

Declaration of Theresa Cuny

I, Theresa Cuny, have personal knowledge of all facts set forth in this declaration and am competent to testify hereto if called upon to testify in a court of law. I hereby declare:

1. My name is Theresa Cuny, and I reside at 4301 Las Cruces Way, Sacramento CA 95864.
2. I am a utility customer of SMUD.
3. On Friday, April 12, 2013, I called SMUD's Customer Service line and spoke with a SMUD representative requesting an analog meter. I was told they could do this, there would be extra charges, installation and monthly fees, to which I understood and continued to request the meter installed. I informed the representative that I have a fence around my house that I want to be called prior to the SMUD's arrival so that I could let the representative into my yard. I was told I would receive a call before the SMUD technician came out and that it would hear by the following week.

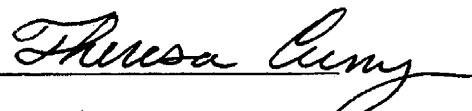
Monday, April 22, 2013, I had not received a call from SMUD, so I called SMUD's Customer Service line and I was told that the April 12th call was logged; however, the representative said she was unsure why they hadn't come out yet and would add this day's call to the previous call of April 12th.

Monday, May 6, 2013, I still had not received a call from SMUD, so I called SMUD's Customer Service line and told the representative that I was calling again in regard to receiving an analog meter installed at my home. SMUD's representative informed me that SMUD would no longer provide Analog meters, but that instead SMUD would now only shut off the transmitter on my Smart Meter device. I asked the representative to please look at my case as this was the 3rd call I have made into SMUD requesting the analog meter and that I had previously been told that I would be provided with an analog meter. She placed me on hold to review my calls. When she returned on the line she informed me that I did receive an analog meter that a person was at my home on April 26th and replaced my meter already. I asked her about the access into my yard and she said they must have gotten in without a problem. I hadn't looked outside at my meter lately, so I took the representative's word that it had been replaced.

Monday, May 13, 2013, I called the SMUD Customer Service line to follow-up again, as I had gotten an opportunity to look at my meter and it had not been replaced. I went into detailed and again explained my situation and previous calls to the SMUD representative. I was told by the representative that I was correct I had not yet received an analog meter. She made a comment that the notation about April 26th had nothing to do with my request for an analog meter; however, she didn't inform me what the notation on the call log was for April 26th. This time the representative provided me with a confirmation number of my call, 25541597 and informed me that this issue was being escalated to the Program Manager, Michael and that I should receive a call back from him. I provided my daytime work number to be called back at. I asked the SMUD representative if SMUD was no longer providing Analog meters and only shutting off the transmitter on the Smart Meter; however, she said she wasn't able to provide an answer and said I could ask Michael.

Monday, May 21, 2013, my brother, aware of my request for an analog meter, brought to my attention that one had been installed. I went outside and was quite surprised to find he was correct. It took over a month long of phones calls to SMUD; but, I had finally received my analog meter. I had never received a call back. I never found out if SMUD was no longer offering analog meters to its' customers. I never received a call that a SMUD representative would be on my property to replace my meter.

declare under penalty of perjury under the laws of the State of California that the facts set forth above are true and correct to the best of my knowledge. This declaration was executed this 5th day of June, 2013 at Sacramento, California.

/s/ 
Theresa Cuny

Kim Glazzard
4432 H Street
Sacramento, California 95819

June 6, 2013

SMUD Board Members
6201 S Street
Sacramento, California 95817

Dear SMUD Board Members:

As I previously stated with written notice to the SMUD Board, I have suffered assault and battery from SMUD's smart meter and am requesting the reinstallation of an analog meter.

In mid-April I submitted a written request to have my analog meter restored at 4432 H Street in Sacramento. A solid appointment date was set for SMUD to remove the smart meter and restore my analog meter on May 2, 2013 between 12:00 – 3:00 pm.

This required me to go to my supervisor and request special concessions to take time off of work with loss of pay. As the SMUD appointment day wound down and no SMUD representative showed up, SMUD was called at approximately 4:00 pm only to find out that SMUD did not have the proper meter in stock for my house, and had no intention of honoring their commitment, nor notifying me of the need to change the appointment to a new agreeable time.

With great consternation I realized that I had taken time off of work with loss of pay, strained relations with my manager, and still to this day suffer because SMUD has not yet followed through and honored their promise to restore my analog meter. And all this because SMUD was in default to restore the analog meter on May 2, 2013.

I did everything I promised I would do – I haggled with my manager, took time off work without pay, and sat there patiently waiting for a SMUD representative all day and no one from SMUD showed up or bothered to call. It would have been easy enough for SMUD to call the night before and let me know they did not have the appropriate meter for my house. Instead, SMUD went into default by not notifying me of their failure to

keep their commitment and therefore robbed me of the opportunity to redeem my valuable time, pay, and relationship with my manager.

SMUD has assaulted and battered me with the smart meter and now they are damaging me financially because of SMUD's incompetent business planning, lack of courtesy and inexcusable ethical failure.

