

Summary - Consumer Protection and Utility Meter Choice - NYSUMA 2022

There is no utility consumer protection in New York State. Therefore, it is critically important that legislation be enacted to give New York State residents a utility meter choice, to protect their health, safety and privacy.

There are two categories of NYSpsc approved utility meters available in New York State:

- **Analog Utility Meter:** A non-flammable electro-mechanical utility meter that has been safely used for decades to measure electric and gas usage. Analog meters do not collect private utility usage data or contain or utilize electronic components or transmit or conduct radiofrequency radiation (RFR). An analog meter, for electric service, acts as a built-in mechanical grounding system, with surge/lightning arrestors, that protect a consumer's electric system from damaging power surges from the grid.¹
- **Digital Utility Meter (AMR, ERT, Smart, non-transmitting digital):** A pulsed RFR transmitting or non-transmitting utility meter that is designed to extract, measure, store and/or transmit electric or gas usage by using electronic components, including switch mode power supply, antennas, batteries and more. Digital utility meters are flammable and do not provide surge protection from the grid or contain circuit breakers.

In the mid-2000s, the New York State Public Service Commission (NYSpsc) approved digital utility meters but overlooked the importance of testing the newer meters for electrical fire safety and transmitted and conducted RFR emissions exposure.² Utility companies then began, without notification or consumer consent, to remove safe analog utility meters and replace them with digital utility meters. The purpose - to eliminate meter reader jobs and to eventually, without permission, extract customers' private utility usage data and sell it at a profit to third parties.

By 2010, utility consumers began linking the new meters to developing electromagnetic sensitivity, a federally recognized disability. This condition manifests in a constellation of mostly neurological symptoms after exposure to RFR. Such exposure can cause headaches, memory and cognitive problems, sleep problems, heart palpitations and/or increased heart rate, ringing in the ears, exhaustion, skin rashes, vertigo, tingling in extremities, nose bleeds, burning sensations and more. As a result, some utility consumers are now unable to tolerate RFR from transmitting and non-transmitting digital meters and also from other electronic and wireless devices. For them, an analog meter is imperative.

Thousands of independent, non-industry funded, peer reviewed scientific studies, government studies and military documents show that RFR exposure causes biological harm.³

In 2011, the International Agency for Research on Cancer (IARC), part of the World Health Organization, classified RFR as a Class 2B possible carcinogen, along with DDT, engine exhaust and lead. Scientists argue that this should be changed to a Class 1 carcinogen category due to the sufficient evidence that RFR causes cancer in humans, amongst other illnesses.

In 2016, the National Toxicology Program, an arm of the National Institutes of Health, completed a \$30 million toxicology study and concluded that RFR causes adverse health effects, including DNA damage and cancer. This study was repeated in Italy at the Ramazzini Institute with the same results.

American Embassy workers, suffering from "Havana Syndrome," report the same debilitating health effects as those injured by the pulsed RFR from digital meters. The National Academy of Sciences, Engineering and Medicine concluded that Havana Syndrome is likely caused by pulsed RFR from directed RF microwave weapons and/or spy

¹ [Overvoltage Surge Arrestor Patent - 1973](#)

² [NYSpsc Operating Manual 92](#) – 2003 testing protocol for meter accuracy

³ [U.S. NTP Study – Microwaves and Cancer, Bioinitiative Report, Scientists Statement](#)

equipment. Utilities in New York State are deploying metering equipment outfitted with weapons grade pulsed frequencies that make some people very sick.⁴

The NYSPSC ignores health and electrical fire complaints about digital meters. This is documented in NYSPSC proceedings dating back to 2010. In 2016, the NYSPSC suddenly refused to post public comments “if they related to health.” This was a breach of the right to free speech. There is no way to know how many public comments the NYSPSC received and simply threw away. The NYSPSC is not upholding its duty to provide safe utility service to New Yorkers. (NYSPSC Proceedings 14-01027/14-M-0196, 14-00581/14-M-0101, 10-01355/10-E-0285).

Utilities and the NYSPSC falsely claim that RFR from digital meters falls within “safe” guidelines set by the Federal Communications Commission (FCC). This ignores a ruling recently issued by a federal appellate court.

- On August 13, 2021, the U.S. Court of Appeals for the District of Columbia Circuit overruled the FCC’s decision not to update its current RFR exposure guidelines. The court ruled that the FCC violated the federal Administrative Procedure Act by failing to respond to significant comments it had received from concerned members of the public. The court ruled that the FCC failed to provide a reasoned explanation for its determination that its current guidelines adequately protect against the harmful effects of exposure to RFR unrelated to cancer.
- In 2019, the FCC admitted that RF frequencies, ranging between 3KHz and 10 MHz, which the switch mode power supply frequencies fall within, and are necessary for operating all digital utility meters, are harmful to humans. (FCC – 2019 – 19-126, ET Docket 19-226 Page 9 to 20)

Utilities falsely claim that digital utility meters benefit the environment and consumers. To date, after billions of dollars have been spent on digital meters, consumers have seen no such benefits.

To the contrary, in 2009 utility companies in New York State abandoned investments for projects designed to secure the grid against impending severe weather events, and instead appropriated hundreds of millions of dollars in federal stimulus funds for digital meters. In 2009, Con Edison alone received close to \$500 million from federal stimulus funds and purchased millions of digital meters while abandoning a planned relay system designed for preventing blackouts. Since 2009 hundreds of thousands of Americans have suffered and some have died due to power outages while utilities across the country abandon grid maintenance and focus solely on digital meters and the infrastructure needed for the meters.⁵

Analog utility meters have an average life span of about 40 years. In contrast, after only 10 years, some utilities are already discarding the first generation of expensive digital meters and replacing them with millions more next generation pulsed RFR transmitting “smart” meters, at our expense. All of this is occurring as the NYSPSC regularly approves rate hikes and utility costs skyrocket in New York State.

Utilities falsely claim that transmitting meters only send data for a few seconds a day. However, for the rest of 24 hours and on average every few seconds, digital meters transmit extreme pulsed RFR into the air, over great distances, and also this conducts on to building electrical systems, causing a dangerous RFR antenna effect.⁶

Analog meters, for measuring electric usage, are specifically designed to protect an electrical system from surges from the grid. Digital meters are not equipped with surge/lightning arrestors or circuit breaker protection, and

⁴ [Havana Syndrome](#)

⁵ [ABC News – Con Edison Abandons Plans for Upgrades, Power /outages on the Rise](#)

⁶ [Isotope Report – Pages 9, 10 and 12 , Engineer Report, Video – Pulsed RF Utility Meter](#)

therefore they can cause equipment damage and fires. This is likely why Underwriters Laboratories (UL) has not approved any digital utility meters that are installed in New York State.

For all of the reasons above, some states have banned digital meters, while other states allow utility customers to choose an analog meter.

There is more than enough evidence to act. Legislation for an analog utility meter choice is crucial, to protect those already injured by RFR and to give every New York State resident an option to choose which meter is best suited for their needs.