



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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Application of Pacific Gas and Electric Company (U 39 M) for Approval of Modifications to its Smart Meter Program and Increased Revenue Requirements to Recover the Costs of the Modifications.

Application 11-03-014
(Filed March 24, 2011)

PROTEST OF EMF SAFETY NETWORK

1. Introduction

Pursuant to Rule 2.6 of the Commission's Rules of Practice and Procedure, EMF Safety Network (Network) submits this protest to the application of Pacific Gas and Electric Company (PG&E) for approval of modifications to its Smart Meter program which would allow residential customers to "opt out" of the program. Network objects to granting the approval sought in the application.

PG&E filed the application on March 24, 2011. Notice of the application appeared in the Commission's Daily Calendar on March 25. The due date for protests is Monday, April 25. Network will file this protest electronically on the due date.

2. Category of Proceeding

Network concurs with PG&E's request to categorize the application as a ratesetting proceeding. (Application, p. 9.)

3. Grounds for Protest

3.1 PG&E's Application Is an Inadequate Solution

Network opposes PG&E's proposal to continue deployment and force all ratepayers to have a Smart Meter. Network opposes charging ratepayers to opt out of having a Smart Meter installed on their property. PG&E treats Smart Meter

hazards as if they are minor issues to a small group of ratepayers who can afford to pay hundreds of dollars a year to opt out. This is a false premise. PG&E's application is an inadequate solution to a complex problem. The application does not address the numerous serious problems associated with Smart Meters and does not provide appropriate relief to ratepayers.

Smart Meters transmit radiofrequency radiation (RF) which is a threat to the environment and to public health and safety. The California Council on Science and Technology (CCST) concluded, "The topic of potential health impacts from RF exposure in general ... continues to be of concern." ("Health Impacts of Radio Frequency Exposure from Smart Meters", April 2011, p.27.) The California Department of Public Health (CDPH) commented on the CCST study, "CDPH suggests further review of the literature on non-thermal effects, which is complicated and controversial, but does not support a claim of no non-thermal health effects from radio frequency electromagnetic fields."

The Commission previously investigated the health impacts of RF technologies in Decision (D.) 95-11-017; the Commission could neither prove nor disprove RF safety. The Commission ordered additional RF workshops, which were never held. Instead the Commission later recklessly approved utility installation of a RF microwave radio system on every home and business without an environmental study and without further investigation into health, safety and environmental impacts. In Appendix A of the decision, the Commission Advisory and Compliance Division (CACD) warned the Commission, "The economic considerations of this issue are significant. CACD raises the equally, if not more important issue of health and safety of the public. ... The Commission is clearly responsible for ensuring that the utilities it regulates are providing service and facilities that do not constitute a threat to the public or the environment." (D.95-11-017, Appendix A, p. 11.) It is wrong to require ratepayers to pay to escape from a threat to health and ensure safety in their own home.

Smart Meters are making people sick. People from all over California are reporting similar health impacts, sleep problems, headaches, heart problems, tinnitus, dizziness, nausea and other symptoms. Other unaddressed problems include long term risk of cancer, interference with electrical devices, burned out appliances, fires and explosions, loss of jobs, privacy and security risks, making portions of private property unsafe, and reducing property values. In addition PG&E has admitted to more than 43,000 problems of one kind or another and thousands of estimated bills. Smart Meters can endanger people with medical or metal implants, children, the elderly and people with compromised immune systems for whom the Federal Communications Commission (FCC) safety standards were not designed to protect.

Smart Meters can violate both FCC safety standards and FCC installation conditions for RF safety. Network raised these issues in Application (A.) 10-04-018 (Reply Comments, November 22, 2010; Rehearing Request, January 5, 2011), and the Commission has not adequately addressed them. In a recent letter to Congresswoman Lynn Woolsey the FCC directs responsibility for RF safety conditions back to PG&E. The FCC's inadequate response illustrates its lack of oversight, stating, "The grants of equipment authorization routinely list the four conditions cited by EMF [Safety Network] for the broad class of transmitters that include most Smart Meters. ... [A]dherence to those conditions is not necessarily required for Smart Meters to achieve compliance with our RF exposure guidelines. ... [T]he utility is responsible for ensuring compliance with any installation conditions listed on the grant of equipment authorization." Network asserts that PG&E's claims of RF safety are unsubstantiated and not proven true.

