on my home and in my neighborhood. I spoke to the Brevard County Commission in March of 2012 on the subject of RF and smart meters and again in May, 2012 (along with many other concerned individuals) and the County Commission subsequently adopted a unanimous resolution to the PSC, after reviewing a lot of information and hearing and seeing presentations by the Utilities and opponents of the meters, that there should be an opt out to smart meters (in fact, several commissioners agreed that there should have originally been an opt in!) We are still waiting for news of an “opt out” of smart meters from the Florida PSC after a “workshop” in Tallahassee that very few could attend which included hours of presentations by the Utilities and a small “public comments” section for opponents of smart meters – without sworn testimony or attendance by the Public Service Commissioners. This was an embarrassment and a travesty which would be laughable if the stakes were not so high for so many.

5. The California Council on Science and Technology (whose findings are based on estimates only from the EPRI – an industry-funded organization representing a conflict of interest) published their findings omitting the negative comments of the very experts whose expertise was solicited for the publication on which the media and utilities based their assertion that “there are no known risks to living with a smart meter” and that smart meters are compliant with FCC standards (a fact not demonstrated by actual measurements, especially when considering that many people live in multi-unit dwellings and are exposed to whole banks of RF-emitting meters sometimes inches from where they sleep). Add smart meters to the existing unmeasured burden of RF from cell phones, WiFi, and the growing number of wireless devices, in addition to appliances soon to be fitted with RF transmitters to communicate with meters, and we are being exposed to unprecedented amounts of microwave radiation. The “thermal only” standard set by the FCC for RF tissue shock, heating and burning is completely outdated and fails to include the huge body of medical literature demonstrating negative biologic effects of nonthermal microwave radiation.

6. In 2002, the EPA commented that the safety standard for RF exposure set by the FCC could NOT be demonstrated to be protective of the general population, especially with respect to sensitive populations. There is a great and growing body of evidence that RF exposure in the microwave spectrum produces negative biologic effects at levels much lower than previously thought (see Bioinitiative report 2012 “...The levels of exposure we face in 2012 are higher, and have crept into every day life, even for children. The levels at which undesirable effects on health and well-being are seen are much lower. The levels of concern have dropped lower in 2012 by 10s to 100s of times...”). It is long past time to perform an environmental impact study for RF, set a realistic biological standard for RF exposure that includes nonthermal effects of RF radiation and to recognize that we are being exposed to unprecedented levels of a potential carcinogen (World Health Organization) involuntarily. According to a summary from the Bioinitiative report of 2012, “the most serious health endpoints that have been reported to be associated with extremely low frequency (ELF) and/or radiofrequency radiation (RFR) include childhood and adult leukemia, childhood and adult brain tumors, and increased risk of the neurodegenerative diseases, Alzheimer’s and amyotrophic lateral sclerosis (ALS). Recent studies largely reinforce the potential risks to health (rather than reducing our concerns, or providing actual indications of safety). In addition, there are reports of increased risk of breast cancer in both men and women, genotoxic effects (DNA damage, chromatin condensation, micronucleation, impaired repair of DNA damage in human stem cells), pathological leakage of the blood–brain barrier, altered immune function including increased allergic and inflammatory responses, miscarriage and some cardiovascular effects. Insomnia (sleep disruption) is reported in studies of people living in very low-intensity RFR environments with WI-FI and cell tower-level exposures. Short-term effects on cognition, memory and learning, behavior, reaction time, attention and concentration, and altered brainwave activity (altered EEG) are also reported in the scientific literature.”

7. As the agency designated to be responsible to the American people for adequate protection from RF, the FCC has failed to set a realistic safety standard. The FCC’s

“thermal only” standard is that which has allowed unabated and ubiquitous exposure by RF to fetuses, newborns, children, the elderly, the already ill and immune compromised and sensitive populations, as well as to the general public. As a person who has been adversely affected and is subsequently now more sensitive to the effects of EMR, I personally appeal to you at the FCC not to ignore the multitude of studies and findings now available establishing nonthermal negative biological effects of RF radiation in the microwave spectrum and to immediately work to establish a realistic, biologically-based safety standard with public oversight backed by independent (non industry based/funded) experts.

Respectfully submitted by

Name Alexandra Ansell

Address 728 John Adams Lane

City State Zip W. Melbourne, Fl. 32904

February, 27, 2013

Radiation Sickness; Patricia A. Ormsby Reply Comments, Feb. 24, 2013

FCC 12-152

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

Notice of Proposed Rulemaking
18 FCC Rcd 13187, 13188 ¶1 (2003)

And

Service Rules for the Advanced Wireless Services
H Block---Implementing Section 6401 of the
Middle Class Tax Relief and Job Creation Act of
2012 Related to the 1915-1920 MHz and
1995-2000 MHz Bands ¶53 footnote 95

ET Docket No. 03-137

WT Docket No. 12-357

To: Office of the Secretary
Federal Communications Commission
Washington, DC 20554

Reply Filed by: Patricia A. Ormsby
3074 S. Eudora
Denver, CO 80222-7342
pat@khaki.plala.or.jp
+81-544-52-1067

February 25, 2013

AFFIDAVIT

State of Colorado

Denver County

I, Patricia A. Ormsby, attest that my statements are true to the best of my knowledge.

Reply round for ET Docket No. 03-137 and WT Docket No. 12-357.

1. My name is Patricia A. Ormsby. My address is 3074 S. Eudora, Denver, CO.
2. I am a translator and teacher currently residing in Japan. I have a background in chemical engineering.
3. I became aware in 1996 of physiological effects of radiation from digital cellular telephone systems which impacted the health of one friend and then of myself. These effects were not from actually using a cellular telephone, but from being in the proximity of others using them, particularly in crowded, restricted spaces surrounded by metallic materials, such as trains and buses, or by proximity to base stations. The immediate effects in my case have been dizziness, headaches and disorientation, and the long-term effects have been memory loss, cardiac arrhythmia and immune dysfunction.
4. I believe that these effects are not imaginary, because they began prior to my learning about RF biological effects, and they respond well to efforts to avoid RF sources. The research results publicly available corroborate my experience. It should be of no surprise that some people have been adversely affected by the technology now in use.
5. RF standards must be changed to reflect the scientific findings on biological effects. The Commission's RF safety rules are inadequate because the rules are based on physics rather than biological studies. Efforts must be made to protect the public's health from physical phenomena accompanying new technology documented to have deleterious effects.

6. The complexity of wave phenomena such as RF must not be underestimated. The proximity of metals, for example, can boost RF levels nearby through resonance. This must also be taken into account when setting standards.

Respectfully submitted by

Patricia A. Ormsby

3074 S. Eudora

Denver, CO 80222-7342

February 25, 2013

Radiation Sickness; Annette Jewell-Ceder Reply Comments, Feb. 13, 2013

FCC 12-152

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of	)	
	)	
Notice of Proposed Rulemaking	)	
18 FCC Rcd 13187, 13188 ¶1 (2003)	)	ET Docket No. 03-137
	)	
And	)	
	)	
Service Rules for the Advanced Wireless Services	)	WT Docket No. 12-357
H Block---Implementing Section 6401 of the	)	
Middle Class Tax Relief and Job Creation Act of	)	
2012 Related to the 1915-1920 MHz and	)	
1995-2000 MHz Bands ¶53 footnote 95	)	

To: Office of the Secretary
Federal Communications Commission
Washington, DC 20554

Reply Filed by: Annette Jewell-Ceder
4950 170th Lane NE
Ham Lake, MN 55304
annette.jewellceder@gmail.com
612-600-2542

February 14, 2013

AFFIDAVIT OF ANNETTE JEWELL-CEDER

State of Minnesota

Anoka County

I, Annette Jewell-Ceder, attest that my statements are true to the best of my knowledge.

Reply round for ET Docket No. 03-137 and WT Docket No. 12-357.

1. My name is Annette Jewell-Ceder. My address is 4950 170th Lane NE, Ham Lake, MN 55304.
2. I am an Operational Risk Consultant for a major financial services organization.
3. I am keenly interested in seeing the Radio Frequency (RF) safety guidelines changed by the FCC. The reasons for my interest in change include both personal experience with the negative and harmful effects of RF levels to myself and my family, and documented evidence of its harmful impacts.

Documented evidence includes:

- IARC of the World Health Organization has classified radiofrequency radiation as a class 2B possible carcinogen in May 2011.
- 2012 BioInitiative Report classifies radiofrequency radiation as a carcinogen. See: <http://www.bioinitiative.org>. This report highlights evidence of pertinent and important research, including:
 - Bio effects are clearly established and occur at even very low levels of exposure to electromagnetic fields and radiofrequency radiation.
 - Bio effects with chronic exposures can reasonably be presumed to result in adverse health effects. This is because they interfere with normal body processes (disrupt homeostasis), prevent the body from healing damaged DNA, produce immune system imbalances, metabolic disruption and lower resilience to disease across multiple pathways.
 - Low exposure levels are associated with bio effects and adverse health effects at cell tower RFR exposure levels. Researchers have reported symptoms such as headaches, concentration difficulties and behavioral problems in children and adolescents; and sleep disturbances, headaches and concentration problems in adults.
 - Evidence for fertility and reproduction effects.
 - Children are even more vulnerable. There is good evidence to suggest that many toxic exposures to the fetus and very young child have especially detrimental consequences depending on when they occur during critical phases of growth and development (time windows of critical development), where such exposures may lay the seeds of health harm that develops even decades later. The American Academy of Pediatrics, in a letter to Congressman Dennis Kucinich dated December 12, 2012 states:
 - *"Children are disproportionately affected by environmental exposures, including cell phone radiation. The differences in bone density and the amount of fluid in a child's brain compared to an adult's brain could allow children to absorb greater quantities of RF energy deeper into their brains than adults. It is essential that any new standards for cell phones or other wireless devices be based on protecting the youngest and most vulnerable populations to ensure they are safeguarded through their lifetimes."*
 - The blood-brain barrier is at risk.
 - Epidemiological studies consistently show elevations in risk of brain cancers.
 - Evidence for genetic and neurological effects.
 - Evidence for childhood cancers, specifically, leukemia, due to exposure to EMF (power frequency magnetic fields) that cannot be attributed to chance, bias or confounding.
 - Evidence that high ELF MF exposure can result in decreased melatonin production.

- Strong epidemiologic evidence that exposure to ELF MF is a risk factor for Alzheimer's disease.
 - EMF and RFR make chemical toxins more harmful.
4. ELF-EMF and RFR are classified as possible cancer-causing agents. It is time for the FCC to establish new safety limits. We have the knowledge and means to save global populations from multi-generational adverse health consequences by reducing both ELF and RFR exposures. Proactive and immediate measures to reduce unnecessary EMF exposures will lower disease burden and rates of premature death.

