

Overview of PG&E/CPUC emails on smart meters

By Sandi Maurer, Director, EMF Safety Network

April 13, 2015

PG&E deployed over nine million utility “smart meters” on homes and businesses in California. The California Public Utilities Commission (CPUC) supported the multi-billion dollar deployment despite lawsuits and complaints about overcharges, privacy and security risks, fires and explosions, and health problems from the pulsed electromagnetic radiation (RF) smart meters emit.

The CPUC is responsible for regulating the utilities to ensure safe and reliable utility service. Instead, they partnered with PG&E and marketing companies on a smart meter propaganda campaign. CPUC President Michael Peevey intentionally delayed the legal process for years so PG&E could complete their deployment, despite knowing smart meters were overcharging and harming customers.

Thousands of emails between PG&E and the CPUC made public this year, illustrate their collusion and corruption. Together they concocted a punitive pay to opt out program, and ignored substantive complaints. The CPUC must address these issues by holding safety hearings, and restoring analog meters without coercive fees.

April 6, 2010: The EMF Safety Network filed a formal complaint at the CPUC, written by experts in CPUC law, science and economics. We asked for a moratorium; RF technical study; safety hearings; and to allow customers to opt out.¹ The CPUC dismissed the filing 8 months later, and Peevey instructed us to take the issue to the FCC.

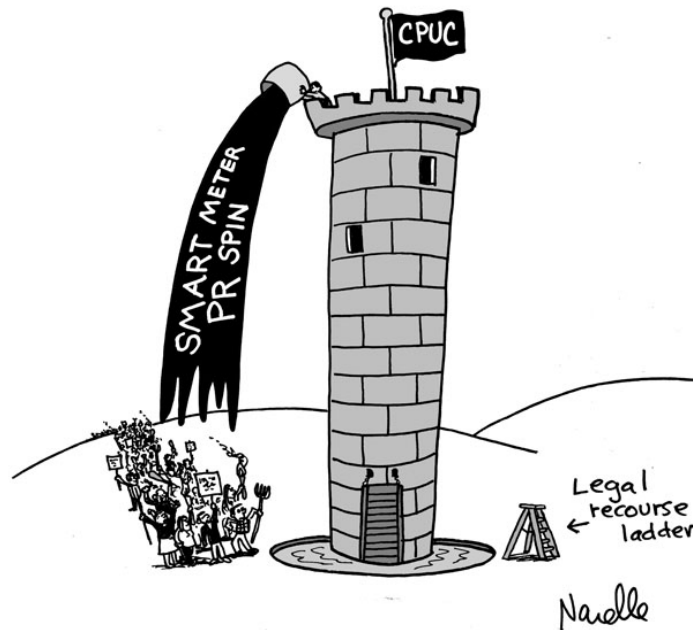
July 2, 2010: PG&E’s Brian Cherry, Vice President of Regulatory Affairs, writes, “*Mike [Peevey] grumbled about the CCSF PFM [City and County of San Francisco Petition for Modification] and the folks in Sebastopol [sp] who want to delay SmartMeter implementation. He implied that this wasn’t going to happen and that by the time the Commission got around to acting on it, we would have installed all of our meters.*”²

September 3, 2010: Peevey writes to PG&E’s Brian Cherry “*If it were my decision I would let anyone who wants to keep their old meter keep it, if they claim they suffer from EMF and/or related electronic-related illnesses and they can produce a doctor’s letter saying so (or expressing concern about the likelihood of suffering same). I would institute such a policy quietly and solely on an individual basis. There really are people who feel pain, etc., related to EMF, etc., and rather than have them becoming hysterical, etc., I would quietly leave them alone.*”³

¹ <http://emfsafetynetwork.org/wp-content/uploads/2012/11/116285.pdf>

² http://emfsafetynetwork.org/wp-content/uploads/2014/12/PGE-Letter-to-Mr.-Sullivan-Exhibits-1-17_-12-22-14.pdf (Exhibit 2, pdf page 9)

³ ftp://ftp2.cpuc.ca.gov/PG&E20150130ResponseToA1312012Ruling/2010/09/SB_GT&S_0000529.pdf



