

Elizabeth A. Essen
3113 Talisman Road
Louisville, KY 40220

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MAY 19 2014

~~PUBLIC SERVICE~~
COMMISSION

TO: Agent for Service @ LG&E and KU Energy LLC, Louisville Water Company, and KY Public Service Commission

Attention: President & Vice President of Louisville Gas & Electric and Kentucky Utilities Company, Louisville Water Company, and Kentucky Public Service Commissioner

LG&E and KU (Account)
220 West Main Street
Louisville, KY 40202

Kentucky Utilities Company
One Quality Street
Lexington, KY 40507

Louisville Water Company (Account
550 S 3rd Street
Louisville, KY 40202

Public Service Commission
211 Sower Boulevard
Frankfort, Kentucky 40602-0615

May 15, 2014

**Re: 3112 Talisman Road, Louisville, KY 40220 – “SMART METERS”
NOTICE OF NO CONSENT TO TRESPASS AND SURVEILLANCE, NOTICE OF LIABILITY**

Sent By Certified Mail

To: President, Vice-President, agents, officers, employees, contractors and interested parties:

Be advised, you and all other parties are hereby denied consent for installation and use of any and all “Smart Meters” or any other surveillance and activity monitoring device, or devices, at the above property. Installation and use of any surveillance and activity monitoring device that sends and receives communications technology is hereby refused and prohibited. Informed consent is legally required for installation of any surveillance device and any device that will collect and transmit private and personal data to undisclosed and unauthorized parties for undisclosed and unauthorized purposes. Authorization for sharing of personal and private information may only be given by the originator and subject of that information. That authorization is hereby denied and refused with regard to the above property and all its occupants. “Smart Meters” violate the law and cause endangerment to residents by the following factors:

1. They individually identify electrical devices inside the home and record when they are operated causing invasion of privacy.

2. They monitor household activity and occupancy in violation of rights and domestic security.
3. They transmit wireless signals which may be intercepted by unauthorized and unknown parties. Those signals can be used to monitor behavior and occupancy and they can be used by criminals to aid criminal activity against the occupants.
4. Data about occupant's daily habits and activities are collected, recorded and stored in permanent databases which are accessed by parties not authorized or invited to know and share that private data by those whose activities were recorded.
5. Those with access to the smart meter databases can review a permanent history of household activities complete with calendar and time-of-day metrics to gain a highly invasive and detailed view of the lives of the occupants.
6. Those databases may be shared with, or fall into the hands of criminals, blackmailers, corrupt law enforcement, private hackers of wireless transmissions, power company employees, and other unidentified parties who may act against the interests of the occupants under metered surveillance.
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 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, activities, and physical locations of persons within the home, vacancy patterns and personal information and habits of the occupants.
9. Power companies have not adequately disclosed the particular recording and transmission capabilities of the smart meter, or the extent of the data that will be recorded, stored and shared, or the purposes to which the data will and will not be put.
10. Electromagnetic and Radio Frequency energy contamination from smart meters exceeds allowable safe and healthful limits for domestic environments as determined by the EPA and other scientific programs.
11. Smart meters can be hacked and will be hacked. The small CPU in these meters cannot protect itself as good as a home PC can, and home PCs are well known for being compromised. By deploying these in the millions with the same exact software and hardware they become a huge target and will endanger the community if an attacker can switch the power on and off from remote in mass. This makes these Smart Meters dangerous and a liability to the ratepayers who would have to ultimately pay for any damage.
12. Smart meters are not protected from EMP attacks, large EMPs or localized EMPs as simple as a kid with a battery and a coil (Electro Magnetic Pulse).
13. Disabling the receiver will not prevent other forms of "hacks". For example a malicious attacker could confuse the internal CPU, reset it, change random memory locations, change the KWH reading, force a power disconnect, or completely disable a smart meter with a simple coil of wire and a small battery. This can't happen with a mechanical meter. It is well known that a wide EMP can take out car computers; smart meters will now make that possible on the city wide electric infrastructure.
14. A thief or burglar could use the same EMP or hacking methods to turn off the house power even if the electrical switch box is locked.

15. Encryption of data is irrelevant due to well known "Tempest" attacks; see en.wikipedia.org/wiki/TEMPEST where an attacker monitors internal electrical switching signals of a CPU or other internal components from a distance. Governments have developed standards covering this. Compromising emanations are defined as unintentional intelligence-bearing signals which, if intercepted and analyzed, may disclose the information transmitted, received, handled, or otherwise processed by any information-processing equipment, like in Smart Meters. This would violate customers' privacy and any privacy policy the power company has at this time.

16. Turning off the RF transmitter is irrelevant due to the well-known "Tempest" attacks, the RF wireless transmitter is not needed in these attacks and disabling the RF transmitter completely negates any advantages of these Smart Meters or their costs anyway.

17. Data about an occupant's daily habits and activities are collected, recorded and stored in permanent databases which can be accessed by parties not authorized or invited to know and share that private data by those whose activities were recorded. This can be done by cyber-attacks or disgruntled employees and has been done before where the attacked company may not know of the intrusion for months.

