

DORSEY, GRAY, NORMENT & HOPGOOD

ATTORNEYS-AT-LAW

318 SECOND STREET

HENDERSON, KENTUCKY 42420

JOHN DORSEY (1920-1986)
STEPHEN D. GRAY
WILLIAM B. NORMENT, JR.
J. CHRISTOPHER HOPGOOD
S. MADISON GRAY
DAVIS L. HUNTER

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www.dkgnlaw.com

September 9, 2015

RECEIVED

SEP 11 2015

PUBLIC SERVICE
COMMISSION

Mr. Jeff DeRouen
Public Service Commission
211 Sower Boulevard
Frankfort, Kentucky 40601

Re: Kenergy Corp.
Case No. 2012-00428

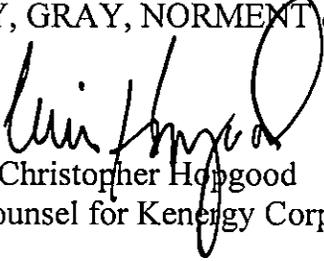
Dear Mr. DeRouen:

Kenergy has now received four (4) inquiries or objections from members concerning AMI installation and implementation. In the interest of candor, full disclosure and transparency, Kenergy is submitting these member letters with our responses for filing as public comment in the above referenced case.

Very truly yours,

DORSEY, GRAY, NORMENT & HOPGOOD

By


J. Christopher Hopgood
Counsel for Kenergy Corp.

JCH/cds
Encls.

FROM:
Certified U.S. Postal Mail
Dennis Muncy
6901 McPherson Road
Philpot, KY 42366

TO:

Sandy Novick (Greg Starheim's successor for CEO)
Kenergy
P.O. Box 18 - 6402 Old Corydon Road
Henderson, KY 42419-0018

July 29, 2015

NOTICE OF NO CONSENT TO TRESPASS, SURVEILLANCE AND RADIATION
POLLUTION, NOTICE OF LIABILITY, ADHESION CONTRACT

Dear Sandy Novick (Greg Starheim's successor for CEO), Kenergy and all agents, officers, employees, contractors and interested parties,

In regard to your possible intention to install a "Smart Meter" or other digital utility meter at the above address, those meters violate the law and cause endangerment to users and the public due to the following factors:

- 1) They individually identify electrical devices and record when they are operated causing invasion of privacy.
- 2) They monitor household activity and occupancy in violation of rights of domestic privacy.
- 3) They transmit wireless signals which are interceptable by unauthorized and distant parties.
- 4) No power company or other individual or agency has consent to conduct surveillance or monitoring or to emit radiation (EMR) on our property with a digital meter.
- 5) Data about occupant's daily habits and activities are collected by digital meters, recorded and stored in permanent databases which are accessed by parties not authorized or invited to know and share that private data.
- 5) Those with access to the data can review, a permanent history of household activities taken and viewed unlawfully and without the consent of occupants and subjects of the surveillance.
- 6) Those databases may be shared with, or fall into the hands of unauthorized law enforcement, private hackers of wireless transmissions and other unidentified parties for use against the interests of the energy subscribers and the occupants of the structures.
- 7) "Smart Meters" are, by definition surveillance devices which violate Federal and State wiretapping laws by recording and storing databases of private and personal activities and behaviors recorded without the consent or knowledge of those people who are monitored.
- 8) It is possible for example, with analysis of certain "Smart Meter" data, for unauthorized and distant parties to determine medical conditions, sexual activities, physical locations of persons within the home, vacancy patterns, general affluence, trade secrets and personal habits of occupants.

9) Digital meters cause, by intentional transmission and/or incidental disruption of house current, cancer-causing electromagnetic radiation to be emitted in proximity of the installed location and property in violation of laws against public endangerment, assault and commission of bodily harm.

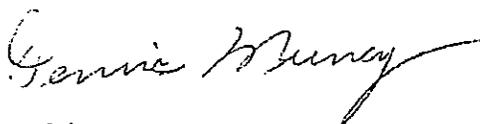
10) Digital Meters are designed to transmit using electromagnetic radiation known to cause cancer and many other diseases, illnesses and symptoms.

For the above reasons, and by right of occupancy and property ownership, I prohibit, and deny consent of, any installation and use of any monitoring, eavesdropping, surveillance and radiation emitting devices on my property and place of residence, especially in the form of an electric meter. Any attempt to install any such device directed at me or other occupants on my property or residence will constitute trespass, stalking, wiretapping and assault, all prohibited and punishable by law through criminal and civil actions. All persons, government agencies and private organizations responsible for installing or operating monitoring devices, which I consider to be unlawful, will be fully liable for major financial and compliance claims and demands in excess of one million dollars. This is legal notice. The liabilities and obligations listed above are true and binding upon all parties upon delivery of this notice. These terms and conditions apply without regard to status or existence of any "opt-out" contract.

