



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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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)

**CENTER FOR ELECTROSMOG PREVENTION COMMENTS ON D.11-11-007
COMPLIANCE FILING BY SAN DIEGO GAS AND ELECTRIC COMPANY**

Pursuant to the December 16, 2011, ruling by Administrative Law Judge Amy Yip-Kikugawa, Center for Electromog Prevention ("CEP") hereby responds to the San Diego Gas and Electric Company (SDG&E) Opt-Out proposal made pursuant to Decision (D.) 11-11-007 in the above-captioned proceeding. The comments are timely because they are filed before January 17, 2012.

INTRODUCTION:

CEP, while supportive of an opt-out plan as a first step, objects to the wording of SDG&E's Opt-Out Proposal on the following grounds:

1. The Opt-Out proposal does not provide an alternative that does not emit any electromagnetic radiation. The ratepayers who are concerned about their exposure to electromagnetic radiation have not had their concerns addressed by this proposal. A data request to SDG&E asking for clarification did not produce any information¹

¹ CEP sent data requests and received responses. The relevant SDG&E response is: **Request No. CEP-01-002** *Provide the least costly option for continued electric and natural gas service using metering that does not emit any electromagnetic radiation.*

SDG&E Response:

SDG&E objects to this data request as overbroad, burdensome, vague, and ambiguous to the extent that it relies on the term "emit," which is not defined in CEPs First Set of Data Request. SDG&E further objects to this request to the extent that it relies upon the terms "any" and "electromagnetic radiation," without identify the jurisdiction or code responsible for providing these values. In addition, SDG&E objects to this request, whether broadly or more narrowly construed, to the extent it requires SDG&E to investigate the condition of electric and natural gas metering systems which are wholly unrelated to this proceeding and not at issue herein. Such an investigation would be overly burdensome, overly broad and unnecessarily time-consuming. Moreover, the breadth of the investigation required is not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. SDG&E will not conduct such an investigation in order to respond to this question.

2. SDG&E's preferred options (radio-off smart meters and electronic digital meters) are untested experimental devices that SDG&E states are still wireless devices (can receive), emit constant Radio Frequency (RF) radiation, and can generate "dirty electricity" emissions along home wiring. As such, these options do not meet the criteria for public safety established by Senate Bill (SB) 17 (Padilla), signed into law on October 11, 2009, now incorporated into the public utility code, which is sought by those who have concerns about smart meters, and increases exposure to RF radiation, a practice not supported by PACE or WHO², both of which recommend decreased RF radiation exposure for world citizens with serious potential risks identified. PACE recommends that **governments "take all reasonable measures to reduce exposure to electromagnetic fields" and makes further recommendations which are pertinent to this proceeding:**



Resolution 1815 (2011)¹

The potential dangers of electromagnetic fields and their effect on the environment

1. The Parliamentary Assembly has repeatedly stressed the importance of states' commitment to preserving the environment and environmental health, as set out in many charters, conventions, declarations and protocols since the United Nations Conference on the Human Environment and the Stockholm Declaration (Stockholm, 1972).

4. While electrical and electromagnetic fields in certain frequency bands have wholly beneficial effects which are applied in medicine, other non-ionising frequencies, whether from extremely low frequencies, power lines or certain high

¹ IARC CLASSIFIES RADIOFREQUENCY ELECTROMAGNETIC FIELDS AS POSSIBLY CARCINOGENIC TO HUMANS, Press Release No. 208 http://www.iarc.fr/en/media-centre/pr/2011/pdfs/pr208_E.pdf

frequency waves used in the fields of radar, telecommunications and mobile telephony, appear to have more or less potentially harmful, non-thermal, biological effects on plants, insects and animals as well as the human body, *even when exposed to levels that are below the official threshold values.*

5. As regards standards or threshold values for emissions of electromagnetic fields of all types and frequencies, the Assembly strongly recommends that the ALARA (as low as reasonably achievable) principle is applied, covering both the so-called thermal effects and the athermic or biological effects of electromagnetic emissions or radiation. Moreover, the precautionary principle should be applied when scientific evaluation does not allow the risk to be determined with sufficient certainty. Given the context of growing exposure of the population, in particular that of vulnerable groups such as young people and children, there could be extremely high human and economic costs if early warnings are neglected.

