

7/17/15

IMPORTANT WATER NOTICE

Name WM NIEVES

Address 80 FRANKLIN AVE

Acct. # 213028-1

Our serviceman called today to:

☒ Replace Water Meter

☐ Repair Water Meter

☐ Read Water Meter

☐ Other

But found no one home.

Please call [REDACTED] Mon. - Fri.
8:30 am thru 4:30 pm. Failure to do so
could result in the discontinuance of
water service

Ridgewood Water
131 N. Maple Avenue
Ridgewood, NJ 07451
[REDACTED]

Ridgewood
Water

**FINAL
WATER NOTICE**

Name WM NIEVES

WATER SERVICE WILL BE SHUT OFF

on JULY 29 20 75

Address 30 FRANKLIN AVE

Acct # 213055

REPLACE METER

There will be an additional \$90
Late On Charge from 8:30-4:00
Mon-Fri and \$180 fee after those
hours or on weekends.

Thank you in advance for
resolving this matter promptly.

Ridgewood Water
131 North Main Avenue
Ridgewood, NJ 07460

N.J.A.C. 14:3-3A.1

NEW JERSEY ADMINISTRATIVE CODE
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*** New Jersey Register, Vol. 45, No. 18, September 16, 2013 ***

TITLE 14. PUBLIC UTILITIES
CHAPTER 3. ALL UTILITIES
SUBCHAPTER 3A. ~~DISCONTINUANCE~~ AND RESTORATION OF SERVICE

N.J.A.C. 14:3-3A.1 (2013)

§ 14:3-3A.1 Basis of discontinuance of service

(a) The utility shall have the right to suspend or curtail or discontinue service for any of the following reasons:

1. For the purpose of making permanent or temporary repairs, changes or improvements in any part of its system;
2. For compliance in good faith with any governmental order or directive, regardless of whether such order or directive subsequently may be held to be invalid;
3. For nonpayment of a valid bill due for service furnished at a present or previous location, in accordance with N.J.A.C. 14:3-3A.2;
4. For nonpayment of a deposit, in accordance with N.J.A.C. 14:3-3A.9; or
5. For any of the following acts or omissions on the part of the customer:
 - i. Refusal of reasonable access to the customer's premises in accordance with N.J.A.C. 14:3-3.6;
 - ii. Tampering with any facility of the utility;
 - iii. Fraudulent representation in relation to the use of service;
 - iv. Customer moving from the premises, unless the customer requests that service be continued;
 - v. Providing a utility's service to others without approval of the utility;
 - vi. Refusal to contract for service where such contract is required;
 - vii. Connecting and operating in such manner as to produce disturbing effects on the service of the utility or other customers;
 - viii. Failure of the customer to comply with any reasonable standard terms and conditions contained in the utility's tariff;
 - ix. Where the condition of the customer's installation presents a hazard to life or

property; or

x. Failure of customer to repair any faulty facility of the customer.

(b) A customer wishing to discontinue service shall give notice to the utility. Within 48 hours of said notice, the utility shall discontinue service or obtain a meter reading for the purpose of calculating a final bill. Where such notice is not received by the utility, the customer shall be liable for service until the final reading of the meter is taken. Notice to discontinue service will not relieve a customer from any minimum or guaranteed payment under any contract or rate.

(c) Public utilities shall not discontinue residential service involuntarily except between the hours of 8:00 A.M. and 4:00 P.M., Monday through Thursday, unless there is a safety-related emergency. There shall be no involuntary discontinuance of service on Fridays, Saturdays, and Sundays or on the day before a New Jersey State holiday or on a New Jersey State holiday absent such emergency.

(d) When a utility suspends, curtails, or discontinues service for any reason other than nonpayment, the utility shall provide reasonable notice to the customer, to the extent reasonably possible.

(e) When a utility discontinues service for nonpayment, the utility shall provide notice to the customer in accordance with N.J.A.C. 14:3-3A.3.

HISTORY:

Amended by R.1978 d.155, effective May 16, 1978.

See: 9 N.J.R. 290(e), 10 N.J.R. 261(e).

Amended by R.1983 d.526, effective November 21, 1983.

See: 15 N.J.R. 787(a), 15 N.J.R. 1949(a).

In (a)3i, added "except in cases of diversion of service pursuant to 14:3-7.16."

Amended by R.1991 d.145, effective May 6, 1991.

See: 22 N.J.R. 616(a), 23 N.J.R. 1446(a).

Prohibits discontinuance of service due to non-payment of repair charges, merchandise charges, and non-tariff contracted charges; limits utilities' discontinuance of residential service to Monday-Thursday, 8 A.M. to 4 P.M. except for safety related emergency.

Amended by R.1997 d.39, effective February 3, 1997.

See: 28 N.J.R. 1810(a), 29 N.J.R. 449(a).

In (a)3i, inserted provision on responsibility for service rendered and reference to conservation measures; in (b), inserted provision on discontinuance or meter reading within 48 hours; in (c), inserted \$ 50 arrearage provision; added (c)1 through (c)5;

and in (d)1, inserted provisions that extension request be in writing and that service not be discontinued pending Board decision.

Emergency amendment, R.2002 d.312, effective August 21, 2002 (to expire October 20, 2002).

See: 34 N.J.R. 3295(a).

Added (c)6.

Amended by R.2002 d.280, effective September 16, 2002.

See: 34 N.J.R. 992(a), 34 N.J.R. 3216(b).

In (c), rewrote the third sentence of the introductory paragraph.

Emergency amendment, R.2002 d.312, effective August 21, 2002 (expired October 20, 2002).

See: 34 N.J.R. 3295(a).

Deleted (c)6.

Amended by R.2004 d.12, effective January 5, 2004.

See: 35 N.J.R. 91(a), 36 N.J.R. 200(b).

In (c), added 6.

Recodified in part from N.J.A.C. 14:3-3.6 and amended by R.2008 d.119, effective May 19, 2008.

See: 39 N.J.R. 4077(b), 40 N.J.R. 2481(a).

Rewrote (a); in the introductory paragraph of (c), substituted "discontinuance" for "termination", inserted "involuntarily", deleted the former third and fourth sentences and inserted "New Jersey State" twice; recodified former (c)1 through (d)2 to N.J.A.C. 14:3-3A.2; and added new (d) and (e).

CASE NOTES

Homeowners' association was not entitled to stay of discontinuance by water utility of fire hydrant service. In *Matter of Vernon Valley Water Company v. Stone Hill Property Owners Association*. 93 N.J.A.R.2d (BRC) 1.

State regulation preempted local regulation; commercial tenants responsible to pay their own individual bills. In *Re Complaint by Rotella*, 92 N.J.A.R.2d (BRC) 48.

N.J.A.C. 14:3-3.6

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*** New Jersey Register, Vol. 47, No. 14, July 20, 2015 ***

TITLE 14. PUBLIC UTILITIES
CHAPTER 3. ALL UTILITIES
SUBCHAPTER 3. SERVICE

N.J.A.C. 14:3-3.6 (2015)

§ 14:3-3.6 Access to customer's premises

(a) The utility shall have the right of reasonable access to customer's premises, and to all property on the customer's premises, which is furnished by the utility, at all reasonable times for the purpose of inspection of customer's premises incident to the rendering of service including reading meters; inspecting, testing, or repairing its facilities used in connection with supplying the service; or the removal of its property.

(b) The customer shall obtain, or cause to be obtained at the customer's cost, all permits needed by the utility for access to any of the utility's facilities that are located on the customer's premises.

(c) Access to the utility's facilities shall not be given except to authorized employees of the utility or duly authorized governmental officials.

HISTORY:

New Rule, R.2008 d.119, effective May 19, 2008.

See: 39 N.J.R. 4077(b), 40 N.J.R. 2481(a).

Former N.J.A.C. 14:3-3.6, Basis of discontinuance of service, recodified to N.J.A.C. 14:3-3A.1 and 14:3-3A.2.

WILLIAM N. SOSIS

WILLIAM N. SOSIS [REDACTED]

80 FRANKLIN AVENUE
MIDLAND PARK, NEW JERSEY 07432

TELEPHONE [REDACTED]
FAX [REDACTED]

February 5, 2015

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED & EMAIL

RIDGEWOOD WATER
131 North Maple Avenue
Ridgewood, NJ 07451

**RE: William & Beth Sosis, 80 Franklin Avenue, Midland Park, NJ 07432
Your Letter on "MANDATORY METER REPLACEMENT"**

Dear Sirs:

This letter is in response to your undated letter titled "FINAL NOTICE", wherein, under threat of service interruption, you demand access to my home for purposes of installing a "replacement meter".

On January 9, 2015, I called Lenegan Plumbing & Heating,¹ LLC and confirmed that the "replacement meter" you wish to install is the Neptune E-Coder) R900i, or what is commonly called a "smart" meter (also called AMI, or AMR). On January 21, 2015, I called and spoke with Mr. David Scheibner, Ridgewood Water Company's Business Manager, to discuss my opposition to having a smart meter installed on my property. I tried explaining my safety, health, and privacy concerns about the new meter and the worldwide reports on the dangers of smart meters. Instead of discussing the topic openly and honestly, Mr. Scheibner became annoyingly obdurate in his position. By babbling his public relations spiel that the meter is safe because it only emits "extremely low power" and is "thousands of times" safer than other radiofrequency devices, Mr. Scheibner trumped any further discussion. I then asked Mr. Scheibner under what authority Ridgewood Water felt it could impose these smart meters on homeowners. Mr. Scheibner replied, "look in N.J.A.C. in title 14, you'll find all the information you need." I then asked if Ridgewood Water was planning to forcibly install these smart meters on private properties. Incredibly, Mr. Scheibner smugly replied, "I'm not going to answer a hypothetical like that. If you refuse, you'll find out what sort of enforcement will occur." He then added, "I will not detail for you what needs to occur if people are not cooperative."

I note how Ridgewood Water Company has swept through our neighborhoods installing these smart meters while disingenuously calling them replacement meters. You have hidden the fact that there is worldwide evidence from both homeowners and scientific communities on the detrimental impact these meters have had on people throughout the state, nation, and world. Despite what you have touted to an unwitting public, these meters provide no benefit to homeowners. Instead, the meters threaten their health, safety, privacy, and property rights. Many people have experienced immediate harm from these meters including symptoms of headache, difficulty concentrating, inability to sleep at night, and

¹ Official Site - Ridgewood Water. (2015, February 5). Retrieved February 5, 2015, from http://water.ridgewoodnj.net/index.php?option=com_content&view=article&id=104:meter-replacement-program&catid=3:newsflash

heart palpitations. There are also risks of chronic, long-term irreparable harms including cancer, genetic damage or neurological illnesses such as Parkinson's disease.

Contrary to Mr. Scheibner's claim that you have the authority to enforce the installation of smart meters on private property owners, under no title of the New Jersey Administrative Code, and in particular N.J.A.C. 14:3-4.8, which governs meter replacements, does it permit a utility company to replace a meter with a harmful device. Accordingly, and for reasons described below, please be advised that I will not permit the installation of any wireless, radiofrequency (RF) radiation emitting device anywhere on my property:

HEALTH PROBLEMS FROM NON-IONIZING RADIATION

There are two categories of radiation, non-ionizing and ionizing. People pushing smart meters claim that only ionizing radiation is a bio-hazard. They say only the faster frequencies found in ionizing radiation have enough energy to literally knock electrons out of an atom's orbit and create ions. These ions, in turn, are what can mutate human DNA. The damaged DNA then replicates and creates tumors that can lead to cancer.² They say that only this type of ionizing radiation can harm people. They base their claims on industry-funded studies that date back some 70 years using thermal dosimetry, a process that measures the effects of radiation on the temperature of water inside a "head phantom" (dummy head).³ Using thermal dosimetry, any level of RF radiation not capable of raising the temperature of a thermometer in the head phantom is deemed safe for humans because it cannot ionize water molecules. This "conclusion", however, is solely based on the effects of radiation on the strong intramolecular forces (covalent bonds) that hold an atom together to form molecules or compounds. In other words, if the polarity of the atoms is changed, the radiation level is determined as thermal and, therefore, classified harmful to humans. These studies do not consider how non-ionizing and non-thermal radiation create disruptions in the weaker intermolecular forces (Van Der Waals bonds) between molecules.⁴ These weaker forces account for two-thirds of all protein-DNA interactions and influence the creation of proteins and replication of DNA.

There is a huge and ever growing body of evidence that demonstrates both the acute and chronic harms caused by non-ionizing radiation. The old "hot muffin" theory that adverse biological effects only occur from thermal exposures to radiation has long been debunked. In a 2002 letter from the EPA (Environmental Protection Agency), senior scientist Norbert Hankin writes that "[t]he FCC's current exposure guidelines, as well as those of the Institute of Electrical and Electronics Engineers (IEEE) and the International Commission on Non-Ionizing Radiation Protection (ICNIRP), are thermally based, and do not apply to chronic, nonthermal exposure situations."⁵ They are believed to protect only against harms caused by acute exposures that result in tissue heating or electric shock and burn. Moreover, a 2012 Bioinitiative Report (1,400 pages) compiled by scientists from around the world, reports that (1) the FCC standards are at least a million times too high to be safe; (2) that at least 3% of the general

² Alberts, B., *The Molecular Basis of Cancer-Cell Behavior*, Retrieved February 5, 2015, from <http://www.ncbi.nlm.nih.gov/books/NBK26902/>

³ Kangarlu, Allahyar, Shellock, Frank G., and Chakeres, Donald W., *8.0-Tesla Human MR System: Temperature Changes Associated With Radiofrequency-Induced Heating of a Head Phantom*, Retrieved February 5, 2015, from <http://www.imrser.org/pdf/kangarlu.8.tesla.heat.pdf>

⁴ *Evil Smart Meters: Rob States Exposes Agenda 21 & Microwave*. Retrieved February 5, 2015, from <http://www.apfn.org/apfn/smartmeters.htm>

⁵ *United States Environmental Protection Agency* (March 8, 2002 Letter). Retrieved February 5, 2015, from <http://apps.fcc.gov/ecfs/document/view?id=7520941835>

population will sustain immediate injury from the RF radiation from smart meters; and that (3) in 67 studies, the current FCC maximum permitted exposure (MPE) limits were found so high that they provide no protection from biological effects.⁶

In addition, a process known as dark microscopy now shows the adverse effects that smart meters produce on otherwise normal human blood.⁷ These studies show how after just two minutes exposure to radiation from a smart meter, three types of damage and degradation to blood cell walls become visible. Mycoplasma, the first type, creates a mutation in the cell walls that render them unaffected by antibiotics such as penicillin and can lead to digestive, heart, and neurological problems.⁸ The second type reveals a corrugation of the cell walls indicative of exposure to free radicals or oxidative damage. These free radicals and oxidation play an important role in aging and many degenerative disorders such as cancer, cardiovascular diseases, and Alzheimer's. The third type of degradation causes the cells to clump together, a condition called rouleaux. Here, the blood cells create chains that impede oxygen and oxygenation. This same condition is what is found in many cancer patients with poor oxygenation of their blood. The cell chains make it impossible for red blood cells to circulate and transport oxygen throughout the body. In addition, people with rouleaux are prone to infections and suffer from poor vitality and general health.

