

For Immediate Release 1/11/2012

Smart Meter Appeal Arguments Filed in High Court

Maine Smart Meter Opponents File Brief in Law Court

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Portland, Maine-

Yesterday, opponents of CMP's smart meter program filed their brief with the Maine Supreme Judicial Court [the Law Court] presenting arguments on appeal of the Maine PUC's dismissal of their complaint. The complaint, filed with the PUC last August, opposed fees being charged to customers who want to keep their existing meters and sought investigation into the adverse effects of smart meters on health, safety, privacy and property rights. The PUC dismissed the complaint without an investigation or hearing.

The complaint notes wireless smart meters installed by Central Maine Power emit levels of non-thermal radiofrequency radiation classified by the World Health Organization as a possible carcinogen, that peer-reviewed scientific journals have documented numerous non-cancer causing biological effects, and that detailed information may be collected by the meters about electrical usage within the home including that leading to detailed personal profiling.

Arguments made in the brief by attorney Bruce McGlauflin of the Portland firm Petruccelli, Haddow & Martin, LLP, representing the opponents, raise several issues including the PUC's duty to investigate credible claims about health, safety and privacy concerns and the constitutionality of the PUC's orders mandating customers either accept the smart meters or pay special fees to CMP.

"There are considerable constitutional concerns in regard to these devices," stated Kathleen McGee, a co-plaintiff on the case and a long time privacy advocate. "Privacy issues in regard to smart meters are very real and affect everyone who has one."

Another core issue raised is whether the PUC has satisfied its Legislative mandate to "ensure safe, reasonable and adequate service" when it is on record several times as saying it "is making no determination on the merits of the health, safety, privacy or security concerns with respect to wireless Smart Meters."

"I can't think of another instance in this state and country when there has been such a mass roll-out of untested technology bearing the dual threats of adverse health effects and invasion of privacy" said Ed Friedman, lead appellant in the case.

The original enabling federal legislation in 2005 authorized the use of smart meter technology to be provided "upon customer request" [16 U.S.C. §2621(d)(14)(A) and (C)]. Instead, the PUC has created a mandatory program making wireless smart meters the default "standard meter" forcing customers unwilling to suffer increased risks, to pay monthly fees for the "privilege" of opting out.

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