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Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

1

Application of Pacific Gas and Electric Company (U 39 M) for Approval of Modifications to its Smart Meter Program and Increased Revenue Requirements to Recover the Costs of the Modifications.	A.11-03-014 (Filed March 24, 2011)
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INTERVENOR COMPENSATION CLAIM OF EMF SAFETY NETWORK AND DECISION ON INTERVENOR COMPENSATION CLAIM OF EMF SAFETY NETWORK

2

Claimants: EMF Safety Network		For contribution to D.12-02-014	
Claimed (\$): \$39,884.70		Awarded (\$):	
Assigned Commissioner: Michael Peevey		Assigned ALJ: Amy Yip-Kikugawa	
I hereby certify that the information I have set forth in Parts I, II, and III of this Claim is true to my best knowledge, information and belief. I further certify that, in conformance with the Rules of Practice and Procedure, this Claim has been served this day upon all required persons (as set forth in the Certificate of Service attached as Attachment 1).			
Signature:		/s/	
Date:	April 13, 2012	Printed Name:	Sandi Maurer

PART I: PROCEDURAL ISSUES (to be completed by Claimant except where indicated)

3

A. Brief Description of Decision:	The decision modified PG&E's Smart Meter program to allow customer choice to opt out of Smart Meters in favor of using analog electric and gas meters. The decision adopted interim charges to opt out. The decision ordered a second phase of the proceeding to consider cost issues, and a community wide opt-out option.
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B. Claimant must satisfy intervenor compensation requirements set forth in Public Utilities Code §§ 1801-1812:

		Claimant	CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):			
4	1. Date of Prehearing Conference:	May 6, 2012	
	2. Other Specified Date for NOI:		
	3. Date NOI Filed:	June 6, 2012	
	4. Was the NOI timely filed?	yes	
Showing of customer or customer-related status (§ 1802(b)):			
5	5. Based on ALJ ruling issued in proceeding number:	A.11-03-014	
	6. Date of ALJ ruling:	October 26, 2011	
	7. Based on another CPUC determination (specify):		
	8. Has the Claimant demonstrated customer or customer-related status?		
Showing of “significant financial hardship” (§ 1802(g)):			
6	9. Based on ALJ ruling issued in proceeding number:	A .11-03-014	
	10. Date of ALJ ruling:	October 26, 2011	
	11. Based on another CPUC determination (specify):		
	12. Has the Claimant demonstrated significant financial hardship?		
Timely request for compensation (§ 1804(c)):			
7	13. Identify Final Decision:	D.12-02-014	
	14. Date of Issuance of Final Order or Decision:	February 9, 2012	
	15. File date of compensation request:	April 9, 2012	
	16. Was the request for compensation timely?	yes	

C. Additional Comments on Part I (use line reference # as appropriate):

8	#	Claimant	CPUC	Comment

PART II: SUBSTANTIAL CONTRIBUTION (to be completed by Claimant except where indicated)

A. In the fields below, describe in a concise manner Claimant’s contribution to the final decision (see § 1802(i), § 1803(a) & D.98-04-059). (For each contribution, support with specific reference to the record.)

