

**The Public Utility Commission of Nevada (PUCN)
Must Require NV Energy
To Convert Its “Smart Meter Program”
To Customer “Opt-In” Policies!**

Else, PUCN members could be charged with knowingly violating Section 18 of the Nevada Constitution, the 4th Amendment of the US Constitution, and implementing laws protecting citizens from “unreasonable searches”, illegal wire-tapping, and invasions of privacy without receiving prior written permission from the involved property owners, occupants and/or law enforcement agencies.

NV Smart Meter Problem & Proposed Remedy

- Millions of Federal “Stimulus” tax dollars appear to have been improperly passed through the Defense and Energy Departments to enable Nevada Energy (NVE) to purchase and illegally install hundreds of thousands of smart meters containing **embedded networking** systems **without obtaining property owner and customer/resident permissions**.
- Nevada Energy (NVE) falsely **claims to have government permission** to “mandate” the replacement of traditional “analog” power meters with “smart meters” on all NV homes and small businesses. There are many examples of NVE employees and agents telling customers in 2011 and 2012 they **can not refuse** to accept the smart meters. Failure to immediately convert the program to an OPT-IN policy could be considered a **criminal** violation by the PUCN.
- NV Energy claims it has PUCN authority to replace the old electric meters with so-called smart (digital) meters with their intrusive networking systems so NVE can electronically bill customers for energy use and to eliminate thousands of meter reader positions .
- But, the **PUCN fails to admit it has no power** to grant NVE the highly profitable authority to install, capture, store and **commercially exploit** customer private usage data collected over **wired and wireless** networking systems **without first receiving** written permission by the owner(s) and occupant(s).
- Federal documents state there are **NO federal mandates** for installing smart meters. But, customers have the **Constitutional rights to refuse** smart meter **networking services** in their homes. Citizens must not be denied their basic rights to **protect and preserve their privacy and the health of residents and visitors within their homes**.
- The NV Governor’s Executive Order dated August 14, 2009 implemented the American Reinvestment and Recovery Act of 2009. The EO and subsequent PUCN actions provided **NO NV smart meter “mandate”** authority to PUCN or NVE.
- The **NV Attorney General’s** Bureau of Consumer Protection (BCP) has **repeatedly informed** the PUCN since 2009 that it **must follow “opt-in”** policies and procedures for its smart (AMI) meter program. But, such official warnings from the Attorney General appear to have been **ignored** by the PUCN and NVE.
- NVE’s **knowingly unlawful** actions, and **PUCN’s toleration of such misconduct** could be charged as **criminal violations** of federal and state laws. Such collaboration by PUCN & NVE may also be violating (**RICO**) racketeering laws.

REMEDY: Nevada’s Chief Executive Officer, Governor Sandoval, **has the duty** to inform the Public Utility Commission **prior to the scheduled February 29, 2012 Meeting** that the PUCN has no authority to allow NVE to violate the US and NV Constitutions and related wire-tapping and privacy laws while implementing the smart meter and other programs.

In addition, the PUCN needs to be informed it must direct NVE to **convert** its smart meter program into an **“Opt-In”** program and PUCN must **prohibit NVE from charging NV customers** for the costs of its smart meter program mistakes.