



CALIFORNIA PUBLIC UTILITIES COMMISSION

CONSUMER PROTECTION & SAFETY DIVISION

INVESTIGATION REPORT

OF

**PACIFIC GAS & ELECTRIC COMPANY'S
VIOLATION OF PUBLIC UTILITIES CODE SECTION 451**

PUBLIC VERSION

**BY CHRISTOPHER POSCHL
FEBRUARY 3, 2012**

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1 **I. SUMMARY**

2 The Consumer Protection and Safety Division (CPSD) of the California Public Utilities
3 Commission (Commission) conducted an investigation into the actions of Pacific Gas and
4 Electric Company’s (PG&E) Senior Director of SmartMeter, William Devereaux, relating to his
5 participation in online smart meter discussion groups. Based on evidence gathered during its
6 investigation, CPSD staff concludes, that PG&E violated Public Utilities (PU) § 451 in failing to
7 furnish just and reasonable service when Mr. Devereaux lied about his identity to infiltrate online
8 smart meter discussion groups in order to spy on their activities and discredit their views.

9 CPSD staff recommends that the Commission open an Order Instituting Investigation
10 (OII) into this alleged violation by PG&E and order PG&E to show cause why it should not be
11 penalized if the Commission finds PG&E violated PU Code § 451, or any other Commission
12 rule, law, or regulation.

13 **II. BACKGROUND**

14 In November 2010, CPSD staff commenced an investigation into Mr. Devereaux’s
15 alleged infiltration of an anti-smart meter discussion group and whether PG&E senior executives
16 knew and approved of Mr. Devereaux’s actions.

17 On November 9, 2010, the San Jose Mercury News, and other news sources, reported that
18 Mr. Devereaux had subscribed to at least one smart meter discussion group and admitted using
19 the name “Ralph” when he attempted to join the California EMF Coalition, a consumer advocacy
20 group that maintains a private, moderated online discussion forum for people concerned about
21 the possible health effects of electromagnetic fields (EMFs) generated by smart meters. Mr.
22 Devereaux admitted to the San Jose Mercury News, “As part of understanding what our
23 customers are thinking, we have been monitoring activity on the internet. I anonymously joined a
24 couple of anti-smart meter websites . . . We’re trying to understand the points of view of these
25 folks . . .”¹

26 PG&E conducted an internal investigation between November 9 and December 17, 2010.
27 Based on the evidence gathered from Mr. Devereaux’s PG&E-issued laptop and his internet
28 searches, PG&E concluded that:

¹ SJ Mercury News - PG&E suspends executive who infiltrated SmartMeter foes, Dana Hall, November 9, 2010, and other news sources reporting similar story. (**Attachment 1**)

- 1 1. Mr. Devereaux violated PG&E's Employee Code of Conduct as
2 well as the Company's Core Values and the Expectations of our
3 Leaders;
- 4 2. Mr. Devereaux was actively involved in intelligence gathering and
5 he performed this task using a false identity; and
- 6 3. Mr. Devereaux provided inappropriate comments and opinions on
7 at least four occasions while using a false identity.²

8
9 PG&E hired Mr. Devereaux as Senior Director for PG&E's SmartMeter³ Program in
10 March 2009. As Senior Director, Mr. Devereaux was responsible for all aspects of PG&E's
11 SmartMeter project including: SmartMeter Field Delivery, Customer Care Business Delivery,
12 Program Management Office, SmartMeter Field Delivery Solutions, Gas and Electric Metering
13 Services, and SmartMeter Change Management.⁴ Mr. Devereaux was the public face of the
14 SmartMeter Program for PG&E making 16 public appearances between October 2009 and
15 October 2010 in town and city meetings and at public forums for smart meters.⁵ Mr. Devereaux
16 served as a primary interface with the Commission regarding PG&E's SmartMeter project,
17 between July 2009 and November 2010, meeting with the Commission's Energy Division staff
18 on 13 occasions to brief Commission staff on SmartMeter project implementation status, smart
19 meter testing, billing and complaints, process improvements, and cyber security.⁶

20 Mr. Devereaux reported to Helen Burt, Chief Operating Officer, who reported to
21 Christopher Johns, President of PG&E, who reported to Peter Darbee, Chief Executive Officer of
22 PG&E.⁷ Mr. Devereaux's role in the SmartMeter Program changed in August 2010 when his
23 boss Greg Kiraly was hired to fill the newly created position of Vice President of SmartMeter
24 Operations. Mr. Devereaux then became the Senior Director, Strategy Lead for the SmartMeter

² PG&E response to DR1, December 10, 2010, Attachment CPSD_001-01Supp01-1, page 2. **(Attachment 2)**

³ SmartMeter is PG&E's trademark name for PG&E's program to exchange legacy meters to wireless smart meters.