This continuation of having to have the smart meter is not only upsetting to my physical health, but also my mental health. I can't tell you the emotional torment, anguish, pain, and suffering that I experienced when I realized I would have to continue to endure the punishment from the smart meter in my own private residence and in my body because of SMUD's ineptitude and default.

Enclosed is an invoice for direct loss of pay with benefits for the time that SMUD stole from me, my life, and my career, which I expect SMUD to pay promptly by separate check.

And please don't tell me SMUD will look into this – just pay me for my loss due to SMUD's default and let's move forward.

Unfortunately, this is not an isolated incident, but fits into the overall pattern of deception, indifference, and resistance to those who are unwillingly suffering from SMUD's experimental smart meter.

I look forward to SMUD's prompt payment and rectification of this situation.

Sincerely,

Kim Glazzard
SMUD Customer-Owner

Declaration of Martin McCrea

I, Martin McCrea have personal knowledge of all facts set forth in this declaration and am competent to testify thereto if called upon to testify in a court of law.

I hereby declare:

My name is Martin McCrea and I reside at 3951 Bannister Road, Fair Oaks, CA 95628.

1. I am a utility customer of SMUD.
2. My wife began having mysterious health problems in fall of 2011.
3. We investigated the possibility of radiation from the SMUD Smart Meter installed in September of 2011 as a cause of my wife's problems. My wife had recently talked with a woman whose mysterious health problems cleared up with the removal of her SMUD Smart Meter.
4. On Sunday May 19 I spoke to Kim Glazzard who had given me in February a flyer about the SMUD Smart Meter Workshop of 2/21/13 and the dangers and health symptoms associated with Smart Meters. Kim informed me that the SMUD Board had voted to allow us to have our Analog meter back for \$127 and \$14/mo. as of 3/21/13.
5. Kim told me that I until the Analog meter was returned I could use a 4'x4' section of aluminum foil on the wall behind the Smart Meter to reduce the radiation and protect my wife.
6. On Monday May 20, I covered my wall with foil as advised, and then called SMUD Customer Service asking them to replace the Smart meter with an Analog meter indicating that I would be willing to pay whatever it cost.
7. SMUD's agent told me that they had no Analog meters available but they would replace it with a digital meter. I accepted the appointment for replacement for the morning of May 23, but made it clear that my request was for an Analog meter.
8. I then called Eric Windheim whose number was on the flyer I had and told him what happened. Mr. Windheim told me that the SMUD Board had voted on 3/21/13 that anyone who asked for an Analog meter could have it back.
9. At 3:35pm Mr. Windheim took me on a 3-way phone call to SMUD at 916-452-3211 and finally ended up speaking to Manny at 888-742-7683 for 15 minutes.
10. I witnessed Mr. Windheim ask Manny three separate times for the Analog meter for me and each time Manny stated "The Analog meter is not available" even after Mr. Windheim informed Manny that he had witnessed the SMUD Board's vote on 3/21/13 to allow the return of Analog meters to those who ask.

11. Manny *claimed* he was not aware of this SMUD Board vote or policy and asked if I would like to speak with Mr. Moriarty to which I said yes, and Mr. Windheim said "Mr. Moriarty has not returned the calls he had already placed to him today."
12. Next, we called Michael Moriarty (916-732-7281). There was no answer so Eric left a message for Mr. Moriarty to call me regarding health problems and the immediate need for the Analog meter.
13. Mr. Moriarty called me 30 minutes later stating the Analog meter would be installed on the set appointment date of Thursday 5/23/13.
14. The Analog meter was installed on 5/23/13 in about 5 minutes.
15. Beginning with the aluminum foil and continuing with the removal of the SMUD Smart Meter my wife's health is returning to normal.
16. I have serious questions about SMUD's publications about the alleged safety of the Smart Meter and the deceptive way SMUD phone reps lied to us on the phone about the Analog meter availability.
17. I have other friends that I believe are *near death* because of the SMUD Smart Meter.
18. I am going to tell them everything I have learned from my SMUD Smart Meter experience.
19. I am an 71 year old minister and am shocked by SMUD's:
 - a. Disregard for human life and the horrible power of microwave radiation
 - b. Lies to me and Mr. Windheim on the phone about Analog meter availability
 - c. Ignorance of massive personal and organizational liability which increases every day

I declare under penalty of perjury under the laws of the State of California that the facts set forth above are true and correct to the best of my knowledge. This declaration was executed this 6th day of June 2013 at Fair Oaks, California.

/s/ Martin McCrea

Martin McCrea

Sacramento Smart Meter Awareness

10 Riverstar Circle, Sacramento, CA 95831

e.windheim@comcast.net

(916) 395-7336

June 6, 2013

Genevieve Shiroma
Board of Directors
Sacramento Municipal Utility District (SMUD)
6201 S Street,
Sacramento, CA 95817

Dear Director Genevieve Shiroma, SMUD Board of Directors and staff,

I. Board Responsibility (THIRD NOTICE)

In these United States of America under our Constitution that you swore an oath to "support and defend" our justice system requires:

1. The Truth
2. The Whole Truth
3. And Nothing but the Truth

II. Smart Meter Brochure © SMUD 9/11GAF 0732-09: a case of factual deception.

See attachment.

