

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA



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Order Instituting Investigation on the
Commission's Own Motion into the
Operations and Practices of Pacific Gas &
Electric Company regarding Anti-Smart
Meter Consumer Groups

Investigation 12-04-010
(Filed April 19, 2012)

**EMF SAFETY NETWORK PROTEST OF MOTION OF PACIFIC GAS AND
ELECTRIC COMPANY FOR PROTECTIVE ORDER**

Pursuant to Rule 11.1(e) of the California Public Utilities Commission (CPUC) Rules of Practice and Procedure, EMF Safety Network, (Network) submits this protest of "*Motion of Pacific Gas and Electric Company for Protective Order*", submitted on May 21, 2012.

Pacific Gas and Electric Company (PG&E) has requested the assigned Administrative Law Judge (ALJ) "*issue a protective order redacting previously-undisclosed individual's names and personnel records from the Consumer Protection and Safety Division's (CPSD's) Staff Report and attachments*"¹. PG&E states they seek to protect PG&E employees and third parties privacy rights.²

Network believes PG&E truly does not care about privacy rights, but are only seeking protection of high profile senior management and involved third parties. Network requests of the unredacted investigation documents be made available to the public for the following reasons:

1. In mid-December 2010, PG&E sent copies of redacted CPSD investigation documents to the media, including Dana Hull of the San Jose Mercury News and David Baker, of the San Francisco Chronicle. PG&E redacted PG&E employee and third party names and emails in the documents , however they left customer names, contact information

¹ PG&E Motion p.1

² PG&E Motion p.2

and private emails open to the public. One example is on page 250 of 309³. Sandi Maurer's name and home phone number is not redacted. PG&E infers that names not redacted were done by the media⁴, but *PG&E fails to mention that they gave the redacted information to the media and to the CPUC.*

2. At the time of the infiltration, Network was engaged in a legal proceeding against PG&E Smart Meters at the CPUC (A.10-04-018). According to the CPSD Investigation Report, PG&E met with the CPUC ten times about Smart Meters while A.10-04-018 was an open proceeding. *PG&E failed to post an exparte for any of the meetings it held at the CPUC.* On August 24, 2010 PG&E gave an RF presentation at the CPUC. Shortly after this meeting Network was invited to present RF information to CPUC decision makers.⁵ If a CPUC decision maker was involved in any of these ten meetings PG&E should have filed exparte notices. This information could lead to a potential corruption of A.10-04-018.
3. PGE statement there "there is no significant public interest in publicly disclosing employee and third party names"⁶ is plain false. Network has an active interest in the full CPSD investigation report. Attempts were made by Josh Hart of Stop Smart Meters to obtain PG&E's documents via the Freedom of Information Act, which the CPUC attorney Fred Harris denied. Fred Harris provided Josh Hart with the same redacted documents PG&E provided to the media.
4. Rather than make a separate determination of which investigation documents should be made public, the CPUC appears to have circulated PG&E's redacted versions wherein customers names and private email were exposed, and PGE employees, management, and third parties were protected.

³ Attachment CPSD_001-13-1

⁴ Motion p.2 " Previously-Undisclosed Individual Names"

⁵ EMF Safety Network EXPARTE filed on 9/14/2010 <http://docs.cpuc.ca.gov/EFILE/EXP/123548.htm>

⁶ Motion p.2

5. PG&E claims they have been subjected to threats and/or violence by anti-Smart Meter activists, therefore claim the right to redact the identities of their employees and third parties. This is an unsubstantiated claim that does not support the request for a protective order.

Individuals and groups working in good faith to protect public health and safety deserve to be treated with respect and honesty. It is in the public's best interest to know what actually occurred and who was involved. Network requests that the ALJ end the deceit perpetrated by PG&E and deny their request for a protective order to redact investigation documents, for the reasons stated above.

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Dated: June 5, 2012 at Sebastopol, California.

Respectfully submitted,

/s/_____

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