Contribution	Specific References to Claimant's Presentations and to Decision	Showing Accepted by CPUC
<p>Network contribution to this proceeding was substantial. Network provided a basis for evaluating the reasonableness of PG&E's proposal based on a comprehensive view into customer concerns; a basis for understanding RF emissions from smart meters; assessed the reasonableness of costs, and represented thousands of PG&E customers who did not want PG&E's proposed radio-off smart meter but wanted to retain or restore their use of analog meters. Neither the DRA nor TURN represented these customers. (See Protests of DRA and TURN.)</p> <p>The scope of the op-out proceeding was whether or not PG&E's proposed opt-out option and costs were reasonable.</p> <p>See comments 11-1 and 11-2,</p>	<p>Network fully participated in the proceeding with these activities: Motion for Party Status, April 25, 2011; Network Protest, April 25, 2011; Pre-hearing Conference, May 6; Pre-hearing Conference, July 27; Network alternative proposals, August 19 2011; CPUC Workshop, Sept. 14, 2011; Network Comments on PD, Dec.12, 2011; Network Reply Comments, Dec.19, 2011; Network letter to the Commissioners, Jan.25, 2012.</p> <p>Network's general participation noted: D.12-02-014, p.4, timely protests filed; p.36, Comments and Reply Comments filed.</p>	
<p>1. Opt-out option: The basis of the opt-out proceeding was to evaluate and provide an opt-out option for customers who did not wish to have a smart meter on their home. Network prevailed, and the Commission authorized the opt-out option of an analog meter.</p>	<p>Opt-opt option addressed in Network documents:</p> <p>Network Protest, April 25, 2011: pp.1, 7, 8;</p> <p>Network alternative proposals; August 19 2011 (email);</p> <p>Network Comments on PD, Dec.12 2011:pp.1, 8, A-1, A-2, A-3;</p> <p>Network Reply Comments, Dec.19, 2011: p.1;</p> <p>Network letter to the Commissioners: Jan.25, 2012: p.1, 3.</p> <p>D.12-02-014 Order Paragraph 2 p. 39</p> <p>Network's contribution recognized in D.12-02-014: p.10, p.10 footnote 13, p.11, p.11 footnote 19; p.28.</p>	
<p>2. Radio-off option: PG&E proposed customers not wanting a smart meter would receive a radio-off smart meter. Part of the scope of the proceeding was to determine if the radio-off meter option was reasonable. Network prevailed as we opposed the radio-off option, which was defeated.</p>	<p>Radio-off option addressed in Network documents:</p> <p>Network Protest, April 25, 2011: pp.4, 6;</p> <p>Network alternative proposals; August 19 2011 (email);</p> <p>Network Comments on PD, Dec.12, 2011: pp.1, 2, 8, A-1;</p>	

	<p>Network Reply Comments, Dec.19, 2011: pp.1, 2;</p> <p>D.12-02-014 p.19, paragraph 2.</p> <p>Network’s contribution recognized in D.12-02-014: p.10, p.10 footnotes 12, 13; p.11; footnote 20.</p>	
<p>3. Use of analogs: Network asserted throughout the proceeding that customers who did not want a smart meter, wanted to retain or restore their use of analog meters. Network prevailed in the use of analog meters as the opt-out option.</p>	<p>Use of Analog addressed in Network documents:</p> <p>Motion for Party Status, April 25, 2011: p.2;</p> <p>Network Protest, April 25, 2011: pp.6, 7, 8;</p> <p>Pre-hearing Conference, July 27;</p> <p>Network alternative proposals; August 19 2011 (email);</p> <p>Network Comments on PD, Dec.12, 2011: pp.1, 2, 6,7, A-1,A-2, A-3;</p> <p>Network Reply Comments, Dec.19, 2011: p.2;</p> <p>Network letter to the Commissioners: Jan.25, 2012: p.1.</p> <p>D.12-02-014 Order Paragraph1,2 p. 39</p> <p>Network’s contribution to use of analogs is recognized in D.12-02-014, p.10; p.10 footnote13.</p>	
<p>4. Costs: Part of the scoping memo for the proceeding was to determine if the proposed costs were reasonable. Network asserted there should be no cost to opt out of a smart meter and provided substantial reasoning. PG&E proposed a rate between \$135 and \$270 initial fee and up to \$20 per month. For CARE customers they proposed \$105-\$215 initial fee plus up to \$16 per month fees. (PG&E opt-out application, March 24,2011 pp.6,7) D.12-02-014 adopted an interim fee of \$75 initial fee and \$10 per month and for CARE and FERA \$10 initial fee and \$5 a month.</p> <p>Network prevailed in part on this issue as the fee proposed was an “interim” rate, and far below PG&E’s proposed rate.</p> <p>Network supported community wide opt out which is recognized in the decision and will be reviewed in the second phase of the proceeding, along with costs.</p>	<p>The issue of costs addressed in Network documents:</p> <p>Motion for Party Status, April 25, 2011, p.2;</p> <p>Network Protest, April 25, 2011: pp.1, 2, 5, 6, 8;</p> <p>Network alternative proposals; August 19 2011(email);</p> <p>Network Comments on PD, Dec.12, 2011pp.1, 2, 4, 8, A-1, A-2, A-3;</p> <p>Network Reply Comments, Dec.19, 2011: p.1;</p> <p>Network letter to the Commissioners: Jan.25, 2012, p.1.</p> <p>D.12-02-014 Order Paragraph 2c p. 40</p> <p>Network’s contribution to cost issues is recognized in D.12-02-014, p. 28; p.28 footnote 48; p.31 footnote 55.</p> <p>Network’s support of community wide opt out is noted in D.12-02-014, p.11, p.11 footnote 19.</p>	