PG&E states that Smart Meters transmit RF pulses of 2 milliseconds to 20 milliseconds duration for a total of approximately 45 seconds a day, not once an hour or every four or six hours as PG&E previously stated. Given these PG&E estimates, Smart Meters could be transmitting 20,000 times per day or more. This estimate of the Smart Meter duty cycle does not include future RF transmissions

expected from future Home Area Networks, RF-equipped home appliances, or other commercial uses. The Commission should order an independent RF emissions study given the uncertainties over how Smart Meters work. Network intends to present study parameters in testimony in this proceeding.

Disabling the radio portion of the Smart Meters, which PG&E now proposes, will not turn off a significant source of RF caused by the meters. Smart Meters have a switching mechanism installed which is adding RF harmonics, aka "dirty electricity", to the wiring of buildings and homes. Such harmonics might be responsible for interference with electronic equipment, including ground fault interrupters (GFI's) and arc fault circuit interrupters (AFCI's), which can lead to electrical shocks and fires. This dirty electricity is a public health threat.

Network warned PG&E and the Commission in April 2010 that there is a growing rebellion against Smart Meters, however they ignored the complaints and dismissed allegations of harm. (Network filed A.10-04-018 on April 6, 2010.) Ratepayers should not be penalized or faulted for the lack of response and failure to act by PG&E and the Commission.

PG&E's application does not address concerns of local governmental jurisdictions that are opposed to Smart Meters and the possibility that Smart Meter installations might violate or burden local laws and ordinances. Tens of local jurisdictions in California have requested a moratorium on Smart Meter installations and a dozen have banned them. As a matter of public policy, local jurisdictions should be able to retain analog meters, or have analog meters restored. The Commission should provide relief to communities whose concerns should have been addressed prior to Smart Meter deployment. In D.95-11-017 the Commission stated, "Until clearer answers emerge from the scientific community, cellular facilities should identify and address public concerns about potential health problems from EMF and RF radiation associated with the location and construction of new cell sites through the environmental review process called for in General Order 159's advice letter or application filings." (D.95-11-017, p. 6.)

PG&E's application is not consistent with the Commission's mission to ensure safe, reliable and affordable utility service.

3.2 Proposed Charges Will Be an Unfair Burden

The high charges proposed by PG&E in its application would impose an unfair burden on ratepayers who have already been harmed by Smart Meters. Ratepayers have already incurred rate increases to pay for the Smart Meter program and some have endured high utility bills, burned out appliances, RF interference, and/or health impacts. They have already suffered personal and financial harm from Smart Meters, and it is outrageous to require any customer to pay more. The proposed charges would:

- Discriminate against the poor, the struggling middle class and those on fixed incomes or disability, who are already burdened in a difficult economy.
- Impose an unfair burden on apartment and condominium dwellers and make it impossible for anyone living next to a bank of meters to obtain relief. It is unreasonable to expect ratepayers to ask neighbors to pay hundreds of dollars a year to opt out. Customers will be forced to move. The proposed charges also place a burden on property owners who will be unable to rent property or will lose property value. Network has discovered banks of up to 180 Smart Meters on one wall.
- Impose an unfair burden on property owners who have several meters on one property. A single ratepayer might have six or more meters and it could cost him or her several thousand dollars to opt out in the first year.
- Not provide relief to ratepayers living near Smart Meter infrastructure who will or have been forced to move due to RF health impacts. Smart Meter infrastructure near homes will also negatively affect property values.

For people who are electromagnetically sensitive, opting out of a Smart Meter will not provide relief if they are surrounded by a neighborhood filled with Smart Meters, or they reside in dense living situations such as cities and towns.

Smart Meters also will restrict sensitive people from many areas where Smart Meters are deployed.

3.3 Other Issues

PG&E's proposal to deactivate the radio systems of existing Smart Meters will not satisfy ratepayers who have no way of knowing whether or not the meter is turned off because Smart Meters can be remotely controlled. PG&E has destroyed consumer trust by ignoring and dismissing ratepayer concerns and problems.