Utility service may not be denied for refusal of unlawful conduct by the utility company or for any act of self defense.

Under my authority as owner and/or occupant of the above property, and under your implied or expressed application to enter that property, this is an adhesion contract to which you are now bound until and unless you respond with factual rebuttal in a sworn statement by an authorized and identified party within 21 days of this delivery. Any rebuttal must show your authority to install an unlawful radiation-emitting surveillance device (digital electric "meter") on my property without my consent. Expect rebuttal to any such claim. Any failure to timely show and prove full and binding authority to install the unlawful and harmful device on my property and/or place of occupancy will be agreement with all terms and conditions herein. We deny and refuse any past, present and future proposal, offer, demand or claim contrary to any terms or conditions herein.

Notice to principle is notice to agent and notice to agent is notice to principal. All rights reserved.



Dennis Muncy

Name of energy user and/or customer



P.O. Box 1389 • 3111 Fairview Drive
Owensboro, Kentucky 42302-1389
(270) 926-4141 • FAX (270) 685-2279
(800) 844-4732

September 4, 2015

Mr. Dennis Muncy
6901 McPherson Road
Philpot, KY 42366

Re: Automated Meter Installation

Dear Mr. Muncy:

Thank you for your letter of July 29, 2015. As a member owned cooperative, Kenergy appreciates your input.

Kenergy is in the process of installing new automated meters at all single phase locations. However, the radio frequency component of the meters (i.e. the ability for it to transmit usage information) will not be activated until all meters are installed. The reason for this is to avoid piecemeal implementation and confusion.

At the current time there is no ability of a member to opt out of the new system. However, the Kentucky Public Service Commission is studying this issue for all cooperatives in Case No. 2012-00428. I am filing this letter along with your letter in that case as public comment.

In the interim, to alleviate your concerns, Kenergy will put your location at the bottom of the installation list so it will be one of the last ones to have the new meters. If the opt-out option becomes available, Kenergy will advise you and inform you of any cost associated with it.

However, keep in mind that your location will ultimately receive a new automated meter. The opt-out will only allow you to opt-out of the radio frequency component of the meter, which appears to be your concern.

I trust that this letter will alleviate your concerns in this interim period. Should you have questions or comments, I will be happy to arrange a meeting with you to discuss this further. I am interim President and CEO until October 5, 2015, and after that time, Jeff Hohn will be the new President and CEO of Kenergy.

Thank you for being a valued member of Kenergy.

Sincerely,

Sanford Novick
Interim President and CEO

FROM:

Certified U.S. Postal Mail

Leo Muncy

7101 McPherson Road

Philpot, KY 42366

TO:

Sandy Novick (Greg Starheim's successor for CEO)

Kenergy

P.O. Box 18 - 6402 Old Corydon Road

Henderson, KY 42419-0018

July 29, 2015

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Under my authority as owner and/or occupant of the above property, and under your implied or expressed application to enter that property, this is an adhesion contract to which you are now bound until and unless you respond with factual rebuttal in a sworn statement by an authorized and identified party within 21 days of this delivery. Any rebuttal must show your authority to install an unlawful radiation-emitting surveillance device (digital electric "meter") on my property without my consent. Expect rebuttal to any such claim. Any failure to timely show and prove full and binding authority to install the unlawful and harmful device on my property and/or place of occupancy will be agreement with all terms and conditions herein. We deny and refuse any past, present and future proposal, offer, demand or claim contrary to any terms or conditions herein.

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Dennis Muncy P.O.A.

Leo Muncy (Signed by the agent of Leo Muncy)

Name of energy user and/or customer



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September 4, 2015

Mr. Leo Muncy
7101 McPherson Road
Philpot, KY 42366

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I trust that this letter will alleviate your concerns in this interim period. Should you have questions or comments, I will be happy to arrange a meeting with you to discuss this further. I am interim President and CEO until October 5, 2015, and after that time, Jeff Hohn will be the new President and CEO of Kenergy.

Thank you for being a valued member of Kenergy.

Sincerely,

A handwritten signature in black ink that reads "Sanford Novick". The signature is written in a cursive, flowing style.