The FCC has a duty to the public to protect the public health and safety from harm from radiofrequency radiation. In the Telecom Act of 1996 Congress directed the FCC to set its own RF safety regulations for emissions from Personal Wireless Services Facilities. The House Committee on Commerce said it was the Commission's responsibility to adopt uniform RF regulations "with adequate safeguards of the public health and safety." (H.R. Report No. 104-204, p. 94)

US citizens and tax payers deserve radiofrequency radiation safety limits based on biology, not physics. In order for the FCC to fulfill its Congressional mandate to protect the public health and safety from harm from radiofrequency radiation it must update its RF safety regulations.

5. While the FCC does not possess the expertise to set biologically based radiofrequency radiation safety limits, the EPA does. Therefore, the FCC should advocate that Congress direct the EPA to establish biologically based radiofrequency radiation safety limits and provide the budget and resources to carry out that task.
- 2012 HR6358 was an excellent example of legislation to authorize the EPA to establish biologically-based radiofrequency radiation safety limits
6. A moratorium should be placed on sales of new spectrum, transmitting utility meter installation, and installation of additional base stations for wireless service while biologically based safety limits are being developed.

Respectfully submitted by

Annette Jewell-Ceder
4950 170th Lane NE
Ham Lake, MN 55304

February 14, 2013

Radiation Sickness; Max Feingold Comments, Feb. 5, 2013

FCC 12-152

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of	)	
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Middle Class Tax Relief and Job Creation Act of	)	
2012 Related to the 1915-1920 MHz and	)	
1995-2000 MHz Bands ¶53 footnote 95	)	

To: Office of the Secretary
Federal Communications Commission
Washington, DC 20554

Comment Filed by: (Name . . . Max Feingold)
(Street or P.O. Box . . . 834 171st Pl NE)
(City Bellevue State WA ZIP Code 98008)
(E-mail . . . maf6@cornell.edu)
(Telephone Number 425-747-4795)

February 4, 2013

AFFIDAVIT OF Max Feingold

State of Washington]

King County]

I, Max Feingold, attest that my statements are true to the best of my knowledge.

Comment round for ET Docket No. 03-137 and WT Docket No. 12-357.

1. My name is Max Feingold. My address is 834 171st Pl NE, Bellevue, WA, 98008.
2. I am a software engineer (describe your occupation).
3. Over the last few years, I have become increasingly sensitive to the effects of electromagnetic radiation on my health and sense of well-being. I work at a computer for most of the day, and I used to work in environments where Wi-Fi networks were actively in use. I gradually began to develop headaches when remaining in these environments for sustained periods of time. I also had cordless phones, wireless keyboards and mice, and a Wi-Fi router at home. I had no idea of the risks posed by these devices to my health. When I measured the EMR emitted by these devices, the readings were greater than 2,000 microwatts/m² for each of these devices. As soon as we turned these devices off, I began to feel better. I also began to sense the difference in my well-being between being in an environment with active Wi-Fi networks and one without. In general, we live in a world where we are increasingly bombarded with electro-magnetic radiation, and much of it is non-optional. Those of us who can feel it are not special – the negative effects are the same for everyone. Yet the electromagnetically sensitive are increasingly being pushed to the periphery of our society, because technologies that leverage EMR, in many cases needlessly, are becoming increasingly widespread. Please start working on fixing this problem.
4. Dozens of scientific studies have shown negative impacts of EMR on human health, even at low levels of exposure. The most commonly accepted guidelines are the Building Biology recommendations that list 1,000 microwatts/m² as the threshold for “extreme concern”

(http://www.baubiologie.de/downloads/english/richtwerte_2008_englisch.pdf). On May 31, 2011, the World Health Organization's International Agency for Research on Cancer (IARC) classified radiofrequency fields as “possibly carcinogenic to humans.” The FCC does not use biologically determined guidelines that affect health, but rather uses a standard that measures thermal heating of biological tissue. The premise that there are no adverse impacts of EMR on the human body until it is cooked is completely ridiculous.

5. I urge the FCC to adopt new RF safety guidelines that take into account published research on the biological effects brought on by the ability of RF signals to communicate with living tissue, and more specifically, to consider the Building Biology guidelines for human health.

Respectfully submitted by

Max Feingold

834 171st Pl NE

Bellevue WA 98008

February 6, 2013

Radiation Sickness; Annallys Goodwin-Landher Comments, Feb. 5, 2013

FCC 12-152

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of	)	
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18 FCC Rcd 13187, 13188 ¶1 (2003)	)	ET Docket No. 03-137
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Middle Class Tax Relief and Job Creation Act of	)	
2012 Related to the 1915-1920 MHz and	)	
1995-2000 MHz Bands ¶53 footnote 95	)	

To: Office of the Secretary
Federal Communications Commission
Washington, DC 20554

Comment Filed by: (Reverend Annallys Goodwin-Landher)
(PO Box 2744
(Chapel Hill, NC 27515)
(annallys@hotmail.com)
(919 933-9109)

February 5, 2013

AFFIDAVIT OF Reverend Annallys Goodwin-Landher

State of North Carolina]

__Orange__ County]

I, _Reverend Annallys Goodwin-Landher_, attest that my statements are true to the best of my knowledge.

Comment round for ET Docket No. 03-137 and WT Docket No. 12-357.

1. My name is _Reverend Annallys Goodwin-Landher_____. My address is __PO Box 2744, Chapel Hill, NC 27515_____.

2 . I currently am on disability, unable to perform the complex daily tasks required to meet regulatory requirements needed when planning and implementing quality of life research in a medical setting. I believe the cognitive impairment, fatigue, and memory loss I experience was hastened and made worse by exposure to WIFI and RF radiation both at work and home. I also am an ordained minister and previously worked as a project coordinator, and senior data technician.

3. Below is simply a very short list of current research, medical commentary and brief update of legislative motions all indicating the health dangers to the American public due to their involuntary and often constant exposures to the electromagnetic fields and radiation emitted by cell towers, cell phones, Wi-Fi and Smart Meters. A more complete listing of research would include 25,000 studies done by the US Navy, and thousands of other peer-reviewed findings published over the past three decades.

Current RF radiation rules are based on physics and engineering and ignore research on the biological effects brought on by the ability of RF signals to communicate with living tissue. Citizens experiencing negative effects from RF radiation or concerned about cumulative negative effects of exposure find themselves unable to defend their children, families, and neighbors due to this omission. Regulatory guidelines only allow challenge to RF radiation exposure on the basis of aesthetics or sufficient coverage. Insufficient and misleading regulation contribute to a

misinformed and vulnerable American public. As citizens, we are uniformly denied our right to use health, biological integrity, when defending or attempting to defend ourselves against this persistent, unseen toxin.

Your Commission is holding the lives of the American people in your hands, and history will be the judge of your ethics in resolving whether to protect your families and ours.

Sincerely, Reverend Annallys Goodwin-Landher
Concerned Citizen

SHORT SUMMARY OF PEER-REVIEWED PUBLISHED RESEARCH AND MEDICAL COMMENT ON THE HEALTH EFFECTS OF EMF/EMR

1) The World Health Organization already categorized EMF/EMR from such products as Smart Meters, baby monitors, cell phones, Wi-Fi as a Class 2B: possibly human carcinogen along with DDT, lead and HIV virus.

2) 900 MHz Radiation Induces Hypothyroidism and Apoptosis (cell suicide) in Thyroid Cells

Results of this study indicated that whole body exposure to modulated RFR similar to that emitted by GSM mobile phones caused pathological changes in the thyroid gland by altering gland morphology and inducing apoptotic [cell suicide] pathways.

http://www.scribd.com/fullscreen/73089352?access_key=key-13jthil1zs36giwufvbo

3) NEW RESEARCH: Brain Tumor Pandemic—DNA Impacts from Mobile Phones Implicated in New Analysis

December 24, 2011, Berkeley, CA, USA & Stockholm, Sweden. An important new analysis, The Potential Impact of Mobile Phone Use on Trends in Brain and CNS Tumors, was published today in the journal Neurology & Neurophysiology. It can be downloaded without cost at <http://www.omicsonline.org/2155-9562/2155-9562-S5-003.pdf>. The paper is in a Special Issue of the journal titled “Brain Tumor.”

Neurology & Neurophysiology Journal, 12/24/11:...these preliminary findings suggest that we should prepare for about a doubled brain cancer incidence rate and possibly as high as 25 times the incidence we have today. One result of such a worldwide increase in brain cancers would be a dramatic shortage of neurosurgeons leading to increased mortality. Any statement about harmless cell phones based on only 5-10 years of years of use has no scientific basis due to the long latency times involved.

The paper, by researchers Örjan Hallberg in Sweden and L. Lloyd Morgan in the U.S., first reviews biological effects from mobile phone use reported in peer-reviewed studies, such as increased permeability of the blood-brain barrier, deleterious effects on sperm, double strand breaks in DNA, stress gene activation (indicating an exposure to a toxin), and increased risk of an acoustic nerve tumor (acoustic neuroma) and brain cancer after 10 or more years of mobile phone use. It then considered two established mechanisms for the development of brain cancer—that mobile phone use decreases the efficiency of the repair of mutated DNA and that mobile phone use increases the rate of DNA mutations.

Based on a 30-year time between first mobile phone use and diagnoses of brain cancer (latency time), the model predicts that there will be a 100% increased incidence of brain cancer (2-fold) if DNA repair efficiency is decreased by mobile phone use, and a 2,400% increase in brain tumors (25-fold) if mobile phone use mutates DNA. The figure below, from the paper illustrates these predictions.

The public health risk modeling process used in this analysis was developed by Örjan Hallberg and has been successfully applied in other illnesses, including Alzheimer’s disease and melanoma. Hallberg says, “Such modeling, or risk projection, is important, whether for the

climate or for diseases, in that it allows public health contingency planning, should the model be reasonable accurate. For example, will there be sufficient neurosurgeons should brain tumors increase as the model predicts?”

Morgan says, “What this analysis shows is that, unless mobile phone usage behavior patterns change significantly, we can reasonably expect a pandemic of brain tumors, for which we are ill-prepared, beginning approximately 15 years from now. Governments, as well as parents, physicians, schools and all citizens, would be well advised to educate all persons under their care or influence about the need to curtail the use of mobile phones and other radiation-emitting consumer devices.”

<http://www.omicsonline.org/2155-9562/2155-9562-S5-003.pdf>.

4) THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, passed a policy in 2004 to not allow cell towers or antennas on any of their facilities due to proven negative health effects on fire fighters. They also provide worldwide research to substantiate this:

<http://www.iaff.org/hs/Facts/CellTowerFinal.asp> , excerpted below:

WHEREAS, the brain is the first organ to be affected by RF radiation and symptoms manifest in a multitude of neurological conditions including migraine headaches, extreme fatigue, disorientation, slowed reaction time, vertigo, vital memory loss and attention deficit amidst life threatening emergencies; and

WHEREAS, most of the firefighters who are experiencing symptoms can attribute the onset to the first week(s) these towers/antennas were activated; and

*Note: A pilot study was conducted in 2004 of six California fire fighters working and sleeping in stations with towers. The study, conducted by Gunnar Heuser, M.D., PhD. of Agoura Hills, CA, focused on neurological symptoms of six fire fighters who had been working for up to five years in stations with cell towers. Those symptoms included slowed reaction time, lack of focus,

lack of impulse control, severe headaches, anesthesia-like sleep, sleep deprivation, depression, and tremors. Dr. Heuser used functional brain scans – SPECT scans – to assess any changes in the brains of the six fire fighters as compared to healthy brains of men of the same age.

Computerized psychological testing known as TOVA was used to study reaction time, impulse control, and attention span. The SPECT scans revealed a pattern of abnormal change which was concentrated over a wider area than would normally be seen in brains of individuals exposed to toxic inhalation, as might be expected from fighting fires.

5) PUBLISHED COMMENTS BY DR. LEAH MORTON, FAMILY PRACTITIONER

Current FCC regulations controlling human exposure to radio frequency radiation, emitted by every communication antenna, are based on research conducted before 1986. These regulations are long out of date. The national wireless infrastructure has expanded enormously since then. No medical or health studies were done for this, only engineers were consulted.

A recent review of the scientific literature on cell phones points out that 68% of studies have found one or more biological effects from levels of radiation previously deemed “safe.”¹ This radiation is now being associated with attention deficit disorder, autism, sleep disorders, multiple sclerosis, Alzheimer’s disease and epilepsy, as well as asthma, diabetes, malignant melanoma, breast cancer, and other illnesses that have become increasingly more common. Diabetics who are exposed to cell phones and antennas require higher doses of insulin to control their blood sugar. The symptoms of people with multiple sclerosis worsen.

Many people are not aware that the Telecommunications Act, a federal law passed by the U.S. Congress in 1996, prohibits municipalities from regulating wireless technology on the basis of health or environment.

As a physician, this alarms me. I believe health and environmental effects are the main issues for us to consider when we evaluate new technologies.

It is research in Europe that has established:

- 1) Young people who use cellphones--especially to the ear--have a 500% increase in brain gliomas (the cause of the highest mortality rate in kids in Australia) and
- 2) 360% increase in tumors of the eye nearest the cell phone, and

3) Now research in China and Israel found a soaring rise in parotid gland tumors (salivary glands in the cheek used.) This is happening to adults as well. This is my fav as the patients are hardy Aussie men and it features leading researchers in this field:

http://www.youtube.com/watch?v=_fDPZPIaT_4&feature=player_embedded

In Canada the parents are fighting to pull WiFi out of the schools but in Switzerland, France they already have due to the high death rate of children after ten years of cell phone use--now even 4 minutes a day raises cancer risk

6) Changes of Clinically Important Neurotransmitters under the Influence of Modulated RF Fields—A Long-term Study under Real-life Conditions

Klaus Buchner and Horst Eger

ELECTROMAGNETIC FIELDS Journal

Original study in German: BUCHNER K, EGER H (2011) Umwelt-Medizin-Gesellschaft 24(1): 44-57.

Introduction

Despite the distribution of numerous wireless transmitters, especially those of cell phone networks, there are only very few real-life field studies about health effects available. In 2003, the Commission on Radiation Protection was still noticing that there are no reliable data available concerning the public's exposure to UMTS radiation near UMTS base stations (1). Since the 1960s, occupational studies on workers with continuous microwave radiation exposures (radar, manufacturing, and communications) in the Soviet Union have shown that RF radiation exposures below current limits represent a considerable risk potential. A comprehensive overview is given in the review of 878 scientific studies by Prof. Hecht, which he conducted on behalf of the German Federal Institute of Telecommunications (contract no. 4231/630402) (2, 3).

As early as the 1980s, US research projects also demonstrated in long-term studies that rats raised under sterile conditions and exposed to “low-level” RF radiation showed signs of stress by increased incidences of endocrine tumors (4, 5).

Concerned by this “scientific uncertainty” about how radiofrequency “cell tower radiation” affects public health, 60 volunteers from Rimbach village in the Bavarian Forest decided to participate in a long-term, controlled study extending about one and a half years, which was carried out by INUS Medical Center GmbH and Lab4more GmbH in cooperation with Dr. Kellermann from Neuroscience Inc.

This follow-up of 60 participants over one and a half years shows a significant effect on the adrenergic system after the installation of a new cell phone base station in the village of Rimbach.

After the activation of the GSM base station, the levels of the stress hormones adrenaline and noradrenaline increased significantly during the first six months; the levels of the precursor dopamine decreased substantially. The initial levels were not restored even after one and a half years. As an indicator of the dysregulated chronic imbalance of the stress system, the phenylethylamine (PEA) levels dropped significantly until the end of the study period.

The effects showed a dose-response relationship and occurred well below current limits for technical RF radiation exposures. Chronic dysregulation of the catecholamine system has great relevance for health and is well known to damage human health in the long run.

Rimbach (Bavaria).

7) Israel Requires WARNINGS on Cell Phones

A bill that requires cell phones to carry a warning label passed its first review in the Israeli Knesset. March 1.

"Warning - the Health Ministry cautions that heavy use and carrying the device next to the body may increase the risk of cancer, especially among children."

The law also requires that all phones be sold with headsets, that advertisements feature this warning and that industry fund public educational campaigns. Israel has also created the first

national Institute to study the potential health effects of cell phones and other wireless devices and make recommendations to minimize exposure to microwave radiation. (read more)

EHT Submits Amicus Brief in Support of San Francisco “Right to Know” Ordinance CTIA Wireless Association has sued to block San Francisco’s “Cell Phone Right to Know” ordinance, which would require retailers to post materials about cell phone radiation and safety measures next to devices, passed in July. The CTIA calls the law “alarmist and false.” The Environmental Health Trust, in conjunction with the California Brain Tumor Association, filed an amicus brief to the United States Court of Appeals in support of the City.

Like the Israeli Knesset, EHT believes that the public has the right to know about cellphone dangers so that they can make informed decisions about their purchases and take precautionary measures. Lead attorney for the brief, James Turner says, “San Francisco’s disclosure rules for cell phones should be supported by everyone, including the courts. The First Amendment demands no less. A democracy depends on the free flow of information.”

Int J Occup Med Environ Health. 2012 Mar 11. [Epub ahead of print]

8) Legislative Activity Opposing Smart Meters

As you know, smart meters are mandatory for utility customers in most states. California, Nevada, and Maine Public Service Commissions have adopted opt-out programs. During the most recent legislative session, smart meter opt-out bills have circulated through state legislatures in Georgia, Michigan, Maryland, Pennsylvania and Vermont.

GEORGIA: March 26, Georgia Power spokesman said if those remaining customers want to retain their analog meters, they will not be replaced with smart meters. Find current information about smart meters in Georgia at <http://www.stopsmartmetersgeorgia.org>.

HAWAII: In response to a lawsuit filed against Kauai Island Utility Cooperative, the utility announced it will "indefinitely defer" smart meter installations for customers opposed to them

MICHIGAN: and www.michiganstopsmartmeters.com.

PENNSYLVANIA: HB 2188 was introduced. The bill has one simple paragraph about smart meter opt out which states, "Customers may request opt-out of smart meter technology under subparagraph iii by notifying in writing the electric distribution company. Meters for customers who opt out will be replaced according to a useful life depreciation schedule." You can track the bill at <http://tinyurl.com/blpchum>

VERMONT: On Friday, March 23, the Vermont Senate passed bill S 214 that would require the Vermont Department of Public Service to study smart meter removal costs, analog meter reading fees and produce a report by March 1, 2013. The Vermont Department of Public Service, which represents the public in proceedings before the Vermont Public Service Board, is generally supportive of an opt-out program.

www.wakeuptout.org

MAINE: Four ten-person complaints about the costs associated with a Maine opt-out program were consolidated. Negotiations broke down resulting in the Public Utilities Commission determining that those who select opt outs will be charged a \$40 initial fee and \$12 monthly fee.

Ed Friedman filed another complaint that he is taking to the Maine Supreme Court. On May 7th oral arguments will be held in the Friedman case. You have permission to use his brief on your website or to support your educational materials.

WASHINGTON, DC: The Washington, DC Office of the People's Counsel requested the Washington, DC Public Service Commission to investigate the technical and economic feasibility of an opt-out program for Advanced Metering Infrastructure. In February 2012, the PSC announced that that no investigation was necessary. In response, on March 19, 2012, the

Office of the People's Counsel filed an application for reconsideration in case 1065 arguing that the PSC is not fulfilling its public interest obligation.

WISCONSIN residents want state legislation preserving their right to retain their analog meters. A sample letter to state delegates requesting this legislation can be found at:<http://firstdonoharmblog.blogspot.com/2012/03/wisconsin-smart-meter-opt-out.html>

Here's a video about rejecting smart meters for Wisconsin citizens:

<http://www.youtube.com/watch?v=ReliT1aMTiA&feature=youtu.b>

NEW MEXICO LEGISLATURE 2011, Released 2012: Rep. Brian Egolf passed HM32, mandating that the New Mexico Department of Health examine the current research on health effects of cell towers and cell phones. The NM Department of Health released a statement that with regard to cancer risks, the survey recommended that because exposure to radio frequencies and/or electromagnetic frequencies “is possibly carcinogenic,” cell phone users might want to use a hands-free device or use the text function more frequently, make fewer and shorter cell phone calls, and use a land line when available.

The report also recommends not using a cellphone while driving or when around someone with a pacemaker.

NM Smart Meter rollout: NM residents have been fortunate in being allowed a “self-read” program by the New Mexico Gas Company, arranged by public advocate, Felicia N. Trujillo, of Santa Fe DOCTORS W.A.R.N. (Wireless and Radiation Network).

9) New study: direct link to 7191 cancer deaths from cellular antennas radiation

Science of the Total Environment Journal

Mortality by neoplasia and cellular telephone base stations in the Belo Horizonte municipality, Minas Gerais state, Brazil

The study established a direct link between cancer deaths in Belo Horizonte, the third largest city, with the antennae of the mobile telephone network, reported in Science Hoje site, the news

portal of the Brazilian Society for Progress Science (Sociedade Brasileira para o Progresso da Ciência.)

According to the study, more than 81 percent of people who die in Belo Horizonte by specific types of cancer live less than 500 meters away from the 300 identified cell phone antennas in the city.

Scientists found between 1996 and 2006 in Belo Horizonte, a total of 4924 victims within 500 meters and 7191 within 1000 meters died of cancer types that may be caused by electromagnetic radiation, such as tumors in the prostate, breast, lung, kidneys and liver.