⁴ PG&E organization charts PG&E December 10, 2010 response to DR1 question # 5, Attachment CPSD_001-05-1, page 1 of 7, and Attachment CPSD_001-05-2, page 2 of 2. **(Attachment 3)**

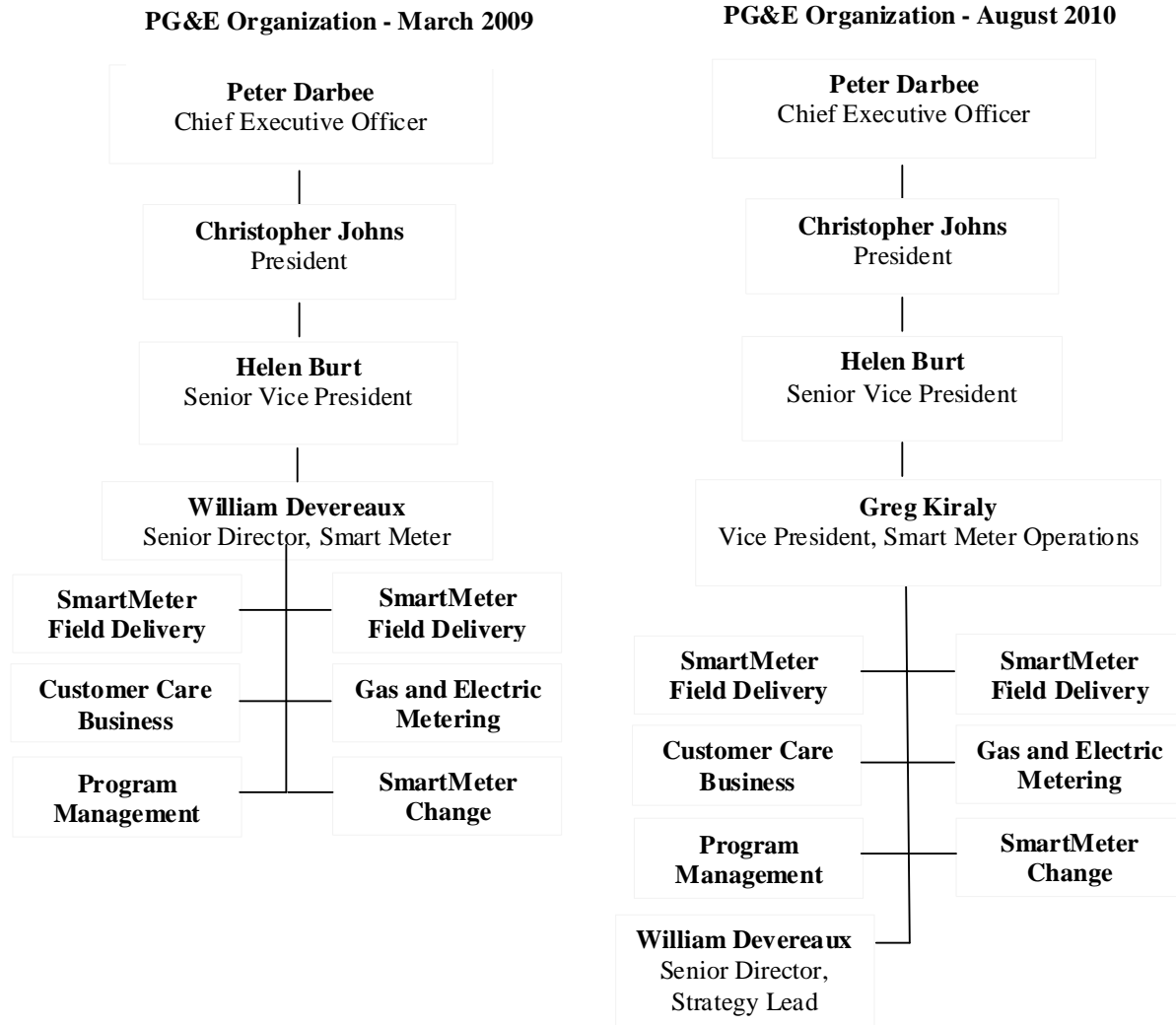
⁵ Public Appearances of William Devereaux Relating to the SmartMeterTM Program, PG&E December 10, 2010, response to DR1 question # 19, Attachment CPSD_001-19-1, page 1 of 1. **(Attachment 4)**

