



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of San Diego Gas & Electric Company (U 902 E) for Adoption of its Smart Grid Deployment Plan	A.11-06-006 (Filed June 6, 2011)
In the Matter of the Application of Pacific Gas and Electric Company for Adoption of its Smart Grid Deployment Plan U 39 E	A.11-06-029 (Filed June 30, 2011)
Application of Southern California Edison Company (U 338-E) for Approval of its Smart Grid Deployment Plan	A. 11-07-001 (Filed July 1, 2011)

SOUTHERN CALIFORNIANS FOR WIRED SOLUTIONS TO SMART METERS (SCWSSM) PROTEST OF:

- **THE APPLICATION OF SAN DIEGO GAS & ELECTRIC COMPANY (U 902 E) FOR ADOPTION OF ITS SMARTGRID DEPLOYMENT PLAN,**
- **THE APPLICATION OF PACIFIC GAS AND ELECTRIC COMPANY FOR ADOPTION OF ITS SMART GRID DEPLOYMENT PLAN U 39 E,**
- **APPLICATION OF SOUTHERN CALIFORNIA EDISON COMPANY (U 338-E) FOR APPROVAL OF ITS SMART GRID DEPLOYMENT PLAN**

Pursuant to Rule 2.6 of the California Public Utilities Commission's ("Commission") Rules of Practice and Procedure, Southern Californians for Wired Solutions to Smart Meters ("SCWSSM") hereby responds to the application filed on June 6, 30th and July 1st 2011, respectively, in the above captioned proceeding. The comments are timely because they are filed by August 4, 2011, the date set by the assigned Administrative Law Judge by a ruling issued on July 25, 2011.

INTRODUCTION

SCWSSM protests these Applications, and each of them, on the grounds that there is : 1.) mounting medical evidence indicating the likelihood of harm to citizens being involuntarily exposed to pulsed non ionizing radiation from the wireless Smart Grid infrastructure and wireless smart meters. (Hereafter referred to "The Projects")

SCWSSM is an unincorporated association organized pursuant to the laws of California to represent residential and commercial customers or citizens affected adversely by wireless technologies implemented by electric, gas, telephone, and water corporations and agencies in California. SCWSSM's members are ratepayers in the San Diego Gas and Electric Company (SDG&E) and Southern California Edison Company (SCE)'s electric service areas.

Notwithstanding the mounting evidence of physical harm to citizens, from the technology used in "The Projects", SCWSSM is informed and believes that no CEQA study has been commissioned and 2.) No hearings have been conducted by this Commission, on these crucial health and safety concerns of California citizens as required under California Public Utilities Code section 768. 3.) "The Projects" have failed to consider the effects of this wireless technology on citizens with various disabilities (as defined in 42 USC 1120 et. seq.) Which have caused many citizens to lose their homes, businesses and health, (See **Exhibits E, F, G** true and correct copies of DOJ testimony from December 16 2010 hearings, attached hereto and incorporated by reference as though fully set forth herein) 4.) "The Projects" and each of them, in attempting to install the wireless infrastructure and wireless smart meters at lightning speed, in disregard of citizens rights, have committed multiple violations of California Civil Codes sections pertaining to consumer rights, property rights, civil rights and tort protections.

With the history of abuse in the implementation of "The Projects" thus far, it is not reasonable to blindly approve further implementation of damaging wireless emissions without hearings on the risks and damage.

Moreover it should be noted "The Projects" and each of them, in accepting millions of dollars in "bailout funds" represented to the United States Department of Energy in their application for such funds, that the disabled would not be discriminated against in the use of the federal funds accepted. By failing to accommodate citizens with disabilities "The Projects", and each of them, have breached the condition of accepting federal "bail out" funds.

To comply with all applicable laws SCWSSM submits that the Commission should address the following issues in this proceeding:

I. Whether the CPUC has an obligation, under the law and in the interest of public safety, to require the utilities to conduct a California Environmental Quality Act (CEQA) review.

II. Whether the California Public Utilities Code section 768, requires a hearing by the commission into public health and safety, and should prohibit further implementation of the smart grid and installation of wireless smart meters, until a hearing is held.