10) The Board of the American Academy of Environmental Medicine opposes the installation of wireless "smart meters" in homes and schools based on a scientific assessment of the current medical literature (references available on request). Chronic exposure to wireless radiofrequency radiation is a preventable environmental hazard that is sufficiently well documented to warrant immediate preventative public health action.

As representatives of physician specialists in the field of environmental medicine, we have an obligation to urge precaution when sufficient scientific and medical evidence suggests health risks which can potentially affect large populations.

The current medical literature raises credible questions about genetic and cellular effects, hormonal effects, male fertility, blood/brain barrier damage and increased risk of certain types of cancers from RF or ELF levels similar to those emitted from "smart meters".

Children are placed at particular risk for altered brain development, and impaired learning and behavior.

Existing safety limits for pulsed RF were termed "not protective of public health" by the Radiofrequency Interagency Working Group (a federal interagency working group including the FDA, FCC, OSHA, the EPA and others). Emissions given off by "smart meters" have been

classified by the World Health Organization International Agency for Research on Cancer (IARC) as a Possible Human Carcinogen.

Hence, we call for:

- An immediate moratorium on "smart meter" installation until these serious public health issues are resolved. Continuing with their installation would be extremely irresponsible.
- Modify the revised proposed decision to include hearings on health impact in the second proceedings, along with cost evaluation and community wide opt-out.
- Provide immediate relief to those requesting it and restore the analog meters.

Members of the Board of American Academy of Environmental Medicine

Respectfully submitted by

Reverend Annallys Goodwin-Landher

PO Box 2744

Chapel Hill, NC 27515

February, 5, 2013

Radiation Sickness; Rebecca Morr Comments, Feb. 4, 2013

I would like the FCC to set stricter safety guidelines for wireless technology.

My personal experience following the installation of a smart meter on my home influenced my belief that current safety standards for wireless technology are inadequate and need to be updated. I hope you will take the time to listen to my experience, which is detailed in the document below.

Like many others, I had an immediate reaction to the smart meter on my home. I did not anticipate a problem with the new meter prior to the installation, and I had never reacted to wireless technology before (and, in fact, I still don't react to other wireless devices).

I have no idea why my reaction was so severe: Since it is a mesh system, is my home near the data center? Is it the compound effect of exposure from multiple sources? Are the signals higher than the manufacturer claims? I don't have the answer. I just have my experience.

I am certain that it was the smart meter that caused my problems:

1. There was a sudden onset of symptoms, immediately following installation of the meter.
2. My reaction was systemic, with multiple symptoms.
3. My symptoms consistently went away when I was able to spend time away from home; and
4. Now that smart meter is no longer on my home, the steps I have taken to shield my home from neighboring smart meters have been effective in keeping my symptoms away.

I submitted my testimony for consideration in Michigan's opt out proposal, but all health concerns were dismissed since, DTE agreed to allow residential customers to pay to opt out. Below is my testimony, as submitted to the ME court.

I appreciate your reading my testimony with an open mind, and considering it as a possible indication of the inadequacy of existing safety standards.

I am most concerned about the possible negative effects on our children---our future!---whose nervous systems are still developing and are more vulnerable. They are worth your conscientious attention to this matter; we all are!

Respectfully submitted,
Rebecca Morr

**PRE-FILED DIRECT TESTIMONY
OF REBECCA MORR
MPUC Docket No. 2011-00262**

Q. Please state your name, address and contact information.

A. My name is Rebecca Morr. I live at 2752 Gloucester Way, Ann Arbor, Michigan 48104.

Q. Was a smart meter installed at your residence?

A. Yes.

Q. Did you offer to provide testimony in another proceeding about your experience with smart meters?

A. Yes. I have had serious health problems related to smart meters and I offered testimony in a Michigan Public Service Commission hearing (Case No U-17053) reviewing a proposed opt-out program for Detroit Edison Company's Advanced Metering Infrastructure. Unfortunately, the Commission would not accept any testimony about health and safety issues.

Q. Is the attached document marked as Exhibit A a true and accurate copy of the testimony that you offered to provide to the Michigan Public Service Commission?

A. Yes it is.

Q. Are the statements that you made in the attached Exhibit A still true and accurate?

A. Yes.

Q. Do you wish to add anything here not included in your statement in Exhibit A?

A. I had my home tested for EMF levels with a TriField meter, model 100XE. (I don't remember the exact date).

My home tested high EMF in many locations. Therefore, I hired an electrician who is knowledgeable about RF and EMF to make some changes in my electrical wiring in order to, hopefully, lessen the EMF levels.

Of course, I don't know what the EMF levels were prior to the meter change, but I had never experienced symptoms before, so something major changed when the meter was installed.

My home was built in 1962. I had my home inspected before purchasing it in 1987, and I have always hired reputable people for repairs or additions. It is a nice home, but it was not built with modern technology in mind. If the electrician found instances where EMF levels were raised in my home, I suspect there are many other homes where dirty electricity from these meters has elevated EMF levels.

The electrician spent a little over 2 days upgrading the wiring in my home. He said that more can be done, if needed: there are additional interventions that he could do which would involve working with a plumber. He

suggested starting with the wiring. So, on Dec. 21-23, he made changes in the electrical wiring in my home.

I was away from my home immediately following the work by the electrician. I left for a trip on Dec. 23, 2012 and I just returned on Jan. 4, 2013. ALL of my symptoms completely went away on my trip, in fact, within the first week of my trip.

On January 14, 2013, he did additional testing. Some of the high EMF readings had gone down. There are still some areas that test high, however.

It is still too soon to know how much, if at all, the recent changes in wiring have helped in alleviating my symptoms. What I noticed immediately upon returning home after being gone for three weeks, was that the ringing in my ears, though still an issue, was not as constant. So far, this intervention, like all the others, has helped at least to some degree. As I said, it is still too soon to know. It remains to be seen if my symptoms resurface after I have been home for a longer period of time.

I am planning to follow through with additional interventions to, hopefully, bring my home back to the level of comfort that I enjoyed prior to the meter installations.

I am grateful that I have had the resources to be able to spend a great deal of time away from my home since the meters were installed; and the resources to remediate at least some of the adverse effects of the smart meter installations. I'm sure there are others who are not as fortunate, who are forced to just live with the problem.

Q. Do you want to submit the statements in Exhibit A to the Maine Public Utility Commission for consideration in its pending proceeding to investigate the safety of smart meters?

A. Yes. I submit the attached testimony in support of complainants Ed Friedman, et al in their case before the Maine PUC as evidence that smart meters are not safe.

Rebecca Morr

STATE OF MICHIGAN
WASHTENAW, ss

January ___, 2013

Personally appeared the above-named Rebecca Morr, and stated under oath that the foregoing Affidavit made by her is true and based upon her own personal knowledge, information or belief, and so far as upon information and belief, she believes the information to be true. Before me,

Notary Public

Name Typed or Printed

My Commission Expires: _____

EXHIBIT A

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the application and request)
of the DETROIT EDISON COMPANY seeking)
approval and authority to implement its) Case No U-17053
proposed Advanced Metering Infrastructure)
opt out program.)

QUALIFICATIONS AND DIRECT TESTIMONY OF REBECCA MORR

QUALIFICATIONS OF REBECCA MORRIS

Q. Do you swear that the testimony you are about to give is the truth, the whole truth, and nothing but the truth?

A. I do.

Q. Please state your name, address and contact information.

A. Rebecca Morr, 2752 Gloucester Way, Ann Arbor, MI 48104. My telephone number is 734-973-1493.

Q. On whose behalf are you testifying?

A. That of Intervenors Linda Kurtz and Cynthia Edwards.

Q. What are your qualifications to testify?

A. I take my electric service from Detroit Edison. My health has been extremely affected by the smart meter that was first on my home and the nontransmitting Itron digital meter that is now on my home.

DIRECT TESTIMONY OF REBECCA MORR

Q. What is the purpose of your testimony?

A. To provide information that establishes that there is a need for a no-fee opt-out and the need for an analog meter option. To provide information that may help the Commission in determining that smart and digital meters create certain kinds of economic, medical, social, or other harm or hardship, as outlined in Intervenor Linda Kurtz's Petition for Intervention, to some or all persons such that Detroit Edison and the Commission must not require those who are or who are likely to be so harmed to have a smart or digital meter placed on their home or place of business or to be otherwise deprived of rights and liberties, as outlined in Intervenor Kurtz's Petition for Intervention, by the deployment of the advanced metering infrastructure, smart meters, or digital meters, and, in the alternative, that such persons must be able to avoid such harm to their person and property without being charged a fee.

Q. How long have you lived at your current residence, and do you rent or own?

A. 25 years

Are you retired?

A. I am a retired.

Q. Before a smart meter was installed on your home, did you have problems with wireless technology?

A. No. Prior to the installation of my smart meter, I did not have any problems with wireless technology. I did not experience symptoms when using a cell phone; I did not experience symptoms when I used wireless internet or when I entered a facility that offered wireless internet; and I did not experience symptoms from the wireless technology that was already in my home, which, at the time of the smart meter installation, included a wireless water meter, and a cordless phone.

Q. Prior to the installation of a smart meter on your home, were you affected by other electrical devices?

A. No, not that I was aware of.

Q. When was a smart meter installed on your home?

A. A wireless smart meter was installed on my home on the morning of Saturday, March 10, 2012, while I was not home.

Q. Did you know the meter was going to be installed?

A. Yes. A few weeks before the installation, I had received a notice from DTE that a new, upgraded, wireless meter would be installed on my home. When I got the notice, I called DTE indicating that I would rather not have the wireless meter. I was told that I had no choice. Although I would have preferred not to get it, I was not anticipating a problem with it either. It was a "preference" not to have it, as opposed to an aversion.

Q. You say you preferred not to get one, then tell us why you didn't want it.

A. As I said, it was just a preference. When I got my first cell phone, I read the manual, and it indicated that, for safety reasons, I should hold the cell phone about an inch from my head when using it. I believed the manufacturer's warnings which indicated there may be risks involved with this technology. I have used, and still use, lots of wireless devices. It's not that I worry about their effects and avoid them; it is more that I weigh the benefits, and I purchase the ones which I see as highly beneficial, I choose not

to use the ones that are not. The meter did not fall into the "highly beneficial" category. I am concerned about the environment and I am already conscientious regarding my energy usage at home. I keep my thermostat lower and wear warm clothing in the winter, I turn down my heat at night and when I am gone, I don't often use air conditioning during the summer, I have replaced older appliances for newer, more efficient ones, My TV is very small and I rarely watch it, I turn off the lights I don't need. In weighing the proposed benefits a smart meter, it didn't seem like something I needed. However, when I called DTE, I was told I didn't have a choice. I didn't get upset or argue. I just accepted it. Had I had any idea what an impact it would have on my life, though, I would have protested immediately

Q. What happened when you returned home after the meter had been installed?

A. I returned home a little after 1 p.m.. There was a note on my door indicating the new meter had been installed. I didn't think much about it. Shortly after arriving at home, I went into my kitchen to prepare lunch. There are no words that can adequately describe what happened next. Here's my best effort:

As I stood at my kitchen sink (a stainless steel sink, opposite my refrigerator), I felt a very uncomfortable vibration, like a low-level electric current, going through my body; there was a buzzing sound in my head; and I experienced a jittery feeling in my body.