⁶ PG&E response to DR1, December 10, 2010, CPSD_001-17-1, page 1. **(Attachment 6)**

⁷ PG&E organization charts, PG&E December 10, 2010 response to DR1 question # 5, Attachment CPSD_001-05-1, page 1 of 7, and Attachment CPSD_001-05-2, page 2 of 2. **(Attachment 3)**

1 Program overseeing Business Delivery.⁸ Mr. Devereaux held this position until he resigned on
 2 November 10, 2010.² The chart below shows PG&E's change in organizational reporting in
 3 August 2010.

4 **Table 1. PG&E's Organizational Structure Before and After August 2010**



25 On November 16, 2010, CPSD sent a data request to PG&E to obtain information
 26 relating to Mr. Devereaux's monitoring of the anti-smart meter online consumer group. PG&E
 27 submitted its initial response to CPSD on December 10, 2010 and provided supplemental data
 28 request responses on January 12, 2011. CPSD requested further information on May 12, 2011
 29 and PG&E submitted its responses on May 27, 2011 and June 6, 2011.

⁸ Ibid (Attachment 3)

² PG&E response to DR1, December 10, 2010, CPSD_001-08-2, pg 3 of 7. (Attachment 5)

1 CPSD presents its findings, conclusions, and recommendations in this report based on
2 staff's analysis of all data responses provided by PG&E, PG&E's internal investigation, staff's
3 discussions with anti-smart meter group leaders, and other publicly available information.

4 **III. MR. DEVEREAUX LIED ABOUT HIS IDENTITY TO INFILTRATE**
5 **ONLINE SMART METER DISCUSSION GROUPS IN ORDER TO**
6 **DISCREDIT AND/OR INFLUENCE THOSE WITH VIEWS AGAINST**
7 **SMART METERS**

8 Mr. Devereaux used the alias Ralph Florea and e-mail address manasota99@gmail.com
9 to conceal his identity when posting comments on Stopsmartmeters.org, Onthelevelblog.com,
10 and SmartWarriorMarin Google group.¹⁰ He similarly attempted to infiltrate the EMF Safety
11 Coalition Google group but his deceit was uncovered by the moderator during the review of his
12 membership request.

13 **A. Stopsmartmeter.org and Onthelevelblog.com**

14 Joshua Hart is the Director of Stopsmartmeters.org, an advocacy, media outreach, and
15 direct-action organization founded in June 2010 that provides activism consultation and advice to
16 dozens of local groups who oppose wireless smart meters.¹¹ Onthelevelblog.com is Joshua
17 Hart's personal blog.

18 On July 17, 2010, Mr. Devereaux, using the alias Ralph Florea, posted the following on
19 Onthelevelblog under the topic 'How smart is brain cancer.'

20 *RF Health has been studied for decades with no evidence [of]*
21 *biological impacts. Get the real science here from independent*
22 *international scientists. Exposure to High Frequency*
23 *Electromagnetic Fields, Biological Effects and Health*
24 *Consequences (100 kHz-300 GHz) <http://www.icnirp.de/40.htm>.¹²*

25 On August 27, 2010, following a peaceful smart meter protest at PG&E's Capitola
26 Wellington yard, Ralph Florea (Mr. Devereaux) posted this comment on Stopsmartmeters.org
27 under the topic, 'We Shut Down PG&E Smart Meter Installation in Santa Cruz County Today!:'

