

New "Unfair Wording" Petition KIUC

- We members of Kauai Island Utility Cooperative challenge the unanimous Board decision of Dec 17, 2013 which approved wording for Opt-Out Fee Ballot** (that will end collecting of those votes on Jan 25th)... The wording of Opt-Out Fee Ballot was not approved by Opt-Out Fee Petition Committee because the wording does not explain the reasoning behind the petitioners' effort. Therefore the ballot was not fair and this present petition calls for nullification of that ballot and apology from KIUC for unfair presentation of issue.
- We call for an open debate on Smart meter cost effectiveness, privacy invasion, and health risks... that is, another ballot with both sides of issues presented.** We suggest that before another ballot about opt-out fees comes out, that KIUC show the film "Take Back Your Power" in Waimea, Koloa, Lihue, Kapaa, Kilauea and Hanalei to be followed by debates/discussions between petitioners and Board Directors. (Board Directors have had this DVD for six weeks, and public can see it online for \$2.99 at www.TakeBackYourPower.net)
- We challenge the assumption in Board Policy 32, E. 3) that says KIUC Board can override any ballot disagreement at it's "sole discretion"** ... Every petition would be due to a disagreement, and one side of disagreement cannot have "sole discretion" to override the other. A mediation protocol that is videotaped for TV public review would allow for more membership involvement. Only in the case when an openly aired discussion could not solve a dispute would a ballot be needed.
- We challenge the assumption in Board Policy 32, E. 4) that states: "The Ballot for the approval of any Challenged Action shall contain an objective summary of the substance of the Challenged Action..."** This wording assumes that KIUC management and Board, with its claimed "sole discretion", can make an objective summary of an action *against them*. This is illogical. An objective summary is not possible when the challenge is about sound judgement. Therefore both sides should be able to present their argument, for or against a position, in the wording of any ballot. Wording should be fair and educational, not designed to smear.
- We call for overhaul of Policy 32 to include a mediation procedure prior to need for an expensive ballot.** This reworking of policy 32 should be publicly recorded and input from membership actively encouraged. Lawyers paid to consolidate power and make membership an adversary of management should not be involved.
- We challenge KIUC making their position in present ballot the "yes" choice.** Psychologically this plays to peoples loyalties and hopes. The choices should be A or B, not yes or no. "A" needs to be the challengers' position as this is their ballot. The underdog should be favored, not sidelined. We want diverse input, not monopoly.
- We call for end of membership paid electioneering by KIUC.** Policy 32 should state that there is ban on electioneering. There should be no electioneering with radio, email, internet, newspaper or any other media that requires money or KIUC staff. Paid Board Directors are also dis-allowed to campaign. Rather, we suggest six public debates as per #2 above, so that public can readily get familiar with the issues. The audio, video and transcript of these fair educational events where informed choice replaces propaganda, should be downloadable from KIUC website and sent to all media outlets and blogs on Kauai. Youtube for permanent documentation would be pono. Also, KIUC should not endorse any new candidate for Board Director position as this is sets up a publicity bias which works against new voices.
- We call for ban on KIUC employees representing KIUC Board Policies.** Our elected representatives should be the only KIUC spokespersons at any meeting or public presentation or press release. We don't want to see the CEO or any other managers standing in for our elected officials. Our relationship is with our elected officials, not hired hands. Our Board Directors are accountable to us and need to be up front, at attention. That is their job.
- We call for fairness and respect in form of reimbursement to members who win in a dispute.** When Board loses a dispute with members, KIUC should re-imburse petitioners or court challengers for all their expenses, as these members have correctly used the check and balance system of participatory democracy to insure KIUC is a working and robust Cooperative, as per the 2nd Principle of a Coop from KIUC website. We call for retroactive reimbursement, going back to the first petition in 2011 and also the injunction by Adam Asquith. Those Petitioners and plaintiff won those argument by law, despite being sabotaged by ballot wording and an expensively leveraged campaign against them, and in Asquith's case, KIUC spending money on an expensive attorney who said before the federal judge that he welcomed more litigation, as he would make more money. KIUC should encourage open sincere discussion so that these expenses and disputes are rarely needed in future.
- We call for a check and balance system of participatory decision making that insures open and transparent discussion of issues.** To further this goal, we call for videotape broadcast of all KIUC Board meetings, just like County Council does, and online polls to gather membership opinion and trends. Polling cannot be open to KIUC employees or their families. Due to past manipulations, these polls should be managed by a third party. This will be far less costly than ballots.
- We call for an end of all confidentiality agreements at KIUC except in the case of privacy of employees and members, and closed bids for competing contractors.** On an island with no competing utilities, in a utility that is member owned, confidentiality agreements only protect corruption. We call for an end to secrecy and an end to the corporate culture of fear at KIUC.
- We call for a review of wage scales and perks at KIUC.** An open community discussion about salaries at KIUC, that compares the salaries of Mayor, Police Chief, and Fire Chief with KIUC positions is needed. KIUC employees should work for the membership, not to get ahead of everyone else on island with their own bloated wages. This is Kauai.
- We call for an end to all charity donations by KIUC.** KIUC is a utility, not a political machine that derives loyalty through buying favor. It is not the purpose of a utility to choose for the public who does and does not get charity support. Our monthly power bill should be as low as possible, and not inflated by administrative whims and designs.
- We call for an online poll to decide whether Kauai Currents magazine should continue at all.** As of now *Kauai Currents* is just a promotional tool for loyalty to KIUC leadership and staff. Rather, updates can easily be included in mailed monthly bill, instead of a costly glossy PR magazine. We call for an end of any desire to socially engineer the people of Kauai. Instead we call for honest information and opportunity for informed choice.
- We call for Board Directors to stop spending \$9,000/year each in travel costs, and organize conference video technology instead.** With that saved money, their stipend can be increased as we expect Directors to interact more with public in a new era of community involvement.

