



FILED

08-04-11
08:00 AM

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

In the Matter of the Application of San Diego Gas &
Electric Company (U902E) for Adoption of its Smart
Grid Deployment Plan,

And Related Matters.

Application 11-06-006
(Filed June 6, 2011)

Application 11-06-029
Application 11-07-001

**PROTEST TO APPLICATIONS FOR ADOPTION OF SMART
GRID DEPLOYMENT PLANS**

Pursuant to the Commission's Rules of Practice and Procedure; Rule 2.6 governing Protests, Responses, and Replies and Rule 4.1(b), Complaints, CALifornians for Renewable Energy, Inc. (CARE) respectfully protests/complains¹ about the Smart Grid Deployment plans currently being implemented statewide [prior to public review of those plans] with CPUC's authorization.

For purposes of correspondence contact:

Party:

Michael E. Boyd President
CALifornians for Renewable Energy, Inc. (CARE)

¹ The prerequisite 25 signatures are provided as a separate Attachment A herein, Pursuant to Rule 4.1(b), Complaints, "*No complaint shall be entertained by the Commission, except upon its own motion, as to the reasonableness of any rates or charges of any gas, electrical, water, or telephone corporation, unless it be signed by the mayor or the president or chairman of the board of trustees or a majority of the council, commission, or other legislative body of the city or city and county within which the alleged violation occurred, or by not less than 25 actual or prospective consumers or purchasers of such gas, electric, water, or telephone service.*"

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The grounds for the complaint/protest are as follows:

The three CPUC regulated utilities PG&E, SCE, and SDG&E have deployed wireless SmartMeters through out their service territories [i.e., they have begun implementing their Smart Grid Deployment Plan(s)] without first conducting environmental review [including a health risk assessment or providing alternatives to the plans] as is required under the California Environmental Quality Act (CEQA). The CPUC approvals violated federal civil rights protections under color of state law in violation of County Ordinances.

The Board of Supervisors of Santa Cruz County approved an ordinance prohibiting SmartMeter installations. The cities of Capitola and Watsonville have similar laws. These laws were adopted to protect the health and safety of the public. The Constitution of the state of California guarantees to every property owner the inalienable right to defend and protect his or her property against any incursion that might adversely affect safety and health. Because Smartmeters have

been shown to adversely impact the safety, well-being, and health of some people, any suspicion on the part of a property owner that it might have long or short term adverse affects would be sufficient cause to refuse installation, under the Constitution. Indeed, the adverse affects on utility customers from Smartmeters over the last two years (since the original authorization) have been so widespread, any such suspicion must be considered justified. Constitutional property protections therefore would require, in the face of this experience, that installation of a Smartmeter be accompanied by property owner consent and permission. In other words, the entire Smartmeter project would have to be based on an opt-in procedure.

In light of this constitutional argument, every Smartmeter now installed without the express permission and consent of the property owner becomes prima facie evidence of trespass (the perpetrator discoverable in the installation records of PG&E and Wellington Energy etc.), as well as of unconstitutional violations on the part of PG&E, SCE, and SDG&E. It also becomes evidence of the CPUC having overstepped its authority (and being thus liable for remedies to the people of California).

Respectfully submitted,



Michael E. Boyd President
CALifornians for Renewable Energy, Inc.
(CARE)

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August 4, 2011

Verification

I am an Officer of the Protesting/Complaining Corporation herein, and am authorized to make this verification on its behalf. The statements in the foregoing document are true of my own knowledge, except matters, which are therein stated on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 4th day of August 2011, at Soquel, California.



Michael E. Boyd President
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**Attachment A:
Protest/Complaint with more than 25 customer signatures**