28 *Good luck pulling that off the next time Josh, BTW, the rest of the*
29 *interphone study says there is no evidence of cell phone causing*
30 *brain cancer when used at normal levels. Smart meters don't even*

¹⁰ See e-mail from Josh Hart to CPSD staff, December 30, 2010, 11:20 AM, page 4. (**Attachment 12**)

¹¹ See URL: <http://stopsmartmeters.org/about/>, as of May 19, 2011. (**Attachment 7**)

¹² See URL: <http://onthelevelblog.com/2010/07/17/how-smart-is-brain-cancer/#comments>, as of May 19, 2011. (**Attachment 8**)

1 *come close to the RF levels of a cell phone. Get back on your bike*
2 *to chase ARCO issues.*¹³

3 **B. SmartWarriorMarin Google Group**

4 Mr. Hart started the SmartWarriorMarin group¹⁴ in June 2010 as a moderated blog site
5 hosted by Google. On or about September 10, 2010,¹⁵ under the pretense of being an activist
6 opposed to smart meters, Mr. Devereaux joined this group to collect intelligence about views
7 regarding smart meters for at least 2 months before he was banned from the group.¹⁶

8 Ralph Florea (Mr. Devereaux) sent this note via email to the SmartWarriorMarin group,
9 in response to a question from the group moderator asking for clarification on PG&E's warning
10 to pacemaker wearers to stay 6 inches away from the smart meter:

11 You could never get your pacemaker within 6 inches of the meter.
12 Plus FDA regs for pace makers say they have to be designed to not
13 be affected by low level RF.¹⁷

14 On September 18, 2010, Ralph Florea (Mr. Devereaux) sent an email to the entire
15 SmartWarriorMarin group attempting to discredit Mr. Hart's views on climate change:

16 . . . perhaps you can see the hypocrisy of your own arguments
17 Unsubstantiated claims about smart meter energy use . . .¹⁸

18
19 **A. Emf Safety Coalition Google Group**

20 Mr. Devereaux continued to infiltrate anti-smart meter online groups using his alias. On
21 November 4, 2010, Mr. Devereaux attempted to join the EMF Safety Coalition Google group.¹⁹
22 The EMF Safety Network is an online discussion group for county leaders concerned about
23 smart meters and their impact on health and safety. The EMF Safety Network was started in June
24 2010 and provides education about the health impacts associated with EMFs and radio frequency

¹³ See URL: <http://stopsmartmeters.org/2010/08/27/we-shut-down-pge-smart-meter-installation-in-santa-cruz-county-today/#comments>, page 3 of 8, as of October 20, 2011. (**Attachment 9**)

¹⁴ Online Google group comprised of PG&E customers who are concerned with the health effects ... of wireless smart meters, see <http://groups.google.com/group/SmartWarriorMarin/msg/1774f7821ddfdc03>. (**Attachment 10**)

¹⁵ Due to loss of documentation when Devereaux was banned, staff is using the first post to SmartWarriorMarin as a proxy for the date he joined the group.

¹⁶ See e-mail from Josh Hart to CPSD staff, May 11, 2011, 2:51 PM. (**Attachment 11**)

¹⁷ See e-mail from Josh Hart to CPSD staff, December 30, 2010, 11:20 AM, page 4. (**Attachment 12**)

¹⁸ See e-mail from Josh Hart to CPSD staff, December 30, 2010, 11:20 AM, page 5. (**Attachment 12**)

¹⁹ CA EMF Coalition is the overall anti-smart meter movement which includes the EMF Safety Network Google group.

1 radiation (RF) and offers resources for community activists such as the SmartWarriorMarin
2 group. The EMF Safety Network Google group is only accessible to members. Non-members
3 who try to view the site, see the following message:

4 "You must be signed in and a member of this group to view its
5 content. Contact [the]owner to join."²⁰
6

7 Mr. Devereaux used his alias to send an email to the moderator requesting to join the
8 EMF Safety Network group.²¹ Unbeknownst to him, the header of his email revealed his real
9 name "From: William Devereaux manasota99@gmail.com." The moderator of the group, Sandi
10 Maurer, responded to Mr. Devereaux's request to join with this email note:

