

Date: September 28, 2012

From: Colonel Robert Eugene Frank, USAF (Ret.) and Louise Kay Frank
Sun City Anthem, 2374 Sandstone Cliffs Drive, Henderson, NV 89044

TO: Nevada Public Utility Commission, Attn: Ms. Burtenshaw,
REF: Docket 12-05003 concerning NV Energy Proposed Smart Meter Opt-Out Charges

This is legal notice of a "Declaration of Our Constitutional Rights and Protections and requires you to notify us and to cite your specific legal basis and relevant cases if you elect to continue to deny our Constitutional claims. Accordingly, we:

**- REFUSE NVE CONSENT TO TRESPASS OR SURVEIL OUR PROPERTY WITH SMART METER/AMI COMPONENTS,
- REFUSE NVE CONSENT TO BE BILLED FOR "OPT-OUT" CHARGES FOR MONTHLY METER READING SERVICES, AND WE
- NOTIFY PUCN OF LIABILITY OF CRIMINAL & CIVIL ACTIONS SHOULD THESE DECLARATIONS BE IGNORED OR VIOLATED.**

- The Nevada Public Utility Commission has unwisely granted the Nevada Energy Company authority to obligate millions of dollars of "2009 Stimulus/Taxpayer Funds" to illegally mandate and forcefully replace standard electric meters with high-cost, foreign-built, digital computers called "Smart Meters (SM)" and/or "AMI devices". **We declare this action violates our US Constitutional rights and protections under the 4th, 5th and 14th Amendments.**
- Contrary to the apparently dishonest and untrue statements made by the PUCN and Nevada Energy employees and contractors, "Smart Meters" and related "Smart Grid (SG)" programs **CANNOT be "mandated"** on citizens at the Federal or State levels. The NV Attorney General's Consumer Protection Bureau has confirmed this position, and the PUCN has ignored our previous claims to these rights. Therefore, we consider it a fact that **citizens have the rights to refuse the intrusive networking services of SMs and to refuse to agree to pay the NVE proposed fees for opting out.**
- It is a fact that the PUCN Smart Meter program has **fatal flaws. It must be suspended or cancelled** because:
 - (1)** PUCN's SM program demonstrates **bad** business judgment and **knowing violations** of our Constitutional rights.
 - (2)** The Administration and The US Congress have recently testified that placing our vital utilities, businesses and homes onto the **insecure Internet** is **creating massive risks of terrorist-spawned cyber attacks** against the nation's utilities.
 - (3)** PUCN's planned support of **"skyrocketing" increases in electric power rates** violates the NV Governor's **Executive Order Dated August 14, 2009 and its implementing Statutes** by illegally using Federal Stimulus Funds to buy and operate Smart Meters that **eliminate jobs**, lead to **expanding inflation rates**, and **degrades Nevada business growth.**
 - (4)** Contrary to the incorrect, deceptive and/or false testimony allowed by the PUCN to be submitted by NVE, SMS have been found by leading scientists, doctors, and businesses to be **unsafe, unhealthy, unreliable, uneconomical** and **designed to operate in direct violation** of our **4th Amendment** Constitutional protections from **unreasonable search and surveillance** from the embedded wired and wireless networking systems.
 - (5)** As reported in **"US vs. Jones" on January 23, 2012**, the **US Supreme Court** reconfirmed that the 4th Amendment provides that **U.S. Citizens are protected** against government-sponsored **intrusive search and surveillance systems** as illustrated by GPS Tracking devices (and such similar devices as smart meters). We believe the laws require that legal authorization for collecting and sharing of personal and private information for smart meters may **only be granted by the originator and subject of the information.** Accordingly, this is your **legal notice** that we **hereby refuse permission** to install Smart Meters and "Advanced Metering Infrastructure (AMI)" devices on our property.

In Summary: We accept the need for NVE to meter and bill us monthly for utility consumption; but, as U.S./Nevada Citizens and private property owners, **this letter declares our refusal/denial of permission to the PUCN** to allow NVE to install and operate so-called "Smart Meters" and "Advanced Metering Infrastructure" **with embedded networking components** that **intrude** into our private property areas. **Willful PUCN violations** of our declared Constitutional protections by allowing NVE to **install smart meter networking systems and/or bill us for refusing to allow such devices without our permission** will be considered **criminal and/or civil violations** and will be subject to criminal and civil actions.

Sincerely,



Colonel Robert Eugene Frank, USAF (Ret.) and Louise Kay Frank