6. The Assembly regrets that, despite calls for the respect of the precautionary principle and despite all the recommendations, declarations and a number of statutory and legislative advances, there is still a lack of reaction to known or emerging environmental and health risks and virtually systematic delays in adopting and implementing effective preventive measures. *Waiting for high levels of scientific and clinical proof before taking action to prevent well-known risks can lead to very high health and economic costs, as was the case with asbestos, leaded petrol and tobacco.*

7. Moreover, the Assembly notes that the problem of electromagnetic fields or waves and their potential consequences for the environment and health has clear parallels with other current issues, such as the licensing of medication, chemicals, pesticides, heavy metals or genetically modified organisms. It therefore highlights that the issue of independence and credibility of scientific expertise is crucial to accomplish a transparent and balanced assessment of potential negative impacts on the environment and human health.

8. In light of the above considerations, the Assembly recommends (for gov'ts) ...:

8.1. in general terms:

8.1.1. **take all reasonable measures to reduce exposure to electromagnetic fields**, especially to radio frequencies from mobile phones, and particularly the exposure to children and young people who seem to be most at risk from head tumours;

8.1.2. reconsider the scientific basis for the present standards on exposure to electromagnetic fields set by the International Commission on Non-Ionising Radiation Protection, which have serious limitations, and apply ALARA

principles, covering both thermal effects and the athermic or biological effects of electromagnetic emissions or radiation;

8.1.3. put in place information and awareness-raising campaigns on the risks of potentially harmful long-term biological effects on the environment and on human health, especially targeting children, teenagers and young people of reproductive age;

8.1.4. pay particular attention to “electrosensitive” people who suffer from a syndrome of intolerance to electromagnetic fields and introduce special measures to protect them, including the creation of wave-free areas not covered by the wireless network;³

2. On Dec. 20, 2011, Pacific Gas and Electric Company (PG&E) announced it was willing to provide its customers with electro-mechanical (analog) meters⁴ if they request them. CEP takes the position that SDG&E should also be willing to provide its customers with electro-mechanical (analog) meters. However, CEP would object to charging customers extra for this option.
3. SDG&E wishes to charge customers for opting out of smart meters, a plan that will discourage opting out and unnecessarily punish disabled, elderly, and concerned customers who select an opt-out plan. CEP takes the position that customers are not responsible for the mistakes of neither SDG&E nor the CPUC, and as such, should not have to pay for a solution. Rather, investors and the company must pay for corrections to the company’s disastrous, hasty, failed, dangerous wireless smart meter plan and its premature deployment.
4. CEP sent data requests to SDG&E to review the calculations and assumptions made in the compliance filing and received no data to review⁵.

³ Resolution 1815 (2011) **The potential dangers of electromagnetic fields and their effect on the environment**

<http://assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta11/ERES1815.htm>

⁴ PG&E Reply Comments on Proposed Decision of Commissioner Peevey Modifying its SmartMeter Program to Include an Opt-out Option, for Application 11-03-014, Dec. 20, 2011 <http://docs.cpuc.ca.gov/efile/CM/156153.pdf>

⁵ **Request No. CEP-01-001**

Provide the data and the calculations used to determine the costs stated in Attachment A to the Response.

SDG&E Response:

5. CEP notes that electric utility service is currently being provided in California with the electric meter readings made by the ratepayers and the data conveyed by the ratepayers to the electric service provider.⁶ CEP sent data requests to determine whether this method would also be adopted by SDG&E.⁷ SDG&E refused to provide any analysis of this option that CEP believes would significantly reduce the costs to ratepayers electing to Opt-Out and therefore, CEP recommends that the ratepayers choosing to Opt-Out not be charged for any meter reading related costs.
6. CEP further requests that all customers be notified of their future options in an insert, a letter sent to them, and through advertisements on television and in print media, informing customers of these EMF exposures and other smart meter complaints.
7. CEP requests that all customers with collector meters be informed in writing with a full explanation of all RF radiation exposures and technical information pertaining to these, such as the number of RF pulses per day and amount of radiation in each of these pulses, compared to the “regular” residential smart meters. Further, CEP requests that customers be allowed to reject having a collector meter on their home or near their homes.

SDG&E objects to this request to the extent the request seeks information that is protected from discovery by the attorney-client privilege or investigative privilege, and/or to the extent the request seeks confidential and/or proprietary information. Without waiving its objections, SDG&E provides the attached pdf file.



Q1 attachment
Final.pdf

⁶ https://www.psrec.coop/electric_read_meter.php?sec=elecser&pag=elecread

⁷ **Request No. CEP-01-004**

Provide a description of an interval meter reading program that allows the ratepayer to make the readings and then transmit their data to SDG&E. Also, include methods that SDG&E could use to verify this data.

