



Mark Dean
Attorney

August 9, 2012

Amanda Noonan
Director of Consumer Affairs
New Hampshire Public Utilities Commission
21 S. Fruit Street
Concord, NH 03301-24229

RE: NHEC Member, Joan E. Wirth - Meter Replacement Refusal

Dear Ms. Noonan:

I am writing to follow-up on your communications to me which indicated that Joan Wirth had recently written to the Commission reiterating her previous objections to New Hampshire Electric Cooperative, Inc.'s ("NHEC") planned installation of a smart meter at her property in Bristol, New Hampshire.

The copy of Ms. Wirth's letter to the Commission reveals that, in addition to the various anti-smart meter concerns previously raised, Ms. Wirth has asserted that NHEC is violating NH RSA 375:62 by replacing its existing meters without the written consent of homeowners. Ms. Wirth goes on to request that the Commission undertake some form of proceeding concerning NHEC's alleged non-compliance with NH RSA 374:62 and delay further meter installations until that proceeding is completed.

At the outset, and as we have discussed, I do not believe that Ms. Wirth's letter to the Commission raises any issue which is subject to the Commission's jurisdiction with regard to NHEC. Accordingly, I do not believe that the Commission has the statutory authority to grant to Ms. Wirth any of the relief she has requested.

Jurisdictional limitations notwithstanding, however, NHEC has recognized and respected the Commission's understandable interest in NHEC's CSI/AMI Project as it has developed and has been implemented over the last several years. NHEC has shared information and provided presentations concerning this project with Commission staff, the Office of the Consumer Advocate, and other state agencies having an interest in New Hampshire's energy infrastructure and policies. Similarly, NHEC has attempted to keep your Consumer Affairs Department generally up-to-date with developments concerning the small, but at times vocal, subset of NHEC members who have voiced concerns or objections relating to that aspect of the CSI/AMI Project which involves the replacement of NHEC's analog meters with so-called "smart meters." In this regard, NHEC recognizes that even in circumstances where there is no Commission jurisdiction to take action, the Commission desires to have enough information to provide an informed response to inquiries.

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In line with the forgoing, I have enclosed for your information a copy of my letter to Ms. Wirth relating to her claim that NHEC's smart meter installation do not comply with NH RSA 374:62. While my response is not specifically directed to Ms. Wirth's July 22, 2012 letter to the Commission, which she did not provide to NHEC, it does respond to a separate letter and a series of emails of similar scope. The enclosed also contains a number of documents which address Ms. Wirth's allegations. I trust that you will find this information helpful.

In addition to the enclosed copy of my response to Ms. Wirth, I have provided you with one of NHEC's "Standard Smart Meters" and one of its "Advanced Smart Meters" for your inspection. I would appreciate it if these meters could be returned to me when convenient.

As you may be aware, Ms. Wirth has been an outspoken critic of NHEC's smart meter deployment. She was one of the eight NHEC's members (all Hundred Acre Woods residents) who brought suit against NHEC in the Grafton County Superior Court earlier this year, in attempt to enjoin the smart meter installations. Those plaintiffs later abandoned that suit. Ms. Wirth was also testified at committee hearings concerning SB 266 in both the House and Senate. Based upon this history and a wide variety of communications and interactions with Ms. Wirth over the past months, I am, unfortunately, doubtful that my enclosed response, or any information which NHEC may provide, will alter Ms. Wirth's view.

Coupled with the pessimism I have expressed is NHEC's desire to prevent false allegations of illegal conduct from lingering without closure. Accordingly, should Ms. Wirth persist with her erroneous, but serious, NH RSA 374:62 non-compliance allegations, NHEC is prepared to petition the Commission to summarily dispose of Ms. Wirth's NH RSA 374:62 claims pursuant to a proceeding initiated by NHEC pursuant to NH RSA 301:60.

I hope that this letter and the enclosed materials are of use to you. If you have any questions or comments, please feel free to contact me.

Sincerely,



Mark W. Dean

cc w/o duplicate enclosures: Joan Wirth