Children and young adults are more susceptible to the biohazards of electromagnetic radiation.⁹ Because their skull and scalps are thinner, radiation can penetrate deeper into their brain. Their cells divide at a faster rate, which makes the impact of radiation much greater. Despite this, there have been no long-term studies on the effects of cell phone usage among children. However, according to the largest international study on cell phones and cancer released in 2010, participants, 30-59 years of age who used a cell phone for 10 years or more had doubled the rate of brain glioma (a malignant brain tumor).¹⁰

Regardless, smart meter proponents, such as utility companies, still use this self-serving nonthermal radiation argument to assuage public concern, confuse the issue, and shirk liability. They regurgitate current FCC guidelines (not standards) from 1996 that, according to the EPA, are outdated and woefully inadequate to protect anyone. Since guidelines are like having a speed limit and no police, they use these outdated guidelines to claim that cellular and cordless telephones, wireless routers, microwave ovens, Wi-Fi, and wireless smart meters are safe because they only produce non-thermal forms of radiation. They never mention how the FCC, a body whose primary concern is limiting electromagnetic interference between devices and not people, admits that "there is no federally developed national standard for safe levels of exposure to radiofrequency (RF) energy". Or, that unlike cell phones and other wireless devices which are used intermittently and can be turned off, radiation exposure from smart meters, like the Neptune E-Coder R900i (E-Coder), is constant and involuntary. The E-Coder, for example, uses an R900 MIU one-way communication device that transmits every 14 seconds using a frequency hopping spread spectrum (FHSS). The meter operates on an unlicensed 902–

⁶ *BioInitiative Report: A Rationale for a Biologically-based Public Exposure Standard for Electromagnetic Fields (ELF and RF)*. Retrieved February 5, 2015, from <http://www.bioinitiative.org>

⁷ *Live Blood Analysis – Observable Effects of RF/MW Radiation from 'Smart' Meter*. (2013, August 22). Retrieved February 5, 2015, from <http://stopsmartmeters.org.uk/live-blood-analysis-observable-effects-of-rfmw-radiation-from-smart-meter/>

⁸ *Result Filters*. Retrieved February 5, 2015, from <http://www.ncbi.nlm.nih.gov/pubmed/12603292>

⁹ *WHO: Cell phone use can increase possible cancer risk*. (2011, May 31). Retrieved February 5, 2015, from <http://www.cnn.com/2011/HEALTH/05/31/who.cell.phones/>

¹⁰ *The Interphone Study*. Retrieved February 5, 2015, from <http://interphone.iarc.fr/>

928 MHz band and emits 6,172 sharp spikes of radio frequency waves per day or 2,252,572 per year which a home owner can never turn off¹¹. This pulsating, non-ionizing radiation is what allows the meter to be read by any data collection unit at any given time, day or night. The frequency hopping algorithm causes the signals to jump around between 50 different frequency channels creating what is known as "dirty electricity." This dirty electricity or digital pulsing has been shown to be a risk factor in cellular changes including fatigue, headache, memory deficits, and mood changes. These non-stop pulses act like a jackhammer, operating 6,172 times per day and provide no time for the body to recover, weakening the body over time. Some studies have shown that wireless devices that use this frequency hopping technique might interfere with implanted cardiac pacemakers. The radiation levels from the E-Coder have been classified as a (Class 2B) carcinogen since 2011 by the World Health Organization (WHO) & the International Agency for Research on Cancer (IARC)¹². Their findings clearly place the E-Coder smart meter among devices capable of causing cancer in humans.¹³

Moreover, the lithium battery used in the E-Coder produces the highest energy density (energy per unit volume) of all existing battery chemistries. This large electric potential and high voltage exceeds those of other metals and produces radiofrequency spikes of 618.67 microwatts per square-centimeter ($\mu\text{W}/\text{cm}^2$), a level which exceeds even the FCC's maximum permissible exposure limit of $610\mu\text{W}/\text{cm}^2$. However, according to Richard Tell, the man who helped write the FCC exposure limit rules, the present day limits are based on time-averaged values of RF power densities calculated over a period of 30 minutes. This time-averaging method erases the peak spikes of RF pulses emitted by the E-Coder. Thus, the time-averaged power density of a smart meter such as the E-Coder, measured one-foot from the meter, becomes roughly 50 to $140\mu\text{W}/\text{cm}^2$. So, even though the radiation spikes from a smart meter assume greater values than current FCC limits, the time-averaging method permits smart meter proponents to bogusly say they are operating below FCC limits. These very high frequency pulses from the E-Coder smart meter cannot be compared with other RF emitting devices because they are emitted every 14 seconds. This constant pounding is what subjects a homeowner to the biologically invasive effects already mentioned above. It takes tremendous effort to not realize that, relying on the time-average value method for determining exposure limits of RF radiation is like taking a flamethrower to your left hand, sticking your right hand in a cryogenic vat, and having someone argue that you are safe and comfortable.

Furthermore, the organ most affected and most sensitive to non-ionizing radiation is the human eye. Since the eye has no skin barrier to protect it, contains few blood vessels, and has less blood circulating through it, it has the least capacity of all the organs to dissipate non-thermal energies like those emitted by a smart meter. For example, the lens, intraocular pressure, vitreous and aqueous humor, and internal temperature of the eye have all been shown to be adversely affected by non-ionizing radiation. Dissipation of non-ionizing radiation in the eye can lead to damage or faster degeneration of the eye. This increases the likelihood of conditions such as glaucoma (high intraocular pressure that presses on the optic nerve) or vitreous syneresis which causes irreversible degrees of opacification and vision loss. Studies clearly show the occurrence of cataracts in both humans and animals because of

¹¹ *BUSTED: Smart Meters Emit Constant Microwave Radiation*: WUSA9 News. Retrieved February 5, 2015, from <https://www.youtube.com/watch?v=eGdAefQ8nbg>

¹² *IARC Classifies Radiofrequency Electromagnetic Fields as Possibly Carcinogenic to Humans*. Retrieved February 5, 2015, from http://www.iarc.fr/en/media-centre/pr/2011/pdfs/pr208_E.pdf

¹³ *The Microwave Factor*. Retrieved February 5, 2015, from <http://emfrefugee.blogspot.com/2014/10/wall-street-journal-one-in-10-cellgrid.html>

non-ionizing radiation. Several factors such as age, health, ambient temperature, relative humidity, and genetics also contribute to a person's capacity to dissipate RF energy. Such factors, combined with exposure to smart meter radiation, can further accelerate the degeneration of the eyes.

SMART METERS ARE NOT UL APPROVED AND MAY INVALIDATE HOMEOWNERS INSURANCE

Traditionally, Underwriters' Laboratories Certification (UL) has provided consumers of electrical and electronic equipment with a confidence that such devices have been tested to minimize safety hazards. Every electrical device in a home must meet the electric code and have a UL certification. Because smart meters, are not consumer devices and are installed and accessed only by utility company personnel, they do not fit the typical application for UL Certification. There have been several reports from fire departments of smart meters causing home fires. In such cases, smart meters have been shown to produce arcing. This arcing can cause high temperatures in home wiring and lead to fires. Arcing accounts for most home electrical fires. Installing arc fault circuit interrupters (AFCIs) can offer protection against electrical fires caused by arcing.¹⁴ However, unlike arc fault circuit breakers which prevent home fires by tripping the breaker whenever an arc fault is detected, smart meters create these arc and cause homes to burn down. Many insurance policies require that any electric devices installed on your home must be approved by Underwriters Laboratories (UL). Consequently, many insurance policies will be invalidated if you have electric devices installed on your home that are not UL approved. The E-Coder and other smart meters being installed around the U.S. are not UL approved. Therefore for anyone who has a home fire, a homeowner's insurance company may not be liable to pay damages because the homeowner had an unapproved device, the smart meter, attached to their home.

Wrongful deaths are being reported due to home fires caused by smart meters. As recently as February 3, 2015, James Humphrey, Jr., a man from Dallas, Texas was burned alive when a smart meter triggered a fire so heavy that neither his next door relatives nor firefighters could rescue him.¹⁵ On October 1, 2014, a series of house fires in two Nevada communities were reported which included the death of a 61-year-old woman, Michelle Sherman, who was fatally burned in a fire believed to have been linked to a smart meter.¹⁶ The two Nevada Fire Chiefs said they already knew of nine fires caused by smart meters. A forensic investigator later stated that based on physical evidence, that the smart meter could not be eliminated as the ignition source, and that data suggested the fire was due to the smart meter. On July 9th, 2010, Larry Nikkel, was killed by a smart meter that caught fire in his home in Vacaville, CA.¹⁷ A wrongful death suit lawsuit was filed and is currently pending. In short, it has become almost impossible to keep track of the fires and safety related issues with smart meters. The dangers with smart meters have become clear from country to country and from state to state. Yet, the effort to replace these meters has been sold as a benefit to the public. For example, on January 27, 2011, while seeking \$4.2 million to complete the installation of smart meters, Mr. Scheibner told the

¹⁴ *Electrical Fire Facts & Figures (National Fire Protection Association)*. Retrieved February 5, 2015, from [http://www.nfpa.org/~media/Files/Safety information/Public educators/Community tool kits/electric kit/Electrical_Fire_Facts.pdf](http://www.nfpa.org/~media/Files/Safety%20information/Public%20educators/Community%20tool%20kits/electric%20kit/Electrical_Fire_Facts.pdf)

¹⁵ *Family blames smart meter for fire that killed 74-year-old*. Retrieved February 5, 2015, from <http://www.wfaa.com/story/news/local/dallas-county/2015/02/03/74-year-old-killed-house-fire-dallas/22786269/>

¹⁶ *Reno, Sparks fire chiefs call for smart meter probe*. Retrieved February 5, 2015, from <http://www.rgj.com/story/news/2014/09/13/reno-sparks-fire-chiefs-call-smart-meter-probe/15580069/>

¹⁷ *When 'Smart' Meters Kill: The Story of Larry Nikkel — Details Emerge of Vacaville, CA Smart Meter Fire Death*. Retrieved February 5, 2015, from <http://stopsmartmeters.org/2013/06/21/when-smart-meters-kill-the-story-of-larry-nikkel-details-emerge-of-vacaville-ca-smart-meter-fire-death/>

Ridgewood village council that the Ridgewood Water department was not losing money on the estimated readings, but that the bills were running the gamut from customers being overcharged to being undercharged.¹⁸ In other words, he knowingly misrepresented the meter to an unwitting public with the intention of having them believe that the nice fellows at the Ridgewood Water company were only interested in providing ratepayers with a nicety that would provide benefits to them.

SKYROCKETING BILLS FOR WATER

Because of smart meters, utility companies like Ridgewood Water are enjoying rate increases that were never authorized or disclosed to the public. These increases have been masqueraded as higher usage bills and justified by saying smart meters are "more accurate." For example, the E-Coder's product sheet, clearly states that "it's not unusual for a utility to field a customer complaint regarding a high water bill. But until now, that utility didn't have the information that proved not only that the excess consumption occurred, but exactly when it occurred." This exclusive control of detailed information on water consumption arms the utility company with a facade of truth. Using this new and unilaterally generated "evidence", utilities can more easily baffle customers who question or dispute their bill through a confusing array of graphs and numbers. This places the consumer at an evidentiary disadvantage because the utility now owns and controls the information consumers depend on to defend their disputes. A situation that amounts to the fox guarding the henhouse. This unfair disparity of access to relevant information was no doubt a principle motive for selecting and pushing these meters.

The outrageously high water bills that several Midland Park residents have received since smart meters were installed are consistent with what consumers have experienced throughout New Jersey. For instance, customers with PSE&G's smart meters in their homes have received bills for over \$4,000. One Star-Ledger report questions whether utility companies are doing what they are supposed to before sending such outrageous bills. N.J.A.C. 14:3-7.2 requires a utility company (like Ridgewood Water) to maintain regular meter reading schedules and make reasonable efforts to read all meters. This code further requires utility companies to notify a customer that a meter reading must be obtained after it estimates an account for four consecutive monthly billing periods. However, utility companies have shirked their responsibility by relying on N.J.A.C. 14:9-4.1. Under N.J.A.C. 14:9-4.1, which is intended to assure the integrity of the meter and cost savings to the ratepayer, water utilities are only required to test a 5/8 inch meter every ten years or 750,000 gallons, whichever comes first. This ridiculous loophole is what allows a water company to replace a homeowner's water meter with a smart meter and then unfairly back-charge for years of water usage.

In addition, utilities are using smart meter information to implement time-of-use billing; a sneaky tactic which studies show only benefits utility companies. For example, one study on electric smart meters found that raising rates during peak times resulted in an annual savings of less than 1%. Hence, if the goal of a smart meter is really energy savings, then using an in-home real-time energy monitor (instead of a smart meter) could save between 9%-27% on electricity consumption. The bottom line is that only smart people save energy and water, not smart meters. Regardless, many utility companies nationwide are forcing these smart meters on the public. They are feathering their coffers with federal "Smart Grid" grant money by relying on state-imposed regulatory mandates and misrepresentations to

¹⁸ *Ridgewood Water may get radio meters*. Retrieved February 5, 2015, from <http://www.northjersey.com/news/ridgewood-water-may-get-radio-meters-1.281287>

the public. Mandating the installation of smart meters will only force New Jersey residents to increasingly pay more for less.

PRIVACY INVASION

By measuring water consumption every 14 seconds, the E-Coder records and stores details on when and how often you flush your toilet, take a shower, and when you're likely to not be home. In addition, the R900 MIU functionality that is integrated with the E-Coder collects and transmits this personal information for up to 96 days. I am certain that during any of the public meetings Mr. Scheibner held when pitching these smart meters that he never mentioned how the new meters would be recording consumption as it happens, every hour on the hour. Or, that using any of several software programs, Ridgewood Water would be using this data to generate graphic charts that reveal a home owner's hourly water-usage information. These unnecessary details provide you with private and personal information far beyond the scope of what is needed for billing purposes. Contrast this with an analog water meter which only reports usage in the aggregate. Analog water meters are more than sufficient for billing purposes. Collecting private and personal information now enables you to pass it along to government agencies or even sell it to private third parties. This electronic invasion into people's homes is likely violative of N.J.S.A. 2A:156A-1 which protects against violations of these Fourth Amendment rights by preventing government intrusion by electronic means into privacy of a person's home. State v. Barber, 169 N.J. Super. 26, 404 A.2d 46 (L.1979).¹⁹ And, although public utilities are generally not "state actors" for purposes of the 4th Amendment, the state action doctrine determines when the appropriate conditions arise to invoke Constitutional and Civil Rights violations against nongovernmental bodies. State v. Schmid, 84 N.J. 535, 544 (1980). Here, through a symbiotic relationship with the federal, state, and local government, Ridgewood Water is utilizing the color and authority of law to forcibly deploy smart meters.²⁰

REASONS FOR CONFLICTING OPINIONS

Smart meter proponents never mention how they are cherry-picking industry-funded studies to mislead the public and justify dangerous levels of electromagnetic radiation. In a published 2007 study conducted by Dr. Henry Lai, of the University of Washington to determine the impact funding sources have on studies that report on the health effects of mobile phones, researchers found that results depended on who funded the study.²¹ This study revealed that, almost invariably, studies funded by the telecommunication industry show that there is "no effect" on health from non-ionizing electromagnetic radiation. On the other hand, non-industry funded studies showed the opposite; demonstrating adverse health effects on the public caused by electromagnetic radiation. In summary, the report concluded that, in the 271 studies done in recent years, 75% of the non-industry funded studies have shown adverse biological effects in cells when exposed to radio frequency radiation. Conversely, only 25% of the industry funded studies have shown similar biological effects. In other words, to assure that the results of a study are not biased, it is imperative to examine who funded the study. Not surprisingly, after Dr.

¹⁹See also Silverman v. United States, 365 U.S. 505, 511 (1961) (stating that "[a]t the very core stands the right of a man to retreat into his own home and there be free from unreasonable governmental intrusion.")

²⁰ No Privacy with Smart Meters. Retrieved February 5, 2015, from <https://www.youtube.com/watch?v=8qrlIKSMr5M>

²¹ Source of Funding and Results of Studies of Health Effects of Mobile Phone

Use: Systematic Review of Experimental Studies. Retrieved February 5, 2015, from

http://www.magdahavas.com/wordpress/wp-content/uploads/2010/12/Huss_Sourceoffunding_2007.pdf

Lai's findings were published, many from the telecommunications industry have attempted to discredit him and to suppress his findings.²²

Cell phone, as well as smart meter proponents continue funding their own research to confuse the subject and mitigate findings such as Dr. Lai's, making it difficult for people to resolve the many conflicting findings and get a clear picture of the human health risks associated with dangerous levels of electromagnetic radiation. For example, Lawrence Berkeley National Laboratory (LBNL), a U.S. Department of Energy (DOE) national laboratory, received \$875,000 funding for "Smart" Grid Technology and another \$800,000 for technical assistance to the "Smart" Grid investment grant program. Accordingly, even people determined to find information on the topic of electromagnetic radiation and human health, are inundated with the overwhelming number of studies favoring the industry. These studies in no way reflect the reality of harms caused by electromagnetic radiation. They provide only whitewashing, self-serving messages and redacted studies from embedded or pressured researchers reporting "conclusions" like, research shows no convincing evidence; there was inconsistent evidence, or we found no risk. Studies like these are clearly not impartial and relying on them is like relying on an organization of child molesters to develop and operate child care centers.

