

From: Cindy Wilson
To: Acontente@ripuc.state.ri.us ; Adalessandro@puc.state.ri.us; albertrc@optimum.net; anault@puc.state.ri.us ; Celia.obrien@nationalgrid.com; Cwilson@puc.state.ri.us ; dmacrae@riag.ri.gov; dshah@puc.state.ri.us ; Dstearns@ripuc.state.ri.us ; IFRTruck35@mac.com; jallaire@pud-ri.org; jkeoughjr@keoughsweeney.com ; jlanni@ripuc.state.ri.us ; jmunoz@riag.ri.gov; Joanne.scanlon@us.ngrid.com; Kelly.Mahoney@governor.ri.gov; Lmassaro@puc.state.ri.us; Lwold@riag.state.ri.us; Michael@McElroyLawOffice.com; mkirkwood@pud-ri.org; nucci@puc.state.ri.us ; rozrustigian@rustigianrugs.com; Sscialabba@ripuc.state.ri.us; thomas.teehan@us.ngrid.com; Tkogut@ripuc.state.ri.us ; wblaw@verizon.net
Date: 9/10/2012 7:55:57 AM
Subject: Fwd: Contact Voltage Testing in RI, MD and NY

Good Morning,

This was sent to Chairman Germani this morning. In the interest of full disclosure, I am forwarding this on to the service list in Docket No. 4237. A copy will be put in the file under public comment.

Thank you,
Cindy

Cynthia G. Wilson-Frias
Senior Legal Counsel
Rhode Island Public Utilities Commission
89 Jefferson Boulevard
Warwick, RI 02888
Tel: 401-780-2147
Fax: 401-941-1691

>>> Elia Germani 09/10/12 7:49 AM >>>

>>> Mark Voigtsberger <mvoigtsberger@premierlocatingllc.com> 9/10/2012 8:41 AM >>>
(Sent to State Attorney Generals for Rhode Island, Maryland and New York; Chairmen of the RI, MD, and NY Public Service Commissions; Mr. Alan J. Friedman, Esq. FTC; Ms. Megan Chuchmach, ABC News; IEEE Working Group on Stray and Contact Voltages officers; L3/NARDA Corporation. Blind copied to a number of additional interested parties.)

Mr. Green,

I am following up on our email request from last Friday, the 7th of September, to demonstrate the NARDA 8950/10 mobile contact voltage detection system to you and your Staff at the Deanna's Lyric Foundation.

Again, this request for a demonstration is to show you that the NARDA 8950/10 system is fully capable of detecting contact voltages in the public environment, and is a safe, viable, cost effective alternative to the Power Survey Company SVD-2000.

I must respectfully, but firmly, insist on your email answer before 4pm EST, Monday 10 September 2012. Please make sure you send it to everyone on this mail thread. I apologize for this short time frame notice, but your recent filings to the utility commissions in Rhode Island and Maryland have started a series of unintended consequences which is impacting the normal RFP timeline and open procurement process of several utilities whom have already put these contact voltage safety testing services out to bid. If we do not receive that email reply, at 4:01, I will overnight our responses/comments on your filings to the Maryland Public Service Commission. Additionally, I will email our response comments to everyone on this thread- except for yourself. We will at that point consider you a representative for Power Survey Company in your public and political dealings on all contact voltage issues. Now, since you have already

set this process in motion, we are still obligated to file a response to your comments of 31 August 2012. We have produced a second alternate filing which, while it does point out the errors in your original filing, is not as aggressive. That is the document we will send if you simply agree to a live demonstration of the NARDA 8950/10 system, performed by qualified technicians from Premier Utility Services, at the location and time of your choosing. I will put a date limit here and state that it must be done before the 21st of September 2012, and you must work around pre-existing commitments I have. You may select any City in the US for the demonstration, and you must make all coordination with the local utility. We will not test any area where the local utility has not given us prior permission to do so. Other interested parties from this email, or their appointed representatives, must be permitted to attend this event if they so choose. You may invite Power Survey Company only for a side by side system comparison, but you may not disclose the contents of this email to them.

