

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**



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Application of Pacific Gas and Electric Company for Approval of Modifications to its SmartMeter™ Program and Increased Revenue Requirements to Recover the Costs of the Modifications. (U39M)

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

Application of Utility Consumers' Action Network for Modification of Decision 07-04-043 so as to Not Force Residential Customers to Use Smart Meters.

Application 11-03-015
(Filed March 24, 2011)

Application of Consumers Power Alliance, Public Citizen, Coalition of Energy Users, Eagle Forum of California, Neighborhood Defense League of California, Santa Barbara Tea Party, Concerned Citizens of La Quinta, Citizens Review Association, Palm Springs Patriots Coalition Desert Valley Tea Party, Menifee Tea Party-Hemet Tea Party– Temecula Tea Party, Rove Enterprises, Inc., Schooner Enterprises, Inc., Eagle Forum of San Diego, Southern Californians For Wired Solutions To Smart Meters, and Burbank Action For Modification of D.08-09-039 and A Commission Order Requiring Southern California Edison Company (U338E) To File An Application For Approval of A Smart Meter Opt-Out Plan.

Application 11-07-020
(Filed July 26, 2011)

**RESPONSE OF EMF SAFETY NETWORK IN SUPPORT OF MOTION OF
MARIN COUNTY *et al.* TO DELAY SMART METER INSTALLATIONS**

Pursuant to Rule 11.1(e) of the Commission's Rules of Practice and Procedure, the EMF Safety Network (Network) submits these comments in support of the "Motion of County of Marin, Town of Fairfax, CA, and the Alliance for Human and Environmental Health to Require Delay of Further SmartMeter Installations Until Determination of Community Opt-Out Rights in Phase 2" (Motion), dated April 30, 2012.

For the reasons of lawfulness, fairness and simple efficiency discussed in the

Motion, Network supports the relief sought, and would go farther. The communities eligible for deployment delay need not, and ought not, be limited to those named in the Motion. This extension of time would reduce confusion and provide at least a temporary measure of certainty to communities who do not wish to have Smart Meters installed. It would also allow the present legal vacuum of an untariffed deployment to be filled by a parallel resolution of community opt-out, and permanent rates and terms for individual customers. For many customers, this would obviate the need for temporary rates and the requisite interim accounting.

Even if the Commission were to determine that the deployment delay must be limited to communities already on record, it is not clear how the Motion would draw that line.¹ The captioned municipal movants are Marin County and the Town of Fairfax. The attached expressions of support in the Motion also come from Santa Cruz and Lake Counties and several other towns. The Motion (at 6) further suggested extending delay privileges to “other appropriate communities with legally established communal decision making procedures.”

To remove any confusion on the scope of a grant of the Motion, Network suggests that communities not already on record be given a chance to register for delayed deployment; including non-public bodies of the sort contemplated above, multi-unit buildings, and where banks of Smart Meters are deployed. This registration need not be the final word from the community on deployment of Smart Meters, but simply an expressed desire to be eligible for delay if granted by the Commission.

Dated: May 14, 2012 at Sebastopol California.

Respectfully submitted,

/s/ _____

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¹ The prayer for relief speaks of “the jurisdictions named herein.” But there are several categories of identification, as discussed below.

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