Sanford Novick
Interim President and CEO

Sent via Certified U.S. Mail

FROM: [REDACTED]

[REDACTED]
Owensboro, KY 42301
Kenergy Customer [REDACTED]

TO: Kenergy Corp, its agents, officers, employees, contractors and interested parties
Attn: Mr. Sandy Novick, Interim CEO
3111 Fairview Drive
Owensboro, KY 42303

NOTICE OF NO CONSENT TO INSTALLATION OF ANY WIRELESS ELECTRIC METERS, ADVANCED METERING INFRASTRUCTURE (AMI) METERS, "SMART METERS," OR ANY OTHER REMOTE COMMUNICATIONS CAPABLE OR RF ENERGY EMITTING DEVICES ON OUR PROPERTY LOCATED AT [REDACTED] OWENSBORO, KY 42301

August 23, 2015

Dear Mr. Novick and all Kenergy agents, officers, employees, contractors and interested parties:

The purpose of this letter is to state our denial of consent to the installation of any wireless meter or "smart meter" or any activity-monitoring device or "Smart Grid" operation at our property located at [REDACTED] Owensboro, KY 42301.

Kenergy and all other parties, contractors, agents, etc acting on behalf of Kenergy are hereby denied consent for said installation, and use of all such devices and installation and use of any interval data measurement and/or remote communications capable device or smart grid operation on or at the above property is hereby refused and prohibited.

The primary reason for our opposition to installation of an AMI, wireless, or otherwise "smart meter" on our property stems from our concern over the documented negative health impacts of these new meters. Our home includes individuals who are RF sensitive. We take measures to exclude certain RF emitting devices from our home environment. For example, we have no Wifi, no microwave oven, no smart phones, baby monitors, cordless home phones etc.

We value our Kenergy service and look forward to remaining customers for many years to come. However, we wish to keep the analog meters currently in use on our property. We would be willing to consider paying a reasonable additional monthly fee in order to retain these analog meters.

Thank you in advance for your cooperation in this matter.

Respectfully,

[REDACTED]
[REDACTED]



P.O. Box 1389 • 3111 Fairview Drive
Owensboro, Kentucky 42302-1389
(270) 926-4141 • FAX (270) 685-2279
(800) 844-4732

September 4, 2015

[REDACTED]
[REDACTED]
Owensboro, KY 42301

Re: Automated Meter Installation

Dear Mr. and Mrs. Vanover:

Thank you for your letter of August 23, 2015. As a member owned cooperative, Kenergy appreciates your input.

Kenergy is in the process of installing new automated meters at all single phase locations. However, the radio frequency component of the meters (i.e. the ability for it to transmit usage information) will not be activated until all meters are installed. The reason for this is to avoid piecemeal implementation and confusion.

At the current time there is no ability of a member to opt out of the new system. However, the Kentucky Public Service Commission is studying this issue for all cooperatives in Case No. 2012-00428. I am filing this letter along with your letter in that case as public comment.

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Thank you for being a valued member of Kenergy.

Sincerely,

Sanford Novick
Interim President and CEO

August 12, 2015

Kenergy
P.O. Box 18
6402 Old Corydon Road
Henderson, Ky 42419-0018

Charles & Sharron Carter
4309 Old Hartford Road
Owensboro, Ky 42303

TO WHOM IT MAY CONCERN:

Today I received a card from Kenergy informing me they will be changing out my meter in the near future. If you must change out my meter I must insist the replacement meter NOT be a RF emitting meter or commonly called "smart meter". I fear out of health concerns this could cause problems and in a few instances there have been meter fires.

This morning I called the 800-414-3293 number listed under Kenergy at 3111 Fairview Drive and spoke to an employee who said there were no provisions to opt out at the present time but she would note my call. I find this hard to believe as most companies do have opt out provisions. Last week my daughter in Jasper Indiana had her smart meter removed with only the usual hassle about microwaves, etc. She also explained the microwave comparison and I explained we don't run our microwave 24/7 and they said asbestos was ok at one time until later people developed cancer. She also explained your meters are not smart meters which store information but only meters that send out readings. I explained I don't feel there is enough known about these RF waves used to send out the reading.

I also know the industry has invested heavily into this technology and will not back down until or unless there is a public outcry so in the meantime they will belittle and scorn people such as myself. The American cancer society has this to say about RF waves and smart meters:

Smart Meters

What are smart meters?

To use (and be billed for) utilities such as electricity, natural gas, or water, the amount you use must be measured. This is generally done with a meter. In the past, the data from the meters had to be read by a person. More recently, meters that automatically send usage information back to the product supplier have been used. These are called smart meters.