Mr. Green, while your comments to both Maryland and Rhode Island were based on previously filed documents to the NY State Public Service Commission, those sources have a number of errors which have been greatly debated and are documented as being wrong. That is, we are saying that those filings in New York State contain intentional or unintentional distortions of fact, which ultimately favors one particular contact voltage service vendor: Power Survey Company.

I have attached your 31 August 2012 Maryland filing for reference to everyone we are cc'ing this email to. We have not seen the RI filing, and do not have a copy, but understand you addressed similar concerns in that State as well. While our first possible reply is professional, it will unfortunately put you and the Deanna's Lyric Foundation in the rather embarrassing position of having to defend non-factual information. Sir, we do not wish to do that. We greatly respect your cause and the tragic loss of your daughter- all we are asking for is that you simply look at the system, and then make your case pro or con.

All this cc'ing may seem childish or overkill, but you unfortunately happen to be in the wrong place at the wrong time. You have only been involved in this situation for a very short period. I personally, and Premier, have been fighting this battle for over 5 years, starting with the late Roger Lane and the Jodie S Lane Public Safety Foundation (JSLPSF) in New York. Like you, Mr. Lane refused on a number of occasions for me to demonstrate the NARDS 8950/10 to his foundation. He relied solely on information provided by Power Survey Company, and dismissed the NARDA system unseen. This is where we say no more - and make Power Survey show their cards instead of constantly bluffing and bullying utilities and state utility commissions.

Mr. Green, you have been misled by the technical consultations provided by Power Survey Company. We are pleading with you not to arbitrarily drop your filings with Rhode Island and Maryland Public Utility Commissions simply based upon our say so, but to examine firsthand the technology you are fighting so hard against, then to make a sound and rational decision based upon your own observations. If the NARDA 8950/10 technology is truly inferior, then we will go back to the drawing board and develop another system. And when we demonstrate the NARDA system does work in the next 2 weeks, we will assist you in crafting an appropriate response that honors both your daughter and the Deanna's Lyric Foundation. (And of course we ask that you pull your filings from RI and MD.)

Make no mistake Mr. Green, we fully intend to fight Power Survey Company, the JSLPSF, the Contact Voltage Information Center (CVIC), and if necessary, the Deanna's Lyric Foundation every legal way possible. Ms. Chuchmach, may I respectfully ask that you give me until Wednesday morning, 12 September 2012, before asking me for any technical information about this to see how it plays out with the Greens decision? We have enough information to give you one incredible news story on this subject, and will not contact any other news media source unless you decline the topic.

I am asking in this email, that the Honorable RI Attorney General Kilmartin, issue an emergency order if possible to the RIPUC, extending certain compliance deadlines for National Grid until this issue can be resolved. National Grid had already let the RFP for all interested contractors to bid on the mobile contact voltage project in RI. Mr. Kilmartin, a mandatory pre-bid system demonstration was slated for the evening of 6-7 September 2012 in Rhode Island which would have pitted the two different technologies against each other, but the filing by the Greens in Rhode Island forced a cancellation of that

demonstration. In order to meet the deadlines as they are presently written in the RI State code, National Grid must still retain a bid due date of Friday, 14 September, 2012- just 5 days from now or face possible financial penalties from the State for not meeting certain timelines. By cancelling the pre-bid demo, the contract automatically is awarded, and regardless of price, to Power Survey Company as being the "only qualified bidder", simply based on their previous work in NY State.

I do need to state here that I am not acting on behalf, or with the consent of, National Grid with this intercession request.

In the next few days Mr. Green, we will be asking the Honorable NY Attorney General Schneiderman, to launch an investigation into the truthfulness of statements in filings previously submitted to the NY State Public Service Commission from Power Survey Company, Roger Lane (deceased) and the Jodie S Lane Public Safety Foundation. These are the very documents you reference in your MD filing, and I suspect in the RI filing as well.