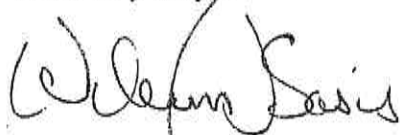
CONCLUSION

I do not consider the installation of a radiation emitting surveillance device in my home something that you can mandate or that you have a right to do. It is my position that you have no business other than providing a safe utility service to my home. Since I have already spoken with Mr. Scheibner and told him that I consider the E-Coder smart meter dangerous, harmful, unlawful, and invasive and he has flatly ignored my concerns, I no longer regard Ridgewood Water as solely a service provider but as a potential adversary and threat to my family's and community's health, safety, and privacy rights. By lying to the public about your "meter replacement program" and the risks of smart meters, you have made yourself an enemy of your customers. Consumers were entitled to be provided with clearly understandable information on the radiofrequency emissions of all devices that emit RF radiation including smart meters. None of this information, such as intensity, duration, frequency, power output, or the pattern of sending and receiving transmissions from these smart meters was ever provided; not on your website nor elsewhere. Residents were not given a fair opportunity to review and comment upon these smart meters. Instead, you have deceived the public by touting convenience (like no home entry required) while keeping them in the dark as to the reprehensible trade-offs they would be making and that the sole beneficiary would be the Ridgewood Water company. You have made these misrepresentations to accelerate your deployment of smart meters and making it a fait accompli by the time the public could learn what you had done. I believe that you, as well as your vendors and manufacturers, have known that these smart meters are defective and dangerous. You are acting solely out of greed and with reckless endangerment in what you know about these smart meters. As such, I am hereby denying consent for the installation of any radiation emitting surveillance device anywhere on my property. If you, or any of your agents, attempt to install this smart meter anywhere on my property without my consent, I will, for reasons discussed above, consider you in violation of the law and of my rights. The unlawful and dangerous characteristics of your smart meter give me every right to act in self defense against any illegal use of my property.

²² *UW Scientist Henry Lai Makes Waves in the Cell Phone Industry*. Retrieved February 5, 2015, from <http://www.seattlemag.com/article/nerd-report/nerd-report>

If you disregard this notice and install a smart meter on my property, I will lawfully remove it and replace it with a legal analog meter. I will also not negotiate with you regarding any extortionary penalties for not installing a smart meter on my property.

Yours very truly,



William N. Sosis

CC: Frank Moritz (via CMRRR via e-mail: fjmoritz [REDACTED])
Dave Scheibner (via CMRRR & e-mail: dscheibner [REDACTED])
Mayor Patrick "Bud" O'Hagan (via e-mail: mayormp [REDACTED])
Nancy Cronk Peet (via e-mail: nancypeet [REDACTED])
Adeline M. Hanna (via e-mail: mpcclerk [REDACTED])
Mark Tompeck (via e-mail: mark.tompeck [REDACTED])
Carol Walczyk (via e-mail: carol.walczyk [REDACTED])
David J. Tanzi (via e-mail: tanzidj [REDACTED])
Dennis Ciemniecki (via e-mail: ciemnieckid [REDACTED])
Michael Furrey (via e-mail: mfurrey [REDACTED])
Brian Carr (via e-mail: bcarr [REDACTED])
Andy Clauhs (via e-mail: aclauhs [REDACTED])
Nicole Wiley (via e-mail: nicole.wiley [REDACTED])
Juan Donoso (via e-mail: juan.donoso [REDACTED])
Mona Cavalcoli (via e-mail: mona [REDACTED])

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07/01/2015

BETH SOSIS
80 FRANKLIN AVE/UE
MIDLAND PARK, NJ 07432

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Sioux Falls, SD 57117-7236

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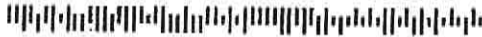
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PAYELECTRONIC.COM



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RIDGEWOOD WATER
PO BOX 1304
BRATTLEBORO VT 05302-1304



THIS IS A BILL PAYMENT DRAFT WHICH IS DRAWN BY METAVANTE CORPORATION WITHOUT RECOURSE

Memo ACCT 213058-1,80 FRANKLIN AVE



⑈ 2388630765⑈ ⑆075901480⑆ 91790012211067⑈

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Ridgewood Water

07/06/15
Lockbox
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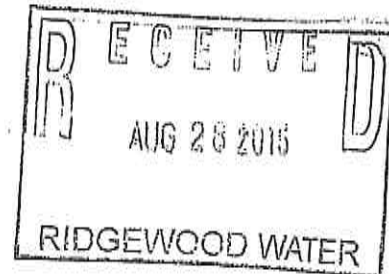
Chris Christie
Governor

Kim Guadagno
Lt. Governor

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/
August 24, 2015

Irene Kim Asbury
Secretary of the Board
Tel. [REDACTED]

David Scheibner, Business Manager
Ridgewood Water Company
131 North Maple Avenue
Ridgewood, NJ 07451



**Re: William N. Sosis
vs. Ridgewood Water Company
Seeks Reconsideration of informal Compliant No. W#44-15 and Injunctive
Relieve Against Ridgewood Water Company
Docket No. WC15080975**

Dear Mr. Scheibner:

Enclosed is a copy of the petition in the above-captioned matter.

You may contest the petition or make representations to the Board in connection therewith. To do this, you must file an original and three (3) copies of a written answer with the Board and serve a copy of the answer on the petitioner and all other parties named in the petition within twenty (20) days after service of the petition upon you.

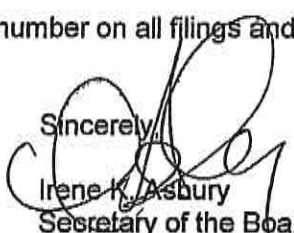
Parties may reply to an answer by filing an original and three (3) copies of the reply with the Board and serving a copy on all other parties within ten (10) days after service of the answer.

Proof of service of the answer and replies, if any, must be filed with the Board at the time of filing or immediately thereafter.

After an answer has been filed, the Board will determine: (1) if the matter is a "contested case"; (2) whether to transfer it to the Office of Administrative Law ("OAL") for hearing; or (3) whether to hear the case itself. If appropriate, before transferring a "contested case" to the OAL, the Board may attempt to settle the case in consultation with the parties.

Please include the above docket number on all filings and correspondence relating to this matter.

Sincerely,


Irene K. Asbury
Secretary of the Board

Enclosure
C: Petitioner

William & Beth Sosis

WILLIAM N. SOSIS [REDACTED]

80 FRANKLIN AVENUE
MIDLAND PARK, NEW JERSEY 07432

TELEPHONE [REDACTED]

FAX [REDACTED]

August 20, 2015

Via Federal Express & Email

MS. IRENE KIM ASBURY
Secretary, Board of Public Utilities
44 S. Clinton Avenue, 9th Floor
Trenton, New Jersey 08625-0350

RE: PETITION OF WILLIAM N. SOSIS

Dear Ms. Asbury:

Enclosed please find:

1. An original and five copies of Petition of William N. Sosis for Review of Complaint No. W#44-15 and Injunctive Relief Against the Ridgewood Water Company, Respondent; and
2. Check No. 181 for \$25 and payable to Treasurer, State of New Jersey to cover your fee.

Kindly return on copy to marked filed in the self-addressed stamped envelope, and provide me with the docket number once assigned.

Should you have any question or require anything additional, please contact me.

Respectfully submitted,



William N. Sosis, Esq.

STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES

IN THE MATTER OF THE
PETITION OF WILLIAM N. SOSIS
FOR A REVIEW OF COMPLAINT
NO. W#44-15
AND INJUNCTIVE RELIEVE
AGAINST THE
RIDGEWOOD WATER COMPANY,
RESPONDENT

BPU DOCKET NO. W#44-15

FILED
AUG 20 2015
BPU

PETITION AND EXHIBITS

August 20, 2015

WILLIAM N. SOSIS, ESQ.
80 Franklin Avenue
Midland Park, New Jersey 07432
Telephone [REDACTED]
Fax [REDACTED]

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STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES

IN THE MATTER OF THE
PETITION OF WILLIAM N. SOSIS
FOR A REVIEW OF COMPLAINT
NO. W#44-15
AND INJUNCTIVE RELIEVE
AGAINST THE
RIDGEWOOD WATER
COMPANY, RESPONDENT

BPU DOCKET NO. WC15080975
PETITION

TO THE HONORABLE COMMISSIONERS OF THE NEW JERSEY BOARD OF
PUBLIC UTILITIES

I. PETITIONER

1. Petitioner, William N. Sosis, is an attorney admitted to practice in the State of New Jersey. In this petition, Petitioner, on behalf of himself and his wife, Beth S. Sosis, seeks reconsideration of informal complaint No. W#44-15 and injunctive relief against the Ridgewood Water Company, Respondent, from the installation of a microwave radiation emitting smart meter and from discontinuance of water Service.

2. The essence of the allegations in the Petition are:

- 1) Ridgewood Water's (Respondent) "smart meters" have adverse effects on health, safety, privacy, and property rights;
- 2) Petitioner is a disabled person, therefore, exposure to a smart meter will result in imminent and irreparable harm;
- 3) Respondent's refusal to provide accommodations is violative of federal and state law;
- 4) BPU's response to Petitioner's informal complaint to either accept the smart meter or pay Respondent \$2,351.00 to have the smart meter installed in a pit at the curb in the street violate Petitioner's constitutional and property rights; and

5) BPU has failed to satisfy its statutory duty to protect the rights of the public by ensuring public utilities, such as Respondent, furnish safe, adequate and proper service.

3. In support thereof, Petitioner states:

II. BACKGROUND AND PROCEDURAL HISTORY

4. On or about July 16, 2014, Respondent contracted with Lenegan Plumbing & Heating, LLC to accelerate its installation of new water meters in the homes of over 20,000 customers throughout Ridgewood, Glen Rock, Midland Park and Wyckoff.

5. On January 9, 2015, I called Lenegan Plumbing & Heating, LLC, and confirmed that the "cold water meters" that were being installed throughout Respondent's territory was the Neptune E-Coder R900i (E-Coder) or what is more commonly known as a "smart meter." I called Respondent and spoke with Frank Moritz and asked if these smart meters were mandatory. I asked if the utility would consider any of the several alternatives to installing a smart meter in our home, such as an analog meter or a digital meter with a reader wired to the outside of our home. I asked if an "opt-out" option was available. Mr. Moritz replied that the meters were mandatory and that no other options would be made available. I asked if he could cite his legal authority for enforcing the installation of harmful devices inside the homes of private property owners. Mr. Moritz said that his authority came from the fact that they are the water company. I then stated that Respondent is not a legislative body and could not enact its own laws. Mr. Moritz disagreed, saying verbatim, "we are the government and it's our municipal ordinance".

6. On January 11, 2015, I spoke with the Midland Park Borough Administrator, Adeline M. Hanna, about the installation of smart meters in Midland Park. I asked if the Midland Park police was going to enforce Respondent's mandatory installations of smart meters. Ms. Hanna said that the Borough's response has always been that Midland Park will never Police any of Respondent's laws.

7. On January 21, 2015, I spoke with Mr. David Scheibner, Respondent's Business Manager, to discuss my opposition to having a smart meter, or any other electromagnetic radiation emitting device on our property. I explained our health, safety, and privacy concerns about the new smart water meters, including the many reports worldwide on the dangers of smart meters. Instead of discussing the topic openly and honestly, Mr. Scheibner became annoyingly obdurate in his position. Touting industry driven propaganda about the safety of cell phones and baby monitors, Mr. Scheibner concluded that since we are already living in an electromagnetic soup that any additional radio frequency microwaves (RFMW) from the E-Coder smart meters could not be harmful. Mr. Scheibner trumped any further discussion. When I explained that I disagreed and asked under what authority Respondent could impose these smart meters on homeowners, Mr. Scheibner replied, "look in N.J.A.C. in Title 14, you'll find all the information you need." I also asked if Respondent was planning to forcibly install these smart meters on private properties. Incredibly, Mr. Scheibner smugly replied, "I'm not going to answer a hypothetical like that. If you refuse, you'll find out what sort of enforcement will occur." He then added, "I will not detail for you what needs to occur if people are not cooperative."

8. On February 5, 2015, I mailed a certified letter to Respondent revoking and denying consent to the installation of an E-Coder smart meter in our home. My letter detailed our concerns regarding smart meters and the reasons why we, along with a vast majority of Americans, do not consider the forcible installation of a harmful device to be a lawful demand.

9. Respondent never replied to my letter.

10. Over five months later, on July 17, 2015, Respondent's technician, Paul A. Verduga, appeared at our home insisting that he had to change the meter. I informed Mr.

Verduga of my February 5, 2015 letter to Respondent and that I had not received a reply. I told Mr. Verduga that because I had already provided notice to Respondent that he was defiantly trespassing by parking his truck squarely in our driveway. Mr. Verduga became obnoxious when he refused to move his truck. I then informed Mr. Verduga that if he wished to correspond with us that he and Respondent should do so in writing. I said that we would call the police if he did not leave our property. When Mr. Verduga refused to leave, I closed my door on him. Instead of leaving or leaving a notice on our door, Mr. Verduga impudently again knocked on our door. When I opened the door, Mr. Verduga handed me a notice saying that he had come to replace the meter "but found no one home." *see Exhibit 1*. Immediately after the incident, I phoned Mr. David Scheibner. I asked if he had ever read my February 5, 2015 certified letter. He said he had and that he was then looking at it. I asked why he had never replied, and sent a technician, without warning, to defiantly trespass on our property and forcibly attempt to install a smart meter.. Mr. Scheibner claimed he had sent a reply letter. I asked why I never received his letter and was not given the opportunity to reply. He said he did not know why. I asked if he would read the contents of his letter or fax or resend me a copy. Mr. Scheibner did neither but proceeded to paraphrase what he said was in the letter. That is, that "no legitimate scientific research has found a correlation between electromagnetic energy at levels emitted by our water meters and that health effects are just comfort in humans or animals." When I asked what the conclusion of the letter was regarding smart meters, Mr. Scheibner replied with "well, smart meter is the broad term used" and that "your neighbors are emitting everything by you, you're already exposed to it." Mr. Scheibner added, "we won't send somebody back there without an invitation" but concluded with "here's what we're going to do, I'm going to put all of our position into writing, send it to you certified to make sure you get it this time and we'll go from there."

11. On Friday, July 24, 2015, we received a letter through "regular mail" from Mr. Scheibner. The letter was dated July 21, 2015. The letter offered an option of having the smart meter installed in the public right of way and having the installation billed to us at some undisclosed cost and "amortized over three years." The letter also warned that if we did not provide access to the meter by the following Monday, July 27, 2015, that water service would be discontinued. The letter did not provide a date when service would be discontinued. *see Exhibit 2.*

12. On Monday, July 27, 2015, contrary to Mr. Scheibner's July 17, 2015 promise that he would not send anyone back to our home "without an invitation", Respondent's technician, Mr. Verduga, reappeared at our door. Again, instead of parking on the street, Mr. Verduga defiantly parked his truck on our driveway. I again asked that he park his truck on the street and remove it from our driveway. Mr. Verduga did not move and only said "I'm here to do my job." When I asked that he leave the property Mr. Verduga declined, remaining at our doorway in violation of N.J.S.A. 2C:18-3. I informed Mr. Verduga that we would call the Police if he did not leave the property. When Mr. Verduga did not move, my wife immediately phoned the Midland Park Police to report a defiant trespass. While still at our doorway and waiting for the Police to arrive, Mr. Verduga spat on our lawn. I quickly asked that he refrain from spitting. Mr. Verduga's snarkily replied, "*Oh well! I'm sorry!*" Within two or three minutes after the Midland Park Police arrived, two or three Ridgewood Police vehicles left their geographic area and, with their emergency lighting flashing, also arrived at our property.

13. After completing their report, attached hereto as Exhibit 3, the Midland Park Officers left us with the documents that Mr. Verduga could have simply left in our mailbox or at our door. Namely, a copy of N.J.A.C. 14:3-3A.1 and a "Final Water Notice" stating that our water would be "shut off" just two days later, on July 29, 2015. *see Exhibit 4.*

14. As noted by the time on the attached Police Report (3:10 P.M), Respondent's notice of discontinuance of service, provided us with only one day and seventeen hours to file a complaint with the New Jersey Board of Public Utilities (BPU). I note that this short shrift by Respondent was malicious as it runs afoul of N.J.A.C. 14:3-3A.1(d) providing that when a utility discontinues service for reasons other than nonpayment, the utility "shall provide reasonable notice to the customer." The term "reasonable notice" has been adopted by the BPU to mean a notice period of at least ten days. In addition, the BPU's "Customer's Bill of Rights" synopsis of N.J.A.C. 14:3, clearly states this same ten day notice period where it states "you have the right to a written notice of termination, ten days prior to the discontinuance of service."

15. With no time to file a petition or respond appropriately to the pressure of having our water shut off, I hurriedly emailed and faxed an informal complaint in lieu of petition on July 28, 2015, requesting emergent relief and under N.J.A.C. 14:1-5.13(a). *see Exhibit 5*.

16. On August 4, 2015, I received an email from the BPU with a letter attachment containing the staff's response and denial of my complaint in its entirety. *see Exhibit 6*.

