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EMF Safety Network Files Lawsuit Against the CPUC over Smart Meters

San Francisco- On July 11, 2012 The EMF Safety Network filed a Petition for Writ of Review in the California First District Court of Appeal against the California Public Utilities Commission (CPUC) for failing to address serious health and safety issues related to radio frequency radiation (RF) utility Smart Meters.

The EMF Safety Network filed a CPUC application in April 2010, requesting a moratorium on the deployment of Smart Meters, evidentiary hearings on Smart Meter health and safety impacts and an independent study regarding RF emissions. The CPUC dismissed Network's application in December of 2010, telling Network to take their complaints to the Federal Communications Commission (FCC). Network appealed and in June 2012 the CPUC denied the appeal, concluding that they have the authority to regulate RF emissions but deferring to the FCC.

The petition alleges that the CPUC abused its discretion, failed to proceed in the manner required by California law and that the findings in the decision are not supported by substantial evidence. No evidentiary hearings were held, no opportunity for the submission of prepared testimony or even the issuance of a traditional Commission scoping memorandum. The CPUC dismissed Network's application on the basis of a single, self-interested declaration submitted by one PG&E employee.

EMF Safety Network is asking the Court to remand the case to the CPUC to open the application and conduct evidentiary hearings on Smart Meter public health and safety impacts.

Sandi Maurer, Director of the EMF Safety Network comments, *"The CPUC has never addressed the health and safety impacts of Smart Meters. They've ignored substantial evidence of harm, rubber stamped PG&E's claims of safety, and saddled the opt-out with a penalty!"*

This contrasts with Maine, where the Supreme Judicial Court sided with utility customers and remanded the Maine Public Utilities Commission to investigate Smart Meter health and safety issues. (*Friedman v. Public utilities Commission Maine Supreme Judicial Court No. 2012 ME 90 released July 12, 2012*) In Vermont state legislators voted to allow utility customers to opt-out of Smart Meters for free.

The EMF Safety Network provides education about the health impacts associated with electromagnetic fields (EMFs) and radio frequency radiation (RF) and offers resources for community activists working to facilitate public policy change. In the appeal, it is represented by Best, Best and Krieger attorneys James Hobson, Harriet Steiner and Josh

Nelson.

Link to the lawsuit: http://appellatecases.courtinfo.ca.gov/search/case/dockets.cfm?dist=1&doc_id=2019334&doc_no=A135927

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