The major benefit of Smart Meters is to give the utility an opportunity to make a lot of money, and ratepayers have been swindled into accepting untested and dangerous technology. PG&E's application is no more than a punitive "opt out" program that reveals PG&E's blatant disregard for its customers. No customer should suffer collateral damage caused by a greenwashed utility program.

Conventional analog meters have two to three times the expected life span of Smart Meters, and they do not require technology upgrades and continuing operations and maintenance costs associated with Smart Meters.

Ratepayers should not have to bear the financial burden for the failure of the Smart Meter program. PG&E rates include billions of dollars for Smart Meters. Considering the unconscionable rate of return (11.35%) that PG&E receives from ratepayers for the Smart Meter "upgrade", it is reasonable that the Commission adopt the alternative proposals recommended by Network.

3.4 Alternative Proposals

Network recommends a return to the superior, proven, safe and reliable technology: analog meters. The Commission should order PG&E to retain analog meters and not to sell, dismantle, recycle or scrap them. PG&E should cease Smart Meter deployment and allow ratepayers to keep their analog meters and restore analog meters to ratepayers who request them for any reason at no additional cost to the ratepayer.

Network requests (1) an immediate statewide moratorium on the installation of electric, gas, and water Smart Meters; (2) an independent RF emissions study; (3) evidentiary hearings on the health impacts of RF Smart Meters and other reported problems; and (4) the right for ratepayers to retain analog meters or have them restored at no cost to the customer.

Due to the serious problems associated with Smart Meters, Network recommends that the Commission adopt the precautionary principle (better safe than sorry), and mandate RF exposure reduction policies throughout California.

PG&E has not shown that the overall costs of service to customers with conventional, analog meters exceed the costs of service to customers with Smart Meters. For that reason, customers that opt out of the Smart Meter program should not face higher rates or charges.

PG&E's proposal includes informing the public of their right to opt out. Network requests full disclosure by PG&E to customers of the numerous problems associated with Smart Meters, including accurate information about expected RF emissions from the meters, frequencies used, number of transmissions per day, and public health, safety and environmental risks.

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For the above reasons, Network believes that the specific relief requested in PG&E's application is not justified.

4. Effect of the Application on Network Members

Network is a group authorized pursuant to its articles of organization and bylaws to represent and advocate the interests of residential and small commercial customers of electrical, gas, water and telephone utilities in California. Network has members that are residential customers of PG&E and other California utilities. If the Commission grants PG&E's application, ratepayers will be harmed.

5. Request for Hearing

Network requests an evidentiary hearing in this matter. If a hearing is granted, Network intends to address the following issues at hearing: (1) an immediate statewide moratorium on the installation of electric, gas, and water Smart Meters; (2) an independent RF emissions study; (3) health impacts of RF Smart Meters and other reported problems; and (4) retention of analog meters.

6. Conclusion

PG&E's application is an inadequate solution to serious Smart Meter problems that the Commission and California utilities have failed to address. It is wrong to require ratepayers to pay to escape from threats to their health and ensure safety in their own homes. PG&E's proposed charges will be an unfair burden and will harm ratepayers.

The Commission should first order a Smart Meter moratorium, then modify PG&E's requested relief to provide ratepayers safe and reliable utility service at reasonable rates. The Commission should schedule evidentiary hearings on contested issues. Network intends to participate in the hearings. The Commission should order PG&E to allow ratepayers to keep their analog meters or restore analog meters at no additional cost. Ratepayers should not have to bear the financial burden for the failure of the Smart Meter program.

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Dated April 25, 2011, at Sebastopol California.

/s/

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CERTIFICATE OF SERVICE

I certify that I have by electronic mail this day served a true copy of the original attached "Protest of EMF Safety Network" on all parties of record in this proceeding or their attorneys of record. I will mail paper copies of the pleading to Assigned Commissioner Michael Peevey, and Administrative Law Judge Timothy Sullivan.

Dated April 25, 2011, at Sebastopol, California.

/s/

Sandi Maurer