17. Pursuant to N.J.A.C. 14:1-5.13 (g) and N.J.A.C. 14:1-5.13(i), this petition is taken from that letter.

III. LEGAL ARGUMENT

POINT 1

THE NEPTUNE E-CODER R900i IS A "SMART METER"

18. The BPU staff's response and denial of my informal complaint states that "[t]he RF meters ("devices") being installed in the Ridgewood Water service territory are not "smart" meters. Smart meters are much more complex devices used by electrical

utilities, and are powered by the electricity in the home." This is untrue. Chuck Brunson, the principal product manager at Neptune Technology Group, manufacturer of the E-Coder calls the meters "smart meters" when discussing Neptune's "Smart" Water Meter System" at a trade show. And, in an advertisement entitled "**SMART METERS**" from the manufacturer's own website, Neptune states that "the E-Coder is the foundation of a smart water meter."¹

19. It is well established that the term smart meter also includes devices that measure gas or water consumption. Unlike analog meters, smart meters are equipped with wireless radio transmitters that, when activated, send usage data via radio-frequency waves to Respondent's mobile data collectors. Smart meters use erratic bursts of modulated radio frequency microwaves (RFMW) to transmit their usage information to utility companies. Because they are largely digital, the consumption data measured and collected is digitalized. In addition, separate or integrated additional modules can be added for additional communication and control schemes. By installing gateways, a smart meter like Respondent's E-Coder can be enabled to send asynchronous or synchronous communications of usage consumption data to any remote and centralized data collection site using nearby neighborhood "network access points" (see BPU Docket No. WM14080834.)

20. Clearly, whether the device is called a "smart meter" or an "RF meter" depends on what interests are being protected and who is protecting them. What is disturbing to me is that this type of line drawing through the use of semantics and definitional gerrymandering lies at the heart of our legal system and consequently, the

¹ Smart Meters. [(accessed 8/16/2015). Available online: <https://www.neptunetg.com/catalogs/ntg-847-catalog/files/flipassets/seo/page8.html>

public interest. Nonetheless, the Neptune E-Coder R900i water meters operate in the 902–928 MHz band and thus emit "microwave radiation" pursuant to N.J.A.C. 7:28–48.2.

21. The Neptune E-Coder R900i being deployed by Respondent is indeed a smart meter.

POINT 2

RESPONDENT'S SMART METER IS A HARMFUL DEVICE

22. Under its statutory duty, the Board of Public Utility Commissioners have a duty to ensure that public utilities, such as Respondent, furnish safe, adequate and proper service, pursuant to N.J.S.A. 48:2-23; see also Trenton v. Davidson, 35 N.J. Super. 190, 113 A.2d 538, 1955 N.J. Super. LEXIS 766 (Cty. Ct. 1955). In its August 4, 2015 response to my complaint, the BPU claims that Respondent's meter does not send a continuous signal, that it transmits every 14 seconds for a fraction of a second, complies with FCC Part 15.247 and does not exceed FCC guidelines. The response goes on to say that:

- over one half of all residential water meters sold in the United States contain automatic meter reading ("AMR") capability;
- RF has become the preferred information highway of AMR;
- AMR "is the most rapidly advancing technology in the water utility industry" for meter reading processes;
- RF networks "have enjoyed such rapid growth;
- The American Water Works Association (AWWA) recommends utilities upgrade to AMR systems;
- AWWA reports that the location and type of meters used are a utility decision;
- radiation limits of the E-Coder comply with FCC, EPA, and FDA guidelines;
- FCC guidelines were derived from the recommendations of the National Council on Radiation Protection and Measurements and the Institute of Electrical and Electronics Engineers; and

- the World Health Organization (WHO) reports that RF meters are not known to cause any adverse health issues.

23. Frankly, the above sounds more like a marketing strategy for obtaining the public's uninformed consent than an impartial consideration of all the relevant factors concerning the wide-scale installation of smart meters. In particular, saying the WHO has reported that "RF meters are not known to cause any adverse health issues" is disingenuous at best. For example, after the International Agency for Research on Cancer (IARC), the specialized cancer agency of the WHO, classified electromagnetic fields (RF) as a "Group 2B" carcinogen, the WHO stated that this 2B category is used when a causal association is considered credible.² Moreover, the IARC only deals with the carcinogenic aspects of non-ionizing RF. Most "adverse health issues" are not necessarily suspected to be cancer-causing. In other words, just because the evidence is not there to prove that something is carcinogenic does not ensure the public safety. In addition, health problems from low-level RF often appear only after long-term exposure. Dr Dietrich Klinghardt MD, PhD, an expert on chronic toxicity from electromagnetic fields, reports that in recent years there has been a dramatic rise in severe and chronic diseases. As an illustration, Dr. Klinghardt demonstrates how the exponential increase of autism in children over the last 20 years suggests exposure to electromagnetic fields of pregnant mothers from cell phone radiation, wireless technology and other household sources (such as smart meters) as a major environmental factor.³ Dr. Klinghardt points to the statistical data showing how the

² World Health Organization. [(accessed 8/16/2015)]. Available online: <http://www.who.int/mediacentre/factsheets/fs193/en/>

³ Dr. Dietrich Klinghardt explains the danger of cellphone radiation for human health. [(accessed 8/16/2015)]. Available online: <https://www.youtube.com/watch?v=lekj-08fDuk>; see also Etiology of Infantile Autism: A Review of Recent Advances in Genetic and Neurobiological Research. [(accessed August 16, 2015)]. Available online: <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1188990/>.

incidents of autism in children has been steadily doubling every five years along with the proliferation of wireless devices during the last fifteen or twenty years.⁴

24. The claim that Respondent's smart meter "transmits every 14 seconds for a fraction of a second" is also inapposite. The E-Coder smart meter operates on an unlicensed microwave band of 902–928 MHz and emits 6,172 sharp spikes of radio frequency waves per day, 7 days per week, 2,252,572 times per year which, unlike cell phones and other wireless devices which are used intermittently and can be turned off, the microwave radiation from Respondent's smart meters is constant, involuntary, and can never be turned off by a home owner. Thus, saying that these non-stop pulses only occur every 14 seconds, last for 7 milliseconds, and add up to only 43 seconds of exposure per day is both misleading and irresponsible. If Respondent's smart meter were to emit a single pulse of 43 seconds just once a day, the body would have a full 23 hours and 59 minutes to recover. The pulsating, microwave radiation from this smart meter uses a frequency hopping algorithm that causes its signals to jump around between 50 different frequency channels creating what is known as "dirty electricity." This dirty electricity or digital pulsing has been shown to be a risk factor in cellular changes including fatigue, headache, memory deficits, and mood changes. These non-stop pulses act like a jackhammer providing no time for the body to recover and weakening the body over time. These cumulative effects can create stress, weaken the body and even lead to chronic illness.[<http://docslide.us/documents/the-rf-invasion-full-version-presentation-by-by-richard-wolfson-phd.html>]

25. Besides, some studies have shown that wireless devices that use this frequency hopping technique might interfere with implanted cardiac pacemakers and defibrillators. The FCC and FDA both acknowledge this health hazard. Unfortunately, the

⁴ Background on CTIA's Semi-Annual Wireless Industry Survey. [(accessed 8/16/2015)]. Available online: <http://files.ctia.org/pdf/CTIAYearend2004Survey.pdf>

agencies have elected to retroactively ignore the existing 3 million Americans with cardiac pacemakers⁵. Instead, their "solution" has been to "help" manufacturers of cardiac pacemakers and defibrillators redesign their products so as to not interfere with smart meters. In other words, consistent with their primary concern of limiting electromagnetic interference between devices rather than people, both federal agencies have elected not to address the root cause but to build a fence around the problem.⁶

26. The BPU staff also claims that smart meters have a much higher output than RF meters, because they are battery powered. This is also misleading because (1) the E-Coder is a smart meter (see supra.), and (2) the wireless transmitter in Respondent's E-Coder smart meter is powerful enough to send signals through walls, concrete, over power lines, and reach remote cell towers. In fact, while the signal strength on these wireless transmitters is typically between 0.1 and 1 watt, Respondent's E-Coder uses the highest signal strength of 1 watt. This should make this meter a concern for everyone. Moreover, the lithium battery used in the E-Coder produces the highest energy density (energy per unit volume) of all existing battery chemistries. This large electric potential and high voltage exceeds those of other metals and produces radiofrequency spikes of 618.67 microwatts per square-centimeter ($\mu\text{W}/\text{cm}^2$), a level which exceeds even the FCC's maximum permissible exposure limit of $610\mu\text{W}/\text{cm}^2$. However, according to Richard Tell, the man who helped write the FCC exposure limit rules, the present day limits are based on time-averaged values of RF power densities calculated over a period of 30 minutes. This time-averaging method erases the peak spikes of RF pulses emitted by the E-Coder. Thus, the time-averaged power density of a smart meter such as the E-Coder, measured one-foot from the meter, becomes roughly 50 to $140\mu\text{W}/\text{cm}^2$. So, even though the radiation spikes

⁵ Trends in Permanent Pacemaker Implantation in the United States From 1993 to 2009. [(accessed 8/16/2015)]. Available online: <http://content.onlinejacc.org/article.aspx?articleid=1358197>

⁶ Are there potential interference problems from SmartMeters™ for people with pacemakers? [(accessed 8/16/2015)]. Available online: <http://www.pge.com/en/safety/systemworks/rf/faq/index.page>

from a smart meter assume greater values than current FCC limits, the time-averaging method permits smart meter proponents to bogusly say they are operating below FCC limits. These very high frequency pulses from the E-Coder smart meter cannot be compared with other RF emitting devices because, as discussed above, they are emitted every 14 seconds. In short, it should be evident that relying on the time-average value method for determining exposure limits of RF radiation is like taking a flamethrower to your left hand, sticking your right hand in a cryogenic vat, and having someone argue that you are safe and comfortable.

27. Even the FCC's lax regulations require that all persons be kept at least 20 cm from Respondent's smart meter. And, even this 20 cm safety distance, based on Sec. 4.3(3) of ANSI/IEEE C95.1- 1992, is only an "assumption". Nonetheless, I strongly doubt that Respondent has complied with even this feckless regulation by providing any safety enclosures for the thousands of E-Coders already installed throughout their territory. I am certain that no notices have been posted warning people to keep their distance. And I have no doubt that children have been playing in their homes well within the vicinity of these meters.⁷ It is also interesting to note how cellphone retailer manuals are warning people to keep a minimum safe distance between their bodies and their phones of 1 to 2 cm while a 20 cm distance is required for Respondent's E-Coder smart meter.⁸

POINT 3

THE FCC GUIDELINES FOR NON-THERMAL RADIATION ARE GROSSLY OUTDATED

28. There are two categories of radiation, non-ionizing and ionizing. Non-ionizing radiation means any form of radiation which does not have the capability of

⁷ Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields, Ed. 97-01, August 1997 (OET Bulletin 65). [(accessed 8/16/2015)]. Available online: https://transition.fcc.gov/Bureaus/Engineering_Technology/Documents/bulletins/oet65/oet65.pdf

⁸ Berkeley passes cellphone 'right to know' law. [(accessed 8/16/2015)]. Available online: <http://www.berkeleyside.com/2015/05/13/berkeley-passes-cellphone-right-to-know-law/>

ionizing the medium through which it is passing. Conversely, ionizing radiation is any form of radiation which has the capability of ionizing the medium through which it is passing.

N.J.A.C. 7:28-1.4(a)(1) Smart meter proponents claim that the faster frequencies found in ionizing radiation and which contain enough energy to create ions by knocking electrons out of an atom's orbit are capable of being a bio-hazard. They claim only the ions formed from ionizing radiation which mutate human DNA are harmful because the damaged DNA replicates creating tumors that can lead to cancer. They base their claims on industry-funded studies that date back some 70 years using thermal dosimetry, a process that measures the effects of radiation on the temperature of water inside a "head phantom" (dummy head). Using thermal dosimetry, any level of RF radiation not capable of raising the temperature of a thermometer in the head phantom is deemed safe for humans because it cannot ionize water molecules. This "conclusion", however, is solely based on the effects of radiation on the strong intramolecular forces (covalent bonds) that hold an atom together to form molecules or compounds. In other words, if the polarity of the atoms is changed, the radiation level is determined as thermal and, therefore, classified harmful to humans. These studies do not consider how non-ionizing and non-thermal radiation create disruptions in the weaker intermolecular forces (Van Der Waals bonds) between molecules. These weaker forces account for two-thirds of all protein-DNA interactions and influence the creation of proteins and replication of DNA.

29. There is a huge and ever growing body of evidence that demonstrates both the acute and chronic harms caused by non-ionizing radiation. The old "hot muffin" theory that adverse biological effects only occur from thermal exposures to radiation has long been debunked. In a 2002 letter from the EPA (Environmental Protection Agency), senior scientist Norbert Hankin writes that "[t]he FCC's current exposure guidelines, as well as those of the Institute of Electrical and Electronics Engineers (IEEE) and the International Commission on Non-Ionizing Radiation Protection (ICNIRP), are thermally based, and do

not apply to chronic, nonthermal exposure situations." They are believed to protect only against harms caused by acute exposures that result in tissue heating or electric shock and burn. Moreover, a 2012 Bioinitiative Report (1,400 pages) compiled by scientists from around the world, reports that (1) the FCC standards are at least a million times too high to be safe; (2) that at least 3% of the general population will sustain immediate injury from the RF radiation from smart meters; and that (3) in 67 studies, the current FCC maximum permitted exposure (MPE) limits were found so high that they provide no protection from biological effects.

30. In addition, a process known as dark microscopy now shows the adverse effects that smart meters produce on otherwise normal human blood. These studies show how after just two minutes exposure to radiation from a smart meter, three types of damage and degradation to blood cell walls become visible. Mycoplasma, the first type, creates a mutation in the cell walls that render them unaffected by antibiotics such as penicillin and can lead to digestive, heart, and neurological problems. The second type reveals a corrugation of the cell walls indicative of exposure to free radicals or oxidative damage. These free radicals and oxidation play an important role in aging and many degenerative disorders such as cancer, cardiovascular diseases, and Alzheimer's. The third type of degradation causes the cells to clump together, a condition called rouleaux. Here, the blood cells create chains that impede oxygen and oxygenation. This same condition is what is found in many cancer patients with poor oxygenation of their blood. The cell chains make it impossible for red blood cells to circulate and transport oxygen throughout the body. In addition, people with rouleaux are prone to infections and suffer from poor vitality and general health.

31. Children and young adults are more susceptible to the biohazards of electromagnetic radiation. Because their skull and scalps are thinner, radiation can

penetrate deeper into their brain. Their cells divide at a faster rate, which makes the impact of radiation much greater. Despite this, there have been no long-term studies on the effects of cell phone usage among children. However, according to the largest international study on cell phones and cancer released in 2010, participants, 30-59 years of age who used a cell phone for 10 years or more had doubled the rate of brain glioma (a malignant brain tumor). Most important, from an epidemiological perspective, proliferation of cell phones amidst the public did not begin until 1989, when Motorola introduced the Micro TAC launching the consumer segment of cellphone use.⁹ The Cellular Telecommunications Industry Association now reports the cellular business as having grown increasingly from a \$3 million market to close to a \$30 billion per year industry with over 60 million users during a period of just 25 years.¹⁰ Epidemiological studies require long-term follow up examinations and assessments of a population that span over years or decades. The 25 years during which cell phone use has grown exponentially is clearly insufficient.¹¹

32. It should be incontrovertible that companies and industries still using this self-serving nonthermal radiation argument are only doing so to expediently assuage public concern, confuse the issue, and shirk liability. They regurgitate current FCC guidelines (not standards) from 1996 that, according to the EPA, are outdated and woefully inadequate to protect anyone. Since guidelines are like having a speed limit and no police, they use these outdated guidelines to claim that cellular and cordless telephones, wireless routers, microwave ovens, Wi-Fi, and wireless smart meters are safe because they only produce non-thermal forms of radiation. They never mention how the FCC admits that "there is no federally developed national standard for safe levels of exposure to radiofrequency (RF)

⁹ The History of the Mobile Phone. [(accessed 8/16/2015)]. Available online: <https://www.washingtonpost.com/news/the-switch/wp/2014/09/09/the-history-of-the-mobile-phone/>

¹⁰ The FCC Kids Zone - History of Cell Phones. [(accessed 8/16/2015)]. Available online: https://transition.fcc.gov/cgb/kidszone/history_cellphone.html

¹¹ French Law Informs, Protects Cell Phone Users. [(accessed 8/16/2015)]. Available online: <http://www.ewg.org/enviroblog/2010/12/french-law-informs-protects-cell-phone-users>

energy.” Or, that N.J.S.A. 52:14B-22 requires only that State agencies to consider applicable federal "standards" (not guidelines) when creating or amending their regulations. Besides, considering the past dismissal of claims regarding tobacco, asbestos and first responders to Ground Zero, to name a few, the practice of interested industries in denying causal links between their products and adverse health effects has been well established.

