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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 (U-39-M).

Application 11-03-014  
(Filed March 24, 2011)

**WILNER & ASSOCIATES' REPLY TO  
PACIFIC GAS AND ELECTRIC COMPANY'S COMMENTS ON  
PROPOSED DECISION OF COMMISSIONER PEEVEY**

Dated: December 19, 2011

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**WILNER & ASSOCIATES' REPLY TO  
PACIFIC GAS AND ELECTRIC COMPANY'S COMMENTS ON  
PROPOSED DECISION OF COMMISSIONER PEEVEY**

Pursuant to Rule 14.3(d) of the California Public Utilities Commission's ("Commission") Rules of Practice and Procedure ("Rule"), Wilner & Associates ("Wilner") hereby replies to Pacific Gas and Electric Company's ("PG&E") comments on the proposed decision ("PD") issued by assigned Commissioner Peevey in the above-entitled matter:

Among other things, PG&E is asking the Commission to modify the PD to: (1) adopt its cost recovery proposal; (2) adopt the revenue requirements as requested in its application; (3) approve the filing of a compliance advice letter providing updated revenue requirements; and (4) require California Alternate Rates for Energy ("CARE") and Family Electric Rate Assistance ("FERA") program customers to pay an initial fee of \$20 (instead of nothing) to opt-out of the SmartMeter program (PG&E Comments, p 2). However, PG&E has failed to provide proposed Findings of Fact and Conclusions of Law to support the proposed changes as required in Rule 14.3(c). Therefore, PG&E's request for modifications must be denied.

With respect to the proposed initial fee for CARE and FERA subscribers that opt out, it should be noted that customers eligible under those programs may not be able to afford to pay that fee, and it would be a hardship for them to participate in the opt-out program.

In addition, PG&E has advised the Commission that it: *will not offer customers a digital radio-out meter* (PG&E Comments, p 2). This is not a request, but instead a unilateral change which is not supported by any Findings of Fact and Conclusions of Law. As stated above, these are a requirement of Rule 14.3(c), and PG&E's withdrawal of the digital meter must be denied.

As noted in Wilner's comments to the PD filed December 12, 2011, there should not be any costs to opt out for customers that suffer an adverse health effect as the result of a SmartMeter with or without the radio enabled (p 2).

The best way to ensure that PG&E's customers will get relief from their health problems caused by a SmartMeter is for the Commission to approve an analog meter alternative. This was recognized in the Division of Ratepayer Advocates' motion to amend the scope of this proceeding wherein it states: *Phone surveys of PG&E's customers revealed that, among customers who would consider an alternative to a wireless SmartMeter, "the 'legacy' analog meter is most popular" and that customers "who see a doctor about their health concerns tend to want the legacy [analog] meter"* (emphasis added). See the Motion of the Division of Ratepayer Advocates to Amend the Scope of the Proceeding to Include Data on Radio Frequency Emissions and to Order PG&E to Serve Supplemental Testimony on the Costs of an Analog Meter Option (dated July 22, 2011), p 10 (see Footnote 24 also).

Currently, there are more than 83,000 customers on the Delay List that do not want a SmartMeter (PG&E Comments, p 11). No doubt there are many more similarly situated that also wish to have an analog meter. Imagine what would happen if all those customers are forced to accept an opt-out option that does not solve their health problems. PG&E and the Commission will end up with an enormous number of complaints, and this ratemaking proceeding will be a complete failure.

Respectfully submitted,

/s/

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