

Public Statement by Colonel Robert E. Frank, USAF (Ret.) to NV Public Utility Commission on October 11, 2012

During the many public statements, declarations and questions I and many other rate payers have submitted on the record to the NV Public Utilities Commission (PUCN) in 2011 and 2012 concerning the Smart Meter Program, we have received no responses and there have been no major changes in actions concerning the following critical legal issues:

1. It has been acknowledged by both the PUCN and NV Energy that Federal and Nevada smart meter programs are NOT mandatory on rate payers by any government agency. This is obviously because both the federal and state authorities know well that the 4th Amendment of the US Constitution prohibits the mandatory intrusive networking capabilities designed into current and planned smart meter systems.
2. It is therefore (again) alleged that the PUCN is willfully and knowingly violating Nevada citizen 4th Amendment Constitutional rights by allowing NV Energy to implement smart meter networking system components without first obtaining rate payer written permission or written court orders to install and operate them.
3. I claim that all rate payers have the US and NV Constitutional rights to refuse to accept smart meter networking services without having to pay to reject such illegal, intrusive, dangerous, and suspected unhealthy surveillance activities. It is clear that the PUCN is the responsible government agency required by law to fully inform all rate payers of the unambiguous facts concerning whether ratepayers have the legal rights to opt-in or opt-out to the NVE smart meter program.
4. In my opinion, refusing to publically state and failing to fully inform Nevada ratepayers and Nevada Energy of the 4th Amendment Constitutional rights of citizens to freely opt-out or opt-in to the smart meter program at any time they wish without incurring any financial penalties or unwanted obligations must be considered by the State of Nevada to be a PUCN potential criminal act of malfeasance or gross negligence. Should such a PUCN failure of duty be continued, I believe such behavior must be immediately referred for AG, legislative and grand jury investigations and actions.

(SIGNED)

Colonel Robert E. Frank, USAF (Ret.), 2374 Sandstone Cliffs Drive, Henderson, NV 89044