	<p>Commission support for review of this issue in the second phase noted in D.12-02-014, p.21; p.26; p.35; p.36.</p>	
<p>5. RF Emissions: The issue of RF emissions was a fundamental part of the evaluation of the reasonableness of the opt-out option. Network prevailed in obtaining an RF emissions assessment ordered by the ALJ in the proceeding, which provided a basis of understanding for the opt-out issue, and supported the rejection of the radio-off meter as the opt-out option.</p>	<p>RF emissions addressed in Network documents: Motion for Party Status, April 25, 2011: p.2; Network Protest, April 25, 2011 p.2, 3, 4, 7, 8; Pre-hearing conference May 6; Network alternative proposals; August 19 2011(email); CPUC Workshop, Sept. 14, 2011; ALJ ruling, October 18, 2011, p. 4, ruling paragraph; Network Comments on PD, Dec.12, 2011: p.1, 4, 5, 6,7, A-1; Network letter to the Commissioners: Jan.25, 2012: p.2. D.12-02-014 refers to RF emissions throughout the proceeding on pp. 4,5,10,11,12,13,14,15,16, 36. Network’s contribution to RF emissions is recognized in D.12-02-014, p. 10, p.10 footnotes 12, 13.</p>	
<p>6. Customer concerns: This issue also includes customer choice, and customer relief. Network represented and supported customers who did not wish to have a smart meter, and wanted to retain or restore the analog meter. Network provided a unique and comprehensive perspective on the range of customer concerns and needs, which provided a basis of understanding in order to assess the reasonableness of the opt out option. Network prevailed in its representation of customers who did not want a smart meter.</p>	<p>Customer concerns addressed in Network documents: Network Protest, April 25, 2011: p.2, 3,4, 5, 6, 7; Network alternative proposals: August 19 2011(email); Network Comments on PD, Dec.12, 2011: pp.1, 2, 3, 7, 8, A-1,A-2, A-3; Network Reply Comments, Dec.19, 2011: pp.1, 2; Network Exparte: Jan 26, 2012, p.1 Network letter to the Commissioners: Jan.25, 2012: pp.1, 3; D.12-02-014 Order Paragraph 1,2, p. 39. Network’s contribution to this category is recognized in D.12-02-014: p.10, p.10 footnote 13; p.28.</p>	

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B. Duplication of Effort (§§ 1801.3(f) & 1802.5):