Mr. Friedman and Ms. Chuchmach are included in this email to act as independent observers if they choose to participate. May I respectfully request that one, or both of you, contact Mr. Green via phone at (443) 985-9039 before the 4pm deadline to ensure that he has received this email, and reply back to me sometime today? Thank you.

Officers from the IEEE (Institute of Electrical and Electronics Engineers), Working Group on Voltages at Publicly and Privately Accessible Locations have also been included. This Working Group is developing a unified, consensus standard on shock and electrocution issues. This gravity of this present situation may have a bearing on that standard.

If I may make one final comment here Mr. Green, if this email is sent or communicated to Power Survey Company in any form or fashion- verbal, mechanical, electronic or otherwise, or through third party sources including but not limited to the JSLPSF, CVIC or mutual friends and acquaintances - we will construe that as an act of your allegiance to that firm.

I prefer that all your communications with me before and after the demonstration be in the form of email so that I may be able to retain a written record.

Very respectfully,

Mark

Mark Voigtsberger
Manager, Electric Field Services
Premier Utility Services LLC
100 Marcus Blvd, Ste 3,
Hauppauge, NY, 11788
(516) 408-8312 cell

List of all persons this email was sent to

State Attorney Generals

Mr. Douglas F. Gansler, Attorney General, Maryland
Mr. Peter F. Kilmartin, Attorney General, Rhode Island
Mr. Eric T. Schneiderman, Attorney General, New York, via Mail

State Utility Commissions

Mr. Garry A. Brown, Chairman, New York State Public Service Commission, via Mail
Mr. Elia Germani, Chairman, Rhode Island Public Service Commission
Mr. Douglas R. M. Nazarian, Chairman, Maryland Public Service Commission

Federal Trade Commission
Mr. Alan J. Friedman, Bureau of Competition, Office of Policy and Coordination

ABC News
Ms. Megan Chuchmach, Producer, Brian Ross Unit - ABC News

IEEE Working Group
Mr. Chuck DeNardo, WG Chair, We Energies
Mr. Jim Bouford, WG Vice Chair, TRC Engineering

Confidential Notice:

The information transmitted in this email and any of its attachments is intended solely for the intended recipient or entity to which it is addressed and contains information that is confidential to Premier Utility Services LLC, and may be proprietary or subject to copyright belonging to Premier Utility Services LLC. Any review, retransmission, dissemination, taking of any action in reliance upon, or other use of this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please immediately notify Premier Utility Services' Human Resource Department at (800)262-8600 or forward email to LegalDept@premierlocatingllc.com, then immediately delete/destroy this communication along with any attachments received, and delete/destroy all related copies thereof.

E6676

1 4 2 3 4 6

RECEIVED
ENGINEERING DIVISION
SEP 07 2012
PUBLIC SERVICE COMMISSION
OF MARYLAND

Anthony W. and Nancy Green
9611 Wesland Circle
Randallstown, MD
Phone: 443-985-9039
Email: anthonybubbagreen91@yahoo.com

August 31, 2012

RECEIVED
Public Service Commission
SEP 6 2012

David J. Collins, Executive Secretary
Public Service Commission of Maryland
William Donald Schaefer Tower
6 St. Paul Street
Baltimore, MD 21202-6806

EXECUTIVE
DIRECTORS OFFICE

FILED
SEP 05 2012
PUBLIC SERVICE COMM
OF MARYLAND

RE: COMAR 20.50.11
Contact Voltage Survey Requirements and Reporting
In Memory of Deanna Camille Green

Dear. Mr. Collins:

We are Nancy and Anthony Green, the parents of Deanna Camille Green, who was killed by contact voltage, at age 14, in Baltimore, Maryland. Since that terrible day we have worked to honor the memory of our daughter and to appeal in her name for the adoption and implementation of strong and effective rules and practices to prevent other families from enduring the immeasurable loss we have suffered.