SDG&E Response:

SDG&E objects to this request to the extent the request seeks information that is not a component of SDG&E's proposal to provide residential customers an alternative to the installation of a digital electric or gas smart meter that transmits customer usage data through radio transmission. In addition, SDG&E objects to this request to the extent it requires SDG&E to research, develop and/or describe a overbroad, burdensome, vague, and ambiguous concept of “an interval meter reading program that allows the ratepayer to make the readings and then transmit their data to SDG&E”. SDG&E will not respond to this question.

8. CEP requests that customers with smart meters nearby on other residences or commercial buildings, within a 600 foot radius, be allowed to establish a smart meter free zone within that area.
9. CEP requests that all co-located and groups of smart meters be automatically replaced with no-cost analog meters.
10. CEP requests that commercial customers also be availed of access to using the final opt-out plan, as well.
11. The development of SDG&E's opt-out plan was devised with too narrow a scope, limited only to cost and technical considerations, whereas the real concerns of Californians about the smart meter program were not addressed, which include: health, safety, privacy, security, increased utility bills, and harmful interference with appliances and other devices such as garage door openers. The California Public Utilities Commission (CPUC) and the state of California are not adequately protecting nor responding to Californians and concerned municipalities, thus encouraging an inadequate and dangerous SDG&E Opt-Out Proposal.
12. SDG&E is not showing concern for nor recognition of its customers who have filed many thousands of serious complaints related to smart meters, by stating its preference for these replacement options that emit RF radiation and emissions along wiring.
13. Federal law, including the US Energy Act of 2005⁸ and 2007⁹, does not mandate nor suggest universal use of smart meters or any wireless utility metering device. Quite the contrary, these laws only suggest state consideration of an opt-in program for consumers to receive more information regarding their home energy use, and do not specify nor require wireless. SDG&E's proposal is out of compliance with these federal recommendations and laws.

RATIONALE:

CEP believes that "Bio Effects of Nonlethal Weapons" addendum to the Nonlethal Technologies

* Worldwide (Ne GIC-I1 47-101-98s) provides ample evidence that microwave radiation is

⁸ US Energy Policy Act of 2005 <http://thomas.loc.gov/cgi-bin/bdquery/z?d109:H.R.6>:

⁹ H.R. 6: Energy Independence and Security Act of 2007 <http://www.govtrack.us/congress/bill.xpd?bill=h110-6>

unsafe and that the general public will all be susceptible, with some, more susceptible. This study confirms high risk to the entire general population and explains the same physical complaints that thousands of Californians began to experience on the day of smart meter installation or shortly thereafter.

“A U.S. Army scientific study declassified in 2006 [2] which reviews the bio-effects of radiofrequency microwave radiation for the purposes of the development of new weaponry and behavioral control (currently in use by military and police) reveals that microwave radiation exposures HAVE indeed been linked to a large number of biological and health effects.

Many of the effects the military study notes are virtually identical to the unusual clusters of health complaints of people following the installation of smart meters, yet the CPUC routinely denies legitimacy of these complaints. The military study notes symptoms such as increased aggression and irritability, inhibition of food and drink intake, increased mobility or conversely, incapacitation via loss of muscle control, muscle weakness, intense muscle spasms, loss of consciousness; cognitive effects such as loss of memory and confusion; microwave hearing (buzzing, ticking, hissing, or knocking sounds that originate within the head or behind it), and even damage to multiple organs or the brain, seizures (convulsions), and death.

This study clearly supports that subtle heating of tissue occurs with radiofrequency microwave radiation along with other undesirable and potentially very dangerous biological effects.

Importantly, U.S. Army scientists agree with a growing number of independent scientists worldwide, in **emphatically stating that 100% of the human population is susceptible to radiofrequency microwave radiation effects**, caused by subtle heating, with some sectors of the population more reactive at lower doses. The U.S. Army study recognizes tinnitus as one symptom that occurs from exposure to pulsed microwave radiation. The referenced military study provides this highly pertinent comment: “At this time, virtually all investigators have studied the [microwave hearing, acoustic] phenomenon now accepted as thermo elastic expansion of the brain, the pressure wave of which is received and processed by the cochlear micro phonics system, to be the mechanism of acoustic perception of short pulses of RF energy” (p. 8 of 20).