When I stepped away from the sink, the feeling lessened considerably, but was still noticeable, especially whenever I was in close proximity to the back wall of my home.

My first thought was, "That must be the new meter. This will take some getting used to." At that point, I wasn't upset and I didn't panic. I honestly thought that my body would just need some time to adjust to it, and then everything would be okay.

Later, a friend who is a physics professor explained that my extreme reaction may have been because radio waves were bouncing off the metal surfaces of the sink and/or the refrigerator. I don't know what caused it; I just know it was weird and extremely uncomfortable.

Q. So you weren't worried about the new meter?

A. No. not yet. I wasn't worried prior to the installation, and when I first had the reaction, I just thought it was something my body would adjust to. Looking back, of course, I think "How could I have been so stupid? Why didn't I leave my house immediately?" At the time, though, as strong as my initial reaction was, it didn't occur to me that exposure to a meter could cause problems, or have prolonged consequences. I assumed I'd get used to it and the weird feeling and buzzing in my head would go away. It was seeing my blood pressure suddenly shoot up, that suggested to me that the meter was causing more than a "weird feeling." That's what triggered my concern.

Q. Had you heard of smart meters prior to having one installed on your home?

A. Yes and no. I was not aware of any controversy. I had seen an article that said energy companies were installing new meters; that in some locations, people were being forced to accept the meters whether they wanted them or not; and that it wasn't right. I tend to be more accepting of things, and because I considered the views of this person to be a little extreme, I hadn't taken the article seriously. I hadn't given it much thought, that is, until my personal experience with smart meters.

Q. What happened next, the day the meter was installed?

A. As the day progressed, I developed a dull headache and I had a hard time focusing and concentrating. I also became hoarse. At first, I didn't make a connection between these symptoms and the meter. I did later, though, when these symptoms persisted, and when they developed at home, but went away after being away from home for awhile.

That first day, in addition to the headache and lack of focus, by early evening, my blood pressure had gone up significantly. High blood pressure had not been an issue for me. I had had a blood pressure monitor, and for several years I had checked it occasionally. There had never been cause for concern.

Q. Why had you made the decision several years ago to check your blood pressure from time to time?

A. I care about my health. Checking it occasionally was a precautionary measure.

Why are you so sure that the smart meter influenced your blood pressure readings?

A. Quite by coincidence, I had taken lots of readings right before smart meter installation. I do Bikram Yoga almost every day. It is a 90 minute, rigorous series of 26 postures, that is done in a room that is 105 degrees. It is a good workout. A fellow classmate had mentioned health benefits she attributed to her yoga practice, lower blood pressure being one of them. As I said, I didn't have blood pressure issues, but I wondered what effect, if any, my yoga practice had on mine. I decided to do an experiment: My plan was to take my blood pressure three times a day: before class, after class, and a reading later in the day. It was because of this experiment that I noticed the immediate spike in my blood pressure.

Q. What were your blood pressure readings prior to the smart meter installation?

A. Exhibit A is my record of blood pressure readings from March 1 through March 12. Prior to March 10 (installation day), the range in readings was 108/61 to 133/75. The average reading was 119/64.

Q: What were your readings the day of the installation?

A. Before yoga, my blood pressure was 118/72. After yoga, it was 125/72.

By 5:00 p.m. it was 150/90. Later, it was 157/86. I remember that right before going to bed that night it was 165/90, but I did not record that reading.

It was the rise in my blood pressure that triggered my concern. It made me aware that my body was being affected on more levels than I had realized. and that the weird feeling I was experiencing was not something to take lightly

Q. What did you do then?

A. That night, rather than sleep in my own bed, I slept in the upstairs bedroom furthest away from my smart meter. The next day, Sunday, March 11, I called a friend and I arranged to stay at her house. I slept at her house from Sunday until I left for a three-week trip to Brazil on March 18.

Q. The second night, you slept at a friend's house. Did you notice a difference when you slept at your friend's house?

A. I didn't experience the buzzing sound in my head at her house, and the next morning my blood pressure was down again. I slept better than I had at my own house, and I didn't wake up with a headache. The weird, jittery feeling I had when at home lessened, but was still noticeable.

Q. Did you return to your home?

A. Yes. I could not totally avoid being in my own home that week because, in addition to packing for my trip, I had many things I had to take care of before leaving. However, I stayed away from home as much as I could.

What happened when you were in your own home that week?

The weird, jittery feeling and difficulty focusing persisted; I had headaches. Also, my eyes hurt, I became hoarse, and I developed a dry cough. For the first time in my life, I started on blood pressure medicine.

Q. Did you call DTE?

A. Yes. Monday, March 12, the first business day after my meter was installed, I called DTE from home. I was told there was no way to opt out of a smart meter. I explained that the meter was making me sick and that I couldn't stay in my house. I said I wanted to be transferred to someone who could help me. The person I talked to said she could not transfer me to a supervisor, but that she would arrange for someone to call me back. I indicated again that it was very uncomfortable for me to be in my house, but that I would wait there for the call. I said it was an emergency, and that I needed to talk to someone as soon as possible. No one called back. I called again that day or the next, and got no response.

How were you feeling inside your home waiting for the call? The jittery feeling, the difficulty concentrating, and the buzzing in my head were worse. I was also upset that I was getting such a run-around from DTE. I knew I was leaving the country in a few days. I had hoped that I'd be able to come back to a home with a normal, comfortable environment.

Q. Did DTE get back to you?

A. Not right away. When I had not heard back by Wednesday, March 14, two days after being told someone would call me back, I sent an email to DTE via their online complaint site. I was eventually told I was being referred to Elaine Curtis. I talked to Elaine on Friday, March 16.

Q. What did she tell you?

She said DTE would remove my meter if I could provide a letter from my doctor indicating my smart meter was making me ill.

Q. Had you seen a doctor?

A. Yes. I had seen my doctor earlier in the week, on Wednesday, March 14. At that time, of course, I had not yet talked with Elaine Curtis, so I did not know I would need a letter. Since it was Friday by the time learned about the need for a doctor's letter; and I was scheduled to leave for Brazil early on Sunday, I was unable to talk to her before I left. I called her office on Friday afternoon, and when I didn't reach her, I left a message.

I had contacted my doctor immediately; I had been concerned about all of my symptoms, but especially the high blood pressure readings. I wanted to get in to see someone before leaving on my trip. My appointment was on Wednesday, March 14. Following the appointment, I started taking a beta blocker. She said it should lower my blood pressure without making it go too low when I was away from smart meters. She was right, it did. It also helped relieve the persistent jittery feeling I was having. I continued to sleep at my friend's and spend as little time at home as I could.

You were gone for three weeks. How did you feel in Brazil?

A. I was fine in Brazil. I felt great and I slept very well. The headaches, the buzzing in my head, and the weird jittery feeling all went away and did not come back until I returned home.

Did your doctor write the letter?

A. Yes. In spite of the fact that communicating from Brazil proved to be a challenge because phone lines and access to email were not always available or consistently working, my doctor did send the letter to DTE. Six days prior to my returning home, I received an email from Elaine Curtis indicating that she had received the letter from my doctor, and that the meter would be removed. Dr. Kyle Morgan faxed her letter directly to DTE; DTE has the letter. I do not have a copy.

Q. Did DTE follow your doctor's instructions?

Not exactly. In addition to indicating the meter was making me ill, Dr. Morgan had specified an analog meter. DTE replaced my smart meter with a different digital meter, not an analog meter.

Elaine Curtis said that DTE no longer had a distributor for analog meters. From Brazil, I sent an email to DTE via the DTE complaint link.

The many typographical errors exist because, after losing power in the middle of writing my letter several times (and therefore, losing what I had written), I finally sent this one, errors and all.

DTE ignored both my request for an analog meter and my doctor's letter specifying the need for an analog meter. If DTE had wanted to install an analog meter, it would have been very easy to do so. Hundreds, even thousands of used analog meters, in good working condition, were available.

Q. Was the smart meter removed?

A. Yes, but it took awhile. Since I had received the email from Elaine Curtis on April 4th indicating that my meter would be replaced, and since I wasn't coming home until April 10th, I had hoped that my smart meter would be gone when I got home. As soon as I arrived home, I walked to the back of my house and checked. It hadn't been changed. I went back to stay at my friend's house, and I called Elaine Curtis immediately. I don't remember if I actually talked to her that day, or if I left a message and she called me back. When we talked, she thought that my smart meter had already been removed. She said she would check into it and get back to me. She did. When she called me back, she assured me it would be removed within a few days. It was. I don't remember what day it actually came off.

Q. Why did you request an analog meter?

A. I had not had any problems with the old analog meters; and, although I didn't understand the concept, I had heard the term "dirty electricity" associated with digital technology. At that point, I wanted my old, familiar, healthful home back.

Q. Did replacing the smart meter with a digital meter solve the health problems caused by the smart meter?

A. No. Although there was an improvement, the new digital meter did not solve the problem. My symptoms were not as severe as they had been with the smart meter, but the weird jittery feeling, the headaches, the buzzing sound in my head, the cough, memory problems, and the difficulty focusing—all came back, just to a lesser degree.

Q. What did you do?

A. I contacted Elaine Curtis again. She said she didn't think the new meter could cause problems, but that she would look into it. When she got back to me, she said that the new digital could not be the problem because it did not send a signal.

In the meantime, I had talked to my friend who teaches physics. She said that because radio frequencies travel long distances, my current problems might be caused by the RF from my neighbors' meters. She recommended putting up heavy duty tinfoil, shiny side toward the meters, where I suspected the RF might be entering my home. The tin foil would help shield my home, since radio waves are reflected by metal and shiny surfaces. She also explained that there are materials which diffuse radio frequencies.

Someone else said that the problem could be that the new digital meter was dumping dirty electricity into my home, and that could be causing the problem.

Q.What did you do then?

A. I did what I could to solve the problem:

My first intervention was to line my garage and cover an outside wall with heavy duty tin foil to shield my house from my neighbor's smart meter that was closest to my house, and where I felt it the most. That helped....a little. The buzzing in my head was definitely still there, but not quite as intense. The other symptoms remained.

Next, I lined the inside wall with tin foil that shares the wall with my meter, On top of that, I put 3 layers of absorbing material. After this intervention (and every other intervention), I waited awhile to see what, if any, effect it had on how I felt or on my symptoms.

Q.Did it help?