We thank the Commission and its staff for their efforts to address this silent and invisible threat on the streets of Baltimore and around the State of Maryland, and we appreciated the opportunity given to us to present our comments and to be heard in person at the hearing last fall. We applaud the Commission for its adoption last year of practical requirements in Deanna's memory in an effort to save lives and prevent serious

injuries: the Deanna Camille Green Rule - Contact Voltage Survey Requirements and Reporting, Code of Maryland Administrative Regulations (COMAR) 20.50.11.

However, we write to you now to urge that the Contact Voltage Survey Plan filed by Baltimore Gas and Electric Company (BGE) on August 2, 2012, be **rejected** to the extent that it proposes to use mobile survey equipment to include "NARDA Mobile Stray Voltage Detection System, Model 8950/10"¹. And, we also urge that the recently filed Contact Voltage Survey Plans presented by Delmarva Power and PEPCO, also both filed on August 2, be denied or approved only on a similar condition that the voltage survey detection systems used by those companies (not specified in their recent Plan reports) not include use of the demonstrably unreliable NARDA model 8950/10. We are particularly concerned that neither of those two utilities have yet identified the equipment they intend to use for their mobile scan detection of contact voltage, although that was clearly required by section 2 of the Deanna Camille Green Rule.

The NARDA 8950 Stray Voltage Detection System (NARDA system) has been repeatedly shown to be unreliable and ineffective in locating contact voltage hazards. We will present information on five key areas of concern regarding the NARDA system, any one of which is sufficient for rejection of the NARDA system, and which collectively provide an overwhelming basis for not allowing use of the NARDA system to satisfy contact voltage testing requirements in Maryland. We urge you to reject any plan that includes the use of the NARDA system for each of the following reasons:

¹ BGE Contact Voltage Survey Plan section V(E), page 15

1. Field testing performed by Con Edison shows that the NARDA system misses more than 67% of known energized objects
2. A head-to-head trial of the NARDA system and the SVD-2000 shows that more than 80% of energized objects were missed by the NARDA system
3. After evaluating and field testing the NARDA system, New York Utilities will not use it
4. The NARDA system is not certified
5. The utilities know the NARDA system is inadequate

1. Field testing performed by Con Edison shows that the NARDA system misses more than 67% of known energized objects

Over the past few years, several electric utilities have reviewed or tested the NARDA system as an alternative to the benchmark SVD-2000 system² provided by Power Survey Company. Well documented testing in New York makes clear that the NARDA system does not meet the reasonable standards for mobile voltage scanning expected by the New York State PSC and by utilities operating in New York City (Con Edison), Rochester (RG&E) or in Buffalo (National Grid).

² The SVD-2000 System is currently used in major cities including Buffalo, Toronto, Rochester, Baltimore, Seattle and New York City.

Attached to this letter, we provide a copy Con Edison's evaluation report on the NARDA system. This report which was presented to the New York State Public Service Commission (NYSPSC) describes Con Edison's unsatisfactory experience with the NARDA 8950 system. The attached Con Edison report entitled *"Factors influencing Con Edison's current position on the NARDA 8950 System"* noted, in part, that:

- Preliminary field tests indicated that there were objects that the NARDA 8950 was unable to detect.
- Objects at high voltage can have low field strengths and could be missed by the NARDA system.
- In Con Edison's field trials, the NARDA 8950 failed to detect electric fields at 67% of known locations that were detected with SVD-2000.
- Power Survey has provided Con Edison with data on the electric field strengths of items that they [Power Survey] detect. More than 80% would be missed by NARDA.
- November 2010 NARDA indicated that they experienced difficulty detecting energized streetlights.

Con Edison found that it could not use the NARDA system because it did not meet the necessary performance criteria. The conclusion of Con Edison's report summarized their experience with the system: *"Con Edison has observed a large difference in performance and felt this was enough evidence to cancel larger scale field trial."*

Several months later Con Edison reported, *"Con Edison purchased several [NARDA 8950] units for evaluation...To date, we have not incorporated these units into our mobile contact voltage testing program because we have not been able to achieve results*

*similar to that of the existing mobile detection technology.”*³ Con Edison has reported no progress since then.