Notably, in one study, this microwave hearing was triggered through exposure to 2450 MHz radiofrequency energy, which is exactly one of the radiofrequencies used by antennas contained within current smart meters. “The sounds are heard as the individual pulses are absorbed. The effect is immediate, within milliseconds”

(p.9 of 20). Army scientists describe a range of sensitivity, with some people unable to hear it, possibly due to cochlear damage.”¹⁰

(from **[Exhibit C] CEP Reply Commentary on the CPUC ALJ ruling of November 10, 2011: DECISION GRANTING IN PART APPLICATION FILED BY THE UTILITY CONSUMERS’ ACTION NETWORK AND DIRECTING SAN DIEGO GAS & ELECTRIC COMPANY TO FILE A SMART METER OPT-OUT PROPOSAL (CEP, November 18, 2011)**)¹¹

SDG&E’s recent technical report, RESPONSE OF SAN DIEGO GAS & ELECTRIC COMPANY (U 902 E) ON THE ADMINISTRATIVE LAW JUDGE’S RULING SEEKING CLARIFICATION¹², on smart meter radiofrequency emissions, provides detailed information, allowing a window into the pulsed radiofrequency microwave radiation we are being newly subjected to by California’s utility companies, in an unprecedented manner.

SDG&E’s document reveals technical data showing that its customers are being subjected to virtually continuous pulses of microwave radiation (up to 23,000+ pulses in a 24 hour period, up to every 3 seconds).

This is felt by some observers to be radically different than the “spin” previously given – the claim that “minute,” “occasional,” “infrequent” radiofrequency exposures that are “harmless” and “less than all other sources” is clearly not true, finally revealed with the forced production of this document.

The SDG&E report reveals that testing done on these meters was only conducted by conflicted sources, and primarily not real-world. There is no mention of the higher emissions for rural areas, with increased signal strengths; no mention of the increased signals and emissions from collector meters. There is no description that shows ANY consideration for the vast reports of biological effects or consumer health complaints within the real-life mesh network setting.

¹⁰ Bio Effects of Nonlethal Weapons, 1998, released 2006 <http://www.scribd.com/doc/30906628/Bioeffects-of-Selected-Non-Lethal-Weapons>

¹¹ <http://docs.cpuc.ca.gov/EFILE/EXP/154810.htm>

¹² <http://docs.cpuc.ca.gov/EFILE/RESP/149379.htm>

Previous information appears to have focused only on transmissions (sending usage data to the utility) that comprise 10% of the duty cycle, while ignoring the near-continuous network maintenance (90%) (receiving and sending).

SDG&E insists that it follows FCC guidelines, which do not categorically cover smart meters, mesh networks, placement of these devices close to occupants, or exposures of persons smaller than a large man. The new technical information may explain why so many are reporting headaches, ringing and clicking of ears, nausea, and sleeplessness, amongst other symptoms, when combined with scientific information on the health and biological effects of pulsed radiofrequency microwave radiation.

The FCC has the utilities on the honor system with placement of the devices, apparently, which is very troubling, indeed. People are definitely close to the meters on a daily basis, in many cases, the device is closer than 8 inches from people who may be sleeping or sitting and reading in their beds, unaware of the dangers. Some meters are placed close to gates where people pass in and out, or stand within inches. There is no warning not to get close, many people peer at the faces of the smart meters to watch them working. How many women, elderly, pregnant women, children, or infants and those more susceptible to radiation are being exposed? Avoidance of responsibility cannot be laid at the feet of the FCC.

California expert, Cindy Sage, indicates in her report, that FCC guidelines for radiofrequency exposure are not being met for smart meters at <http://sagereports.com/smart-meter-RF/>, and in fact, smart meter exposures may exceed those guidelines by tens of thousands of times in reflective areas. This is in addition to the guidelines being inadequate for those with smaller body sizes, including women and children. This has not been addressed directly but may be extrapolated from this report and the ruling as something that has not been taken into consideration.

Keep in mind that the wireless smart grid system is in its infancy and if allowed to progress according to its planners, will subject Californians to exponentially more RF radiation than we receive at this point, including sending and receiving data from all major appliances, inside the

home and operating more frequently, in real time vs. the “infrequent” data transmissions for usage to the utility.

Thus, it is very possible that those of us who are now sick will become sicker, and those not feeling the effects may join those who are ill.

In other words, a major public health crisis is looming because the CPUC has repeatedly failed to investigate the health effects of this technology it is approving to be deployed throughout California, effecting millions of people. This public health crisis, due to the dangers of RF radiation exposure by smart meters, is predicted and substantiated by scores of eminent, independent American and international independent scientists, physicians, and experts, whose letters have been provided to the CPUC by Center for Electrosmog Prevention as attachments to its CEP protest to Application (A.) 11-06-006 et al¹³.