April 5, 2010: The CPUC used PG&E’s smart meter propaganda to respond to customer RF complaints, and to dismiss legal efforts.⁴ Terrie Prosper, CPUC Director of News and Public Information, writes to PG&E, “*We’re trying to put together a letter to send out to consumers who call or write with concerns about EMF and smart meters. Do you already have language on this issue that you are putting out?*”⁵ PG&E’s Sid Dietz, responds, “I am chasing down our language about EMF used by our call centers.”⁶ Later he forwards this email, cc: Edelman, a marketing firm.⁷

From: DeRosa, Darleen
Sent: Monday, April 05, 2010 1:36 PM
To: Damlos, Barbara (Law); Gleicher, Cliff (Law)
Cc: Foley, Beth; Dietz, Sidney; 'Michael.Diamond@ar-edelman.com'
Subject: RE: SM/EMF Question

Great, thanks. I added that below. Can Sid consider this version final?

Will my SmartMeter™ be safe?

Yes. PG&E SmartMeters™ operate well within all FCC guidelines. In fact, the radio signals generated by SmartMeter™ technology are generally far below the levels emitted by many common household appliances, including cell phones, microwave ovens and wireless Internet services. The World Health Organization, after an in-depth review, has concluded that there are no adverse short- or long-term health effects associated with low level RF exposure. PG&E has devoted a page on its website to SmartMeter™ safety concerns and questions. This portion of the website includes both PG&E and third

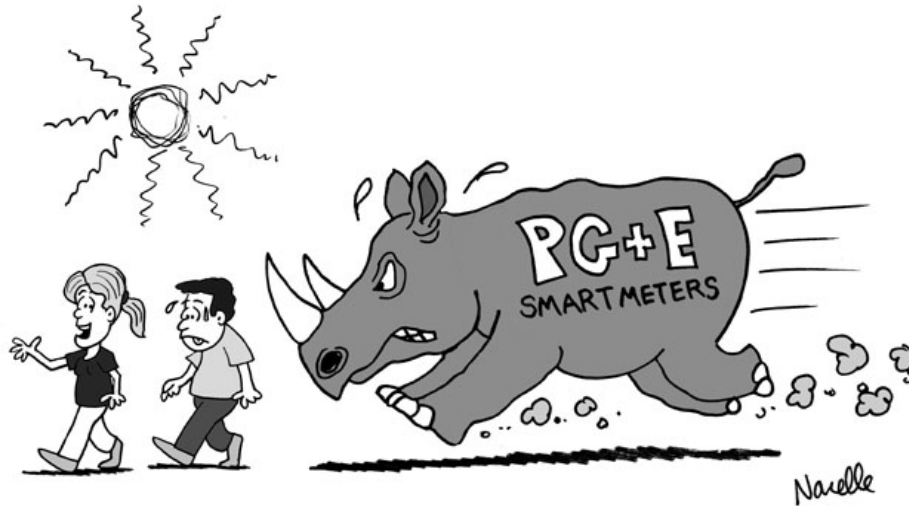
⁴ CPUC Decision 10-12-001 Finding of Fact 3: “Smart Meters produce RF emissions far below the levels of many commonly used devices” <http://emfsafetynetwork.org/wp-content/uploads/2012/11/127604.pdf>

⁵ ftp://ftp2.cpuc.ca.gov/PG&E20150130ResponseToA1312012Ruling/2010/04/SB_GT&S_0040950.pdf

⁶ ftp://ftp2.cpuc.ca.gov/PG&E20150130ResponseToA1312012Ruling/2010/04/SB_GT&S_0040951.pdf

⁷ ftp://ftp2.cpuc.ca.gov/PG&E20150130ResponseToA1312012Ruling/2010/04/SB_GT&S_0299455.pdf

party reports and resources. You can access this information at:
www.pge.com/myhome/edusafety/systemworks/rfsafety



Don't worry. They only overcharge when it's hot.