2. A head-to-head trial of the NARDA system and the SVD-2000 shows that more than 80% of energized objects were missed by the NARDA system

In 2010, RG&E used the NARDA system to survey the City of Rochester, NY for contact voltage. Shortly after the conclusion of that survey, RG&E developed concerns that the NARDA system had missed the majority of contact voltage hazards present at the time of contracted test. To address their concerns, RG&E retained Power Survey to conduct a re-scan of Rochester using the proven SVD-2000 technology. The results of the re-test confirmed that the NARDA System failed to detect over 300 objects at a variety of voltages up to 120 volts. On July 28, 2011, RG&E submitted a final report⁴ to the NYSPSC with test data from both surveys. The report states that the NARDA system only detected 40 instances of Contact Voltage, while the subsequent re-scan by Power Survey uncovered 365 Contact Voltage Hazards. This report supports Con Edison’s conclusion that the NARDA system misses more energized hazards than it finds. We also provide a copy of an email⁵ from RG&E to the NYSPSC staff. The email confirms that *"it is our intention to discontinue use of NARDA equipment until all issues surrounding its use are resolved."* These “issues” have still not been resolved.

³ Con Edison 2010 Contact Voltage Test and Facility Inspection Annual Report

⁴ 2011 RG&E Mobile Stray Voltage Testing Report, July 27, 2011 (Revised July 28, 2011)

⁵ RG&E e-mail dated March 31, 2011 to NYS PSC Staff and New York Utilities

3. After evaluating and field testing the NARDA system, New York Utilities will not use it

The collective negative experiences with the NARDA system were reviewed by the NYSPSC in 2011^{6,7,8}, and in its formal order dated June 23, 2011, the NYSPSC states that the concern over possible use of the NARDA 8950/10 system "appears to be moot" because none of the utilities would consider use of the NARDA system.⁹

4. The NARDA system is not certified

Within Attachment 2 of BGE's survey plan is a "certificate from an independent test laboratory for NARDA Mobile Stray Voltage Detection System." To be clear, the NARDA 8950 has not been certified by Underwriters Laboratories. Underwriters Laboratories was simply witness to a flawed and heavily criticized test designed and executed by NARDA employees. In the "test report," you will notice that Underwriters Laboratories ("UL") confirms that they were only invited to "witness" the private performance test done by NARDA and its employees. As far as we are aware, no attempt has even been made by NARDA to claim the certification status that is evidenced by authorized use of the "UL Mark." As Underwriters Laboratories proudly states, "*UL and its affiliates have different programs available for testing on-site such as witness testing*"

⁶ Case 04-M-0159, The Jodie S. Lane Public Safety Foundation Comments, March 23, 2010

⁷ Case 04-M-0159, Power Survey Company Comments, March 23, 2011

⁸ Case 04-M-0159, The Jodie S. Lane Public Safety Foundation Comments, April 21, 2011

⁹ Case 10-E-0271, Proceeding on Motion of the Commission to Examine the Mobile Testing Requirements of the Safety Standards, Pages 7 - 8.

programs and client test programs." "The only way to determine if a product has been certified by UL is to look for the UL Mark on the product itself."¹⁰

In addition, NARDA's report fails to include any real world field testing of the system. Variables in the real world, such as road vibrations, weather, operator variation and urban congestion dramatically impact the performance of detection systems. The NARDA report concludes that the system can detect 100% of energized objects. Fortunately, The Commission has available the results of real world testing performed by Con Edison in New York City and Rochester Gas and Electric in Rochester, New York, which clearly demonstrate that the NARDA System failed to detect over 300 objects at a variety of voltages up to 120 volts. Rather than finding 100% of energized objects as NARDA's test report concludes, the NARDA system only detected 20% of energized objects in the real world. The NARDA in-house testing did not simulate real world conditions and should therefore be rejected.