More statements from scientists and physicians are available at a website: CEP Expanded Opt-Out Proposal

<http://www.scribd.com/doc/77659289>

Scientist Letters Scrib Links

<http://www.scribd.com/doc/77659244>

Thus, by reading these reports, we see that those concerned about the placement of the smart meter devices on every building in America by state and federal governments, are justified in their suspicions that the emissions from this two-way, bidirectional technology has been and can be increasingly very harmful.

The use of one-way electronic meters that also emit RF radiation is not a viable option, particularly for those who are ill. The RF-emitting meters of all kinds generate risk for the public. Emissions on home wiring are not acceptable.

¹³ <http://docs.cpuc.ca.gov/efile/P/140645.htm>

For instance, remotely increasing the signal strength and frequency of signals can induce more of the above bio effects. This could be selectively accomplished through hacking of the wireless smart grid network by terrorists or individuals, or by a malevolent government, industry, or individuals within it - an insecure system that places the nation and our energy access at risk. The smart grid has recently been described as “really stupid ...with no one in charge” by former CIA Director Woolsey on Aug. 14, 2011: “A so-called smart grid that’s as vulnerable as what we’ve got is not smart at all. It’s a really, really stupid grid”.¹⁴ Individuals or groups can be readily targeted. Let’s not continue to be so stupid.

We have a choice; the time is now. Take no action and let California and America be destroyed through high risk irradiation or take action to eliminate wireless and RF-emitting meters of all types and the wireless smart grid. Microwave-radiation-emitting devices forced on the public inside and outside their homes, including those placed on our neighborhood power lines should have no place in California or America. **Indeed, neither federal nor state law provides for wireless or electronic devices to be forced on the public, including as opt-out “alternatives”, and industry executives have confirmed, on Sept. 14, 2011, at the opt-out workshop, that these are not required for the smart grid to function.**

The Center for Prevention of Electrosmog and its members call upon Judge Amy Yip-Kikugawa and the CPUC to assume their state-mandated protective role and immediately, without further delay, rule that the utilities in CA MUST provide analog (electromechanical) meters at no cost to utility customers, provide immediate relief to all complainants, order a halt to smart meter installations in CA, and begin to take action that will, in the near future, dismantle all wireless aspects of the electrical grid and prevent utility companies from endangering customers now or at any time in the future. This must not wait. Lives are at stake. **The facts, these reports, the public health and SB 17’s safety clause, and the US Energy Acts of 2005 and 2007 cannot be ignored.**

CONCLUSION:

¹⁴ Ex-CIA Director Slams Smart Grid, <http://www.powermag.com/blog/index.php/2011/08/14/ex-cia-chief-slams-smart-grid/>

It IS more than reasonable to allow analog (electromechanical) meters to be used again, immediately, as no-cost opt-out options and ultimately, to replace all the smart and RF-emitting meters, which aren't smart, but rather, are dangerous, unsafe, experimental devices. Analogs (electromechanical meters) are the imperative opt-out choice and the only safe, secure utility meter that should be provided to all customers. Customer choice is in alignment with the US Energy Acts of 2005 and 2007. Customer safety is what SB 17 requires. These mandates have not been met and will not be met with RF-emitting and electronic meters. Immediate action to provide analogs to suffering customers is imperative.

Attachments:

[\[Exhibit A\]](#) Bio Effects of Nonlethal Weapons (fn 1) addendum to the Nonlethal Technologies * Worldwide (Ne GIC-II 47-101-98s) <http://docs.cpuc.ca.gov/efile/EXP/154813.pdf>

[\[Exhibit B\]](#) RESPONSE OF SAN DIEGO GAS & ELECTRIC COMPANY (U 902 E) ON THE ADMINISTRATIVE LAW JUDGE'S RULING SEEKING CLARIFICATION (Nov. 1, 2011) <http://docs.cpuc.ca.gov/EFILE/RESP/149379.htm>

[\[Exhibit C\]](#) CEP Reply Commentary on the CPUC ALJ ruling of November 10, 2011: DECISION GRANTING IN PART APPLICATION FILED BY THE UTILITY CONSUMERS' ACTION NETWORK AND DIRECTING SAN DIEGO GAS & ELECTRIC COMPANY TO FILE A SMART METER OPT-OUT PROPOSAL (CEP, November 18, 2011) <http://docs.cpuc.ca.gov/EFILE/EXP/154810.htm>

[\[Exhibit D\]](#) CEP Expanded Opt-Out Proposal, filed on August 18, 2011 w. Scientist Letters attachments <http://docs.cpuc.ca.gov/EFILE/P/140645.htm>

CEP Expanded Opt-Out Proposal
<http://www.scribd.com/doc/77659289>

Scientist Letters Scrib Links
<http://www.scribd.com/doc/77659244>

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