

February 15, 2012

Joyce Hazard
2908 Broken Willow Circle
Las Vegas, NV 89117

Governor Brian Sandoval
State Capitol Building
101 N. Carson Street
Carson City, NV 89701

Dear Governor Sandoval;

I am deeply concerned over the unconstitutional policies and plans being implemented under Nevada Energy's (NVE) "mandatory" smart meter program as authorized by the NV Public Utilities Commission (PUCN). I am hereby requesting your emergency action as Nevada's Chief Executive to instruct the Commission to require NVE Energy to implement its smart meter program under "OPT-IN" instead of "OPT-OUT" policies.

The issue is that the PUCN and NV Energy are claiming authority to make their smart meters "mandatory" in Nevada. However, the invasive networking elements of these smart meters detect, record, report and exploit customer energy consumption data without first obtaining owner and resident permission. I believe you will agree that such features must be known and approved in advance by customers receiving them.

Because there has been a rapidly increasing rate of strong customer objections to smart meters, the PUCN is now considering allowing NVE to permit some customers to "OPT-OUT". The opt-out proposals would wrongfully require customers to pay an installation fee for a non-communicating meter and to pay a monthly fee to help compensate for NVE extra costs. However, such extra fees are totally unjustified and could be considered attempted extortion. The last rate increase in 2011 included manual meter reader costs for all NV customers, including those with Smart Meters for the next few years. It would be a violation of its charter for the PUCN to allow NVE to double charge on such matters.

In addition, as a member of the Nevada Bar, a previous NV Attorney General, a previous Federal Judge, and our current Governor, I am confident you will act to stop the smart meter madness. I trust you will notify the PUCN that it cannot legally allow NVE to mandate the new smart meters with invasive networking capabilities into customer homes without receiving written permission from property owners and residents. For your convenience, I've attached point papers to summarize more of the details on this matter.

After your review of this matter, I believe you will agree that the PUCN actions to allow mandatory implementation of smart meters are ignoring the January 23rd Ruling by the Supreme Court of the United States in *U.S. vs. Jones*. That ruling confirmed it was unlawful and a violation of the 4th Amendment for law enforcement to attach a wireless GPS device to a vehicle to monitor that vehicle's movements without first receiving a court order as required for wire taps and similar types of monitoring of citizen's privacy. This clearly applies to smart meters as well.

In conclusion, your personal assistance is needed because all efforts to cause the PUCN to direct NVE to convert the SM program into an "Opt-In" program have failed. The smart meter program must comply with constitutional and statute provisions, and you are the only person in Nevada seeming to have the authority to give instructions to the PUCN.

Thank you in advance for leading Nevada citizens to "support and defend" our Constitutions. We are confident you will ensure that the PUCN complies with its charter and lawful duties on this vital matter affecting all citizens. Please advise if I can be of further assistance on this vital matter.

Sincerely,

(SIGNED)

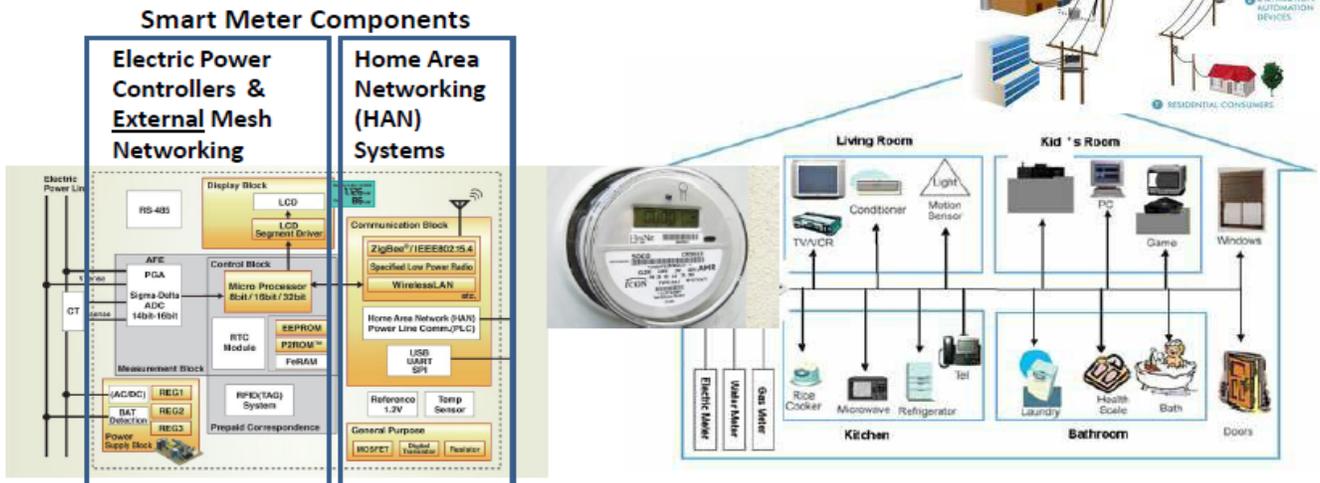
Joyce Hazard
702-260-4174

Exhibit 1. Smart Meter Networking – Home Area Network (HAN)

Smart Meter Program Must Be Converted to “OPT-IN” Policy

When PUCN allows NV Energy to deceptively install and operate internal wired & wireless networks and report on private data without owner and customer written permissions, the PUCN is *willfully & knowingly violating US and NV Constitutions* that prohibit unreasonable searches & unlawful wire tapping. NVE’s “opt-out” proposal could be a criminal violation by the PUCN. The Governor must instruct PUCN to require NV Energy to comply with US & NV laws & implement SMs on “OPT-IN” basis.

Authentication: Robert E. Frank, Colonel, USAF (Ret.), Henderson, NV 89044



Digital Meters Are Not At Issue. The massive, invasive, networking systems must be on an OPT-IN basis.

Exhibit 2. Excerpts-Bureau of Consumer Protection comments January 13, 2012

By David Norris for Catherine Cortez Masto

1. The Commission Should permit Customers to Opt Out of the Smart Meters at No Charge Until the Commission Addresses Smart Meter Investments, Costs and Cost Savings in a General Rate Case. (pg. 3 ln. 1-2)

Direct Quotes:

“All of these points demonstrate that Nevada Power is currently receiving payments from customers that are designed to cover the higher cost of analog meters, mostly consisting of meter reading costs.” (pg. 4 ln. 3-5)

“In view of this situation, the Commission should not approve the Companies’ request to start charging customers to “opt-out” of having a smart meter installed on their premises. Neither upfront nor recurring charges are appropriate given the significant savings that both Companies are being allowed to retain.” (pg. 5 ln. 1-4)

“The charges that the Company has proposed in the instant investigation would result in overcompensation and should not be permitted.” (pg. 6 ln. 6-7)