11 Hello, Please let me know more about your interest in joining the CA
12 EMF Coalition. This discussion group has been set up for county leaders
13 focused on EMF, specifically RF Smart meters. Please include where you
14 live, what aspect of smart meter issue you are working on and how you
15 came to be involved in this issue. There may be a better group that I can
16 help connect you to, or you may be our next county lead. Please let me
17 know. Thanks, Sandi²²
18

19 Ralph Florea (Mr. Devereaux) replied via email:

20 Hi Sandi, Sorry for the delay in getting back to you, I've been travelling a
21 lot. I live in Oakland where Smart meters have been sweeping across
22 town and wanted to learn more about them and join the conversation to
23 see what I can do to help out here. Thanks, Ralph²³
24

25 Ms. Maurer, recognizing the name William Devereaux in the email header suspected that
26 "Ralph" had not been truthful about his identity and replied:

27 Hi, Aren't you the head of the Smart Meter program at PG&E? We'd love
28 your help! Can you help us obtain a Smart Meter moratorium ASAP?
29 People who are asking for meters not to be installed are being bullied,
30 signs on meters are being disregarded and the CPUC has received 2000
31 Smart Meter complaints from Aug 15-Oct 15. We need a moratorium

²⁰ See URL, <http://groups.google.com/group/emf-safety-network?lnk=srg&hl=en>, as of October 18, 2011.
(Attachment 13)

²¹ PG&E January 10, 2011, supplement to CPSD data request, Attachment CPSD_001-08Supp01-1, page
1 of 2. (Attachment 14)

²² PG&E January 10, 2011, supplement to CPSD data request, Attachment CPSD_001-08Supp01-1, page
1 of 2. (Attachment 14)

²³ Ibid (Attachment 14)

1 ASAP and the opportunity to be heard at the CPUC. Your help would be
2 invaluable. Thanks for contacting us. Sandi²⁴
3

4 Mr. Devereaux did not respond thereafter to Ms. Maurer. The fact that PG&E and the
5 EMF Safety Network were opposing parties in EMF Safety Network's Application 10-04-018,
6 an open proceeding at the Commission during this time, makes Mr. Devereaux's ruse to obtain
7 information from the group even more egregious.²⁵

8 It is clear that Mr. Devereaux lied about his identity to infiltrate the above mentioned
9 groups in order to discredit and/or influence those with views against PG&E's deployment of
10 smart meters. The deceitful manner in which he obtained and disseminated information
11 regarding a ratepayer-funded utility program is improper, unreasonable, and betrays the trust of
12 the consumers PG&E serves.

13 **IV. PG&E SENIOR MANGEMENT KNEW OF MR. DEVEREAUX'S DECEIT**
14 **AND FAILED TO STOP HIS INAPPROPRIATE BEHAVIOUR**

15 PG&E Senior Management knew of Mr. Devereaux's deceit. Mr. Devereaux forwarded
16 six copies of email messages he collected from private online smart meter discussion groups he
17 joined using his alias, Ralph Florea, to his boss (Greg Kiraly) who is the Vice President
18 SmartMeter Operations, Senior Director of Local Government Relations [REDACTED]
19 Director of SmartMeter Engagement [REDACTED] Director of Legal [REDACTED]
20 Director of SmartMeter Field Delivery [REDACTED] Customer Outreach Specialist [REDACTED]
21 [REDACTED] and Government Relations [REDACTED].

22 The table below shows the names of PG&E management and staff who received emails
23 from Mr. Devereaux containing information he obtained from his deceitful intelligence gathering
24 activities.

25
26
27
28
29
30

²⁴ Ibid (Attachment 14)

²⁵ See Application of EMF Safety Network for Modification of D.06-07-027 and D.09-03-026, April 6, 2010, asking the Commission to suspend PG&E's SmartMeter deployment due to alleged health effects. (Attachment 15)

