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California Public Utility Commissioners:

President Michael Peevey

Mark Ferron

Michel Florio

Catherine Sandoval

Timothy Simon

Recently President Peevey submitted a revised proposed decision (PD)¹ in Application (A.) 11-03-014, the PG&E Smart Meter opt out proceeding. The EMF Safety Network (Network) is sending this letter to the Commission because there has been no opportunity to comment on the revised PD.

Network appreciates and supports the analog meter as the alternative choice for customers and we support a second phase of the proceeding to evaluate costs and community wide opt-out. However, there are important changes that are needed and we ask you to consider an alternate proposal that includes:

- No cost interim fees;
- Evidentiary hearings on health impacts of Smart Meters in the second phase;
- Notify all customers of the right to opt out, not just those on the delay list; and
- Remove reference to D.10-12-001 regarding claims of Federal Communications Commission safety enforcement.

While we recognize that some people need immediate relief in restoring an analog meter and we do not want to delay providing them relief, however, failing the submittal of an alternate proposal that includes these changes, we ask that you reject the proposed decision.

Peevey justifies the proposed opt-out fees calling them a “service” (PD, p. 3). However, no cost evaluation has been undertaken to substantiate any fees. Customers have already paid for Smart Meters through rate hikes. For people who still have analog meters to pay \$90 plus \$10 a month is not a service, it is extortion. In some cases people have been forced to switch to Smart Meters, against their will, and now to have to pay restore the analog meters, is plain wrong. The proposed fees are unreasonable, arbitrary, and punitive. An evaluation on who should pay should be undertaken in the second phase of the proceeding.

The addition of an amended scoping memo for the second phase of the proceeding (PD, p. 37)

¹ http://docs.cpuc.ca.gov/WORD_PDF/AGENDA_DECISION/157397.pdf

should include hearings on health impacts of Smart Meters. The Commission previously investigated the health impacts of radio frequency (RF) technologies in Decision (D.) 95-11-017; and the Commission could neither prove nor disprove RF safety. The Commission ordered additional RF workshops, which were never held.

The Board of the American Academy of Environmental Medicine (AAEM) has sent comments to the Commission on the proposed decision issued in A.11-03-014 calling for a halt to wireless smart meters.² Their letter states, “The Board of the American Academy of Environmental Medicine opposes the installation of wireless ‘smart meters’ in homes and schools based on a scientific assessment of the current medical literature (references available on request). Chronic exposure to wireless radiofrequency radiation is a preventable environmental hazard that is sufficiently well documented to warrant immediate preventative public health action.” They call for:

- An immediate moratorium on “smart meter” installation until these serious public health issues are resolved. Continuing with their installation would be extremely irresponsible.
- Modify the revised proposed decision to include hearings on health impact in the second proceedings, along with cost evaluation and community wide opt-out.
- Provide immediate relief to those requesting it and restore the analog meters.

A recent review, Health Risks Associated With SmartMeters³ by Santa Cruz County public health officer, Poki Stewart Namkung, M.D., M.P.H is a wake up call to utility regulators. This report recognizes:

- Smart Meters transmit pulsed radiation almost continuously 24/7, and in numerous circumstances people can be within three feet of the device, on an ongoing basis
- There are evidence-based health risks of RF
- RF exposure can be cumulative and additive
- The massive increase in RF public exposures since the mid-1990’s
- The controversy between independent and industry science, including lack of funding for independent research
- Evidence to support an Electrical Sensitivity (EHS) diagnosis
- The public health issue is that Smart Meters are involuntary RF exposures
- FCC thermal guidelines are irrelevant for non-thermal public exposures
- The lack of relevant safety standards for chronic pulsed RF

Other evidence for the need for hearings on Smart Meter health impacts comes from a survey Network conducted from July to September, 2011 to investigate the health and safety complaints of exposure to wireless utility meters and to determine if further study is warranted.⁴ Ed Halteman, PhD statistics, of Survey Design and Analysis, evaluated the results. The survey was circulated through our website, email lists and other social media outlets. Statistical testing

² <http://emfsafetynetwork.org/wp-content/uploads/2012/01/AAEM-Resolution.pdf>

³ <http://emfsafetynetwork.org/wp-content/uploads/2012/01/Santa-Cruz-Public-Health-Official-Smart-Meter-report.pdf>

⁴ <http://emfsafetynetwork.org/wp-content/uploads/2011/09/Wireless-Utility-Meter-Safety-Impacts-Survey-Results-Final.pdf>

showed the top health symptoms are positively associated with EMF Sensitivity and wireless meters on the home.

- 443 people took the survey and 78% were from California, 68% were PG&E customers. 49% said they or a member of their household were EMF sensitive.
- 41% of respondents had one or more wireless meters installed on their home. 35% had increase billing charges, 26% experienced some type of interference and 8% experienced burnt out appliances or damaged electronics.
- Top health issues since the wireless meters were installed on or near the home (318 people) included sleep problems (49%), stress (43%), headaches (40%), ringing in the ears (38%) and heart problems (26%).

The PD (p. 36) calls for mailing a notice to all residents on the delay list of their right to opt out. All customers deserve to be notified, not just those on the delay list.

Conclusion of Law 2, (p. 39) states: “D.10-12-001 determined that PG&E’s SmartMeter technology complies with FCC requirements.” The Commission rubber stamped PG&E claims of safety and ignored Network’s research on the inadequacy of the FCC guidelines. We ask that you remove all reference to D. 10-12-001 in the PD regarding claims of FCC safety. It is unfounded as a true evaluation never occurred.

Finally, please recognize that customers in all parts of California are eager to resolve Smart Meter problems. It may be prudent to consolidate the Smart Meter opt-out proceedings as soon as possible, for the benefit and protection of all Californians.

Aglet Consumer Alliance and Ecological Options Network (parties in A.11-03-014) have read and expressed their support of the comments in this letter.

Thank you for your consideration,

Sandi Maurer, Founder EMF Safety Network,
CPUC Intervenor: A.11-03-014