

Sent By Certified Mail

TO: P.B. Delaney
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321 North Harvey
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TO: Patricia Horn
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TO: E. Scott Pruitt
Attorney General
313 NE 21st Street
Oklahoma City, OK 73105

NOTICE OF “NO CONSENT” TO TRESPASS AND “NO CONSENT” TO SURVEILLANCE

NOTICE OF LIABILITY

Re: Address: _____

Account Number _____

Dear Agents, officers, employees, contractors and all other interested parties:

Be advised, you and all other parties are hereby denied consent for installation and use of any and all “Smart Meters” / computerized communications, 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 computerized communications 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/or personal data to undisclosed and unauthorized parties for undisclosed and unauthorized purposes. Authorization for sharing of personal and/or 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 can/may 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 occupants' 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, unauthorized OG&E employees, and other unidentified parties who may act against the interests of the occupants under metered surveillance. (This has already happened at several large utility providers.)
7. "Smart Meters" are, by definition, surveillance devices which violate Federal and State wiretapping laws by recording and storing databases of private and/or personal activities and behaviors without the consent or knowledge of those occupants 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, and physical locations of persons within the home, vacancy patterns, as well as personal information and habits of the occupants. (This has already happened at several large utility providers.)
9. Your company has 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. When asked directly on specifics, OG&E representatives have given general responses (evasive answers), not specific details pertaining to your company's intentions/usage.
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. "Smart Meters" have also been chosen to run on unlicensed frequencies but are still governed by FCC rules, and required to not cause any interference to any other equipment. The FCC's

- public records show that several complaints have already been filed against OG&E for causing interference with other equipment. This information is readily available online.
11. With research constantly evolving, how can we definitively say today that exposure to radio frequency radiation has no impact on our electrically charged bodies? Especially since some of us began experiencing “technical” problems only after a “Smart Meter” was installed. If the Smart Meter can disrupt current technology, such as wireless internet, baby monitors, Parkinson’s brain stimulators, implanted pain pumps or diabetes pumps, medical alert systems (Help I have fallen), cellular telephones, security systems, and amateur radio systems, how can it not impact our bodies?!
 12. “Smart Meters” can be hacked, will be hacked, and have been hacked at several utility companies. The small CPU in these meters cannot protect itself as well 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.
 13. “Smart Meters” are not protected from Electro Magnetic Pulse (EMP) attacks, large EMPs or localized EMPs as simple as a kid with a battery and a coil.
 14. 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 cannot happen with a mechanical meter. It is well known that a wide EMP can take out car computers; and “Smart Meters” will now make that possible on the city wide electric infrastructure.
 15. 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.
 16. 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 OG&E has at this time.
 17. 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. With this said, nobody has addressed the ability to hack the “Smart Meter” through the optical port. With a \$69 device that can be purchased online, the user can download and upload the same information as the central office can send and receive, as well as modify the unit.
18. Data about occupants’ daily habits and activities is 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.
 19. OG&E has 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.
 20. Previously it was “fair” that OG&E 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 cannot modify the mechanical meter because it is locked up; OG&E probably would not do it because it is 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. Why should customers trust a company that only has profits and stock price in mind? 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.
 21. “Smart Meter” installation is not mandated by the United States Government. The Oklahoma Corporation Commission (OCC) gave permission to install the “Smart Meters”, but OCC has no such delegated authority from the People to make a forced mandate, and such is 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 a power company “offer” “Smart Meters” to the public, upon customer request. Any suggestion by OG&E or any of its representatives to the customers that “Smart Meters” are mandatory is a false statement, fraudulent, and false commercial speech which is punishable by law and also opens OG&E to liability via lawsuit.
 22. OG&E has 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 OCC has shown the intent over and over of encouraging the public to go “green”, OG&E’s

