

Submission on “manual meter” fee

To the Australian Energy Regulator

The Australian Energy Regulator must NOT grant the request of the five electricity distribution companies in Victoria to be able to impose certain touted additional charges upon those Victorian customers who do not have “smart meters” for a number of reasons. To understand why the AER must never grant any such request, it needs to understand the reasons why those customers have not accepted smart meters and what it would mean to allow the Distribution Companies were allowed to make such a “demand” upon these customers.

1. The fact is that most customers have not accepted smart meters on grounds of health preservation. Many persons in Victoria have reported symptoms of ill health coinciding with the installation of smart meters in their home or in neighboring homes. If a customer were to be put in a position where they have to pay actually money to protect their own health, then this equates to nothing less than criminal extortion. The AER would be aiding and abetting this criminal act unless it first required the Distribution Companies to PROVE that there was no risk to customer health either in the short or long term. One senior Distribution Company representative has stated in writing “we are in no position to offer any assurances about health”. I can produce a copy of this written statement from this person should I be required to do so.

The Distribution Companies are well and truly aware that smart meters have made people sick. I am aware of Jemena representatives that have privately admitted to colleagues of mine that there are genuine health concerns regarding these devices and that they are known to have some detrimental impact on customer’s health. However Jemena and the other Distribution Companies have done NOTHING to investigate numerous cases of ill health that have been reported since smart meters have been installed. Why ? What are the Distribution Companies trying to conceal ? I allege this manner of conduct to be willful and public negligence. I ask the AER to consider how inappropriate it would be of them to allow the Distribution Companies to impose additional charges that target those very customers to whom they have acted in manner so negligent. It would have been a different matter had there been proper

investigation done into the cases of hundreds possibly thousands of customers that have reported an adverse impact upon their health coinciding with the installation of smart meter(s). The documents I have provided you are proof of Jemena's negligence of customers and failure to fulfill its duty of care to the wider community.

This is not a complaint to the AER about the health concerns relating to smart meters. However, what is at issue here for the AER being an economic regulator is that the Distribution Companies have failed to answer some very serious allegations from the public regarding a number of concerns which include health. The Distribution Companies have a duty to the public to answer all of their concerns and to provide a full disclosure in response to each and every one of the serious allegations that have been made against them regarding the smart meter rollout. As a regulator, the AER must understand the relevance of the Distribution Companies **FAILURE TO RESPOND** to the allegations made against them as being a significant factor in the AER's assessment of the five submissions of the Utilities. The AER needs to understand what it would mean to allow the utilities to directly charge customers with health concerns when the utilities are clearly unable and unwilling to address those concerns.

I have made some very serious allegations against Jemena in writing regarding not just health and safety concerns but also concerns in respect to matters such as incendiary risk, privacy, unethical practices and matters regarding the legality rights of customers in respect to this "rollout" of "smart meters". Jemena has been given every opportunity to respond to numerous allegations I have made against them and they have responded only with silence. A series of letters that I have written together with the inadequate/non responses provided by Jemena have been attached. I have provided the AER with copies of this correspondence.

I have provided directive to the AER as to which version of each document can be made public and which version is to remain private (for AER viewing ONLY). The title and content of the documents will indicate my directives to the AER reading privacy allowances. Those marked **PUBLIC** may be made available on the public record. Those marked **CONFIDENTIAL** are not to be

disclosed to any other commercial party. I would ask the AER to respect these directives.

The regulator must ask the question why Jemena has failed to respond to some very serious allegations. The fact of the matter is that their SILENCE IS ACQUIESCENCE. This is the very means by which the Distribution Companies have stolen consent from customers who had every legal right to not allow the installation of what is in actuality a microwave radio transmitter onto their properties, which radio transmitter is not a legitimate piece of electricity distribution infrastructure having no express mention in the Electricity Distribution Code. The “smart meter” is really not a meter but a pulsed radio transmitter of the microwave frequency, whose installation on private property would be subject to other regulations and as such is outside the bounds of an Electricity Distribution Model referred to in the Electricity Distribution Code by description “the supply, metering or billing of electricity”. I am presenting the AER with copies of certified documents clearly proving that very serious allegations have been made against the Distribution Companies and the particular Distribution Company to whom they have been made against in this case being Jemena is clearly unable and unwilling to rebut nor provide any manner of response to those allegations. As already stated, under the commercial law which they the Distribution Companies operate under, their silence is acquiescence.

The Distribution Companies have waged a campaign of harassment and bullying against the Victorian Public. It has been a campaign based on systemic and willful lies. The Victorian Public have been fraudulently misled to believe that an Order in Council directing distributors to use “best endeavors” to install “smart meters” means that private citizens are required by law to allow the installation of these transmitters upon their properties. Along with this misrepresentation, thousands of persons have been bullied and harassed to no end by Distribution Company representatives and threatened to either have their power disconnected or to have massive fines imposed upon them if they did not agree to an installation going ahead.