III. Whether the CPUC has jurisdiction to make determinations as to what constitutes a disability under the Federal Americans with Disability Act (ADA) 42 United States Code 11201 *et seq.*

IV. **Whether** “The Projects” have violated civil rights, property rights and tort protections in implementing these programs. It is reasonable for the public to be suspect of further implementation of “The Projects” without hearings on the health risks and a meaningful CPUC forum and procedure for protection of citizens who rights are being violated. **The public looks to the Commissioners for protection and to date no protection of the public has been forth coming from this Commission.**

BACKGROUND FOR REVIEW

In Rulemaking (R.) 08-12-009, the Commission issued Decision (D.) 10-06-047 outlining the requirements for California’s investor-owned utilities’ Smart Grid Deployment Plans, to be filed by July 1, 2011. A suggested method for reviewing these plans was published in June 2011, “Evaluation Framework for Smart Grid Deployment Plans, A Systematic Approach for Assessing Plans to Benefit Customers and the Environment”.¹ This report explains on page 2 that: “Smart grid deployments should seek to share costs between utilities and consumers, and deliver benefits to consumers commensurate with investments. Smart grid deployment plans should share the investment and technology risk between utilities and their customers, while making

¹ [http://www.edf.org/documents/11795 EDF SG Evaluation Framework June 2011.pdf](http://www.edf.org/documents/11795_EDF_SG_Evaluation_Framework_June_2011.pdf)
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sure customers get the full value from the investment, including reduced whole-system costs and improved reliability, environment quality and public health.” SCWSSM is addressing the public health impacts of these plans.

D.10-06-047 in Ordering Paragraph No. 3 ordered that “Each section should also discuss how the Smart Grid will benefit customers and help meet environmental laws and policies contained in the Public Utilities Code.” California Public Utilities Code section 768 mandates that: “The commission may, after a hearing, require every public utility to construct, maintain, and operate its line, plant, system, equipment, apparatus, tracks, and premises in a manner so as to promote and safeguard the **health** and safety of its employees, passengers, customers, and the public.”

I.

THE CPUC HAS AN OBLIGATION, UNDER THE LAW TO REQUIRE THE UTILITIES TO CONDUCT A CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) STUDY ON THE ENVIRONMENTAL AND HEALTH EFFECTS OF THE WIRELESS SMART GRID TECHNOLOGY.

A CEQA study is required in this case to insure the health and safety of the public in relationship to this unprecedented huge roll out of wireless technology by “The Projects”. “The Projects” are unprecedented in size, scope covering the entire state in a mesh of radiation, recently classified as a Class 2 carcinogen by the World Health Organization on March 31, 2011.

CEQA Guidelines at Section 15126.2 requires Consideration and Discussion of Significant Environmental Impacts:

- (a) The Significant Environmental Effects of the Proposed Project. An EIR shall identify and focus on the significant environmental effects of the proposed project. In assessing the impact of a proposed project on the environment, the lead agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published, or where no notice of preparation is published, at the time environmental analysis is commenced. **Direct and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects.** The discussion should include relevant specifics of the area, the resources involved, physical changes, alterations to ecological systems, and changes induced in

population distribution, population concentration, the human use of the land (including commercial and residential development), **health and safety problems caused by the physical changes,** and other aspects of the resource base such as water, historical resources, scenic quality, and public services.

SCE is focusing on completion of its Edison SmartConnect™ (SmartConnect) advanced metering infrastructure (AMI) deployment. As of the end of May 2011, SCE had installed 2,627,135 SmartConnect meters and expects to complete deployment of these meters by the end of 2012².

SDG&E's deployment baseline is bolstered by the utility's nearly complete, customer empowering smart meter rollout, which is already supporting new customer behaviors, such as the use of third party applications to see energy interval usage data³.

As of December 31, 2010, PG&E's SmartMeter™ Program had placed 7,474,163 Meters/Modules in service⁴.

To date SCWSSM is informed and believes that no utility has commissioned a CEQA study prior to installation of the wireless smart grid technology in Californians neighborhoods, homes and business parks. Moreover SCWSSM is also informed and believes that the CPUC has not ordered such studies. SCWSSM suggests that the CPUC has a legal and moral obligation to the public to stop further installation of the wireless smart grid prior to completing a CEQA study and conducting hearings on all issues of concern to the affected public.

In addition to its own arguments set forth herein, SCWSSM is a signatory to the submission by the **Consumer Power Alliance** and supports the CEQA arguments and all arguments set forth therein.

² Southern California Edison Smart Grid Deployment Plan, page 8
July 1, 2011

³ SDG&E Smart Grid Deployment Plan: 2011 — 2020, Page 3

⁴ PG&E Smart Grid Deployment Plan: Deployment Baseline, Page 71
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II.

THE CALIFORNIA PUBLIC UTILITIES CODE SECTION 768, REQUIRES A HEARING BY THE COMMISSION INTO PUBLIC HEALTH AND SAFETY, AND SHOULD PROHIBIT FURTHER IMPLEMENTATION OF THE SMART GRID AND INSTALLATION OF WIRELESS SMART METERS, UNTIL A HEARING IS HELD.

The California Public Utilities Code section 768 mandates that:

“The commission may, after a hearing, require every public utility to construct, maintain, and operate its line, plant, system, equipment, apparatus, tracks, and premises in a manner so as to **promote and safeguard the health** and safety of its employees, passengers, **customers, and the public.**”

It is SCWSSM’s position that CPUC section 768 by implication, requires a hearing, and that the Commission is violating California Public Utilities Code section 768 if it fails to hold hearings into the health effects of the wireless technology used in “THE Projects”.