1. Last paragraph of brochure has a heading of "Are Smart meters Safe"?
 - a. The topic of this paragraph is SAFETY not BILLING.
 - b. See statements of 5/16/13 by Director Shiroma and General Manager Di Stasio *below*.

Public Record Act Request: I request a copy of the "Deliberations of the Smart Meters in looking at the transmissions" *as identified and articulated* by Director Shiroma at the 5/16/13 Board Meeting. I also request a link to or list of dates of all committee meetings that mentioned or dealt with

Smart Meter transmissions.

- c. Please inform the Staff that refusal of this reasonable request could be further evidence of a cover up of an initial deception in an overall grand pattern of deceit. Let them agree to do this at the meeting today or be considered to be in default and avoidance.

Eric Windheim told the Board that SMUD's Smart Meters brochure still shows false information in stating that, "smart meters transmit meter reads only six times per day." He believes this information is false, quoting a brochure from Silver Springs Network. He would like this information corrected on the brochure. A copy of his written statement submitted to the Board is attached to these minutes.

Vice-President Shiroma stated that as the Board went through their deliberations of the smart meters in looking at the transmissions to SMUD for billing purposes, there are six transmissions per day. The six transmissions per day are for billing purposes.

John Di Stasio stated that staff will take a look at including the total transmission, but disputes that there was any intent to deceive anyone or that it was not truthful. SMUD does transmit for meter reading purposes six times a day. There are additional transmissions being alluded to and we do not have a problem putting that in the brochures, but what is there now is specific to meter reads.

2. Brochure states: "smart meters transmit meter reads only six times per day." This leads people to believe that there are "no other transmissions".

- a. This is not "The Whole Truth". It is a fraction (1/2,230) of the truth.
 - b. This is very deceptive since the total average daily transmission count is 13,381 per day on the SMUD.org site as of September 2012. SMUD has published an error of 2,230%, which is totally unacceptable.
 - c. This brochure leads a reader to believe that there are "only six transmissions per day" which is clearly false.
 - d. Why is the SMUD Board allowing this to continue?
 - e. This is an example of "fractional truth or partial truth" becoming an outright act of fraudulent deception which in this case will effect the judgment and health of the SMUD customer owners that you serve.
 - f. Continued use of this brochure and statement build a pattern of ongoing deception by SMUD about the true factual nature of the SMUD Smart Meter with intent to deceive the customers.
2. Who talked the SMUD Board into using this language? How was it done?
- a. Can the SMUD Board produce some exculpatory evidence proving that they were deceived about this matter?
 - b. What information did the Board receive and from whom?
 - c. Who signed off on the Due Diligence for this language?

III. SMUD Staff is lying to customers requesting the Analog meter.

- 1. The Board voted unanimously to approve the Analog meter option on 3/21/13.
Special thanks to Director Posner for his diplomacy in helping get to this wise and precautionary position and official SMUD policy.
- 2. A designated call in phone number for the Analog meter was placed on the SMUD.org site.
- 3. When customers call this designated number they get:
 - a. No answer

- b. Recording
 - c. No return calls
 - d. A sales pitch for the Digital meter.
 - e. A Digital meter installed instead of an Analog meter.
 - f. Outright lies from SMUD Staff instructed and controlled employees stating,
"The Analog meter is not available". I heard this myself on 5/20/13
witnessed by Martin McCrea
4. You have heard from SMUD customer owners who have had to endure this type of deceptive abuse. How long is the Board going to tolerate, or condone this?
 5. I first notified the Board about this over a month ago
 6. Is the SMUD Board secretly conspiring with the Staff to permit this fraudulent behavior?
 7. The General Manager is opposing and defying the will and vote of the Board by allowing this to occur repeatedly. How long is the Board going to tolerate, or condone this?

IV. SMUD Board Policy GP-1: Purpose of the Board.

1. "Identify and define the purpose, values and vision of SMUD,"
2. "Monitor the organizations performance against results that the Board has established for SMUD".
3. "Hire, *evaluate* and, when necessary *discharge* the General manager".

V. Summary

1. The SMUD General Manager serves at the pleasure of you the Board.
2. Have you considered exercising your responsibility and authority to install a new General Manager that obeys your vote and does not deceive the customers?
3. Due to our repeated public notice to you (in writing & speech) about these exact matters the Board may ultimately be held responsible as individuals.

4. Please do the right thing and tell the customer owners the "Whole Truth" about the SMUD Smart/Digital Meter including the average number of transmissions per day (13,381) and the fact that the Analog meter is available.
5. Please make every effort to disabuse all customer owners of the falsehood this brochure and Analog meter phone receptionist may have caused. This may take a special email or personal letter that requires signature of acknowledgement and return to SMUD.
6. We know the Board wants to do the right thing so please inform us in writing when you have addressed and corrected these factually deceptive practices that risk dragging the Board into the type of deception the Staff has and is perpetrating on the SMUD customer owners.

Thank you.

Eric Windheim Donna Windheim

Eric & Donna Windheim

Sacramento Smart Meter Awareness