10

	Claimant	CPUC Verified
a. Was the Division of Ratepayer Advocates (DRA) a party to the proceeding?	Yes	
b. Were there other parties to the proceeding with positions similar to yours?	Yes	
<p>c. If so, provide name of other parties:</p> <p>Other parties with similar but varied positions included Aglet Consumer Alliance (Aglet); Ecological Options Network (EON); County of Lake; Town of Fairfax and associated parties; Wilner and Associates; Californians for Renewable Energy, and Alameda County Residents Concerned About Smart Meters.</p>		
<p>Describe how you coordinated with DRA and other parties to avoid duplication or how your participation supplemented, complemented, or contributed to that of another party:</p> <p>In April, 2011, Network discussed RF emissions, FCC rules, guidelines and a FCC letter with Tom Roberts, (DRA) by emails. During the proceeding several emails were exchanged between Network and the DRA, regarding RF emissions and FCC guidelines. See D. 12-02-014 p.10 (DRA FCC concerns).</p> <p>On 6/21/2011 Network emailed PG&E discovery questions and PG&E’s answers to all parties, including the DRA. Tom Roberts responded on 6/24/2011 with the DRA’s discovery questions.</p> <p>On 9/14/2011 Maurer discussed the analog meter option with Tom Roberts (DRA) at the CPUC workshop on September 14, 2012 and the Roberts did not agree this option was viable. DRA mostly supported PG&E’s proposed opt out option (D.12-02-014, discussion at p. 10), and Network opposed PG&E’s proposal (D.12-02-014, discussion at p. 10).</p> <p>In January, Maurer called the DRA to discuss costs and spoke with Candace Morey who said the DRA supported the opt-out fees.</p> <p>Network also coordinated its work with EON, Aglet, and TURN.</p> <p>Network coordinated Discovery Questions to PG&E in May 2011 with EON. Network and EON worked to supplement, not duplicate each others efforts. EON’s expertise was with the harm from the RF emissions due to the SMPS in the “radio off” smart meter, and Network supported their position and expertise, but did not provide substantial details of this problem like EON did. Network’s focus was on the need for analog meters at no cost, for a wide variety of reasons, which EON supported.</p> <p>Aglet also supported the use of analog meters, but focused more on costs. Aglet and Network disagreed on the cost to opt out. See Aglet and Network’s position D.12-02-014 p.28.</p> <p>In January, 2012, Maurer discussed opt-out costs with Marcel Hawiger of TURN by phone. Network coordinated with Aglet and TURN on a protest to the PG&E advice letter. Aglet and EON signed onto a letter to the Commission from Network regarding costs to opt out. In addition, Network exchanged email with ACRCASM, and phone conversation with Jim Tobin, lawyer for the Fairfax group.</p>		

C. Additional Comments on Part II (use line reference # or letter as appropriate):

11

#	Claimant	CPUC	Comment
1	Maurer		<p>See Attachment 3 for listings and total time of Maurer’s activity. I have done my best to categorize my efforts per issue.</p> <p>I did not include in this compensation request time networking with other group members or time researching the general issues, or networking with the public as I am compensated for this work by the EMF Safety Network. The time I have listed is solely focused on CPUC activities, including writing: the protest, discovery, ALJ requested proposals, comments and reply comments; attending two PHC and one workshop, and staying informed of the activity in the proceeding.</p> <p>I did not include time spent coordinating a Motion to Strike (with Aglet) and coordinating a protest to PG&E’s advice letter (Aglet and TURN) (memorandum accounts). I omitted some of the time reviewing motions in the proceeding. 10.4 hours of travel time to San Francisco for two PHC and one workshop is waived. Additional time filing this compensation form is also waived. (approximately 30-35 total hours waived)</p>
2	Sage		See Attachment 4 for listings and total time of Sage’s activity.

PART III: REASONABLENESS OF REQUESTED COMPENSATION (to be completed by Claimant except where indicated)

A. General Claim of Reasonableness (§§ 1801 & 1806):

12

<p>a. Concise explanation as to how the cost of Claimant’s participation bears a reasonable relationship with benefits realized through participation (include references to record, where appropriate)</p> <p>The value of consumer protections is difficult to quantify. PG&E estimates that opt out costs will be approximately \$60 million. (D.12-02-014, p. 25, Table 2.) The ratepayer money at stake and the value of ratepayer consumer rights, and health and safety considerations greatly exceed the cost of Network’s participation.</p>	CPUC Verified
<p>b. Reasonableness of Hours Claimed.</p> <p>As shown in Attachment 3, Time and Cost Records of Sandi Maurer, and Attachment 4, Time and Costs Records of Cindy Sage, Network has spent roughly 240 hours in the first phase of the opt-out proceeding. This substantial contribution of effort was necessary and contributed to Network’s prevailing on providing customers who did not want a smart meter relief. This relief will pay off in CPUC and utility costs to manage customer dissatisfaction and complaints, and considering the ratepayer funds and public health concerns at stake, Network’s costs are reasonable.</p>	