33. Hence, it is clearly in the public interest for the BPU to adequately determine whether these grossly outdated federal "guidelines" sufficiently protect the health, safety and welfare of New Jersey citizens.

POINT 4

THE REASON FOR CONFLICTING STUDIES ON NON-THERMAL ELECTROMAGNETIC RADIATION

34. In a published 2007 study conducted by Dr. Henry Lai, of the University of Washington to determine the impact funding sources have on studies that report on the health effects of mobile phones, researchers found that results depended on who funded the study. This study revealed that, almost invariably, studies funded by the telecommunication industry show that there is “no effect” on health from non-ionizing electromagnetic radiation. On the other hand, non-industry funded studies showed the opposite; demonstrating adverse health effects on the public caused by electromagnetic radiation. In summary, the report concluded that, in the 271 studies done in recent years, 75% of the non-industry funded studies have shown adverse biological effects in cells when exposed to radio frequency radiation. Conversely, only 25% of the industry funded studies have shown similar biological effects. In other words, to assure that the results of a study are not biased, it is imperative to examine who funded the study. Not surprisingly, after Dr. Lai's findings were published, many from the telecommunications industry attempted to discredit him and to suppress his findings.

35. Cell phone, as well as smart meter proponents continue funding their own research to confuse the subject and mitigate findings such as Dr. Lai's, making it difficult for people to resolve the many conflicting findings and get a clear picture of the human health risks associated with dangerous levels of electromagnetic radiation. For example, Lawrence Berkeley National Laboratory (LBNL), a U.S. Department of Energy (DOE) national laboratory, received \$875,000 funding for "Smart" Grid Technology and another \$800,000 for technical assistance to the "Smart" Grid investment grant program. Accordingly, even people determined to find information on the topic of electromagnetic radiation and human health, are inundated with the overwhelming number of studies favoring the industry. These studies in no way reflect the reality of harms caused by electromagnetic radiation. They provide only whitewashing, self-serving messages and redacted studies from embedded or pressured researchers reporting "conclusions" like, research shows no convincing evidence; there was inconsistent evidence, or we found no risk. Studies like these are clearly not impartial and relying on them is like relying on an organization of child molesters to develop and operate child care centers.

POINT 5

THE E-CODER SMART METER IS NOT UL APPROVED AND MAY INVALIDATE HOMEOWNER INSURANCE

36. Traditionally, Underwriters' Laboratories Certification (UL) has provided consumers of electrical and electronic equipment with a confidence that such devices have been tested to minimize safety hazards. Every electrical device in a home must meet the electric code and have a UL certification. Because smart meters, are not consumer devices and are installed and accessed only by utility company personnel, they do not fit the typical application for UL Certification. Many insurance policies require that any electric devices installed on your home must be approved by Underwriters Laboratories (UL). Consequently, many insurance policies will be invalidated if you have electric devices

installed on your home that are not UL approved. The E-Coder and other smart meters being installed around the U.S. are not UL approved. Additionally, the the lithium battery used in Respondent's smart meter contains highly reactive chemicals that react at elevated temperatures and can catch fire. The installation of these meters near gas lines is a potential safety and fire hazard for home owners.

37. Therefore for anyone who has a home fire caused by a smart meter, a homeowner's insurance company may not be liable to pay damages because the homeowner had an unapproved device, the smart meter, attached to their home.

POINT 6

THE E-CODER SMART METER VIOLATES THE RIGHT TO PRIVACY

38. In Kyllo v. United States, 533 U.S. 27 (2001), the Supreme Court held that police could not use infrared scanning of a home without first obtaining a search warrant. The use of infrared technology was held to constitute an illegal search of a home even though there was no physical intrusion into the home at the time. The Kyllo case relied upon a principle established in the earlier case of *Katz v. United States* (decided 1967) involving the wiretapping of a phone booth. There, the Supreme Court held that the Fourth Amendment applies even to searches conducted without physical intrusion. The court's reasoning was that the infrared scanning devices were not in general use by the public (like AMR smart meters).

39. By measuring water consumption every 14 seconds, the E-Coder records and stores details on when and how often you flush your toilet, take a shower, and when you're likely to not be home. In addition, the R900 MIU functionality that is integrated with the E-Coder collects and transmits this personal information for up to 96 days. I am

certain that during any of the public meetings Mr. Scheibner held when pitching these smart meters that he never mentioned how the new meters would be recording consumption as it happens, every hour on the hour. Or, that using any of several software programs, Ridgewood Water would be using this data to generate graphic charts that reveal a home owner's hourly water-usage information. These unnecessary details provide you with private and personal information far beyond the scope of what is needed for billing purposes. Contrast this with an analog water meter which only reports usage in the aggregate. Analog water meters are more than sufficient for billing purposes. Collecting private and personal information now enables Respondent to pass it along to government agencies or even sell it to private third parties. This electronic invasion into people's homes is violative of N.J.S.A. 2A:156A-1 which protects against violations of these Fourth Amendment rights by preventing government intrusion by electronic means into privacy of a person's home. State v. Barber, 169 N.J. Super. 26 (L.1979). And, although public utilities are generally not "state actors" for purposes of the 4th Amendment, the state action doctrine determines when the appropriate conditions arise to invoke Constitutional and Civil Rights violations against nongovernmental bodies. State v. Schmid, 84 N.J. 535, 544 (1980).

40. The expectation of privacy in the home is deeply rooted in common law. Hence, as argued by Kyllo's attorney, Kenneth Lerner, in his court papers: "Technology that exploits invisible, sub-sensory phenomena ultimately fails to respect the traditional boundaries of society, and therefore leaves the population defenseless against such surveillance."

POINT 7

RESPONDENT DOES NOT HAVE AN ABSOLUTE RIGHT OF "ACCESS TO A CUSTOMER'S PREMISES" PURSUANT TO N.J.A.C. 14:3-3.6

41. Current law obligates utilities to serve the public interest by, primarily, providing safe, adequate, and proper service at fair and reasonable rates. Board of Pub. Utils. v. Valley Rd. Sewerage Co. (In re Valley Rd. Sewerage Co.), 154 N.J. 224, 1998 N.J. LEXIS 576 (1998). Under N.J.S.A. 48:2-21, the legislature entrusted the BPU with the responsibility of assuring that utilities fulfilled that obligation. However, if any regulation contravenes a statute then it will have no force, and the statute will control. Terry v. Harris, 175 N.J. Super. 482 (Law Div. 1980). R. 2:2-3(a)(2) also provides that persons wishing to challenge an agency rule may appeal to the Appellate Division.

42. In this case, Respondent's right of reasonable access to our home pursuant to N.J.A.C. 14:3-3.6(a) is not an absolute right but a conditional right. Surely, N.J.A.C. 14:3-4.8 cannot, under any theory of law, be construed to permit a utility company to replace a meter with a harmful device. It would be unconscionable to subordinate the health, safety, privacy, and property rights of home owners to a utility's interest over a \$300 meter.

43. Whatever property interest Respondent has in its meter must still be subject to inquiry and a determination of the limits of that right.

POINT 8

RESPONDENT'S ACTIONS VIOLATE 42 U.S.C.A. §§ 1983, 12101, 12132

44. In addition to the reasons above, my request to enjoin Respondent from installing a smart meter in our home is based on my disability.

45. As disclosed in my informal complaint of July 28, 2015, I have a visual impairment disability and am blind in my left eye. My vision loss is a result of trauma that

occurred sometime around 1965. My loss of vision is permanent and no medical or surgical procedures can correct it. Because of the damage to the pupil and drainage system in my left eye, the intra-ocular pressure increased, damaging the optic nerve and leading to glaucoma. Monocularity forces me to turn my head more often and quickly in the direction of my good eye. Nevertheless, there are always areas over my shoulder that I cannot see. Any maneuvering into my blind side is always a problem. While driving in the daylight, I worry about accidents. I know that my ability to heed signs, signals or react to hazards is limited. Studies also show that "nationwide, monocular individuals have seven times more accidents than the general population with which they were compared." Whether in a car or afoot, my need for more head movement is increased whenever there are people present. When in public, people often interpret my frequent head movement as confusion. I tend to bump into things that appear on my blind side, and cannot see things that approach me from my left side. I regularly experience severe eye pain. This pain occurs frequently throughout the week and for several hours of the day. Because I only have one functional eye, I have no depth perception and poor visual acuity. My visual impairments create problems when performing many visual tasks. I have a weakened ability to sustain focus during near-work such as reading and writing. I refrain from night-driving because my poor vision reduces my night vision. Consequently, my visits to my ophthalmologists have primarily focused on preserving the health of my good eye. My physicians have all stressed the need for me to wear eye protection and to safeguard my good eye. They have prescribed impact-resistant polycarbonate lenses and advised me to restrict my activities to those eliminating the risk of eye injury. *see Exhibit 7.*

46. Furthermore, as mentioned in my July 28, 2015 complaint, in 2004, my wife and I set up an office space in our home which included a rack containing our modem, switches, and an internet wireless router. Near this same time, I began noticing an increase in the number of headaches I experienced. I never turned off the router because, like most

people, I never thought that the level of electromagnetic radiation from a wireless router could be dangerous to my health. Instead, I believed that great technocratic lie that wireless devices are “totally safe”. Between 2004 and 2013 my headaches became worse. I would wake up with a headache. During the day I felt fatigued and found concentrating increasingly difficult. I would sometimes spend entire days in pain and unable to do anything. Not connecting the dots, I continued leaving the router on during the night. I started noticing problems in my right eye that included pain, flashing lights, and floaters. I started experiencing trembling of my eyelids. Around 2008 I was diagnosed as having a severe vitreous syneresis in my right eye. On February 6, 2013, I visited my doctor because of my difficulty concentrating and was diagnosed with a cognitive disorder; severe attention deficit hyperactivity disorder (ADHD.) In August 2013, I was diagnosed with a cataract in my only seeing eye. Horrified, I started researching the causes of cataracts. Through careful listening and painstaking review of independent research, I learned that what is put out as public information is actually propaganda and public manipulation. I learned how studies have shown that non-ionizing radiation has been linked with fetal abnormalities, inflammation of organs, headache and fatigue. And, of special interest to me, I discovered that the human eye is the organ most affected by non-ionizing radiation. I learned that the dissipation of non-ionizing radiation leads to faster degeneration or damage of the eye.¹² In technical terms:

Whereas the ionizing radiation primarily will affect the germinal epithelium in the lens equator, changing the mitotic rate and affecting fibre formation, the nonionizing radiation results in a temperature increase. This in itself will result in a coagulation of proteins as well as an alteration in epithelial cell metabolism and function. The acute temperature change caused by infrared radiation is attributed to heat transportation from the iris pigment, where the radiation is absorbed, to the part of the lens capsule covered by the iris, with a thickening of the capsule as well as true exfoliation as a result. A more chronic exposure will lead to changes in the

¹² See Grandolfo, M. Biological Effects and Dosimetry of Nonionizing Radiation: Radiofrequency and Microwave Energies. New York: Published in Cooperation with NATO Scientific Affairs Division [by] Plenum, 1983. 489.

germinal epithelium, with the same result as after exposure to ionizing radiation.

47. Since the eye has no skin barrier to protect it, contains few blood vessels, and has less blood circulating through it, it is the organ most adversely affected by radio frequency microwaves. The non-ionizing radiation leads to damage or faster degeneration of the eye. Studies have shown cataracts occurring in both humans and animals because of non-ionizing radiation.¹³ Consequently, I immediately started eliminating as much electromagnetic radiation as I could. I disconnected our wireless router and any wireless devices we had. I ran Ethernet cables for internet access. I drastically reduced my cell phone use by turning it off completely and restricting its use only when necessary. What seemed like overnight, my headaches and symptoms disappeared.

48. Furthermore, all my doctors, have advised me to avoid all preventable risks of further harm to my eyesight. In particular, Aly Cohen, MD, FACR, FABOIM has urged that I control my environment by avoiding a smart meter on my property. Dr. Cohen is concerned that having a smart meter on my property will result in further deterioration of my remaining vision.¹⁴

49. In summary, the ADA generally prohibits discrimination on the basis of disability. It is predicated on findings that "discrimination against individuals with disabilities persists in such critical areas as employment, housing, public accommodations, education, transportation, communication, recreation, institutionalization, health services, voting, and access to public services,"¹⁰ and it is intended to "provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities." 42 U.S.C. § 12101(a)(3); 42 U.S.C. § 12101(b)(1). For the above reasons, I am a qualified individual with disabilities under federal and state law. My

¹³ *Ibid.*

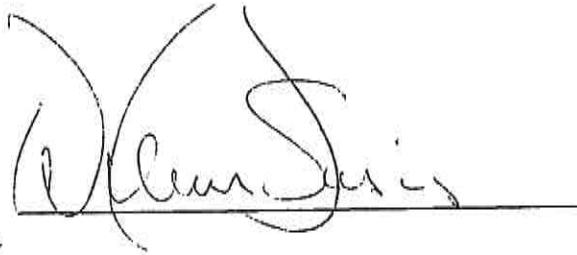
¹⁴ See August 14, 2015 letter from Aly Cohen, MD, FACR, FABOIM, attached hereto as Exhibit 7.

disabilities have substantially limited the quality of my life. Yet, Respondent is demanding the "right" to further harm me by installing a radio frequency microwave emitting smart meter inside my home or on my property for \$2,351.00. Respondent's actions are discriminatory under 42 U.S.C.A. § 12132 and violate 42 U.S.C.A. § 1983.

WHEREFORE, Petitioner respectfully requests that the Board of Public Utilities find, determine and rule as follows:

1. That Respondent's actions are unjust and unreasonable;
2. Enjoining Respondent from installing a smart meter on Petitioner's property;
3. Enjoining Respondent from discontinuing water service to Petitioner's property for refusing a smart meter;
4. Granting such other relief as the Board deems just, reasonable and necessary.
- 5.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William N. Sosis", is written over a horizontal line.

By:

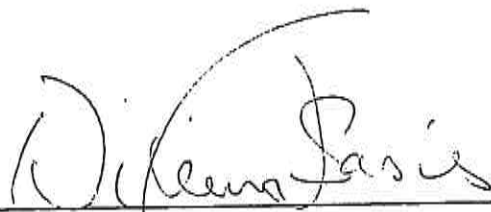
WILLIAM N. SOSIS, PMP, BS, MS, JD
PETITIONER

Dated: August 20, 2015

VERIFICATION

I, WILLIAM N. SOSIS, of full age, upon my oath, depose and say:

1. I am attorney at law admitted to practice and in good standing in the State of New Jersey.
2. I am the Petitioner in the foregoing Petition.
3. I am making this Petition upon my personal knowledge and in support of my request for injunctive and other relief against Respondent.



William N. Sosis, Esq.

Dated: August 20, 2015



Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey
BOARD OF PUBLIC UTILITIES
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.state.nj.gov/bpu/

Irene Kim Asbury
Secretary to the Board
Tel. # [REDACTED]

September 11, 2015

David Scheibner
Business Manager
Ridgewood Water Company
131 North Maple Avenue
Ridgewood, NJ 07451
dscheibner@ridgewoodnj.net

Re: In the Matter of the Petition of William N. Sosis For a Review of
Compliant No. W#44-15 and Injunctive Relieve Against Ridgewood Water Company,
Respondent Settlement Offer - Docket No. WC15080975

Dear Mr. Scheibner:

Staff has been advised by legal counsel that the offer of settlement must be made directly by Ridgewood Water Company ("Respondent") to Mr. Sosis ("Petitioner"). The Board's Office of the Secretary should be copied on this and all other correspondence.

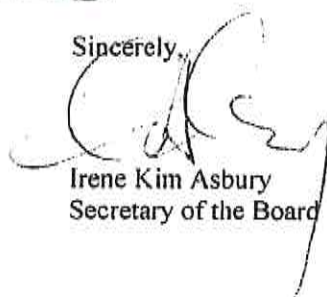
Also, the Company still needs to file an Answer to the Petition in accordance with N.J.A.C. 14:1-6.2.

Mr. Sosis can be reached at:

William N. Sosis, Esq.
80 Franklin Ave.
Midland Park, NJ 07432

[REDACTED]
william.n.sosis@midlandparknj.net
[REDACTED]

Sincerely,


Irene Kim Asbury
Secretary of the Board

/ac



131 North Maple Avenue, Ridgewood, NJ 07451 • Tel: [REDACTED] • Fax: [REDACTED]

September 14, 2015

New Jersey Board of Public Utilities
44 South Clinton Avenue 9th Floor
Post Office Box 350
Trenton, New Jersey 08625-0350

Re: Docket No. WC15080975

Attachments: First Notice, Final Notice, Yellow tag, Response Letter, Red Tag, Proposed Pit Location.