The CPUC colluded with PG&E on the “Structure Report”, an investigation of skyrocketing smart meter bills. They misrepresented it as independent, and covered up overcharges. Peevey knew smart meters were overcharging and his own bill doubled when a smart meter was installed on his vacation home.⁸

Private meetings between the CPUC and PG&E on cost, privacy, security, and RF were held, in violation of exparte rules, which denied the public a transparent review.^{9 10}

The CPUC coordinated with PG&E, and marketing firms, to both promote smart meters and gather complaints to better craft their propaganda. Marzia Zafar, CPUC policy and planning director, was their informant who attended many city meetings with PG&E and reported back to the Commissioners.¹¹ They called it a “listening tour”.

December 21, 2010: Marzia Zafar asks marketing firm Targetbase for advance notice of smart meter events stating, “*We've already heard from various mothers groups throughout San Francisco, so we need a coordinated effort before deployment begins.*”¹²

⁸ <http://emfsafetynetwork.org/smart-meters/structure-report-smart-meter-conflict-of-interest-and-cover-up/>

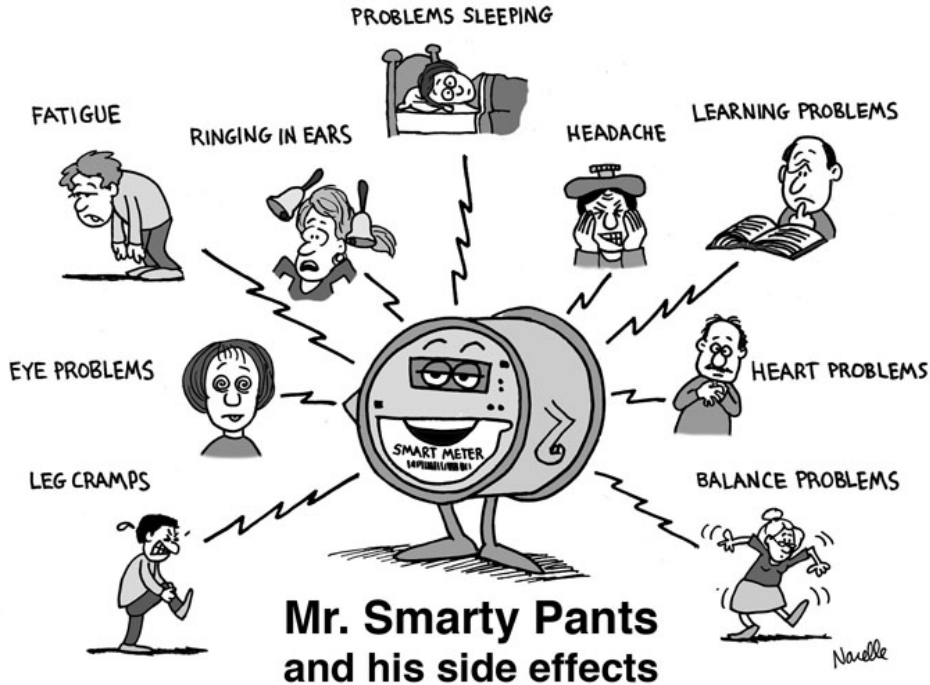
⁹ President Peevey holds a summit meeting with PG&E leaders, agenda includes smart meters.
ftp://ftp2.cpuc.ca.gov/PG&E20150130ResponseToA1312012Ruling/2010/05/SB_GT&S_0374443.pdf

¹⁰ Attachment 6, pdf pp. 30, 31. PG&E, CPUC inc. Structure meet. http://emfsafetynetwork.org/wp-content/uploads/2012/08/I1204010_Attachments_1-21_to_CPSD_Staff_Report-Redacted.pdf

¹¹ CPUC's Zafar sends PG&E her report to the Commission:

ftp://ftp2.cpuc.ca.gov/PG&E20150130ResponseToA1312012Ruling/2010/10/SB_GT&S_0302668.pdf

¹² ftp://ftp2.cpuc.ca.gov/PG&E20150130ResponseToA1312012Ruling/2010/12/SB_GT&S_0042424.pdf



Pressure over smart meter RF health complaints (headaches, sleep problems, ringing in the ears, heart problems, and more) forced PG&E to allow customers avoid smart meters. Initially PG&E considered offering a no cost phone or fiber line option, but later, in cooperation with CPUC, they concocted a fee for avoiding smart meters. PG&E's Cherry writes, "I've got internal parties on board grudgingly and it might be best to let sleeping dogs lie."¹³

March 21, 2011: Cherry asks Commissioners Peevey and Florio about smart meter opt-out pricing.