A. Yes. Although better, it was still difficult to be in my home.

Now that I was spending more time at home, other symptoms surfaced. I wasn't sleeping through the night: I'd wake up after three, four or five hours and not be able to go back to sleep. I'd feel tense, jittery. I became hoarse, and I developed a cough. After being home for about three weeks, I began to notice breathing problems: I would get out of breath just by going upstairs, and I had difficulty breathing in my Bikram Yoga Class when doing postures that I had done with ease prior to the smart meter installations. Also because of my yoga practice, I noticed a slight weakness on my left side, that had not been there earlier. I was not able to do some of the strength building postures I had done earlier.

The buzzing sound in my head would seem louder late at night and early in the morning, and I would always wake up with a headache and a buzzing sound in my head.

Q. Have the interventions you've done helped?

A. There is no question that each intervention has helped. The problem is that my home has never gone back to being what it was before: I still can't tolerate being in my home for more than a week or two without experiencing very worrisome symptoms. At this point, I still have concerns regarding smart meter effects on my blood pressure; and I have even bigger concerns about my breathing and my lungs. If I am home for more than a week, I get out of breath when I go up stairs, or when it is humid outside, and in I am no longer able to do some of the Bikram Yoga breathing exercises and postures that I formerly did with ease. So far, all of these symptoms improve or go away entirely when I leave my home for an extended period of time. I can't keep searching for people and places to visit, and as more smart meters are installed, there will be fewer places I can go for relief.

Q.What else have you done to your home?

A. Since my first attempt at using tin foil as a shield had helped . . . a little. . . I put up more. I put tin foil on some inside walls. I also put tin foil in my bathroom, and on the back wall of the bedroom that shares a wall with the meter.

I ordered material which is designed to absorb radio frequencies from lessemf.com/. I put three layers of that material over the tin foil lining the back wall of the bedroom closest to my digital meter. I also lined one of the walls in my bedroom with this material.

The RF absorbing material is black; not exactly my color I'd choose for my bedrooms.

Because I was still experiencing symptoms, a few months ago I ordered a Graham - Stetzer meter and filters. I had read that the EMF levels can be measured and reduced by adding the filters. Again, I did notice a difference with the filters in place, but not enough of a difference to keep me symptom free.

Last month, I covered the back wall of my home with tin foil. It looks awful, but it made a difference. Again, it helped, but it has not totally taken care of the problem. With each intervention, I have felt a little calmer and the symptoms seem a little less intense, but none of the interventions has totally solved my problems. As I mentioned, I am especially concerned about the breathing difficulties I experience after being in my home for awhile. My blood pressure remains a concern as well, although I have been getting normal readings without medication since my last intervention of putting tin foil on the entire back side of my home.

I tried to spend as much time out of my home as possible. I left whenever I could. I went on trips for one to three weeks. Some were planned; others were trips I took just to get away from my house. Some symptoms, such as coughing, would go away as soon as I left my home. Others would go away after being out of my home for a period of time. The amount of time required for it to go away, depended on the symptom.

q. **How long can you stay in your house before noticing symptoms?**

A. The length of time before I experience symptoms depends on the symptom: If I return home after being away for a week, I feel jittery and get a buzzing sound in my head immediately upon entering my home. Within a few hours of being home, my eyes may hurt and become dry, and I will become hoarse and develop a cough. Things like breathing problems and weakness on my left side surface after being home for a week or more.

Q. **How are things now?**

A. I'm still spending as much time as possible away from home. From March 10, 2012, when smart meters were installed in my neighborhood, to the present, the longest stretch of time I will have been at home at one time is 30 days. Usually I am home only a few weeks before leaving again. When I leave, I try to be away for one to three weeks.

So far, when I have spent time away from my home, my symptoms have all lessened or completely gone away. When I return, they return.

Although being in my home is more tolerable than it was, even with all that I had done, my health while in my home is still not back to what it had been prior to the smart meter installations

Q. **Did these interventions help? Is the digital meter no longer a problem?**

A. The interventions have helped, but all the problems remain. Whenever I return home, I immediately experience a buzzing sound in my head, I become hoarse, and I get a dry cough. My reactions are systemic: If I am at home for an extended period of time (a few weeks), additional symptoms surface:

- weakness on my left side,
- joint pain,
- chest pain,
- difficulty focusing,
- hot flashes,
- breathing problems,

- shortness of breath,
 - skin things (a rash above my right eye; rough hardened skin on my knuckles)
- my eyes hurt and become dry,
all my teeth on my upper left jaw ache.

Q. Did you make any more attempts at mitigation?

A. I had not shielded the back of my house, both because I didn't think I could get tinfoil to stay up, and because I knew it would look terrible. Finally, though, in October, out of desperation to make my home more livable, I lined the entire back of my house with tinfoil. It looks awful. Again, it has not totally taken care of the problem and it is only a temporary measure, but it helped. I still haven't spent more than a few weeks in my home since this latest addition of tinfoil, but so far my sleep is more normal, the jittery feeling is not as intense, I don't feel as spacey. I am still getting hoarse, but less often, and my eyes hurt less. The weird, unsettled sensation in my body and the uncomfortable buzzing sound in my head persist.

With each intervention I have seen an improvement in my symptoms, but my house is in no way back to what it was before smart meters were installed in my neighborhood or the digital meter was installed on my home.. In addition, the tinfoil, besides being ugly, is a temporary solution that won't hold up over time.

Q. How do you know that it is the digital meter that is causing these health effects?

Although I know it seems unbelievable that a meter could trigger all these health effects, the meter was the only thing that has changed in my home environment. Furthermore, at least so far, all these problems go away when I leave my home: some go away immediately upon leaving; others go away in time. The symptoms return when I return.

Q. So when you go to someone else's house that has a smart meter, do you have problems?

A. Yes, to varying degrees. I always experience the buzzing sound and a jittery feeling. I may or may not experience other symptoms.

Q. When you go into public buildings that have smart meters, do you have problems?

A. Fortunately, most of the places I frequent do not have smart meters yet, so I can't answer this adequately. However, the spiritual center I attend has a smart meter and it is very uncomfortable to go there, so I have not been going.

Q. Have you been in any home besides your own that has a digital meter?

A. Yes. I have a friend who lives on Lake Tahoe. She remodeled her home several years ago, and has a digital meter. It is not a smart meter. I really don't know if it is the same as my meter. Her home is very deep, and the meter is way at the back. I couldn't sleep when I stayed in a back bedroom. I was able to sleep when I slept on her sofa, in the front of the house. The weather was great when I was there, and we spent most of our time outside hiking or by the water. I didn't have as much trouble there as I do at my own home. Her meter is older; I don't know if it is like mine.

Q. In your experience, will the nontransmitting digital meter (the kind now on your home and the kind DTE is proposing as the alternative to the smart meter) solve the health problems you experience with smart meters?

A. No.

Are the nontransmitting digital meters an acceptable alternative to the smart meter?

A. No

Please list all the health effects you experience from smart and nontransmitting digital meters, whether on your own home or elsewhere.

buzzing in my head

Elevated blood pressure

Muscle weakness, especially on my left side

headaches

cramps in legs and feet, extremely cold feet

eyes hurt, blurry vision

breathing problems, shortness of breath

joint pain, arthritis like symptoms

chest pain

concentration and memory problems

All of my teeth on one side aching

Q. How do you know that it was the smart meter that first caused these health effects and not something else?

A. The symptoms surface when I spend time at home. They go away when I leave. They surface when I am home again. I don't know if the symptoms are caused by my digital meter or my neighbors' smart meters, but the installation of smart meters in my neighborhood is the only thing that has changed in my environment.

Q. Please list all the health effects you currently experience from the digital meter on your home.

A. Without the remediation or if I am around other people's smart meters, I sometimes experience all of them, especially buzzing in my head.

With the mitigation, I still experience buzzing in my ears and I am not as calm, I'm more agitated. To date, I haven't stayed at home long enough to know if the other symptoms will surface again.

Q. Please list all the health effects you in the past experienced from the digital meter on your home but do not currently experience.

A. Since putting tin foil on the back of my home, my blood pressure has been normal without medication as long as I avoid smart meters.

Q. Has anything else changed that would account for the subsiding of these effects?

A. No

Q. Did you experience any of the health problems you have enumerated prior to the installation of smart meters?

A. In 2007 I became ill after being exposed to a very toxic paint. The symptoms I did not experience were the buzzing in my head and the elevated blood pressure. I did experience the other symptoms. I recovered from that injury, and, until the smart meter was installed, I had not had experienced any of these symptoms since my recovery in 2008.

A.

Q. Did you have health problems prior to the installation of smart meters? If so, what were they and when did they begin?

A. Prior to the installation of my smart meter, I was healthy, I exercised regularly, I ate a good diet, and I was on no medication..

Q. Did you do anything else to deal with this problem?

A. Like I said, I put up shielding materials and I started spending as much time as possible away from home. I took several trips. Although some had been planned, I have taken others for the sole

purpose of getting away from my house. From March 10, 2012, when my smart meter was installed, to present, the longest stretch of time I will have been home at one stretch is 30 days. When I have spent time away from home, I have generally left for one to three weeks at a time. Each time I left, my symptoms went away within a day or two of being out of my house. I am still spending as much time away from my house as possible.

At this point, I have spent about \$2000 in materials and devices to tolerate living in my home, and I still have only a temporary fix that doesn't completely solve the problem. And, DTE is proposing additional charges to opt out.

DTE could probably use my home as an example of a smart meter success story: Their records should show that my energy usage has gone down since smart meters were installed in my neighborhood. It's a good example of how misleading it can be to just look at one source of data. My "real" energy usage is up—considerably. I consumed a lot more energy when you consider:

- transportation to doctors,
- products purchased to remediate my home
- medications I will need that I would otherwise not have needed
- driving and flying to destinations in order to stay away from home
- utilities consumed at visiting destinations

These are not just monetary expenses for me. They involve energy expenditures that far outweigh any energy savings DTE might claim.

My home no longer feels like "home." The number of places I can go and remain symptom-free is dwindling as Ann Arbor, the rest of Michigan, and the rest of the country is being installed. I would sell my house and move, but, at this point, I don't know where I could go.

Q. Please list all of the health problems you currently experience from the digital meter on your home?

A. Since my last mitigation, my most common symptoms are buzzing in my head, jitteriness, and breathing problems. The breathing problems are the ones that concern me the most.

Q. Do you experience problems when you enter homes or other buildings with smart meters?
Yes. I can tell immediately if there is a smart meter.

A. **Have the health effects you experience as a result of smart meters affected your ability to interact socially with others? If the answer is yes, describe how.**

A. Yes, of course. I am avoiding going places that have smart meters. It limits where I can go and who I spend time with.

Q. Have the health effects you experience as a result of smart meters affected your ability to access public services, such as the public library, government offices? If the answer is yes, describe how.