SCWSSM is informed and believes that there have been literally thousands of public health complaints to the CPUC and the utility companies. Those health complaints have been ignored by “The Projects” and the Commission. These complaints according to numerous experts and physicians are directly related to the installation of wireless infrastructure and wireless smart meters throughout neighborhoods and on customers’ homes and businesses.

To ignore the public outcry by failing to order a hearing to look into these thousands of health complaints would be a violation of including but not limited to, the CPUC Code section 768, a breach of the public trust and a violation of multiple California Civil Code sections an example of which is set forth below.

To support SCWSSM’s request for hearings on the health effects of the wireless technology implemented in the wireless smart grid, it submits for the Commissions consideration and careful review the attached Exhibits from medical experts addressing the research and risks of the wireless smart grid and wireless smart meters. (See **Exhibits**

A, B, C, D, E, F and G, attached hereto and incorporated by reference as though fully set forth herein)

Exhibit A is a true and correct copy of the letter of Daniel Harper M.D., which discusses not only his personal experience with patient complaints regarding the wireless smart grid and wireless smart meters, but he reviews numerous medical studies supporting his findings.

Exhibit B is a true and correct copy of a letter from Dr. Havas PhD, addressing directly the dangers of pulsed radiation of the smart meter grid and smart meters.

Exhibit C is a true and correct copy of a letter opinion of David O. Carpenter M.D., who is a public health physician and former Dean of the School of Public Health at the University at Albany.

"I have been involved in review and analysis of studies on electromagnetic fields, including radiofrequency fields, for many years. I served as the Executive Secretary to the New York State Power lines Project in the 1980s, and have published several reviews on the subject and have edited two books. In addition I was invited to present to the recent President's Cancer Panel on the subject of power line and radiofrequency fields and cancer. Dr. Carpenter's letter directly addresses the health risks of the wireless smart grid and wireless smart meters including the statements that :

"The evidence for adverse effects of radio frequency radiation is currently strong and grows stronger with each new study. Wired meters with shielded cable do not increase exposure. The report clearly indicates that ""smart meters could conceivably be adapted to non-wireless transmission of data. However, retrofitting millions of smart meters with hard-wired technology could be difficult and costly."" Clearly the answer to this dilemma is not to install wireless smart meters to begin with."

Exhibit D is a true and correct copy of the Declaration of Samuel Milham M. D. Dr. Milham is a medical epidemiologist with an M.D. degree, an MPH degree (Master of Public Health and am board qualified in public health. He holds a medical license in Washington State, and has been medically licensed in Hawaii and New York State. He has over 100 peer-reviewed publications and a recent book titled *Dirty Electricity*. He was employed at the New York State Health Department, at the University of Hawaii School of Public Health and Medical School, and at the Washington State Health Department. His expertise is in occupational epidemiology, especially the health effects of exposure to electromagnetic fields. He has been qualified as a medical expert witness

in courts in California, Washington, Hawaii, Pennsylvania, Florida, Virginia and Canada. The following is a quote from Dr. Milham's declaration.

*"I have studied electromagnetic field (EMF) health effects for 30 years. I was the first to report increased cancer in electrical workers. My recent work with high frequency voltage transients (dirty electricity) **is applicable to smart meters**, since they all contain switching power supplies which interrupt current flow and send dirty electricity into the electrical distribution system of homes, the utility neutral return and the earth. The transients are a potent universal carcinogen. **The non thermal radio frequency (RF) and transient emission from cell towers, and smart meters are similar**, since many times, they share the same transmission frequencies. A recent Brazilian study shows that cancer deaths are increased closer to cell tower bases, and decrease with distance from the towers. **Studies relating to cell towers are directly relevant in assessing the similar; if not more damaging emission from the wireless smart grid and wireless smart meters.** EMF intensity decreases with distance from the source. Smart meters are very close to people in their homes. The World Health Organization has recently classified EMF as a class 2B carcinogen. EMF, including microwaves has been shown to damage DNA, change reaction time, alter the blood-brain barrier, alter calcium flow from cells, alter intercellular communication, affect the ECG, and EEG, and reduce sperm counts, and fertility, and effect immune function".*

Exhibit E is a true and correct excerpt of Michael Hurt, testimony taken on December 16, 2010, by the Department of Justice at its Hearings on disabilities.

Exhibit F is a true and correct excerpt of William Bruno, PhD, University of Berkley in Physics. Testimony taken on December 16, 2010, by the Department of Justice at its Hearings on disabilities

Exhibit G is a true and correct excerpt of Janet Newton of EMR Policy Institute taken on December 16, 2010, by the Department of Justice at its hearings on disabilities.