18. The power companies have not adequately disclosed the encryption or security methods to the public. The source code to any data encryption must be open source and peer reviewed by the security community at large in order to be as secure as is currently possible. Security by obscurity is no security at all.

19. Previously it was "fair" that power companies had to go to a lot of trouble to adjust the mechanical meter to read more than it should since they had to come out to do it manually. People can't modify the mechanical meter because it's locked up; the power company probably won't do it because it's just too costly, and so that was "fair enough". Now with the smart meters they can change it anytime they wish by remote and with little risk that the customer will know. With possible modification of computer code or measurement values / ratios from remote, who will overlook them? Who will ever know? This is an unfair practice and a liability to the ratepayers.

20. The power companies have misled the public and the Public Utility Commission by leaving out publicly available facts and information regarding smart meters. There are many downsides to this new technology that the power companies have not presented to the general public or the Public Utility Commission. Information is slanted and doesn't address the negative issues fully.

21. Smart meter installation is not mandatory. The Public Utilities Commission only gave permission to install the meters. There is no forced mandate. The PUC has no such delegated authority from the People to make a forced mandate. If they did make a forced mandate, it's clearly null and void on its face. The Energy Policy Act of 2005 really only covers Federal areas within the limited jurisdiction of the CONSTITUTIONALLY LIMITED United States Government, even if it did apply, it also only mandates that power companies "offer" smart meters to the public, upon customer request. Any suggestion by power companies to customers that smart meters are mandatory is a false statement, fraudulent, and false commercial speech which is punishable by law and also opens power companies to liability via lawsuit.

22. The power companies have no delegated authority from the People to install a security risking, privacy invading, health threatening, hackable, unfair billing, or wide power grid security threatening device on anyone's property.

23. Smart meters by default are not programmed to "run backwards", like the current mechanical meters do now. Making it harder for people to go "green" with solar panels or wind turbines using a low cost Grid Tie Inverter. The PUC has shown the intent over and over of encouraging the public to go "green", the power company's website and public disclosures show intent in this direction. The PUC allows the power company to charge an extra fee for "green projects". Smart meters go against the PUC's intent and the public interest by

making it more difficult for people to install small solar or "green power" installations and gain KWH "credits" in power that they can use at a later time.

24. It is well known to electronic and computer engineers that a high voltage spike, such as a nearby lightning strike, or EMP can change memory bits in normal memory or EEPROM memory (Electrically Programmable Memory that is non-volatile) by adding extra electrons to the small memory cells. This can change internal smart meter settings like the KWH calibration data or other settings that may change the rate of power charged without the customer or power company ever knowing about it. This can't happen with a mechanical meter.

25. Installation of a smart meter will lower this property's value due to all the stated issues and controversy. This could subject ALL the ratepayers to higher rates due to lawsuit claims for value lost. The power company has no delegated authority from the People to use its easement or install equipment in a way that will lower property values or make a property less desirable to a buyer.

I demand an immediate stop to the installation of all Smart Meters until all issues are resolved, the Smart Meters to be removed at customers request with no extra charge, an opt-in only for customers who are properly and fully informed and that must have this technology for their own specific need. This is in the public's best interest.

I demand an immediate investigation into these issues by the Public Utilities Commission.

I demand that the Public Utilities Commission immediately order the power companies to fully inform all customers of ALL the known facts, including complaints and downsides of this technology within 30 days.

I reserve the right to amend this notice and complaint at any time, this is not a complete list of concerns since this technology is new and new information is being found every day. Concerns listed here are not in any particular order.

I forbid, refuse and deny consent of any installation and use of any monitoring, eavesdropping, and surveillance devices on my property, my place of residence and my place of occupancy. That applies to and includes "Smart Meters" and surveillance and activity monitoring devices of any and all kinds. Any attempt to install any such device directed at me, other occupants, my property or residence will constitute trespass, wiretapping and unlawful surveillance and endangerment of health and safety, all prohibited and punishable by law through criminal and civil complaints. All persons, government agencies and private organizations responsible for installing or operating monitoring devices directed at or recording my activities, which I have not specifically authorized in writing, will be fully liable for any violations, intrusions, harm or negative consequences caused or made possible by those devices whether those negative consequences are justified by "law" or not.

As a legal notice, after this delivery the liabilities listed above may not be denied or avoided by parties named and implied in this notice. Civil Servant immunities and protections do not apply to the installation of smart meters due to the criminal violations they represent.

Sincerely,

A handwritten signature in cursive script that reads "Elizabeth A. Essen". The signature is written in black ink and is positioned above a horizontal line.

Elizabeth A. Essen
3112 Talisman Road
Louisville, KY 40220

Copies via Certified Mail:

Congressman John Yarmuth
Romano Mazzoli Federal Building
600 Martin Luther King, Jr. Place, Suite 216

Governor Beshear
700 Capitol Avenue, Suite 100
Frankfort, KY 40601

Senator Mitch McConnell
317 Russell Senate Office Building
Washington DC 20510

Senator Rand Paul
124 Russell Senate Office Building
Washington DC 20510