This letter is written in response to the petition submitted by William N. Sosis (Petitioner) to the New Jersey Board of Public Utilities (NJBPU) objecting to the installation of a new water meter for his property at 80 Franklin Avenue, Midland Park, New Jersey. I, David Scheibner, Business Manager for Ridgewood Water, a Department of the Village of Ridgewood (Village) will respond to each part of the petition below.

I. Petitioner

The customer of record at 80 Franklin Avenue, Midland Park, New Jersey was Wm Nieves until July 31, 2015. Kenneth Welsh of the NJBPU forwarded to the Village on that date an email sent to him from William N. Sosis stating that he had legally changed his name from William Nieves to William N. Sosis as of July 29, 2013. This information establishes William N. Sosis's ownership of the premises at 80 Franklin Avenue, Midland Park to the satisfaction of the Village.

II. Background and Procedural History

The narrative presented by the petitioner has errors of fact, omissions, and irrelevant information. The essential facts of the case are:

- 1) The Petitioner failed to provide reasonable access the water meter at the above address in violation of N.J.A.C 14:3-3.6 (a),
- 2) Said water meter was last read by the Village on June 8, 2011.
- 3) The Village met or exceeded the requirements in N.J.A.C 14:3-3A.1 (a) 5i. for notice of its actions in this case, and
- 4) The Petitioner suffered no harm or interruption of water service as a result of any actions

Point 8.

The Americans with Disabilities Act (ADA) provides for equal access in public places and equal opportunities for employment and other activities. The only relevance of the ADA in this case is that the meter type used by the Village is more easily read by a disabled meter reader than a manual analog meter.

Verification.

No comments.

The Village denies in full the allegations the Petitioner makes regarding the water meter's negative impact on his physical health and privacy. The Petitioner has not provided evidence of a causal relationship between the water meters used by the Village and the health of the Petitioner with a reasonable degree of medical certainty. The Village does not challenge the sincerity of the Petitioner's beliefs, however, and has previously presented to him an alternative that mitigates many of his concerns while preserving the Village's operational efficiency. The alternative offered is to relocate the meter installation from the interior of his home to a pit setting located in the public right-of-way in front of his home, a distance of approximately fifty feet from the structure of the home. The charge for materials and labor to effect this change is \$2,351.00. It would be inappropriate for the Village to absorb the cost of the alteration because, being a municipal utility, this cost would effectively and unfairly be borne by the other ratepayers. The Village has offered to allow the charges to be amortized over a three year period.

Sincerely,

A handwritten signature in cursive script, appearing to read "David Scheibner".

David Scheibner
Business Manager

cc: William N. Sosis
Richard Calbi, Jr., P.E., P.P.
Matthew S. Rogers

FINAL NOTICE
RIDGEWOOD WATER
WATER METER REPLACEMENT PROGRAM

Several weeks ago Ridgewood MUA sent you a notice of the Water Meter Replacement Program that is currently underway. The meter at your home or business must be changed in order to be compatible with the drive-by reading system currently in use. There is no cost to you for this work.

As of the date this notice was sent we have not heard back from you. It is important that you contact the Village's Water Meter Replacement Program Manager, LENEGAN Plumbing & Heating at the telephone number or web address listed below to set up an appointment for the meter replacement work as soon as possible. Access to the meter in your residence or business is required. Appointments are available Monday through Friday 9 AM to 6 PM and Saturday 8 AM to 4 PM. The meter installer will have an identification badge that is approved by the Village of Ridgewood. It takes about 15-20 minutes to change the meter. Please be sure that your water meter is accessible prior to the scheduled installation date and time.

Call the Toll Free number listed below to schedule your appointment or if you have any questions concerning the Meter Replacement Program.


Book Online at:
www.OCNJPlumber.com
ZONE C

TO AVOID POSSIBLE INTERRUPTION OF SERVICE

METER REPLACEMENT IS MANDATORY BY:

FEBRUARY 15, 2015



131 North Maple Avenue, Ridgewood, NJ 07451 • Tel: [REDACTED] • Fax: [REDACTED]

July 21, 2015

William N. Sosis
80 Franklin Avenue
Midland Park, NJ 07432

Mr. Sosis:

The water supply account for your address is currently in the name of Wm Nieves. Tax rolls indicate that the property is owned by William and Beth S. Nieves. Please provide documentation to confirm that you are the owner or co-owner of this property. By law, Ridgewood Water's service relationship is solely with the owner of the property. The rest of this letter is based on the assumption that this documentation will be provided.

A Ridgewood Water technician was at 80 Franklin Avenue, Midland Park on July 17, 2015 to change the water meter. Access to the meter was denied. After being refused admittance, the technician handed you a notice stating that we had attempted to gain access to the premises for the purpose of changing the meter without success and that admittance would be required or water service would be suspended. You then destroyed the notice.

It is my understanding that you believe that the meter we intend to install is dangerous. Ridgewood Water strongly disagrees but you may have the new meter installed in a meter pit located in the public right of way instead of the current meter location inside your house. If you choose that option, the cost of the pit installation is added to your water bill and can be amortized over three years. The utility will still need to enter the premises to remove the old meter, take a final reading from it, and reconfigure the plumbing at the interior meter site.

If you elect to have the new meter installed inside the house, the meter will be installed when you provide access. If you choose to have the new meter installed at the curb in a pit setting, we will read the meter when you provide access and install the pit and new meter within two weeks. If you do not provide access to the meter by July 27, water service will be suspended.

Sincerely,

David Scheibner, Business Manager

cc: Richard Calbi, Jr., P.E., P.P., Director of Operations
Justin Popek, Management Assistant

lin Ave





Serving Glen Rock, Midland Park, Ridgewood and Wyckoff

131 North Maple Avenue, Ridgewood, NJ 07451 • Tel: [REDACTED] • Fax: [REDACTED]

October 2, 2015

Irene Kim Asbury
Secretary to the Board
State of New Jersey Board of Public Utilities
44 South Clinton Avenue 9th Floor
Post Office Box 350
Trenton, New Jersey 08625-0350

Re: William N. Sosis
vs. Ridgewood Water
Docket No. WC15080975

Ms. Asbury:

Ridgewood Water, a Department of the Village of Ridgewood, is represented by Matthew S. Rogers, Esq. in the above referenced matter.

Sincerely,

David Scheibner
Business Manager

cc: Richard Calbi, Jr., Director of Operations
Matthew S. Rogers, Esq.

William Sonis

US

RIDGEWOOD WATER CO.

RIDGEWOOD WATER DEPT.

D.K.M.O. PUC

15788-2015

Agency Ref No: WC-15080975

This matter being come before
the Honorable Judge Karaszewski, A.C.J.
on a prehearing conference on March
14, 2016, with both petitioners and
respondent appearing, and the
court having discussed their merits
and the positions of the parties,
and the parties having mutually
agreed upon a resolution in
accordance w/ the following terms
stated below, it is on this

16th day of March, 2016 hereby
settled as follows:

① The Water Department will install
at no charge, an "analog" meter
in the petitioners home; and

② The petitioner will provide readings
quarterly, ~~on~~ or about March 1,
June 1, September 1, and December
1; of each year; and

③ ~~Readings~~ The Water Department
is permitted access on or about
March 1 of every year to perform
a reading of the water meter;

④ Petitioners will be charged an
annual service fee of forty five
(\$45.00) dollars for the ^{reading} service
and separate billing of petitioners

meter; and

(5) Water Department employee, Pascal Venuega, will not be sent by

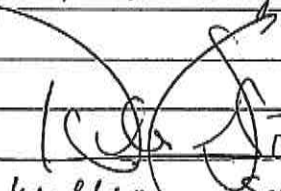
the Water Department to perform
the annual water read of the ^{on the water meter} ~~meter~~

~~Water Department~~ pit to houses meter.

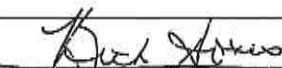
(6) This settlement resolves all cross

~~problems~~ known at this time ~~and~~

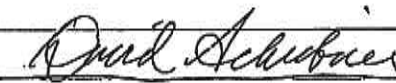
~~not brought up~~ between the parties


William Sosio

3/16/2016
DATE


Beth Sosio

March 16, 2016
DATE


David Schickner

March 16, 2016
DATE

Fax Transmission

To: METER READING (Ridgewood Water)

From: William N. Sosis, Esq.

Fax: [REDACTED]

Date: 6/3/2016 7:06:33 AM PDT

RE: Meter Reading 6/3/2016 10:02:58 AM

Pages: 2

Comments:

WILLIAM & BETH SOSIS
80 FRANKLIN AVENUE
MIDLAND PARK, NJ 07432

DATE: 6/3/2016 10:02:58 AM

METER READING: 1,749.9 GALLONS

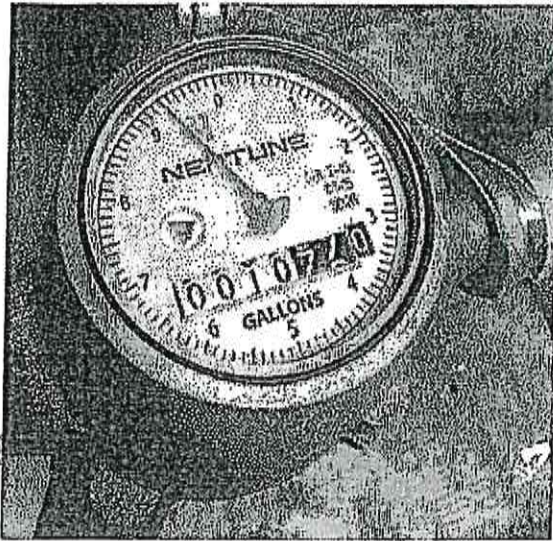
Customer Service Department: [REDACTED]

Fax: [REDACTED]

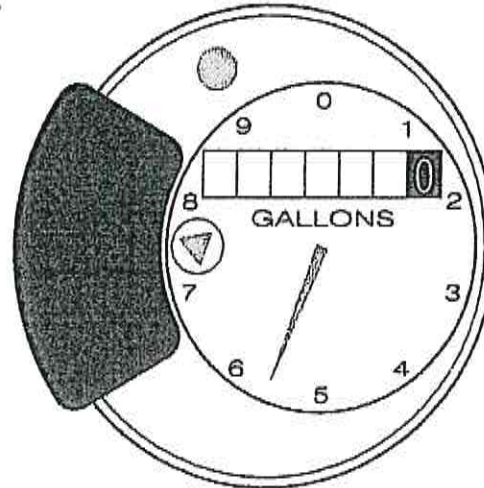
Email: meterreading@ridgewoodnj.net

ACCOUNT NUMBER: 213058-1

Take this sheet to the water meter in your home or business. Meters are usually located in the basement at the wall nearest the street. Fill in the blank spaces on the register diagram with the numbers as they appear on the meter.



Typical Water Meter



Register Diagram

Name: WILLIAM & BETH SOSISAddress: 80 FRANKLIN AVENUE, MIDLAND PARK, NJ 07432Account Number: 213058-1 Date: 9/2/2016 8:46:39 PM

METER READING: 10,779.3 GALLONS

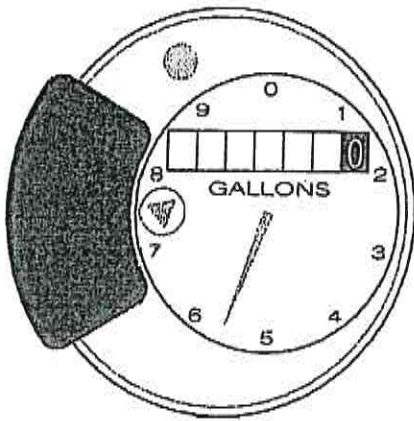
Report the reading to Ridgewood Water in one of the following ways:

1. Call our Customer Service Department at [REDACTED]. A representative will take the reading from you.
2. Fax this page to Ridgewood Water at [REDACTED]. Be sure to fill in the reading in the register diagram, and your address, account number, and date of reading in the appropriate blanks above.
3. Go to Ridgewood Water's website at water.ridgewoodnj.net and follow the instructions for submitting a meter reading.
4. Send an email to meterreading@ridgewoodnj.net. Use your account number as the subject line. The message should include the meter reading (including the fixed zero in black above), your address, and the date you read the meter.

If your meter looks different from that shown above, call our Customer Service Department at [REDACTED] for instructions.

METER READING FOR ACCOUNT #213058-1

Take this sheet to the water meter in your home or business. Meters are usually located in the basement at the wall nearest the street. Fill in the blank spaces on the register diagram with the numbers as they appear on the meter.



Register Diagram

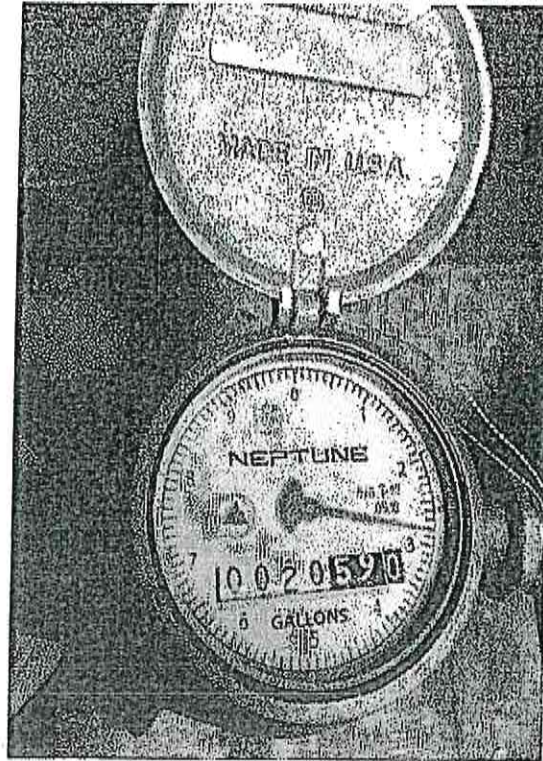
WILLIAM & BETH SOSIS
80 FRANKLIN AVENUE
MIDLAND PARK, NJ 07432

DATE: 12/05/2016

TIME: 12:24:47 PM

ACCOUNT NUMBER: 213058-1

METER READING: 20,592.8 GALLONS



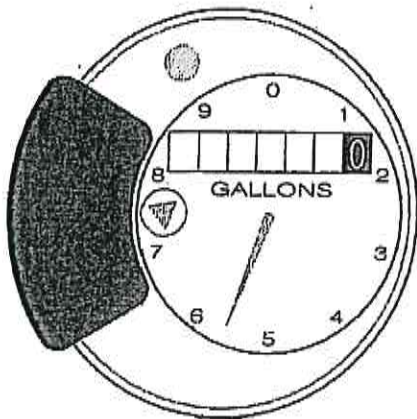
Report the reading to Ridgewood Water in one of the following ways:

1. Call our Customer Service Department at [REDACTED]. A representative will take the reading from you.
2. Fax this page to Ridgewood Water at [REDACTED]. Be sure to fill in the reading in the register diagram, and your address, account number, and date of reading in the appropriate blanks above.
3. Go to Ridgewood Water's website at water.ridgewoodnj.net and follow the instructions for submitting a meter reading.
4. Send an email to meterreading@ridgewoodnj.net. Use your account number as the subject line. The message should include the meter reading (including the fixed zero in black above), your address, and the date you read the meter.

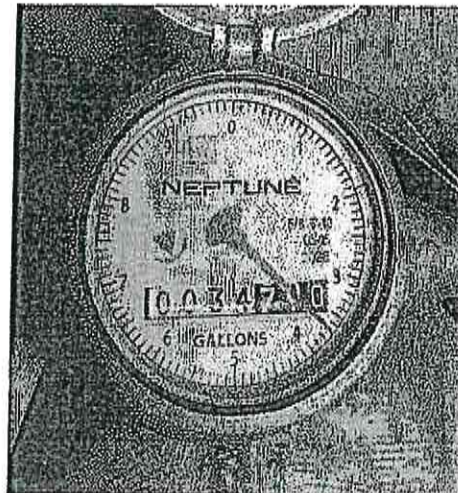
If your meter looks different from that shown above, call our Customer Service Department at [REDACTED] for instructions.

METER READING FOR ACCOUNT #213058-1

Take this sheet to the water meter in your home or business. Meters are usually located in the basement at the wall nearest the street. Fill in the blank spaces on the register diagram with the numbers as they appear on the meter.