This Petition calls for a nullification of Jan 25 Opt-Out Fee Ballot as the wording was not representative of the Petitioners' position. This Petition summary above outlines the types of corruption that enabled the unfair ballot and offers solutions. The present ballot was worded by KIUC to specifically hide from the Kauai public, mountains of research that is known worldwide about wireless dangers and privacy invasion. The online documentary "Take Back Your Power" (TakeBackYourPower.Net) needs to be discussed. In a controversy, the hiding of controversy is denial and runs counter to the mass awakening we need to create a healthy future.

Please clip and mail to: KTII c/o Nickerson PO Box 658 Kilauea, HI 96754 Non-KIUC members please write to kauaitruth@gmail.com to join "right to know" email list.

Page _____ of _____ (above leave blank)	EXHIBIT "B" (Continuation page(s) of Petition) KAUAI ISLAND UTILITY COOPERATIVE ("KIUC") MEMBER PETITION TO CHALLENGE BOARD ACTION	SIGNATURE	ADDRESS OF ELECTRIC SERVICE (please print clearly)	TELEPHONE NUMBER	KIUC ACCOUNT NUMBER
1	<p>NOTE: By signing this Petition I, one of the undersigned, certify that I am an Active Member of KIUC or the authorized representative of an Active entity Member of KIUC, that this is the only copy of this Petition I have or will sign; and the information given as to Name, Service Address, Telephone Number and Account Number will match the information on my Active Account. I understand that Ray Songtree, Joan Levy, and David Mathews are the initiators of this Petition and as such consent to these Members being designated as the "Committee Members" for this Petition pursuant to KIUC Board Policy No. 32 to act for me as a Petitioner in the manner they deem appropriate. I also agree and consent to the disclosure of all information concerning me on this Petition to the general public, thereby waiving any applicable claim to privacy with regard to that information.</p> <p>REMINERS: Although a Member may have multiple sub-accounts, no matter how many sub-accounts you may have, a Member may sign the Petition only once. Also remember that KIUC does not allow joint accounts so only the spouse that is the Member may sign the Petition.</p> <p>PURPOSE OF PETITION: The purpose of this Petition is to challenge the KIUC Board Action taken at the Board's Meeting held on <u>Dec. __, 2013</u>, which action was contained in the Draft Minutes of that Meeting posted on the KIUC Website, www.kiuc.coop, on <u>Jan. __, 2014</u>, action is described as: 4.1 Approval of January Special Election ballot wording for Petition Challenged Action on meter fees.</p> <p><i>[The present wording is being challenged because it does not present both sides of issue. It frames "fees" as "cost recovery" from the incorrect group of members. No "smart" savings have been proven. Members who Opt-out of "Smart" Meters are cost-savers by not using Smart Grid infrastructure, analysts, or causing health and privacy legal liability. This Petition also protests Board using general funds for it's own electioneering.]</i></p>				
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Why this new "Unfair Ballot" petition ?

"The KIUC Special Election ballot wording approved by the KIUC BOARD on Dec 17 is being challenged because it was unilaterally re-written by the BOARD at their "sole discretion" and included none of the language previously and mutually agreed upon with we, the Committee of the Petitioners.

Their new ballot language contained information and excluded other information with intention to bias the membership and induce them to vote "Yes" in the special election. This is not right. By signing this second petition, members say NO to ballot bias and YES to a mutual understanding and respect between KIUC BOARD and the full membership, when resolving issues fairly."

- Committee for Opt Out Fee Petition (which initiated ballot)

Kauai Transparency Initiative International believes that human nature is loving. "Right to know" leads to informed choice which leads to local stewardship. When government and industry are honest and open with citizens and consumers, people will naturally choose health for themselves and future generations. A mother protects her child. KTII exists to help causes that work for transparency and disclosure. The goal is an informed loving society on Kauai and afar. KTII was founded by Ray Songtree in 2011.

with sincere aloha, Ray - Join the "right to know" mailing list, or to make non-profit donations, write to Ray at KauaiTruth@gmail.com