Many individuals have requested the Distribution Companies to provide them with copies of legislation (passed through parliament) whereby they can substantiate their false demands. The documents I have provided clearly show the inability of the Distribution Companies to provide such reference and proves that there is no such legislation in place. The AER must ask itself, will it allow the Distribution Companies to charge the customers that they lied to in the first place. There is a public duty on the part of the AER to make sure that first and foremost there is a complete clearing of the air in this matter before it can even consider the submission of the Distribution Companies to be in any way considered as legitimate submissions.

I ask the Regulator to consider, can the Electrical Distribution Companies, who after having acted in such unethical and criminal manner towards members of the Victorian public then be allowed to charge, the very people that they placed so much duress upon , the same people that have been made so sick in some cases (my own medical certificate is attached), additional money to “recover their costs”. I ask the regulator to consider how the term “metering charge” relates to “cost recovery”. The fact is that “metering charges” have got absolutely nothing to with metering. The fact is that manual metering is already being charged. You cannot allow the introduction of an addition second, third, fourth, fifth etc “metering charge” every time these private companies require finance for any other purpose that has got nothing to do with metering ie. “cost recovery”. Metering is happening and it is already being charged. The term “non standard” metering is only a ploy to give legitimacy to making extortive demands. The AER has an obligation to make sure that each and every charge relating to the “supply, metering or billing” of electricity has clear definition and is fully transparent. I would also urge the AER to enforce Distributors to disclose to each and every electricity retail customer (regardless of whether they have a smart meter or not) all the charges that they have imposed upon them for the AMI program to this point in time which have not had any itemization visibility on their past retail bills.

Does not the regulator see how clearly fraudulently misrepresentative these “metering charges” are ? Or will the regulator make itself complicit in such fraudulent misrepresentation ? Will the regulator allow further insult to members of the Victorian public who have had so much affliction and duress

placed upon their lives by a deeply flawed and immoral agenda, by causing them to have to pay for the losses of the very people that have caused their affliction and in some cases turned their lives into an absolute misery . This is criminal extortion.

You can see in my documents that I will not be paying this demand and that by their silence Jemena have acknowledged this.

Will the Regulator allow a situation to occur where Jemena and the other Distribution Companies can get away with once again threatening customers with disconnection for not paying what will be clearly taken as an extortion demand. These are customers are only trying to protect their health whilst at the same time do not wish to be subsidizing an agenda that they know is making other people sick. Jemena have not denied this. Also Jemena have not denied that the long term health outcome upon the population as a whole as a result of the rollout is not known.

I agree that the serious issues raised in themselves do not impact on the cost regulator but of great concern and impact to the cost regulatory process has to be the Distribution Companies failure to respond to these serious issues that they have been made very well aware of as part of the allegations levelled at them by many private persons and as seen in the attached legal certified documentations and which facts I am prepared to provide as part of sworn affidavit statements of truth.

Disconnections are surely going to happen should the regulator grant the request in the Distribution Company submissions. The regulator need only look to see that disconnections in the United States have occurred in this same circumstance. The Distribution Companies will attempt to justify future disconnections as being for non-payment of electricity bill, a seemingly legitimate reason but which the regulator must understand that any such claim is only hiding the real issue. These would not be disconnections related to non-payment of electricity bill at all.

The Regulator may allow the imposition of extra charges if it forces the Distribution Companies to come clean with the Victorian Public about all the

allegations made against them in respect to this “smart meter rollout”. Further summarization of these matters is as follows.

2. The Distribution Companies must either prove that they did not lie to the Victorian public by either
 - a. providing copies of legislation that has been passed through both the upper and lower houses of parliament expressly stating that Victorian electricity customers must allow the installation of a radio transmitter upon their private properties or
 - b. being made to come clean that they deliberately misled the Victorian public concerning their rights to not allow a radio transmitter installed on their private properties.
3. The distribution Companies must be able to prove that radio transmitters are legitimate electricity distribution infrastructure. The attached documentation shows that Jemena were challenged to do so and were unable.
4. The Distribution Companies must prove that “smart meters” are safe. Jemena were unable to provide me with a definition of the word “safe”. Does “safe” mean I would never contract cancer from “smart meter” microwave radiation ? Does safe mean I would never get a headache from the transmissions ? Does “safe” mean for a period of “five years”, “twenty years” or “fifty years” ? Does “safe” take into account only the radio frequency wireless transmissions only or does it take into account the effect of high frequency voltage transients aka “dirty power” being present on house wiring as a result of these devices and their switch mode power supplies (SMPS) (which I believe this has been the source of massive head pain for myself). I am educated and have two university degrees and I believe my intuition alone counts for something in making these determinations. Without clear definition to terms such as “safe” and “safety”, any claims about “safety” are baseless and meaningless. I think this FACT is significant to the AER’s process of cost regulation. How can AER go about the process of regulating proposed charges to customers with health issues/concerns KNOWING that Distribution Companies cannot even provide a definition of the words “safe” or “safety” ? The AER must ask itself what would it mean to allow charges relating to an infrastructure that clearly cannot be called “safe”. The fact is that no testing has been done on human health effects resulting from smart meters. Jemena have not denied that the rollout could constitute a human