Smart meters have been used for a number of years in some developed countries, especially in parts of Europe. In recent years, they have been installed in some areas of the United States as well.

Concerns have been raised about the safety of smart meters, mainly because they give off the same kinds of radiofrequency (RF) waves as cell phones and Wi-Fi devices.

How do smart meters work?

Smart meters record the amount of the product (electricity, water, etc.) consumed over time. They differ from traditional utility meters in that they are electronic and can talk to a central computer system.

Smart meters talk to their central systems using RF transmissions, based on a cell phone, pager, satellite, radio, power line (PLC), Wi-Fi or Internet (TCP/IP) communication method. Internet and cell phone applications have become the preferred options because of their flexibility and ease of deployment.

How are people exposed?

Smart meters are typically installed outside the home, either in place of or as part of existing meters. How much RF energy that people are exposed to from the smart meter depends on how far they are from the smart meter antenna and how the smart meter sends its signal. The frequency and power of the RF waves given off by a smart meter are similar to that of a typical cell phone, cordless phone, or residential Wi-Fi router. Smart meters typically send and receive short messages about 1% of the time.

Because the smart meter antenna usually is located outside the home, people are much farther away from the source of RF waves than some other possible sources of exposure to RF radiation, such as personal cell phones and cordless phones. In addition, walls between the person and the smart meter's antenna further reduce the amount of RF energy exposure. This means that the amount of RF radiation that someone would be exposed to from a smart meter is probably much lower than the amount that they would be exposed to from other sources.

Can smart meters cause cancer?

Smart meters give off RF radiation. RF radiation is low-energy radiation. RF radiation doesn't have enough energy to remove charged particles such as electrons (ionize), and so is called non-ionizing radiation. Non-ionizing radiation has enough energy to move atoms in a molecule around or cause them to vibrate, which can lead to heat but it can't damage DNA directly.

RF radiation is classified by the International Agency for Research on Cancer (IARC), as "possibly carcinogenic to humans." This is based on the finding of a possible link in at least one study between cell phone use and a specific type of brain tumor. Because RF radiation is a possible carcinogen, and smart meters give off RF radiation, it is possible that smart meters could increase cancer risk. Still, it isn't clear what risk, if any there might be from living in a home with a smart meter.

It would be nearly impossible to conduct a study to prove or disprove a link between living in a house with smart meters and cancer because people have so many sources of exposure to RF and the level of exposure from this source is so small. Because, the amount of RF radiation you could be exposed to from a smart meter is much less than what you could be exposed to from a cell phone, it is very unlikely that living in a house with a smart meter increases risk of cancer. The World Health Organization has promised to conduct a formal assessment of the risks from RF exposure but this report is not yet available.

Our documents, *Microwaves, Radio Waves, and Other Types of Radiofrequency Radiation and Cellular Phones* have more information about the link between RF radiation and cancer risk.

Do smart meters cause any other health problems?

Smart meters have not been studied to see if they cause health problems. Studies have looked at RF radiation from other sources. Exposure to large amounts of RF radiation, as from accidents involving radar, has resulted in severe burns. No other serious health problems have been reported.

One concern expressed is that the RF waves produced by smart meters might interfere with electronic medical devices such as a heart pacemaker. A study that examined the effect of smart meters on pacemakers and implantable defibrillators found that the smart meters did not interfere with these devices.

Could smart meters cause health problems in cancer survivors?

While RF exposure might not cause cancer directly, concern has been voiced that cells in the body that have been damaged by exposure to some other substance might somehow be more likely to become cancerous when exposed to RF waves. In theory, this might be a concern for cancer patients being treated with ionizing radiation and/or medicines that might cause cancer themselves. Animal studies have not shown evidence of this and this effect has not been studied in people.

How can I reduce my exposure to RF radiation from smart meters?

There isn't much you can do to lower your exposure to RF radiation from smart meters. In some places where smart meters are being installed, people have the choice to opt in or opt out of having them, but this isn't an option everywhere.

It may be possible to lower exposure from cell phones and other sources of RF radiation. This is discussed in more detail in our documents, *Microwaves, Radio Waves, and Other Types of Radiofrequency Radiation and Cellular Phones*.

Because the low levels of energy from RF radiation have not been clearly shown to cause problems even at close range, it isn't clear that lowering exposure to RF radiation has health benefits.

Additional resources

More information from your American Cancer Society

The following related information may also be helpful to you. These materials may be read on our web site or ordered from our toll-free number, at 1-800-227-2345.