From: Cherry, Brian K [mailto:BKC7@pge.com]
Sent: Mon 3/21/2011 3:29 PM
To: Florio, Michel Peter; Peevey, Michael R.
Subject: SmartMeter Opt Out

I wanted to run this by both of you. We are looking at a \$200 + one time fee and a monthly charge of \$15 or so per month as an option for those not wanting a RF enabled smart meter (and have meter manually read). We can do higher charges and lower monthly fees, but we are looking for balance. This scenario also assumes little or no cross subsidy by other customers. I'm just looking for your initial reaction. We are trying to n all things down by tomorrow for a Wednesday filing.

Peevey responds suggesting higher initial fees (\$250), and Florio agrees.¹⁴

¹³ [ftp://ftp2.cpuc.ca.gov/PG&E20150130ResponseToA1312012Ruling/2011/01/SB_GT&S_0017937.pdf](http://ftp2.cpuc.ca.gov/PG&E20150130ResponseToA1312012Ruling/2011/01/SB_GT&S_0017937.pdf)

¹⁴ [ftp://ftp2.cpuc.ca.gov/PG&E20150130ResponseToA1312012Ruling/2011/03/SB_GT&S_0011995.pdf](http://ftp2.cpuc.ca.gov/PG&E20150130ResponseToA1312012Ruling/2011/03/SB_GT&S_0011995.pdf)

From: Peevey, Michael R.
Sent:
Monday, March 21, 2011 3:44 PM
To: Cherry, Brian K; Florio, Michel
Peter
Subject: RE: SmartMeter Opt Out

Please be careful, given the changes in Bagley-Keene, on these types of communication. For example, you cannot now speak, I believe, with the other two Commissioners on this subject. Having said that, my preference would be a slightly higher initial fee (which could be paid off over six months or one year) of \$250 and a monthly fee of \$10. Also, I thought another option to manually reading the meter was using a telephone line. No?

March 24, 2011: PG&E filed a formal proceeding¹⁵ to charge \$270 initial fee and \$14 month to have a radio-off smart meter. Customers protested both the radio-off meter and the coercive fees.

Meanwhile, PG&E was helping select customers restore analog meters and ignoring others. August 24, 2011: Cherry writes to Peevey, *"Mike, there is a smart meter work shop on September 14. We would like to wait to change out the 20 or so smart meters until after that work shop to prevent parties from using the meeting as a platform to argue for more change outs...does that work for you?"* Peevey agrees.¹⁶

September 26, 2011: Cherry writes to Peevey's advisor Carol Brown, *"...People who call into our call centers independent from the bloggers are not being switched over if they have a smartmeter at this time. We are limiting the switch-overs to the real problem people from the blogs. Are you ok with this approach? We are trying to prevent the dam from breaking."*¹⁷ Later he writes Brown again stating there were 30 more calls, *"It's getting out of hand."* Brown responds, agreeing to their plan to end the change-outs, and calling the situation "a mess".¹⁸

¹⁵ <http://docs.cpuc.ca.gov/PublishedDocs/EFILE/A/132595.PDF>

¹⁶ ftp://ftp2.cpuc.ca.gov/PG&E20150130ResponseToA1312012Ruling/2011/08/SB_GT&S_0227589.pdf

¹⁷ ftp://ftp2.cpuc.ca.gov/PG&E20150130ResponseToA1312012Ruling/2011/09/SB_GT&S_0222291.pdf

¹⁸ ftp://ftp2.cpuc.ca.gov/PG&E20150130ResponseToA1312012Ruling/2011/09/SB_GT&S_0001680.pdf



OPT-OUT PRICING DECISIONS

November 22, 2011: President Peevey issues a Proposed Decision (PD) reducing the fees to \$75 initial fee and \$10 a month for the radio off smart meter without taking testimony or holding hearings.