1

TABLE 2. PG&E RECIPIENTS OF EMAILS FROM MR. DEVEREAUX

<u>PG&E Email Recipients</u>	<u># Emails</u>	<u>Dates of Emails Received</u>
Vice President SmartMeter Operations (Greg Kiraly)	2	10/27/10 ²⁶ and 10/28/10 ²⁷
Senior Director of Local Government Relations ██████████	2	9/22/10 ²⁸
Director of SmartMeter Engagement ██████████ ██████████	6	9/20/10 ²⁹ , 9/22/10 ³⁰ , 10/11/10 ³¹ , 10/27/10 ³² , 10/28/10 ³³ , and 11/4/10 ³⁴
Director of Legal ██████████	3	9/20/10 ³⁵ , 9/22/10 ³⁶ , and 10/27/10 ³⁷
Director of SmartMeter Field Delivery ██████████ ██████████	1	10/27/10 ³⁸
Customer Outreach Specialist ██████████	1	10/28/10 ³⁹
Government Relations ██████████ ██████████	1	11/4/10 ⁴⁰

2

3 On six occasions between September and November 2010 PG&E senior management
4 failed to stop Mr. Devereaux's deceitful activities. Senior management's failure to act leads staff
5 to conclude that they either condoned or approved of Mr. Devereaux's inappropriate behavior.

²⁶ PG&E DR1 response, December 10, 2010, CPSD_001-13-1, page 250 of 309. (**Attachment 19**)

²⁷ PG&E DR1 response, December 10, 2010, CPSD_001-13-1, page 259 of 309. (**Attachment 20**)

²⁸ PG&E DR1 response, December 10, 2010, CPSD_001-13-1, page 94 of 309. (**Attachment 17**)

²⁹ PG&E DR1 response, December 10, 2010, CPSD_001-13-1, page 66 of 309. (**Attachment 16**)

³⁰ PG&E DR1 response, December 10, 2010, CPSD_001-13-1, page 94 of 309. (**Attachment 17**)

³¹ PG&E DR1 response, December 10, 2010, CPSD_001-13-1, page 169 of 309. (**Attachment 18**)

³² PG&E DR1 response, December 10, 2010, CPSD_001-13-1, page 250 of 309. (**Attachment 19**)

³³ PG&E DR1 response, December 10, 2010, CPSD_001-13-1, page 259 of 309. (**Attachment 20**)

³⁴ PG&E DR1 response, December 10, 2010, CPSD_001-13-1, page 307 of 309. (**Attachment 21**)

³⁵ PG&E DR1 response, December 10, 2010, CPSD_001-13-1, page 66 of 309. (**Attachment 16**)

³⁶ PG&E DR1 response, December 10, 2010, CPSD_001-13-1, page 94 of 309. (**Attachment 17**)

³⁷ PG&E DR1 response, December 10, 2010, CPSD_001-13-1, page 250 of 309. (**Attachment 19**)

³⁸ Ibid (**Attachment 18**)

³⁹ PG&E DR1 response, December 10, 2010, CPSD_001-13-1, page 259 of 309. (**Attachment 20**)

⁴⁰ PG&E DR1 response, December 10, 2010, CPSD_001-13-1, page 307 of 309. (**Attachment 21**)

1 PG&E fostered a culture of inappropriate interaction with consumer groups opposed to smart
2 meters. PG&E lost the public’s trust when one of its Senior Directors, William Devereaux, was
3 caught in the act of deceit by using a false identity to join the EMF Safety Network. CPSD
4 believes that PG&E, based on Mr. Devereaux’s actions, the failure of senior management to
5 detect and stop his behavior and/or senior management’s fostering of such behavior, failed to
6 provide “just and reasonable” service to its customers and as such violated PU Code § 451. Only
7 after the moderator of the discussion group discovered Mr. Devereaux’s deceit and only after the
8 entire matter was made known to the public, did PG&E take actions to stop his activities.

9 PG&E initiated an internal investigation on November 9, 2010.⁴¹ Mr. Devereaux was
10 interviewed by PG&E on November 9, 2010. Mr. Devereaux resigned the next day on
11 November 10, 2010.⁴² PG&E completed its internal investigation on December 17, 2010. Based
12 on the evidence gathered from Mr. Devereaux’s PG&E-issued laptop and his internet searches,
13 PG&E concluded that:

- 14 1. Mr. Devereaux violated PG&E’s Employee Code of Conduct as
15 well as the Company’s Core Values and the Expectations of our
16 Leaders;
- 17 2. Mr. Devereaux was actively involved in intelligence gathering and
18 he performed this task using a false identity; and
- 19 3. Mr. Devereaux provided inappropriate comments and opinions on
20 at least four occasions while using a false identity.⁴³

