



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)

REPLY COMMENTS OF EMF SAFETY NETWORK ON PROPOSED DECISION OF COMMISSIONER PEEVEY

Pursuant to Rule 14.3(d) of the Commission's Rules of Practice and Procedure, EMF Safety Network (Network) submits these reply comments on the proposed decision of Commissioner Peevey in the application of Pacific Gas and Electric Company (PG&E) for approval of modifications to its Smart Meter program. The due date for reply comments is Monday, December 19, 2011. Network will file this pleading electronically on the due date.

1. INTRODUCTION

Southern California Edison (SCE) and PG&E's comments to the PD illustrate the intensity of customer resistance, and the punitive and arbitrary nature of the opt-out program to pay to have a Smart Meter with the radio off installed.

2. DISCUSSION

SCE PD comments, page 4 and 5, reveal they believe 41% of customers would choose not to have a Smart Meter and they encourage the Commission to charge more to discourage non-participation. Their desire to leverage fees is punitive, unfair, arbitrary and poor public policy. SCE comments:

"However, the PD's arbitrarily low opt-out fees may substantially affect the Commission's own Smart Grid goals by providing nearly unrestrained access to the opt-out program... SCE's market research performed in September 2011 provided that 41 percent of residential customers expressed interest in an opt-out program given no information on fees. The

participation rate decreased to 2.4 percent assuming a monthly charge of \$20. Those rates decreased even lower to 1.4 percent assuming a monthly charge of either \$25 or \$30. Given these results, a CARE monthly charge of \$5 with no initial opt-out fees, as proposed in the PD,11 could increase the California IOUs' opt-out participation rate substantially. An unintended consequence of these discounted fees could be a substantial increase in the overall participation rate."

PG&E's comments to the PD illustrate the growing public resistance to Smart Meters. In response to discovery questions from Network, PG&E declared 16,789 accounts were on a Smart Meter delay list as of May 24, 2011. PG&E comments on the PD on page 11:

"PG&E currently has approximately 83,000 customers on its Delay List, including those customers who have intentionally prevented PG&E from installing a SmartMeter™ by a request to the installer in the field, or by either physically blocking access to their meter and/ or making verbal or physical threats against PG&E installers."

This new total reveals an increase of over 66,000 new customer refusals in approximately six months. It illustrates the anger and frustration people are feeling about not being heard and feeling forced to comply with something they do not want. PG&E further illustrates this (PD comments, page 11):

"PG&E anticipates that there will be a subset of Delay List customers who not only do not respond to PG&E's certified letter, but who continue to deny access to their meters or otherwise prevent PG&E from installing SmartMeters™ at their premises."

Network agrees with PG&E that thousands of customers will continue to refuse Smart Meters, radio on or off. PG&E continues on page 12 with their statement regarding customer resistance:

"For customers who continue to refuse to allow access to the meter, PG&E will have no choice but to temporarily discontinue service in accordance with existing Rules."

On Friday, December 16, 2011 PG&E backed down after terminating customer utility service when they restored power to homes of customers who replaced Smart Meters with the analog meter because they were suffering headaches and other health

problems.

In their comments to the PD, PG&E fails to produce the rules by which they are authorized to terminate service. Network lawyer Rose Zoia (Network ex parte, December 16) has requested the legal grounds on which they can terminate service and PG&E has not responded.

3. CONCLUSION

The Commission should ensure fairness, investigate the consumer backlash by holding public participation hearings, value public health over public policy, and provide all customers the right to safe and reliable utility service.

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Dated December 19, 2011, at Sebastopol, California.

/s/

Sandi Maurer, Founder
EMF Safety Network
PO Box 1016
Sebastopol CA 95473
(707) 824-0824
emfsafe@sonic.net