Register Diagram



WILLIAM & BETH SOSIS
80 FRANKLIN AVENUE
MIDLAND PARK, NJ 07432

DATE: 06/02/2017

TIME: 11:00:00 AM

ACCOUNT NUMBER: 213058-1

METER READING: 34,703.7 GALLONS

Report the reading to Ridgewood Water in one of the following ways:

1. Call our Customer Service Department at [REDACTED]. A representative will take the reading from you.
2. Fax this page to Ridgewood Water at [REDACTED]. Be sure to fill in the reading in the register diagram, and your address, account number, and date of reading in the appropriate blanks above.
3. Go to Ridgewood Water's website at water.ridgewoodnj.net and follow the instructions for submitting a meter reading.
4. Send an email to meterreading@ridgewoodnj.net. Use your account number as the subject line. The message should include the meter reading (including the fixed zero in black above), your address, and the date you read the meter.

If your meter looks different from that shown above, call our Customer Service Department at [REDACTED] for instructions.

Fax Transmission

To: METER READING (Ridgewood Water)

From: William N. Sosis, Esq.

Fax: [REDACTED]

Date: 6/5/2018 5:02:52 AM PDT

RE: METER READING FOR ACCOUNT #213058-1

Pages: 1

Comments:

METER READING FOR ACCOUNT #213058-1

DATE: 6/5/2018

TIME: 7:46:56 AM

METER READING: 69,989.2 GALLONS

DELIVER TO: METER READING (Ridgewood Water); Customer Service Department: [REDACTED]

FAX: [REDACTED]

EMAIL: meterreading@ridgewoodnj.net

SENT FROM: William & Beth Sosis

Subject: Meter Reading for Account 213058-1

ADDRESS: 80 FRANKLIN AVENUE, MIDLAND PARK, NJ 07432, Tel: [REDACTED] Fax: [REDACTED]

Fax Transmission

To: Meter Reading - Ridgewood Water

From: William N. Sosis, Esq.

Fax: [REDACTED]

Date: 9/4/2018 5:31:55 AM PDT

RE: Meter Reading for Account 213058-1

Pages: 1

Comments:

METER READING FOR ACCOUNT #213058-1

WILLIAM & BETH SOSIS
80 Franklin Avenue
Midland Park, Nj 07432
Date: 9/4/2018
Time: 8:27:34 AM

ACCOUNT NUMBER: 213058-1

METER READING: 79,035.9 GALLONS

Fax Transmission

To: Meter Reading - Ridgewood Water

From: William N. Sosis, Esq.

Fax: [REDACTED]

Date: 12/2/2018 3:19:12 PM PST

RE: METER READING FOR ACCOUNT #213058-1

Pages: 1

Comments:

METER READING FOR ACCOUNT #213058-1

DATE: 12/2/2018

TIME: 6:03:45 PM

METER READING: 87,320.5 GALLONS

SENT BY:

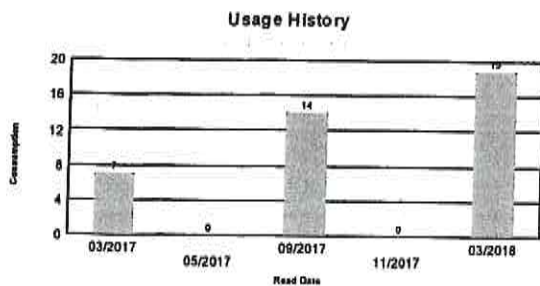
William & Beth Sosis

80 FRANKLIN AVENUE

MIDLAND PARK, NJ 07432

Tel: [REDACTED]

Fax: [REDACTED]



Billing Date	03/11/2018
Account Number	213058-1
Previous Balance	-247.80
Payments Through 03/11/2018	0.00
Interest	0.00
Adjustments	0.00
Balance Forward	-247.80
New Charges	114.68
NO PAYMENT DUE	\$-133.12

Service To: **WILLIAM N SOSIS**

Service Address: 80 FRANKLIN AVE MIDLAND PARK NJ

Meter Number	Meter Size	Service		Days	Meter Reading		Consumption	Reading Type	Next Read Date
		From	To		Previous Read	Present Read			
69467931	5/8	11/27/2017	03/02/2018	95	41	60	19	Actual Read	
WATER CHARGES									89.11
FACILITIES CHARGE									25.57
TOTAL NEW CHARGES:									114.68

SEE REVERSE SIDE FOR IMPORTANT ACCOUNT INFORMATION.

IMPORTANT MESSAGES

Current charges are due by 04/10/2018.

For more information please call [REDACTED] or visit water.ridgewoodnj.net.

PLEASE DETACH HERE AND RETURN THE BOTTOM PORTION WITH YOUR PAYMENT IN THE RETURN ENVELOPE PROVIDED.

Ridgewood Water
Customer Service Center
131 N Maple Ave
Ridgewood, NJ 07451

Service Address: **80 FRANKLIN AVE**
MIDLAND PARK NJ

☐ Please check this box if you have made any changes to the information on the reverse side.

Account Number	213058-1
Balance Forward	-247.80
New Charges	114.68
NO PAYMENT DUE	\$-133.12

WILLIAM N SOSIS
80 FRANKLIN AVE
MIDLAND PARK NJ 07432-1918

Ridgewood Water
PO Box 1304
Brattleboro VT 05302-1304

0002130580100000000000

Fax Transmission

To: Meter Reading - Ridgewood Water

From: William N. Sosis, Esq.

Fax: [REDACTED]

Date: 3/5/2019 9:28:38 AM PST

RE: METER READING FOR ACCOUNT #213058-1

Pages: 2

Comments:

METER READING FOR ACCOUNT #213058-1

WILLIAM & BETH SOSIS
80 FRANKLIN AVENUE
MIDLAND PARK, NJ 07432
DATE: 03/05/2019
TIME: 12:24:47 PM
ACCOUNT NUMBER: 213058-1
METER READING: 96,650.9 GALLONS

Fax Transmission

To: Meter Reading - Ridgewood Water

From: William N. Sosis, Esq.

Fax: [REDACTED]

Date: 6/6/2019 2:56:02 PM PDT

RE: METER READING FOR ACCOUNT #213058-1

Pages: 2

Comments:

SEE ATTACHMENT

METER READING FOR ACCOUNT #213058-1

Fax Number: 201-652-3692

Deliver to: METER READING (Ridgewood Water)

Sent From: William N. Sosis, Esq.

Fax Subject: Meter Reading for Account 213058-1

WILLIAM & BETH SOSIS
80 FRANKLIN AVENUE
MIDLAND PARK, NJ 07432

Tel: [REDACTED]

Fax: [REDACTED]

DATE: 06/06/2019

TIME: 5:40:47 PM

ACCOUNT NUMBER: 213058-1

METER READING: 106,330.03 GALLONS



Bill Sosis <william.n.sosis@[REDACTED]>

METER READING (ACCOUNT NUMBER: 213058-1)

1 message

Bill Sosis <william.n.sosis@[REDACTED]>
To: meterreading@ridgewoodnj.net

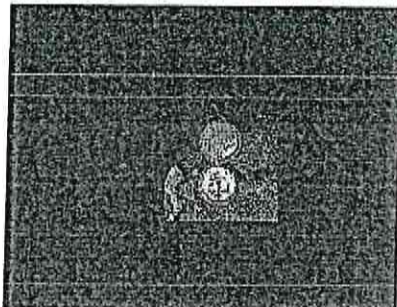
Fri, Sep 13, 2019 at 2:30 PM

ACCOUNT #213058-1

WILLIAM & BETH SOSIS
80 FRANKLIN AVENUE
MIDLAND PARK, NJ 07432
Tel: [REDACTED]
Fax: [REDACTED]

DATE: 9/13/2019
TIME: 2:23:41 PM
ACCOUNT NUMBER: 213058-1

METER READING: 116,160.51 GALLONS



20190913-MeterReading2.jpg
231K

Fax Transmission

To: Ridgewood Water

From: William N. Sosis, Esq.

Fax: [REDACTED]

Date: 12/9/2019 10:40:24 AM PST

RE: METER READING (ACCOUNT NUMBER: 213058-1) Pages: 1

Comments:

METER READING (ACCOUNT NUMBER: 213058-1)

METER READING: 125,490.14 GALLONS

Fax Number: 201-652-3692
Deliver to: METER READING (Ridgewood Water)
Sent From: William N. Sosis, Esq.
Fax Subject: Meter Reading for Account 213058-1

WILLIAM & BETH SOSIS
80 FRANKLIN AVENUE
MIDLAND PARK, NJ 07432
Tel: [REDACTED]
Fax: [REDACTED]

DATE: 12/09/2019
TIME: 1:23:41 PM
ACCOUNT NUMBER: 213058-1

METER READING: 125,490.14 GALLONS

EXHIBIT 1

IMPORTANT 7/17/13
WATER NOTICE

Name WM NIEVES

Address 80 FRANKLIN AVE (MD)

Acct. # 213058-1

Our serviceman called today to:

☒ Replace Water Meter

☐ Repair Water Meter

☐ Read Water Meter

☐ Other

But found no one home.

Please call [REDACTED] Mon. - Fri.
8:30 am thru 4:30 pm. Failure to do so
could result in the discontinuance of
water service

Ridgewood Water
131 N. Maple Avenue
Ridgewood, NJ 07451
[REDACTED]



EXHIBIT 2



131 North Maple Avenue, Ridgewood, NJ 07451 • Tel: [REDACTED] • Fax: [REDACTED]

July 21, 2015

William N. Sosis
80 Franklin Avenue
Midland Park, NJ 07432

Mr. Sosis:

The water supply account for your address is currently in the name of Wm Nieves. Tax rolls indicate that the property is owned by William and Beth S. Nieves. Please provide documentation to confirm that you are the owner or co-owner of this property. By law, Ridgewood Water's service relationship is solely with the owner of the property. The rest of this letter is based on the assumption that this documentation will be provided.

A Ridgewood Water technician was at 80 Franklin Avenue, Midland Park on July 17, 2015 to change the water meter. Access to the meter was denied. After being refused admittance, the technician handed you a notice stating that we had attempted to gain access to the premises for the purpose of changing the meter without success and that admittance would be required or water service would be suspended. You then destroyed the notice.

It is my understanding that you believe that the meter we intend to install is dangerous. Ridgewood Water strongly disagrees but you may have the new meter installed in a meter pit located in the public right of way instead of the current meter location inside your house. If you choose that option, the cost of the pit installation is added to your water bill and can be amortized over three years. The utility will still need to enter the premises to remove the old meter, take a final reading from it, and reconfigure the plumbing at the interior meter site.

If you elect to have the new meter installed inside the house, the meter will be installed when you provide access. If you choose to have the new meter installed at the curb in a pit setting, we will read the meter when you provide access and install the pit and new meter within two weeks. If you do not provide access to the meter by July 27, water service will be suspended.

Sincerely,

David Scheibner, Business Manager

cc: Richard Calbi, Jr., P.E., P.P., Director of Operations
Justin Popek, Management Assistant

EXHIBIT 3

Printed: 07/29/2015
At: 17:06:26

MIDLAND PARK POLICE DEPARTMENT
280 GODWIN AVENUE
MIDLAND PARK, NJ 07432-
[REDACTED]

Page: 1

Entry/CC#: **MP-005300-15** Date: **07/27/2015** Time: **15:10** Tour: Desk Officer: **525**

Call Type.....: **ASSISTANCE** Priority...: How Received: **TELEPHONE**

Caller.....:
Bus. Name...:
Address.....:
City/St/Zip: Call Back #:

Location of Assignment: **80 FRANKLIN AVE, MIDLAND PARK**
Cross Street.....:
Business Name.....:
Description.....: **VERBAL DISPUTE WITH RIDGEWOOD WATER**
Disposition.....: **COMPLETED**

Post: Dispatched: **Y** Dispatched Date: **07/27/2015** Call Taker: **2022**

OFFICERS INVOLVED

Serial #:525 Rank:PTL Name:KENNETH J JUNTA
Serial #:502 Rank:PTL Name:MARK S BERNINGER

UNITS INVOLVED

Unit: 507 Officers: (525)
Disp. Time: 15:10 | Arv. Time: 15:15 | Comp Time: 15:25
Rcv'd to Comp: 0:15 :: Disp to Comp: 0:15

Unit: 1 Officers: (502)
Disp. Time: 15:10 | Arv. Time: 15:15 | Comp Time: 15:25
Rcv'd to Comp: 0:15 :: Disp to Comp: 0:15

ASSOCIATED NUMBERS

PERSONS INVOLVED

Name.....: [REDACTED] DOB: [REDACTED]
Address.....: [REDACTED]
City/State/Zip: [REDACTED] 07432-
Phone Number...:
Business Number...: (201) [REDACTED]
Sex.....: M Race:
Person Type...: ~~EMPLOYEE~~

Name.....: **SOSIS, WILLIAM N** DOB: **09/09/1956**
Address.....: **80 FRANKILN AVE**
City/State/Zip: **MIDLAND PARK, NJ 07432-**
Phone Number...:
Sex.....: M Race:
Person Type...: **COMPLAINANT**

Name.....: **SOSIS, BETH S** DOB: **02/16/1960**
Address.....: **80 FRANKLIN AVE (MP)**
City/State/Zip: **MIDLAND PARK, NJ 07432**

Phone Number...:()

Sex.....:F Race:UNK

Person Type...:INVOLVED

NARRATIVE

Caller requested police assistance. He stated Ridgewood Water is trespassing on his property. Stated it is an ongoing issue.

D02:07/27/2015 15:26 -Disp. Fenkart

*****OFFICER REPORT*****

UPON ARRIVAL I SPOKE WITH RIDGEWOOD WATER EMPLOYEE, ~~XXXXXXXXXX~~.

~~XXXXXXXXXX~~ STATES THAT HIS BOSS SENT HIM TO 80 FRANKLIN AVENUE TO DROP OFF A FINAL NOTICE REGARDING THE WATER METER ON THE PROPERTY. HE INFORMED ME THAT THE HOMEOWNERS HERE ARE REFUSING TO ALLOW RIDGEWOOD WATER TO CHANGE THE WATER METER TO A "RADIO METER" SO THE READING CAN BE TAKEN WITHOUT ENTERING THE HOME. HE STATED THAT AS HE WAS ATTEMPTING TO GIVE THE NOTICE TO THE HOMEOWNER, MR. SOSIS BECAME IRATE AND BEGAN SCREAMING AT HIM.

I THEN ENTERED THE HOME AND SPOKE WITH WILLIAM AND BETH SOSIS. THEY INFORMED ME THAT THEY DO NOT WANT RIDGEWOOD WATER ON THEIR PROPERTY IN THE FUTURE. THEY HAVE BEEN RECEIVING LETTERS AND NOTICES REGARDING THE WATER METER. THEY INFORMED ME THAT MR. VERDUGA HAS BEEN ON THE PROPERTY BEFORE AND HAS BEEN TOLD NOT TO RETURN. THEY FEEL THAT THEY HAVE THE RIGHT TO NOT HAVE THE METER INSTALLED AS THERE ARE DOCUMENTED HEALTH CONCERNS RELATED TO THESE TYPES OF METERS.

MR. SOSIS WAS ADVISED TO SEEK SOME TYPE OF REMEDY IN THE COURTS.

I CALLED RIDGEWOOD WATER AND SPOKE TO A MANAGER, ~~XXXXXXXXXX~~ HE WAS ADVISED TO CONTACT THIS DEPARTMENT IF THERE ARE ANY FUTURE NOTICES THAT NEED TO BE SERVED TO THE SOSIS FAMILY. I INFORMED HIM THAT IT MAY PREVENT FURTHER ISSUES IF WE SERVE FUTURE PAPERWORK FOR THE WATER COMPANY. HE THEN INFORMED ME THAT RIDGEWOOD WATER WILL BE SHUTTING OFF WATER AT 80 FRANKLIN AVENUE ON WEDNESDAY IF THE HOMEOWNERS DO NOT ALLOW THEM TO CHANGE THE METER. I AGAIN ASKED IF THEY COULD NOTIFY THIS DEPARTMENT IF AND WHEN THAT OCCURS IN AN ATTEMPT TO PREVENT ANY ISSUES THAT MAY ARISE.

525:07/27/2015 15:49 - NFNN.

EXHIBIT 4

PLEASE
TURN OFF
WATER SUPPLY

Name _____

Address _____

City _____

State _____

Zip _____

There will be an additional \$80
Turn On Charge from 3:30-4:00
Mon-Fri. and \$160 for new those
hours or as weekdays.

Thank you in advance for
resolving this matter promptly.