- website and public disclosures show intent in this direction. “Smart Meters” go against the OCC’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.
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 OG&E ever knowing about it. This cannot 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. OG&E 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.
 26. OG&E has misled the public and the OCC by leaving out publicly available facts and information regarding “Smart Meter” technology. There are many downsides to this new technology that OG&E has not presented to the general public or the OCC. Information is slanted and does not address the negative issues fully:
 - a. Our government did not mandate the installation of Smart Meters on every home in this country. Our homes are supposed to be our sanctuaries. Under the Fourth Amendment of the United States Constitution, “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated...” The Fifth Amendment of the United States Constitution states “...nor shall private property be taken for public use, without just compensation.” Finally, under the Fourteenth Amendment of the United States Constitution, our right to safe, reasonable, adequate, and non-discriminatory right to receive electricity has been violated. The implementation and forced installation of the Smart Meters without proper notice, has threatened our health, safety, privacy, and security, violating our right to due process.
 - b. By forcing the “Smart Meter” installation on our homes, OG&E is taking our property and violating our Fifth Amendment. A taking occurs when a state regulation forces a property owner to submit to a permanent physical occupation. In Loretto vs. Teleprompter Manhattan CATV Corp. 458 U.S. 419, 425-426 (1982), a New York statute required a landlord to permit the permanent installation of cable television equipment on his property by a cable company. The Supreme Court concluded that the permanent physical attachment to the property was a *taking* “without regard to the public interest that it may serve... The permanent occupations of land by such installations ... are takings even if they

occupy only relatively insubstantial amounts of space and do not seriously interfere with the landowner's use of the rest of his land." Requiring us, the customers, to allow OG&E to attach radio frequency equipment to our homes to collect private data that we do not wish to share nor have we consented to giving, and to make our homes data collectors for other customers' meters imposes a permanent physical occupation of our homes without our consent and without just compensation. If the OCC issued an order requiring us to allow OG&E, without compensation, to install a free-standing antenna on our homes to be used as a relay station, there would be no question this would be an unconstitutional order. Just because the antenna is built into the "Smart Meter" does not change the end result. If the OCC does not protect our rights, as OG&E customers, we should be compensated for OG&E using our homes as collection points for their computerized communications/radio systems. Would OG&E allow me, as a licensed HAM radio operator, to attach my antenna to their poles without their consent or justified payment?

- c. On May 31, 2011, the International Agency for Cancer Research / World Health Organization (IACR/WHO) issued a press release announcing the classification of radio frequency electromagnetic fields as possibly carcinogenic to humans. According to various research thus far, the radio frequency radiation, as emitted by "Smart Meters", may cause adverse effects to the nervous system, various psychological malfunctions, psychological disorders, behavioral changes, biochemical changes, metabolic disorders, as well as gastrointestinal disorders. Some people are or become electrically hypersensitive. Remember, the human body is based on electrical design. Our nervous system is composed of two parts: the central nervous system, which is the control center comprising the brain and the spinal cord, and the peripheral nervous system, which consists of nerves connecting other parts of the body to the control center. Via a combination of electrical and chemical processes, the nervous system is used to control the functioning of the entire human body. Remember, we were once told asbestos was not harmful, lead paint was not harmful, and that Agent Orange was not harmful. Look at us today, all those items have been found not only to be harmful, but extremely dangerous! Let us not forget those who have metal implants, such as metal pins in bones, cages of spine fusions, dental implants, braces, etc. These metal implants in our bodies may concentrate absorption of radiation at the location of the implant, causing thermal effects or worse yet, malfunctioning which may be fatal.
- d. OG&E Smart Meters have the ability to collect data from any home smart device. This allows OG&E to obtain information from within the private spaces of our homes that could not be otherwise obtained without consent or physical intrusion into our homes. The utility company is allowed to provide utility records without a warrant to the police, which then gives the police information on home events that normally could not have been

obtained without a physical intrusion. If, under normal circumstances, the police is not able to obtain information about the activities going on in our homes without a warrant, why are we allowing the utility companies to do so? In Kyllo vs. United States, 533 U.S. 27, 34 (2001), the police used an infrared camera (another radio frequency device) to obtain information on the home activities of a suspected marijuana grower. That information could not have been otherwise obtained without a physical intrusion and therefore is an unconstitutional search without a warrant. The Supreme Court in Kyllo drew a bright and firm line at the entrance to the house. Traditional analog meters do not cross this line as they collect only the overall usage data at the entry into our homes. The Smart Meters can collect vast arrays of information inside the home about the amount, frequency, and timing of our usage of specific electrical equipment; information that cannot be obtained without crossing the Supreme Court's bright and firm line as set in Kyllo.

I demand an immediate stop to the installation of all "Smart Meters" until all issues are resolved, the "Smart Meters" to be removed at customer's request with no extra charge, and 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 the "Smart Meter" at the above address be immediately removed and replaced with the original, fully functional, analog meter. I demand to be informed when the analog meter was calibrated and by whom.

I demand an immediate investigation into these issues by the Oklahoma Corporation Commission.

I demand that the Oklahoma Corporation Commission immediately order OG&E to fully inform all customers of ALL the known facts, including complaints and downsides of this technology within thirty (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, computerized communications, 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, stalking, 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