Customers are so fed up with smart meters, PG&E and the CPUC, that they start restoring their own analog meters. PG&E cuts power to those who self remove, stating there is a safety risk of fires.¹⁹ December 15, 2011: PG&E's getting pressure from politicians for cutting off customer's power. Sid Dietz asks Zafar about a 75 year old woman who refuses the radio-off smart meter, "should we hold the line and leave her cut off or what?" Zafar replies, "Hey – if it were up to me I would say tell her to not manipulate her age and fragility to get her way, but this is PG&E's decision"²⁰

December 22, 2011: PG&E issues a press release supporting analog meters for the opt-out program. Peevey says he feels "sandbagged".

From: Peevey, Michael R. [mailto:michael.peevey@cpuc.ca.gov]
Sent: Thursday, December 22, 2011 1:40 PM
To: Bottorff, Thomas E
Cc: Cherry, Brian K
Subject: Opt out

I feel sandbagged. On Friday I told you and Brian I was going to amend the PD to allow your customers to have/keep analog meters, if they wished. On Monday your CEO puts out a press release saying the company will allow analog meters, the company wants to work with its customers, etc. Very nice, but took whatever thunder the PUC might have received by announcing same in a revised PD. No advance word to me, no communication, etc. Positions the company well and the PUC bringing up the rear. Poorly handed. Was this Greg P's doing, or.....? We need mutual trust and candor, not cute maneuvers like this.

January 5, 2012: PG&E's Brian Cherry emails Marzia Zafar that PG&E wants to

¹⁹ http://ftp2.cpuc.ca.gov/PG&E20150130ResponseToA1312012Ruling/2011/12/SB_GT&S_0226359.pdf

²⁰ http://ftp2.cpuc.ca.gov/PG&E20150130ResponseToA1312012Ruling/2011/12/SB_GT&S_0301282.pdf

eliminate the \$75 initial fee. He writes, “*Many of the people opposed to a smart meter have been put on the delay list. They never received a smart meter and therefore, we can’t really charge them an upfront removal fee since we haven’t removed anything yet. However, the delay list didn’t go into effect prior to 2010. For those people “forced” to take a smart meter before the list was created, will have to pay for removal because of a timing issue. If the delay list had been created originally, they would not have a smart meter yet. We feel that this disparate treatment is going to cause problems and it would be simpler to socialize the cost over all ratepayers.*”²¹. The CPUC rejected PG&E’s request.

January 31, 2012: PG&E wanted to file for commercial customers to be able to opt-out. Cherry told Zafar there were 6500 small businesses that wanted analog metering. The CPUC again said NO.²²

February 1, 2012: The CPUC approved the decision to charge fees to avoid a smart meter without taking any testimony or holding hearings on costs, and without proof the smart meters were safe.

April 24, 2012: The CPUC opens a second phase of the proceeding to address legal issues, community opt-out and to hold evidentiary cost hearings. Briefs were filed, testimony taken, hearings held, and more briefs filed. The CPUC delayed from January 2013, until December 2014 when they approved a decision that denied opt out fees were illegal, and charged the same (\$75/10) fees, but limited collection to 3 years. Again the issue of safety was left stranded.

Emails between PG&E and the CPUC illustrate collusion, corruption and obstruction of justice. The CPUC needs to address smart meter safety, restore analog meters, and refund coercive opt out fees.

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Sandi Maurer is the Director of the EMF Safety Network and has been working as an intervenor in smart meters proceedings at the California Public Utilities Commission since April 2010. Cartoons by Brian Narelle (www.narellecartoons.com)

²¹ [ftp://ftp2.cpuc.ca.gov/PG&E20150130ResponseToA1312012Ruling/2012/01/SB_GT&S_0218602.pdf](http://ftp2.cpuc.ca.gov/PG&E20150130ResponseToA1312012Ruling/2012/01/SB_GT&S_0218602.pdf)

²² [ftp://ftp2.cpuc.ca.gov/PG&E20150130ResponseToA1312012Ruling/2012/01/SB_GT&S_0220258.pdf](http://ftp2.cpuc.ca.gov/PG&E20150130ResponseToA1312012Ruling/2012/01/SB_GT&S_0220258.pdf)