Ridgewood Water
111 North Maple Street
Ridgewood, IL 60451
[Redacted]

EXHIBIT 5

William & Beth Sosis

WILLIAM N. SOSIS [REDACTED]

80 FRANKLIN AVENUE
MIDLAND PARK, NEW JERSEY 07432

TELEPHONE [REDACTED]
FAX [REDACTED]

July 28, 2015

Via Regular Mail & Fax [REDACTED]

New Jersey Board of Public Utilities
44 S. Clinton Avenue
Trenton, New Jersey 08625

RE: REQUEST FOR EMERGENT RELIEF FROM WATER SERVICE SHUT-OFF
RIDGEWOOD WATER, 131 North Maple Avenue, Ridgewood, NJ 07451

Dear BPU:

This letter seeks emergency relief from the Board of Public Utilities' (BPU) enjoining the Ridgewood Water Company's (utility) from discontinuing our residential water service at 80 Franklin Avenue, Midland Park, NJ 07432. Please note that discontinuance of our residential water service is scheduled for tomorrow, July 29, 2015. Our request for the BPU's intervention is made pursuant to N.J.A.C. 1:1-12.6 1:1-12.6, 14:3-3.6(d), 14:3-4.8(c), and for the reasons summarized below:

On February 5, 2015, I mailed the attached letter to utility regarding its installation of a Neptune E-Coder) R900i "smart meter" in my home. My letter detailed my concerns and the reasons why I do not regard a forcible installation of what I, along with a vast majority of other Americans, consider to be a harmful device, to be a lawful demand. The utility never replied to my letter. Over five months later, on July 17, 2015, a utility employee named "Paul" appeared insisting that he had to change the meter. I informed him of my February 5, 2015 letter to the utility and that, having provided notice, that he was defiantly trespassing on my property by parking his truck squarely in my driveway. He did not want to leave. I said that I would call the police if he did not leave. Before leaving, the utility employee handed me a notice of discontinuance of service. Immediately after the incident, I phoned Mr. David Scheibner, the utility's Business Manager. I asked why he had never replied to my February 5, 2015 letter, and, without notice, had sent an employee to defiantly trespass on our property and forcibly attempt to entry into our home. Mr. Scheibner said that he had sent a letter. When I said I never received a response he said that he simply disagreed but that he would not send out another technician but instead "take it to the next level." On July 24, 2015, I received the attached letter from Mr. Scheibner. His letter, dated July 21, 2015, that our water service would be discontinued on July 27, 2015 if we did not permit the utility's employee to enter our home and replace the meter.

Yesterday, on July 27, 2015, the utility sent the same employee to our home. Again, instead of parking on the street, the employee parked his truck on our driveway. He insisted on replacing the meter. I asked him to leave but he did not. I again urged him to leave or that I would call the police. After refusing to leave, my wife phoned the Midland Park Police to report a defiant trespass. While still standing at my doorway, in the presence of my wife and me, the employee spits on our lawn. I quickly asked that he refrain from spitting. He sarcastically yells, "Oh well, I'm sorry!" Within 1-2 minutes after the Midland Park Police arrive, 2-3 Ridgewood Police vehicles also appear at my property. The

Midland Park Police take the employee's statement and then speak to my wife and I. After filing our complaint with the Midland Park Police, the utility's employee leaves us with a copy of N.J.A.C. 14:3-3A.1 and a "Final Water Notice" stating our water will be "shut off" on July 29, 2015.

In addition to the reasons above and those expressed in my February 5, 2015 letter to the utility, I have a unique reason for limiting my exposure to the non-ionizing radiation emitted by the Neptune E-Coder) R900i "smart meter". I am blind in my left eye. My vision loss is a result of trauma sometime around 1965. My loss of vision is permanent and no medical or surgical procedures can correct it. Because of the damage to the pupil and drainage system in my left eye, the intra-ocular pressure increased, damaging the optic nerve and leading to glaucoma. In addition to other problems, I regularly experience severe eye pain. This pain occurs frequently throughout the week and for several hours of the day. Because I only have one functional eye, I have no depth perception and poor visual acuity. My visual impairments create problems when performing many visual tasks. I have a weakened ability to sustain focus during near-work such as reading and writing. I refrain from night-driving because my poor vision reduces my night vision. Consequently, my visits to my ophthalmologists have primarily focused on preserving the health of my good eye. My physicians have all stressed the need for me to wear eye protection and to safeguard my good eye. They have prescribed impact-resistant polycarbonate lenses and advised me to restrict my activities to those eliminating the risk of eye injury.

In 2004, my wife and I set up an office space in our home which included a rack containing our modem, switches, and an internet wireless router. Near this same time, I began noticing an increase in the number of headaches I experienced. I never turned off the router because, like most people, I never thought that the level of electromagnetic radiation from a wireless router could be dangerous to my health. Instead, I believed that great technocratic lie that wireless devices are "totally safe". Between 2004 and 2013 my headaches became worse. I would wake up with a headache. During the day I felt fatigued and found concentrating increasingly difficult. I would sometimes spend entire days in pain and unable to do anything. Not connecting the dots, I continued leaving the router on during the night. I started noticing problems in my right eye that included pain, flashing lights, and floaters. I started experiencing trembling of my eyelids. Around 2008 I was diagnosed as having a severe vitreous syneresis in my right eye. In August 2013, I was diagnosed with a cataract in my only seeing eye. Horrified, I started researching the causes of cataracts. Through careful listening and painstaking review of independent research, I learned that what is put out as public information is actually propaganda and public manipulation. I learned how studies have shown that non-ionizing radiation has been linked with fetal abnormalities, inflammation of organs, headache and fatigue. And, of special interest to me, I discovered that the human eye is the organ most affected by non-ionizing radiation. I learned that the dissipation of non-ionizing radiation leads to faster degeneration or damage of the eye. Since the eye has no skin barrier to protect it, contains few blood vessels, and has less blood circulating through it, it is the organ most adversely affected by radiofrequency waves. The non-ionizing radiation leads to damage or faster degeneration of the eye. Studies have shown cataracts occurring in both humans and animals because of non-ionizing radiation. Consequently, I immediately started eliminating as much electromagnetic radiation as I could. I disconnected our wireless router and any wireless devices we had. I ran Ethernet cables for internet access. I drastically reduced my cell phone use by turning it off completely and restricting its use only when necessary. What seemed like overnight, my headaches and symptoms disappeared.

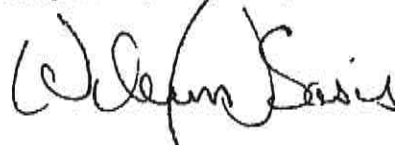
I have asked the utility to consider several alternatives to installing a smart meter in my home. These include, installing any of the hundreds of analog meters available, installing a digital, non RF

meter with wiring leading to the outside of our home and allowing for easy reading, etc. The utility has declined my requests. They will not even relocate the meter without first demanding that we absorb the cost of such relocation. They will not even permit us to transfer title to them for any meter we purchase ourselves but that is mutually agreeable to all parties. The utility's position is basically "our way or the highway."

I respectfully request that the BPU, in the spirit of its mission statement, grant the emergent relief we are asking. It is now summer, without water service we will suffer immediate and irreparable harm. Many of our appliances will corrode, we will not have water for drinking, cooking, washing our bodies and eating utensils, and our general health will be jeopardized.

Finally, until this dispute can be resolved, we pray that you grant the relief we are asking by enjoining the utility's July 29, 2015 water service shut-off to our home.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William N. Sosis", written in a cursive style.

William N. Sosis

CC:

EXHIBIT 6



STATE OF NEW JERSEY

Board of Public Utilities

44 South Clinton Ave., 9th Floor

PO Box 350

Trenton, NJ 08625

www.bpu.state.nj.us

Richard S. Mroz
President

Maria L. Moran
Director

August 4, 2015

William Sosis
80 Franklin Ave.
Midland Park, NJ 07432

Re: Ridgewood Water-Radio Frequency Meter Installation and
Discontinuance of Water Service- Complaint No. W#44-15

Dear Mr. Sosis,

The Board of Public Utilities' ("Board") Division of Water is in receipt of your letter of July 28, 2015, regarding the installation of a radio frequency ("RF") metering device at your residence. Staff ordered Ridgewood Water ("Company") to hold the discontinuance of your water service, for refusal of access to your home, pending the results of Staff's investigation.

It should be noted that pursuant to regulation, the Company has the right of access to your home in order to read, repair and/or replace its meter and other equipment.¹ Upon providing proper notice, the Company can discontinue your water service for failure to allow its personnel access to your home in order to read or replace the meter.² It appears that the Company did provide proper notification in this case.

The RF meters ("devices") being installed in the Ridgewood Water service territory are not "smart" meters. Smart meters are much more complex devices used by electrical utilities³, and are powered by the electricity in the home. Smart meters have a much higher output than RF meters, which are battery powered.

RF meters do not send a continuous signal. The model being used by Ridgewood Water transmits every 14 seconds, but the duration of the transmission is a fraction of a second. The model is Federal Communications Commission ("FCC") 15.247 compliant, and as such is to

¹ Pursuant to the New Jersey Administrative Code N.J.A.C. 14:3-3.6 "Access to customer's premises"

² Pursuant to the New Jersey Administrative Code N.J.A.C. 14:3-3A.1(a)5i "Basis of discontinuance of service"

³ Smart meters allow for data transfer back and forth between the electric utility and the customer's meter.

operate in a manner that ensures that the public is not exposed to radio frequency energy levels in excess of FCC guidelines.

The American Water Works Association ("AWWA")⁴ reports that as of 2012, over one half of all residential water meters sold in the United States are equipped with some form of automatic meter reading ("AMR") capability, such as radio frequency. RF has become the preferred information highway of AMR, and it is this area of the meter reading process that is the most rapidly advancing technology in the water utility industry. RF networks have enjoyed such rapid growth because of their capability to provide not only meter reading, but also provide such benefits as: leak detection, no-flow detection, reverse flow warnings, elimination of estimated meter reads, and overall better customer service. The AWWA recommends that even utilities that are not yet using modern AMR systems should consider meters that are easily convertible to these systems in the future. The AWWA also reports that the location of meters and type of meters used are a utility decision, based on its needs and circumstances. Historically, northern states rely on inside water meters to avoid frost damage from severe winter weather.⁵

The devices are approved by the FCC, and the limits set by the FCC for this device are endorsed by the Environmental Protection Agency ("EPA") and the Federal Drug Administration ("FDA"). The FCC guidelines for human exposure to RF electromagnetic fields were derived from the recommendations of two expert organizations: the National Council on Radiation Protection and Measurements and the Institute of Electrical and Electronics Engineers.⁶ The World Health Organization also reports that RF meters are not known to cause any adverse health issues.

Metering devices are owned and maintained by the utility, and the determination of the type of metering device used is up to the utility, as is the location of the meter.⁷ It is Ridgewood Water's standard practice to install the metering devices inside the home. There is no customer "opt out" provision of any Board regulated metering programs in New Jersey.

However, the Company is willing to install the RF device in a meter pit at the curb in the street, at your expense. The installation cost of \$2,351.00 can be amortized over a period of three years. Ridgewood Water will absorb the cost for the required traffic control officer during the installation. Curbside installation is approximately fifty (50) feet from your residence. Please let the Company's Business Manager, David Scheibner, know if that is acceptable to you and installation will be arranged. He can be reached at [REDACTED] ([REDACTED]).

Pursuant to the Company's Tariff your rates are meter based, so you must have a functioning meter at your premises in order for the Company to provide accurate billing for water service.

⁴ Established in 1881, the American Water Works Association is the largest nonprofit, scientific and educational association dedicated to managing and treating water.

⁵ AWWA Manual M6 "Water Meters-Selection, Installation, Testing, and Maintenance"

⁶ For further information, you may also contact the FCC's RF Safety Program at rf-safety@fcc.gov or [REDACTED]

⁷ Pursuant to N.J.A.C. 14:3-4.1 "Ownership of meters and equipment"; N.J.A.C. 14:3-4.2 "Location of meters" and N.J.A.C. 14:9-2.1 "Plant construction"

If you have any further questions, please feel free to contact Ken Welch of my Staff at [REDACTED] or at kenneth.welch [REDACTED]

Sincerely,

Maria L. Moran

Maria L. Moran Director

C: Ridgewood Water

EXHIBIT 7



Integrative Rheumatology Associates, P.C.

08/14/15

To whom it may concern:

I am writing on behalf of Mr. William Sosis who is under my medical care. Mr. Sosis has history of left eye traumatic injury, which has left him with complete loss of vision in that eye. He has developed a right eye cataract, which leaves his total visual acuity moderately diminished. Any further risk or potential environmental factors that might contribute to additional vision loss is of great concern to me as his medical practitioner.

It is my understanding that a "mandated" change in water filter monitor is pending placement into Mr. Sosis's home. This "smart meter" emits upwards of 6000, radiofrequency weights per day, and over 2 million spikes per year in none of ionizing radiation. The meter can never be turned off, and has been classified as a possible class 2b carcinogen since 2011, by the World Health Organization (WHO) and the International Agency for Research on Cancer (IARC), two highly respected research and educational bodies. In addition to the risk of cancer development, the smart meters have been cited as possible cause for cataract development. Mr. Sosis has had a long-standing history of headaches related to non-ionizing radiation; when he removed other sources of non-ionizing radiation from his home, his headaches improved.

The human eye has no skin barrier to protect it, contains few blood vessels, and has less blood circulating through it as an organ than all others in the human body. It is the organ mostly firstly effected by radiofrequency waves. In my medical opinion, should Mr. Sosis have a smart meter placed in his home, he will likely develop additional damage to his remaining eye, perhaps through worsening of cataract or other ophthalmologic issues. I recommend that Mr. Sosis be excluded from mandatory smart meter replacement and that he continue use an analog water meter, which serves the same purpose.

Please contact me if there are any questions/concerns.

Sincerely,

Integrative Rheumatology Associates, P.C.

312 Applegarth Road, Suite 110 • Monroe Twp., NJ 08831 •

F:

Keith Seidenberg, MD

BOARD CERTIFIED OPHTHALMOLOGIST

600 Godwin Avenue
Midland Park, NJ 07432

September 22, 2010

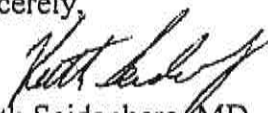
To Whom It May Concern:

I last examined William Nieves on August 19, 2010. His left eye has had trauma with a retinal detachment. He is blind in his left eye (monocular). His right eye has astigmatism and vitreous syneresis (floaters).

Mr. Nieves also experiences frequent eye pain. He has no depth perception and loss of field vision. Because he is limited to use of one eye, Mr. Nieves has functional limitations that include visual scanning deficiencies and reading more slowly.

Mr. Nieves may be accommodated for these diagnoses by providing him with extra time.

Sincerely,


Keith Seidenberg, MD

Instructor at NYU Medical Center

On-Staff at The Valley Hospital

TEL: [REDACTED] • [REDACTED] • [REDACTED]

Keith Seidenberg, MD

BOARD CERTIFIED OPHTHALMOLOGIST

600 Godwin Avenue
Midland Park, NJ 07432

April 09, 2010

RE: William Nieves

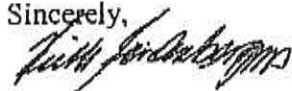
To Whom It May Concern:

I examined William Nieves, on March 30, 2010. He is blind in his left eye.

Mr. Nieves has visual scanning deficiencies and can cause him to work more slowly. He also reports frequent eye pain.

I advised Mr. Nieves to take special precautions to protect his remaining eye by wearing protective eyewear even around the house. He should maintain regular medical visits (six month intervals) to check for any diseases or abnormalities.

Sincerely,



Keith Seidenberg, MD

ALEXANDER PALACIOS, M.D.

201 Bridge Plaza North
Fort Lee, NJ 07024
[REDACTED]

August 13, 2009

To whom it may concern:

I examined William Nieves on August 7, 2009. His left eye has had trauma with a retinal detachment. He is blind in his left eye.

Mr. Nieves has astigmatism and floaters {vitreous syneresis} in his right eye. He is advised to avoid activities that may cause eye injury or require depth perception.

Sincerely,



Alexander Palacios, MD

Keith Seidenberg, MD
BOARD CERTIFIED OPHTHALMOLOGIST

600 Godwin Avenue
Midland Park, NJ 07432

February 12, 2009

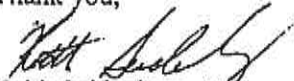
RE: William Nieves

To Whom It May Concern,

I last examined William Nieves on Jan 30, 2007.
This patient is blind in his left eye. Therefore, he has no
true 3-D vision.

If you have any further questions, please do not hesitate
contact this office.

Thank you,


Keith Seidenberg, MD

TEL: [REDACTED] • FAX: [REDACTED]