experiment upon the Victorian public. Will the AER become party to such “experimentation” on Victorians by giving legitimacy to the submission of organization(s) that are not prepared to deny “human experimentation”. Also Jemena have failed to deny the allegation that it knows that people have been made sick from Jemena’s smart meters. Jemena have failed to explain why they have gone and turned down the power on people’s smart meters by 90% and have failed to answer the allegation that it is because they fully know that people are being in some way affected by the transmissions regardless of whether or not science is able to explain how it happens. The first thing that needs to happen is that there must be a thorough investigation into ALL the individual health incidents that have been reported from the beginning of this rollout until now. The AER must needs to understand the true nature of any charges that it would regulate and cannot distance itself from the unwillingness of the Distribution Companies to fulfill duty of care.

5. The incendiary risk to private property is real. It seems that there is no party that will be liable for incendiary damage or loss of life resulting from smart meter related fires of which we see occurring right around the world. Jemena have failed to provide any statement regarding who is liable. In fact it is my belief that Jemena’s own CEO at one stage ordered the retrieval of smart meters from the scene of a fire before the investigation as to the cause of the fire had begun which I liken to the removal of evidence from the scene of a crime.
6. It seems that no party is liable should people become sick. Jemena have failed to respond to my request asking for liable parties should there emerge a population health crisis at any stage in the future attributed to its rollout of smart meters. The AER also has a duty of care to the public and must not be viewing the application of the Distribution Companies as a mere financial issue. If these matters are not cleared up then the AER must be able to see that there is no legitimacy to Distributors demanding extra money from those customers who can see just how flawed the rollout agenda is.
7. I urge the AER to find out what insurance measures are in place in respect to the rollout. Please see the documents I have provided. Jemena have clearly been asked “What insurance measures are in place ?” and after four attempts to get a response from them, all I got was a token letter containing ZERO content. Clearly when it comes to smart meters, no insurance measures are in place and no party is liable for any damages of any sort be it health related or incendiary.

8. As the AER is part of the ACCC, the AER would be well placed to investigate any unethical practices by the Distribution Companies of re contracting customers by stealth and without the customers explicit informed consent through the notices sent to “occupants”. Contract law requires consent. I have accused Jemena of fraudulent misrepresentation when presenting private offers to contract as somehow being public law but they do not seem to wish to answer the accusation which I’m sure the ACCC would agree to be a very serious accusation. Being part of the ACCC, I do not believe **it would be acceptable for the AER to ignore any unethical commercial practice** as part of making its determinations.
9. I urge the AER to consider that there are no safety standards in Australia that protect the public from adverse health effects from exposure to pulsed electromagnetic microwave radiation such as put out from “smart meters”. There is a growing chorus of voices in the nation that ARPANSA standards are well and truly flawed in their assumption that there cannot be adverse health effects without a heating event. Please read my documents and yourself the question how can Jemena’s statement that emissions from smart meters “are within Australian Standards” be appropriate ? Ask yourself the question why can’t Jemena answer the question how the standard applies to each unique individual when the standard hasn’t been tested on each unique individual ?
10. I allege that smart meters violate privacy laws. In the attached documentation, please read Jemena’s response to the allegation. There is no response. Jemena have not been prepared to deny it UNDER OATH. Will AER allow customers to be charged to not have their privacy violated ? Knowing this, will the AER in allowing these charges to go ahead make itself part of this violation of privacy ?

The smart meter agenda was flawed from the beginning, the behavior of the Distribution Companies to its customers and towards the Victorian Public has been criminal and any losses made by the Distributors should not be recouped by allowing them to make extortive demands from the very people to whose very lives they have caused much damage. All the Distribution Companies must be made to answer to each and every one of the allegations made in the documents attached and must be answerable to the concerns of the Victorian public before any legitimacy is afforded to them by the AER in the assessment of their submission.

Yours sincerely

Eric Lucci

17 Ian Crescent

Airport West

Victoria 3042