A. Not yet.

Q. Have the health effects you experience as a result of smart meters affected your ability to access religious or spiritual services? If the answer is yes, describe how.

A. I am involved with a meditation group. I have not been attending programs because I experience symptoms if I am in the building for an extended period of time.

Q. Have the health effects you experience as a result of smart meters affected your ability to freely access health services? If the answer is yes, describe how.

A. Not yet.

Q. Have the health effects you experience as a result of smart meters affected your ability to perform one or more major life activities not already mentioned? If the answer is yes, describe what activities and how the effects have affected your performance of these activities.

A. So far I have been lucky. Most of the places I frequent do not have smart meters yet. I am not looking forward to the day when smart meters are everywhere. It will be a nightmare for me.

Q. What do you feel is a reasonable accommodation to allow you to perform major activities of daily living?

A. A free opt out for everyone.

An analog meter option.

The Establishment of Smart Meter Free Zones and/or Facilities

The removal of smart meters everywhere.

Radiation Sickness; Josh Finley Comments, Feb. 4, 2013

FCC 12-152

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

Notice of Proposed Rulemaking
18 FCC Rcd 13187, 13188 ¶1 (2003)

And

Service Rules for the Advanced Wireless Services
H Block---Implementing Section 6401 of the
Middle Class Tax Relief and Job Creation Act of
2012 Related to the 1915-1920 MHz and
1995-2000 MHz Bands ¶53 footnote 95

ET Docket No. 03-137

WT Docket No. 12-357

To: Office of the Secretary
Federal Communications Commission
Washington, DC 20554

Comment Filed by:

Josh Finley
8716 Sand Point Way NE, Apt 1
Seattle, WA 98115
josh416@uw.edu
(206) 734-4878

February 5, 2013

AFFIDAVIT OF JOSH FINLEY

State of Washington]
King County] ss.

I, Josh Finley, attest that my statements are true to the best of my knowledge.

Comment round for ET Docket No. 03-137 and WT Docket No. 12-357.

1. My name is Josh Finley. My address is 8716 Sand Point Way NE, Apt 1, Seattle, Washington 98115.
2. I am a graduate student studying Environmental Engineering at the University of Washington. My focus is on engineering and management of water resources.
3. I have no history of mental health disorders or hypochondria.
4. I am negatively affected by exposure to the microwave radiation emitted by wireless technology. Effects I experience from exposure include an inability to think clearly, anxiety, headache, dizziness, and nausea. The extent to which I experience these effects generally increases as a function of both my proximity to the emission source and the length of time for which I am exposed. The effect also varies depending on the emission source characteristics, including carrier frequency, power density, and modulation signal, and does not seem to be linearly related to power density alone. For example, I am typically more severely affected by wi-fi signals than by those utilized by older cellphones. After exposure, a recovery period is required for me to regain physical and mental equilibrium.
5. The fact that I experience these effects from microwave radiation affects almost every aspect of my life. It plays an important role in determining where I can live, where I can work, and where I can spend my free time. I am compelled by necessity to seek out “holes” in wireless infrastructure in which to live my life. Such holes are getting smaller

all the time, and the presence RF in the environment already severely restricts my freedom and negatively impacts my health and wellbeing.

6. Adverse effects from exposure to the microwave radiation emitted by wireless technology are now commonly reported by people all over the world (including many with no history of mental health disorders or hypochondria). Anecdotal evidence for the existence of negative effects from such exposure is very strong. As science writer B. Blake Levitt puts it, “It’s not likely a transcultural mass hallucination... These are our canaries in the coal mine.”

7. The best available scientific evidence, as well as my own day-to-day experience, strongly indicates that current RF exposure standards in the United States are not sufficiently protective of public health. Note that many countries currently have more restrictive limits on RF exposure than the U.S. There is a large body of scientific evidence conclusively demonstrating negative effects on living systems from exposure to lower levels of RF than those currently allowed in the environment under existing FCC standards. This evidence should not be ignored. For details, including recommendations on biologically-based public RF exposure limits, please refer to the BioInitiative Report (2012), available for free at <http://www.bioinitiative.org>. Many of the respected scientists who wrote this report have devoted much of their careers to understanding the biological effects of RF, and I would humbly recommend that the FCC seek their counsel in setting new exposure standards that are capable of protecting both the public and the environment.

Respectfully submitted by

Josh Finley

8716 Sand Point Way NE

Seattle, WA 98115

February 5, 2013

Radiation Sickness; Donna L. Bervinchak Comments, Feb. 4, 2013

TO THE FEDERAL COMMUNICATIONS COMMISSION**RE: Proceeding Number with 03-137 12-357.**

I recently had to move from my home of 22 years in San Francisco, California to Pennsylvania because I became so sick from Smartmeters that I could no longer work and function there any more. I can not go to public places anymore because there is so much wireless in libraries, coffee shops, stores, etc., that I will break out in hives and will develop a list of symptoms that will not allow me to function. My life in Pennsylvania is very limited because I can only function in places without wireless exposure. I can not visit many places anymore because of the wireless emissions that pervade the U.S.A.

Below is simply a very short list of current research, medical commentary and brief update of legislative motions all indicating the health dangers to the American public due to their involuntary and often constant exposures to the electromagnetic fields and radiation emitted by cell towers, cell phones, WiFi and Smart Meters. A more complete listing or research would include 25,000 studies done by the US Navy, and thousands of other peer-reviewed findings published over the past three decades.

Yours truly, Donna L. Bervinchak
Feldenkrais & Child'Space Practitioner

SHORT SUMMARY OF PEER-REVIEWED PUBLISHED RESEARCH AND MEDICAL COMMENT ON THE HEALTH EFFECTS OF EMF/EMR

1) The World Health Organization already categorized EMF/EMR from such products as Smart Meters, baby monitors, cell phones, WiFi as a Class 2B: possibly human carcinogen along with DDT, lead and HIV virus.

2) 900 MHz Radiation Induces Hypothyroidism and Apoptosis (cell suicide) in Thyroid Cells

Results of this study indicated that whole body exposure to modulated RFR similar to that emitted by GSM mobile phones caused pathological changes in the thyroid gland by altering gland morphology and inducing apoptotic [cell suicide] pathways.

http://www.scribd.com/fullscreen/73089352?access_key=key-13jthil1zs36giwufvbo

3) NEW RESEARCH: Brain Tumor Pandemic—DNA Impacts from Mobile Phones Implicated in New Analysis

December 24, 2011, Berkeley, CA, USA & Stockholm, Sweden. An important new analysis, The Potential Impact of Mobile Phone Use on Trends in Brain and CNS Tumors, was published today in the journal Neurology & Neurophysiology.

It can be downloaded without cost at <http://www.omicsonline.org/2155-9562/2155-9562-S5-003.pdf>. The paper is in a Special Issue of the journal titled "Brain Tumor."

Neurology & Neurophysiology Journal, 12/24/11:...these preliminary findings suggest that we should prepare for about a doubled brain cancer incidence rate and possibly as high as 25 times the incidence we have today. One result of such a worldwide increase in brain cancers would be a dramatic shortage of neurosurgeons leading to increased mortality. Any statement about harmless cell phones based on only 5-10 years of years of use has no scientific basis due to the long latency times involved.

The paper, by researchers Örjan Hallberg in Sweden and L. Lloyd Morgan in the U.S., first reviews biological effects from mobile phone use reported in peer-reviewed studies, such as increased permeability of the blood-brain barrier, deleterious effects on sperm, double strand breaks in DNA, stress gene activation (indicating an exposure to a toxin), and increased risk of an acoustic nerve tumor (acoustic neuroma) and brain cancer after 10 or more years of mobile phone use. It then considered two established mechanisms for the development of brain cancer—that mobile phone use decreases the efficiency of the repair of mutated DNA and that mobile phone use increases the rate of DNA mutations.

Based on a 30-year time between first mobile phone use and diagnoses of brain cancer (latency time), the model predicts that there will be a 100% increased incidence of brain cancer (2-fold) if DNA repair efficiency is decreased by mobile phone use, and a 2,400% increase in brain tumors (25-fold) if mobile phone use mutates DNA. The figure below, from the paper illustrates these predictions.

The public health risk modeling process used in this analysis was developed by Örjan Hallberg and has been successfully applied in other illnesses, including Alzheimer's disease and melanoma. Hallberg says, "Such modeling, or risk projection, is important, whether for the climate or for diseases, in that it allows public health contingency planning, should the model be reasonable accurate. For example, will there be sufficient neurosurgeons should brain tumors increase as the model predicts?"

Morgan says, "What this analysis shows is that, unless mobile phone usage behavior patterns change significantly, we can reasonably expect a pandemic of brain tumors, for which we are ill-prepared, beginning approximately 15 years from now. Governments, as well as parents, physicians, schools and all citizens, would be well advised to educate all persons under their care or influence about the need to curtail the use of mobile phones and other radiation-emitting consumer devices."

<http://www.omicsonline.org/2155-9562/2155-9562-S5-003.pdf>.

4) THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, passed a policy in 2004 to not allow cell towers or antennas on any of their facilities due to proven negative health effects on fire fighters. They also provide

worldwide research to substantiate this:

<http://www.iaff.org/hs/Facts/CellTowerFinal.asp> , excerpted below:

WHEREAS, the brain is the first organ to be affected by RF radiation and symptoms manifest in a multitude of neurological conditions including migraine headaches, extreme fatigue, disorientation, slowed reaction time, vertigo, vital memory loss and attention deficit amidst life threatening emergencies; and

WHEREAS, most of the firefighters who are experiencing symptoms can attribute the onset to the first week(s) these towers/antennas were activated; and

*Note: A pilot study was conducted in 2004 of six California fire fighters working and sleeping in stations with towers. The study, conducted by Gunnar Heuser, M.D., PhD. of Agoura Hills, CA, focused on neurological symptoms of six fire fighters who had been working for up to five years in stations with cell towers. Those symptoms included slowed reaction time, lack of focus, lack of impulse control, severe headaches, anesthesia-like sleep, sleep deprivation, depression, and tremors. Dr. Heuser used functional brain scans – SPECT scans – to assess any changes in the brains of the six fire fighters as compared to healthy brains of men of the same age. Computerized psychological testing known as TOVA was used to study reaction time, impulse control, and attention span. The SPECT scans revealed a pattern of abnormal change which was concentrated over a wider area than would normally be seen in brains of individuals exposed to toxic inhalation, as might be expected from fighting fires.

5) PUBLISHED COMMENTS BY DR. LEAH MORTON, FAMILY PRACTITIONER

Current FCC regulations controlling human exposure to radio frequency radiation, emitted by every communication antenna, are based on research conducted before 1986. These regulations are long out of date. The national wireless infrastructure has expanded enormously since then. No medical or health studies were done for this, only engineers were consulted.