c. Allocation of Hours by Issue

See Attachment 3, and Attachment 4 for a listing of the substantive issues in which Network participated. These issues are addressed in Network filings and in D.12-02-014. See Section 9 above for details of Network’s participation by issue. As shown in the summary table at the end Attachment 3, Network has allocated Maurer’s professional time to the following issues: opt-out option (18.7 hours, or 15.0% of her professional time); radio-off (9.6 hours, or 7.7%); use of analog meters (30.2 hours, or 24.3%); costs (35.8 hours, or 28.8%); RF emissions (19.6 hours, or 15.8%); and customer concerns (10.5 hours, or 8.4%). As shown in the summary table at the end Attachment 4, Network has allocated Sage’s professional time to the following issues: opt-out option (35.0 hours, or 42.4% of her professional time); radio-off (8.5 hours, or 10.3%); and RF emissions (39.0 hours, or 47.3%).

B. Specific Claim:

13

CLAIMED						CPUC AWARD		
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ATTORNEY, EXPERT, AND ADVOCATE FEES

14

Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Maurer	2011	111.7	\$125	See Comment 5	\$13,962.50			
Maurer	2012	12.7	\$125	See Comment 5	\$1,587.50			
Sage	2011	81.0	\$250	See Comment 6	\$20,250.00			
Sage	2012	1.5	\$250	See Comment 6	\$375.00			
Subtotal:					\$36,175.00	Subtotal:		

15

OTHER FEES								
Describe here what OTHER HOURLY FEES you are Claiming (paralegal, travel **, etc.):								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Maurer/ Travel	2011	10.4	\$62.50	Half hourly rate	\$650.00/ waived			
Sage/Travel	2011	10	\$125	Half hourly rate	\$1,250.00			
Subtotal:					\$1,250.00	Subtotal:		

16

INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Maurer (NOI)	2011	11.4	\$62.50	Half hourly rate	\$712.50			
Maurer (Request)	2012	15.0	\$62.50	Half hourly rate	\$937.50			
Sage (NOI)	2011	0.5	\$125	Half hourly rate	\$62.50			
Sage (Request)	2012	5.5	\$125	Half hourly rate	\$687.50			

17

			Subtotal:	\$2,400.00	Subtotal:	
COSTS						
#	Item	Detail	Amount		Amount	
1	Office copies	454 at 11 cents	\$49.94			
2	Postage	Filings to CPUC	\$9.76			
		Subtotal:	\$59.70		Subtotal:	
TOTAL REQUEST \$:			\$39,884.70		TOTAL AWARD \$:	
<p>When entering items, type over bracketed text; add additional rows as necessary. *If hourly rate based on CPUC decision, provide decision number; otherwise, attach rationale. **Travel and Reasonable Claim preparation time typically compensated at ½ of preparer's normal hourly rate.</p>						

C. Attachments Documenting Specific Claim and Comments on Part III (Claimant completes; attachments not attached to final Decision):

18

Attachment or Comment #	Description/Comment
1	Certificate of Service
2	Service List
3	Time and Cost Records of Sandi Maurer
4	Time and Cost Records of Cindy Sage
5	<p>Basis for Rate for Sandi Maurer: To assess an appropriate rate for CPUC advocacy work I reviewed the posted “Intervenor Hourly Rates”, considered my previous CPUC experience; my current advocacy work with the EMF Safety Network, my previous work history running a successful small business, and reviewed Resolution ALJ-267.</p> <p>On the CPUC website, on the Intervenor Compensation page there is a link to a document titled, “Intervenor Hourly Rates”. I used a key search for the word advocate and tallied the rates paid to advocates and divided by the total number and found the average was \$135 an hour.</p> <p>I have been working at the CPUC for two years, having filed Application 10-04-018 in April 2010 and spent more than two hundred hours on A.10-04-018, and learned how to navigate the CPUC processes, which was not an easy task. I have had expert help from a retired ALJ, James Weil, who is an expert in Commission procedures and mentored me through this process.</p> <p>In my current work I coordinate my efforts with local, national and international EMF advocates, therefore have the most up to date knowledge and awareness of this issue, plus I have been studying and researching EMF health risks for over five years.</p> <p>My previous work experience includes 20 years running my own successful business, where I learned many professional skills that I bring to the CPUC work.</p> <p>I also have a college degree from Sonoma State University (BA,1984).</p> <p>Resolution ALJ-267 sets a 2011 range for experts with 0-6 years of experience at the</p>