21

22 **V. PG&E FAILED TO COMPLY WITH PUBLIC UTILITIES CODE § 451.**

23

24 PU Code § 451 states that every public utility shall furnish and maintain such adequate,
25 efficient, just, and reasonable service, instrumentalities, equipment, and facilities, including
26 telephone facilities, as defined in Section 54.1 of the Civil Code, as are necessary to promote the
27 safety, health, comfort, and convenience of its patrons, employees, and the public. (Emphasis
28 added.) Mr. Devereaux’s actions on behalf of PG&E violated PG&E’s obligation to provide just
29 and reasonable service to its customers.

⁴¹ Ibid (**Attachment 2**)

⁴² PG&E response to DR1, December 10, 2010, CPSD_001-08-2, page 3 of 7. (**Attachment 5**)

⁴³ PG&E response to DR1, December 10, 2010, Attachment CPSD_001-01-1, page 2 of 10.
(**Attachment 2**)

1 PU Code §2109 states, [. . .] the act, omission, or failure of any officer, agent, or
2 employee of any public utility, acting within the scope of his official duties or employment, shall
3 in every case be the act, omission, or failure of such public utility. Mr. Devereaux's actions
4 toward anti-smart meter groups were directly related to the scope of his employment and
5 therefore, pursuant to PU Code §2109, are considered the acts of PG&E. Senior management
6 knew of his deceit and either approved or failed to stop his inappropriate behavior. PG&E
7 management acted, but only after Mr. Devereaux's deceitful acts were exposed.

8 **VI. RECOMMENDATION**

9 CPSD recommends that the Commission open an OII into PG&E's alleged failure to
10 comply with PU Code § 451 as presented in this investigative report. CPSD further recommends
11 the Commission order PG&E to show cause why it should not be penalized if the Commission
12 finds PG&E violated PU Code § 451 , or any other Commission rule, law, or regulation.

1 **VII. INDEX OF ATTACHMENTS**

1.	San Jose Mercury News and other news sources on November 9, 2010 reporting on PG&E Devereaux.
2.	PG&E's Corporate Security December 17, 2010 investigation memo to Greg Kiraly.
3.	PG&E organization charts.
4.	Public appearances relating to smart meter program of Mr. Devereaux.
5.	Mr. Devereaux November 9, 2010, resignation email.
6.	PG&E Mr. Devereaux meetings with CPUC staff.
7.	Stopsmartmeters.org.
8.	Ralph Florea (Mr. Devereaux) comment to ontheleveblog.com on July 17, 2010.
9.	Ralph Florea (Mr. Devereaux) comment to stopsmartmeters.org on August 27, 2010.
10.	SmartWarriorMarin Google group sign in webpage.
11.	May 11, 2010 e-mail from Mr. Hart stating that Mr. Devereaux misrepresented himself to gain access to the SmartWarriorMarin Google group.
12.	December 30, 2010, e-mail from Mr. Hart, containing Mr. Devereaux's e-mails to SmartWarriorMarin Google group members.
13.	EMF Safety Network Google group sign in webpage.
14.	November 9, 2010 e-mail exchange where EMF Network moderator discovers William Devereaux used alias, Ralph Florea, to attempt to join discussion group.
15.	April 6, 2010 application of EMF Safety Network for modification of D.06-07-027 and D.09-03-026.
16.	Mr. Devereaux September 20, 2010 e-mail from SmartWarriorMarin private Google group.
17.	Mr. Devereaux September 22, 2010 e-mail forwarded from private online smartmeters group.
18.	Mr. Devereaux October 11, 2010 e-mail request to PG&E's public relations firm to add the private SmartWarriorMarin Google group to its list of what it monitors.
19.	Mr. Devereaux October 27, 2010 e-mail from SmartWarriorMarin private Google group.
20.	Mr. Devereaux October 28, 2010 e-mail from SmartWarriorMarin private Google group.
21.	Mr. Devereaux November 4, 2010 e-mail from California EMF Safety Coalition private Google group.

2