The above referenced testimony as well as references to credible literature on the subject underscores the necessity for a hearing on the health effects of the wireless smart meter grid and wireless smart meters being installed on the public's homes and businesses.

SCWSSM suggests that the CPUC has a legal and moral obligation to take every precaution to protect the public in the face of mounting evidence of harm from the wireless technology being used in the implementation of the smart grid.

Californians involuntarily being exposed to likely harmful emission of radiation and pulsed non ionizing radiation deserve an opportunity to present additional studies and testimony at a hearing on the matter. To go forward with these unprecedented “Projects” that have been riddled with public health and safety complaints since its implementation would be an abuse of discretion, a violation of the laws and a violation of the public trust.

III.
WHETHER THE CPUC HAS JURISDICTION TO MAKE DETERMINATIONS AS TO WHAT CONSTITUTES A DISABILITY UNDER THE FEDERAL AMERICANS WITH DISABILITY ACT 42 UNITED STATES CODE 11201 ET SEQ..

SCWSSM respectfully requests the Commission to make a written opinion with its legal support for its position as to whether it has jurisdiction to determine who is disabled under the Federal American’s with Disabilities Act. Sections 42 USC 11201 et.seq.

If the Commission does believe it has jurisdiction to make this determination, SCWSSM requests a hearing to present evidence on this issues of disability and disability accommodations for those with medically implanted devices, neurological and immunological vulnerabilities as well as other effected medical conditions.

IV.
**WHETHER “THE PROJECTS” HAVE VIOLATED CIVIL RIGHTS,
PROPERTY RIGHTS AND TORT PROTECTIONS IN IMPLEMENTING
THESE PROGRAMS THUS REQUIRING HEARINGS AND PROCEDURES
FOR REDRESS PRIOR TO AUTHORIZING FURTHER IMPLEMENTATION
OF “THE PROJECTS”**

“The Projects” have embarked on a course of conduct in carrying out these contracts to “upgrade the grid” using taxpayer dollars to run roughshod over taxpayers, misrepresenting and fraudulently cohering citizens to put dangerous wireless meters on their homes, without any CEQA or health studies, without concern for health safety and welfare of the citizens.

State Civil Rights are being violated by the “The Projects” and contracted installers. State violations including Civil Code 52.1, 50, 1770, 1780 et al. Threats are being made, deceptive statements in effort to gain compliance of homeowner, disregard of homeowners request not to install smart meter, disregard and insistence to put in smart meter after receiving letter from homeowners physician stating that putting in a smart meter would be life threatening,.

Property violations of trespass, exceeding the easement granted with un contemplated radiation and radio frequencies without permission or notice.

Tort law violations: Intentional Infliction of emotional distress, assault battery, fraud, coercion ET. Al.. Testimony of numbers of citizens will be presented.

HEARINGS ARE NEEDED

SCWSSM respectfully suggests to the Commission that further examination of the regarding all four issues set forth above are needed before the Commission can issue a decision on the “The Projects” Applications to go forward with further implementation of the smart grid.

Hearings will be needed for SCWSSM to present testimony and evidence on known health impacts of the wireless technology being installed throughout the state and necessary disability accommodations for those vulnerable citizens who are being displaced and injured by this wireless technology.

CONCLUSION

The applications should be denied until health impacts, safety issues and disability rights and accommodations in relationship to the wireless smart grid and wireless smart meters are determined. The Commissions duty is to see to it that the safety of the ratepayers and all members of the public can be assured.

Respectfully submitted,



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August 4, 2011

Attachments

Exhibits A, B, and C are contained in one document.
Exhibit D is a separate document. Exhibit E is a separate document,
Exhibit F is a separate document and Exhibit G is a separate document.

VERIFICATION

I, Barbara Schnier, am Director and Founder of the Southern Californians For Wired Solutions For Smart Meters, (SCWSSM) and am authorized to make this verification on its behalf. The statements in the document **“SOUTHERN CALIFORNIANS FOR WIRED SOLUTIONS TO SMART METERS PROTEST OF THE APPLICATION OF SAN DIEGO GAS & ELECTRIC COMPANY (U 902 E) FOR ADOPTION OF ITS SMART GRID DEPLOYMENT PLAN, THE APPLICATION OF PACIFIC GAS AND ELECTRIC COMPANY FOR ADOPTION OF ITS SMART GRID DEPLOYMENT PLAN (U 39 E), AND APPLICATION OF SOUTHERN CALIFORNIA EDISON COMPANY (U 338-E) FOR APPROVAL OF ITS SMART GRID DEPLOYMENT PLAN”** filed on August 4, 2011, are true based on my own knowledge, except for those matters which are 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 **August 4, 2011** at San Diego, California.

By 
Barbara Schnier, Director
Southern Californians For Wired Solutions to Smart Meters
(SCWSSM)

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