



**FILED**

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

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)

And Related Matters.

Application 11-03-015  
Application 11-07-020

**MOTION TO ACCEPT DECLARATIONS  
IN EMF SAFETY NETWORK'S BRIEF**

Pursuant to Rule 11.1 of the Commission's Rules of Practice and Procedure, the EMF Safety Network (Network) submits this "Motion to Accept Declarations in EMF Safety Network's Brief". On July 16 Network submitted a legal brief in response to "Assigned Commissioner's Ruling Amending Scope of Proceeding to Add a Second Phase" dated June 8, 2012. Commissioner Peevey requested parties brief several issues, including the following question: "*Do the Americans with Disabilities Act or Pub. Util. Code § 453(b) limit the Commission's ability to adopt opt-out fees for those residential customers who elect to have an analog meter for medical reasons?*"

In response to this question Network quoted, referenced and provided declarations (Attachment A) from California utility customers that illustrate real life examples of the types of medical conditions utility customers will testify to experiencing from exposure to Smart Meters.

On July 18, 2012 the CPUC Docket office rejected Network's brief stating ALJ Yip-Kikugawa requested Attachment A be removed as the declarations "...constitute out-of-record material". On July 23, The ALJ responded to an email from Network further

clarifying the rejection stating, “*You will need to delete all references to Attachment A in your Opening Brief. I had directed the Docket Office to reject the declarations as they are outside the scope of what was requested in the legal briefing.*”

While “health” has been eliminated from the scope of the proceeding, the inclusion of declarations are directly related to the legal briefing via the question posed by Mr. Peevey as previously stated. The declarations are the voice of the customer. They illustrate the real life medical conditions people are experiencing from exposure to Smart Meters. They define the medical reasons why it is illegal to charge an opt-out fee.

The CPUC must ensure safe utility service. The rejection of the declarations is detrimental to customer safety in California. Network asks the full opening brief filed by Network on July 16, 2012 be accepted into the record because they are relevant to the questions asked by Commissioner Peevey.

Dated: July 24, 2012 at Sebastopol California.    Respectfully submitted,

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/s/

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