Furthermore, There is no evidence that the NARDA 8950 has ever been **certified** to perform as a mobile contact voltage scan tool by any qualified Independent Testing Laboratory (ITL) qualified by UL, or accredited under the standards of the American Association for Laboratory Accreditation (A2LA), the ISO/IEC 17025, the NTA or any other recognized authority accrediting independent testing programs.

¹⁰ www.ul.com

5. The utilities know the NARDA system is inadequate

The Commission should recall that as recently as last Fall's hearing on these contact voltage survey regulations, the participating utilities, including BGE, confirmed that they knew of no reasonable effective alternative survey technology to the standard system offered by Power Survey. For example, at the October 28 hearing, although we understand that BGE knew already of the less-than-effective NARDA device, the Counsel for BGE said on the record:

"At this time we are only aware of one company, Power Survey Corp., that offers the mobile technology. There is no one else. . . . We are limited to them. That is still our concern when it comes to implementing the mobile technology. If they are aware of other entities that are providing this service, other alternatives for us to use, we'd love to hear about them."

The point, that there is no effective alternative for a mobile contact voltage testing was supported by the testimony of BGE's presenting Vice President, John Borkoski, who asserted:

*They [Power Survey] are the only true provider of this service. There are other groups that are trying to get into the industry [including NARDA]. But at this point this vendor [Power Survey] is **the most reliable vendor** and they have a patent on their technology."*

The same record shows that the Honorable Commissioner Williams responded to BGE with the following comments:

"I personally do not see what the problem is in regards to dealing with this particular company that it appears that it's the only one out there at this point.

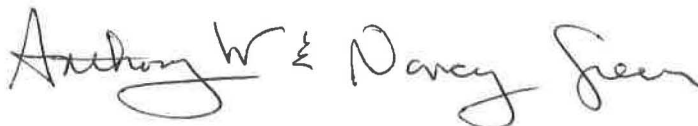
I think that the danger that I see that you are waiting or trying to find other sources, that you're still going to have the problem with this stray voltage being out there and people's lives being put on hold in the respect of possibly something tragic happening where their lives would be taken from them.

I really have a problem with the utilities looking at the financial picture of it when it comes down to the lives of individuals."

Lastly, we understand that at least one Maryland utility recently attended a head-to-head comparison of the two systems in which the NARDA system was unable to detect contact voltage hazards found by the SVD-2000 system.

In conclusion, we wish to make clear that that we have no interest in the use of any particular commercial product. We welcome the adoption of any technology that can effectively identify contact voltage threats in the pedestrian pathway. It is clear however, that the NARDA system is inadequate. Failure to detect contact voltage hazards bears life or death consequences. We know this firsthand. The intended goal of a contact voltage testing is to prevent injury or the tragic and unnecessary loss of a loved one. The use of inferior technology provides the public with no measurable improvement in safety, only a false sense of security. It conflicts with the stated mission of the Commission to provide safe service, and lastly, it tarnishes a legacy of improved public safety that the death of our daughter and the countless other children and victims of contact voltage could have otherwise left behind.

Respectfully yours,

A handwritten signature in black ink that reads "Anthony W. & Nancy Green". The signature is written in a cursive, flowing style.

Anthony W. and Nancy Green

Enclosures:

Con Edison Report "*Factors influencing Con Edison's current position on the NARDA 8950 System*"

Case 04-M-0159, The Jodie S. Lane Public Safety Foundation Comments, March 23, 2010

Con Edison's 2010 Contact Voltage Test and Facility Inspection Annual Report, February 15, 2011

Case 04-M-0159, Power Survey Company Comments, March 23, 2011

Rochester Gas and Electric e-mail to NYSPSC and New York Utilities, March 31, 2011

Case 04-M-0159, The Jodie S. Lane Public Safety Foundation Comments, April 21, 2011

Case 10-E-0271, Proceeding on Motion of the Commission to Examine the Mobile Testing Requirements of the Safety Standards, June 23, 2011

Rochester Gas and Electric's 2011 Mobile Stray Voltage Testing Report, July 27, 2011, Revised July 28, 2011.