A recent review of the scientific literature on cell phones points out that 68% of studies have found one or more biological effects from levels of radiation previously deemed “safe.”¹ This radiation is now being associated with attention deficit disorder, autism, sleep disorders, multiple sclerosis, Alzheimer’s disease and epilepsy, as well as asthma, diabetes, malignant melanoma, breast cancer, and other illnesses that have become increasingly more common. Diabetics who

are exposed to cell phones and antennas require higher doses of insulin to control their blood sugar. The symptoms of people with multiple sclerosis worsen.

Many people are not aware that the Telecommunications Act, a federal law passed by the U.S. Congress in 1996, prohibits municipalities from regulating wireless technology on the basis of health or environment.

As a physician, this alarms me. I believe health and environmental effects are the main issues for us to consider when we evaluate new technologies.

It is research in Europe that has established:

- 1) Young people who use cellphones--especially to the ear--have a 500% increase in brain gliomas (the cause of the highest mortality rate in kids in Australia) and
- 2) 360% increase in tumors of the eye nearest the cell phone, and
- 3)
- 4) Now research in China and Israel found a soaring rise in parotid gland tumors (salivary glands in the cheek used.) This is happening to adults as well. This is my fav as the patients are hardy Aussie men and it features leading researchers in this field::
- 5) http://www.youtube.com/watch?v=_fDPZPlaT_4&feature=player_embedded
- 6)
- 7) In Canada the parents are fighting to pull WiFi out of the schools but in Switzerland, France they already have due to the high death rate of children after ten years of cell phone use--now even 4 minutes a day raises cancer risk

6) Changes of Clinically Important Neurotransmitters under the Influence of Modulated RF Fields—A Long-term Study under Real-life Conditions

Klaus Buchner and Horst Eger

ELECTROMAGNETIC FIELDS Journal

Original study in German: BUCHNER K, EGER H (2011) Umwelt-Medizin-Gesellschaft 24(1): 44-57.

Introduction

Despite the distribution of numerous wireless transmitters, especially those of cell phone networks, there are only very few real-life field studies about health effects available. In 2003, the Commission on Radiation Protection was still noticing that there are no reliable data available concerning the public's exposure to UMTS radiation near UMTS base stations (1).

Since the 1960s, occupational studies on workers with continuous microwave radiation exposures (radar, manufacturing, communications) in the Soviet Union have shown that RF radiation exposures below current limits represent a considerable risk potential. A comprehensive overview is given in the review of 878 scientific studies by Prof. Hecht, which he conducted on behalf of the German Federal Institute of Telecommunications (contract no. 4231/630402) (2, 3).

As early as the 1980s, US research projects also demonstrated in long-term studies that rats raised under sterile conditions and exposed to "low-level" RF radiation showed signs of stress by increased incidences of endocrine tumors (4, 5).

Concerned by this "scientific uncertainty" about how radiofrequency "cell tower radiation" affects public health, 60 volunteers from Rimbach village in the Bavarian Forest decided to participate in a long-term, controlled study extending about one and a half years, which was carried out by INUS Medical Center GmbH and Lab4more GmbH in cooperation with Dr. Kellermann from Neuroscience Inc.

This follow-up of 60 participants over one and a half years shows a significant effect on the adrenergic system after the installation of a new cell phone base station in the village of Rimbach.

After the activation of the GSM base station, the levels of the stress hormones adrenaline and noradrenaline increased significantly during the first six months; the levels of the precursor dopamine decreased substantially. The initial levels were not restored even after one and a half years. As an indicator of the dysregulated chronic imbalance of the stress system, the phenylethylamine (PEA) levels dropped significantly until the end of the study period.

The effects showed a dose-response relationship and occurred well below current limits for technical RF radiation exposures. Chronic dysregulation of the catecholamine system has great relevance for health and is well known to damage human health in the long run.

Rimbach (Bavaria).

7) Israel Requires WARNINGS on Cell Phones

A bill that requires cell phones to carry a warning label passed its first review in the Israeli Knesset. March 1.

"Warning - the Health Ministry cautions that heavy use and carrying the device next to the body may increase the risk of cancer, especially among children."

The law also requires that all phones be sold with headsets, that advertisements feature this warning and that industry fund public educational campaigns. Israel has also created the first national Institute to study the potential health effects of cell phones and other wireless devices and make recommendations to to minimize exposure to microwave radiation. (read more)

EHT Submits Amicus Brief in Support of San Francisco "Right to Know" Ordinance CTIA Wireless Association has sued to block San Francisco's "Cell Phone Right to Know" ordinance, which would require retailers to post materials about cell phone radiation and safety measures next to devices, passed in July. The CTIA calls the law "alarmist and false." The Environmental Health Trust, in conjunction with the California Brain Tumor Association, filed an amicus brief to the United States Court of Appeals in support of the City.

Like the Israeli Knesset, EHT believes that the public has the right to know about cellphone dangers so that they can make informed decisions about their purchases and take precautionary measures. Lead attorney for the brief, James Turner says, "San Francisco's disclosure rules for cell phones should be supported by everyone, including the courts. The First Amendment demands no less. A democracy depends on the free flow of information."

[Int J Occup Med Environ Health](#). 2012 Mar 11. [Epub ahead of print]

8) Legislative Activity Opposing Smart Meters

As you know, smart meters are mandatory for utility customers in most states. California, Nevada, and Maine Public Service Commissions have adopted opt-out programs. During the most recent legislative session, smart meter opt-out bills have circulated through state legislatures in Georgia, Michigan, Maryland, Pennsylvania and Vermont.

GEORGIA: March 26, Georgia Power spokesman said if those remaining customers want to retain their analog meters, they will not be replaced with smart meters. Find current information about smart meters in Georgia at <http://www.stopsmartmetersgeorgia.org>.

HAWAII: In response to a lawsuit filed against Kauai Island Utility Cooperative, the utility announced it will "indefinitely defer" smart meter installations for customers opposed to them

MICHIGAN: and www.michiganstopsmartmeters.com.

PENNSYLVANIA: HB 2188 was introduced. The bill has one simple paragraph about smart meter opt out which states, "Customers may request opt-out of smart meter technology under subparagraph iii by notifying in writing the electric distribution company. Meters for customers who opt out will be replaced according to a useful life depreciation schedule." You can track the bill at <http://tinyurl.com/blpchum>

VERMONT: On Friday, March 23, the Vermont Senate passed bill S 214 that would require the Vermont Department of Public Service to study smart meter removal costs, analog meter reading fees and produce a report by March 1, 2013. The Vermont Department of Public Service, which represents the public in proceedings before the Vermont Public Service Board, is generally supportive of an opt-out program. www.wakeuptoptout.org

MAINE: Four ten-person complaints about the costs associated with a Maine opt-out program were consolidated. Negotiations broke down resulting in the Public Utilities Commission determining that those who select opt outs will be charged a \$40 initial fee and \$12 monthly fee.

Ed Friedman filed another complaint that he is taking to the Maine Supreme Court. On May 7th oral arguments will be held in the Friedman case. You have permission to use his brief on your website or to support your educational materials.

WASHINGTON, DC: The Washington, DC Office of the People's Counsel requested the Washington, DC Public Service Commission to investigate the technical and economic feasibility of an opt-out program for Advanced

Metering Infrastructure. In February 2012, the PSC announced that that no investigation was necessary. In response, on March 19, 2012, the Office of the People's Counsel filed an application for reconsideration in case 1065 arguing that the PSC is not fulfilling its public interest obligation.

WISCONSIN residents want state legislation preserving their right to retain their analog meters. A sample letter to state delegates requesting this legislation can be found at: <http://firstdonoharmblog.blogspot.com/2012/03/wisconsin-smart-meter-opt-out.html>

Here's a video about rejecting smart meters for Wisconsin citizens: <http://www.youtube.com/watch?v=ReliT1aMTiA&feature=youtu.b>

NEW MEXICO LEGISLATURE 2011, Released 2012: Rep. Brian Egolf passed HM32, mandating that the New Mexico Department of Health examine the current research on health effects of cell towers and cell phones. The NM Department of Health released a statement that with regard to cancer risks, the survey recommended that because exposure to radio frequencies and/or electromagnetic frequencies "is possibly carcinogenic," cell phone users might want to use a hands-free device or use the text function more frequently, make fewer and shorter cell phone calls, and use a land line when available.

The report also recommends not using a cellphone while driving or when around someone with a pacemaker.

NM Smart Meter rollout: NM residents have been fortunate in being allowed a "self-read" program by the New Mexico Gas Company, arranged by public advocate, Felicia N. Trujillo, of Santa Fe DOCTORS W.A.R.N. (Wireless and Radiation Network).

9) New study: direct link to 7191 cancer deaths from cellular antennas radiation

Science of the Total Environment Journal Mortality by neoplasia and cellular telephone base stations in the Belo Horizonte municipality, Minas Gerais state, Brazil

The study established a direct link between cancer deaths in Belo Horizonte, the third largest city, with the antennae of the mobile telephone network, reported in Science Hoje site, the news portal of the Brazilian Society for Progress Science (Sociedade Brasileira para el Progreso de la Ciencia.)

According to the study, more than 81 percent of people who die in Belo Horizonte by specific types of cancer live less than 500 meters away from the 300 identified cell phone antennas in the city.

Scientists found between 1996 and 2006 in Belo Horizonte, a total of 4924 victims within 500 meters and 7191 within 1000 meters died of cancer types that may be caused by electromagnetic radiation, such as tumors in the prostate, breast, lung, kidneys and liver.

10) The Board of the American Academy of Environmental Medicine opposes the installation of wireless "smart meters" in homes and schools based on a scientific assessment of the current medical literature (references available on request). Chronic exposure to wireless radiofrequency radiation is a preventable environmental hazard that is sufficiently well documented to warrant immediate preventative public health action.

As representatives of physician specialists in the field of environmental medicine, we have an obligation to urge precaution when sufficient scientific and medical evidence suggests health risks which can potentially affect large populations.

The current medical literature raises credible questions about genetic and cellular effects, hormonal effects, male fertility, blood/brain barrier damage and increased risk of certain types of cancers from RF or ELF levels similar to those emitted from "smart meters".

Children are placed at particular risk for altered brain development, and impaired learning and behavior.

Existing safety limits for pulsed RF were termed "not protective of public health" by the Radiofrequency Interagency Working Group (a federal interagency working group including the FDA, FCC, OSHA, the EPA and others). Emissions given off by "smart meters" have been classified by the World Health Organization International Agency for Research on Cancer (IARC) as a Possible Human Carcinogen.

Hence, we call for:

- An immediate moratorium on "smart meter" installation until these serious public health issues are resolved. Continuing with their installation would be extremely irresponsible.

- Modify the revised proposed decision to include hearings on health impact in the second proceedings, along with cost evaluation and community wide opt-out.
- Provide immediate relief to those requesting it and restore the analog meters.

Members of the Board of American Academy of Environmental Medicine