Cellular Phones

Does This Cause Cancer?

Known and Probable Human Carcinogens

Microwaves, Radio Waves, and Other Types of Radiofrequency Radiation

National organizations and websites.

In addition to the American Cancer Society, other sources of information include*:

Federal Communications Commission (FCC)

Radio Frequency Safety: <http://fcc.gov/oet/rfsafety/rf-faqs.html>

*Inclusion on this list does not imply endorsement by the American Cancer Society.

No matter who you are, we can help. Contact the American Cancer Society anytime, day or night, for information and support. Call us at 1-800-227-2345 or visit www.cancer.org.

References

Federal Communications Commission. Radio Frequency Safety FAQs. 6/25/2012. Accessed at <http://transition.fcc.gov/oet/rfsafety/rf-faqs.html> on June 17, 2014.

Federal Communications Commission, Office of Engineering & Technology. Questions and Answers about Biological Effects and Potential Hazards of Radiofrequency Electromagnetic Fields. OET Bulletin 56, August, 1999. Accessed at http://transition.fcc.gov/Bureaus/Engineering_Technology/Documents/bulletins/oet56/oet56e4.pdf on September 19, 2012.

Foster KR, Tell RA. Radiofrequency energy exposure from the Trilliant smart meter. Health Phys. 2013 Aug;105(2):177-86.

International Agency for Research on Cancer. IARC Monographs on the Evaluation of Carcinogenic Risks to Humans. Volume 102, part 2: Non-Ionizing Radiation, Radiofrequency Electromagnetic Fields. Accessed at <http://monographs.iarc.fr/ENG/Monographs/vol102/mono102.pdf> on June 17, 2014.

Ostiguy G, Black T, Bluteau LJ, Dupont L, Dyrda K, Girard G, Nguyen DH, Plante M, Thibault B. Smart meters and routers radiofrequency disturbances study with pacemakers and implantable cardiac defibrillators. Pacing Clin Electrophysiol. 2013 Nov;36(11):1417-26. Epub 2013 Jul 22.

Tell RA, Kavet R, Mezei G. Characterization of radiofrequency field emissions from smart meters. J Expo Sci Environ Epidemiol. 2013 Sep-Oct;23(5):549-53.

Tell RA, Sias GG, Vazquez A, Sahl J, Turman JP, Kavet RI, Mezei G. Radiofrequency fields associated with the Itron smart meter. Radiat Prot Dosimetry. 2012 Aug;151(1):17-29. Epub 2012 Jan 10.

World Health Organization. Electromagnetic fields and public health: Mobile phones. Accessed at www.who.int/mediacentre/factsheets/fs193/en on September 19, 2012.

All in all this sounds rather convincing to me so I must insist you either leave my present meter in place or install a meter not capable of sending out RF waves. I will continue sending in my reading as I have faithfully done for 25 years so I don't expect you to punish me by tacking on an extra charge.

Sincerely,


Charles & Sharron Carter



A message from Kenergy

Kenergy is dedicated to providing safe and reliable electric service at affordable rates. As part of our ongoing commitment to improve your service and control costs, Kenergy is pleased to announce it will upgrade its meters to models that operate more efficiently and improve reliability.

In the coming months, cooperative crews and Apex CoVantage, a Kenergy contractor, will work together on this project. Before arriving to change your meter, a crew member will make every effort to notify you. Also, crews will announce their arrival before beginning work on your property. For our members' peace of mind, contract crews can be identified easily by the Kenergy logos on their vehicles.

It is not necessary for you to be present when the meter is changed. The process will take only a few minutes. On the day of installation, expect to lose power for less than five minutes. This short loss of power may require you to reset digital clocks on small appliances. If you are not home when crews perform the work, they will leave a courtesy door hanger explaining the project.

Kenergy
Your Touchstone Energy Cooperative
P.O. Box 18 • 6402 Old Corydon Road
Henderson, KY 42419-0018

|||
01****01*****S-DIGIT 42303**KE 391
CHARLES M CARTER
4309 OLD HARTFORD RD
OWENSBORO KY 42303-1963

PSRST STD
U.S. POSTAGE
PAID
OWENSBORO, KY
42301
PERMIT NO. 420



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September 4, 2015

Mr. and Mrs. Charles and Sharron Carter
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Owensboro, KY 42303

Re: Automated Meter Installation

Dear Mr. and Mrs. Carter:

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Sanford Novick
Interim President and CEO

Your Touchstone Energy® Cooperative 
The power of human connections