	<p>Commission, equal to \$125-\$185.</p> <p>For the reasons stated above I have selected a rate of \$125 per hour, which is slightly higher than I determined in the NOI, but slightly below the average CPUC intervenor advocacy rate and at the bottom range per Resolution ALJ-267.</p>
6.	<p>Basis for Rate for Cindy Sage: I am the owner of Sage Associates, an environmental consulting firm. I have been a professional environmental consultant since 1972. I hold an M.A. degree in Geology, and a B.A. in Biology (Zoology) from the University of California, Santa Barbara. I am a Senior Fellow, Department of Oncology, School of Health and Medical Sciences, Orebro University, Orebro, Sweden (2008-2011).</p> <p>I served as a member of the California Public Utilities Commission EMF Consensus Group (1990-1991), the Keystone Center Dialogue for Transmission Line Siting (a national group developing EMF Policy 1991-1992), and of the International Electric Transmission Perception Project. From 1977 to 1981, I served as a member of the California Board of Registration for Professional Engineers (Department of Consumer Affairs). I am a full member of the Bioelectromagnetics Society. I am the co-editor of the BioInitiative Report, and a founding member of the BioInitiative Working Group, an international scientific and public health research collaboration. I was a Lecturer in the Environmental Studies Program, University of California, Santa Barbara and a founding member of that program, and developed and taught classes in environmental impact assessment from 1972 – 1981.</p> <p>My professional involvement in this area includes constraint analysis, environmental planning, and impact assessment on EMF and radiofrequency radiation siting issues for more than 30 years. My company has provided professional consulting services to city and county planners, private developers, state and federal agencies and schools with respect to measurement and assessment of EMF as a part of land planning and environmental constraints analysis since 1972. I have been an expert witness who testifies on EMF computer modeling, impacts on people and property, EMF policy, public perception, visual impairment and land use issues, and have qualified both in state and in federal court proceedings as an expert witness in this area.</p> <p>See also Resolution ALJ-267.</p>

D. CPUC Disallowances, Adjustments, and Comments (CPUC completes):

19

#	Reason

PART IV: OPPOSITIONS AND COMMENTS
 Within 30 days after service of this Claim, Commission Staff
 or any other party may file a response to the Claim (see § 1804(c))

(CPUC completes the remainder of this form)

A. Opposition: Did any party oppose the Claim?	
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If so:

Party	Reason for Opposition	CPUC Disposition

B. Comment Period: Was the 30-day comment period waived (see Rule 14.6(2)(6))?	
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If not:

Party	Comment	CPUC Disposition

FINDINGS OF FACT

1. Claimant [has/has not] made a substantial contribution to Decision (D.) _____.
2. The requested hourly rates for Claimant’s representatives [,as adjusted herein,] are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses [,as adjusted herein,] are reasonable and commensurate with the work performed.
4. The total of reasonable contribution is \$_____.

CONCLUSION OF LAW

1. The Claim, with any adjustment set forth above, [satisfies/fails to satisfy] all requirements of Public Utilities Code §§ 1801-1812.

ORDER

1. Claimant is awarded \$_____.
2. Within 30 days of the effective date of this decision, _____ shall pay Claimant the total award. [for multiple utilities: “Within 30 days of the effective date of this decision, ^, ^, and ^ shall pay Claimant their respective shares of the award, based on their California-jurisdictional [industry type, for example, electric] revenues for the ^ calendar year, to reflect the year in which the proceeding was primarily

litigated.”] Payment of the award shall include interest at the rate earned on prime, three-month commercial paper as reported in Federal Reserve Statistical Release H.15, beginning _____, 200__, the 75th day after the filing of Claimant’s request, and continuing until full payment is made.

3. The comment period for today’s decision [is/is not] waived.
4. This decision is effective today.

Dated _____, at San Francisco, California.