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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. (U39M).

Application No. 11-03-014
(Filed March 24, 2011)

**PACIFIC GAS AND ELECTRIC COMPANY'S (U39M) RESPONSE TO
APPLICATION FOR REHEARING OF DECISION 12-02-014**

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Dated: March 5, 2012

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Pursuant to Rule 16.1(d) of the California Public Utilities Commission’s (CPUC or Commission) Rules of Practice and Procedure, Pacific Gas and Electric Company (PG&E) hereby responds to the Application for Rehearing of Decision 12-02-014 filed by Californians for Renewable Energy, Inc. on February 17 (CARE Rehearing Request).

The CARE Rehearing Request identifies no specific grounds that the Decision is unlawful or erroneous, and therefore should be rejected. Instead, for the most part, the CARE Rehearing Request alleges only that the Decision provides “false and misleading information” regarding PG&E’s deployment of SmartMeters™ and the health effects of Radio Frequency (RF) emissions from such meters. However, PG&E’s deployment of SmartMeters™ and the health effects of those meters are not within the scope of the Decision; the Decision solely addresses and authorizes customers to obtain electric service using an *analog* meter with *no RF emissions*. (Decision, pp. 15- 16.) Issues relating to PG&E’s deployment of SmartMeters™ and the health effects of such meters already have been conclusively determined in other proceedings, such as D.10-12-001, D.06-07-027, and D.09-03-026, the time for rehearing of which has long expired.¹

¹ Public Utilities Code Section 1731(b)(1); *see also*, Public Utilities Code Section 1709 (“In all collateral actions or proceedings, the orders and decisions of the commission which have become final shall be conclusive.”) Independent studies repeatedly have affirmed SmartMeters™ safety and accuracy. For example, the California Council on Science and Technology’s report affirms that radio frequency transmissions from

The CARE Rehearing Request also alleges that the interim fees and charges that PG&E is authorized to charge under the Decision violate Proposition 26 and Section 3 of Article XIII A of the California Constitution. CARE is wrong. The interim fees and charges are rates charged by PG&E under the authority of Public Utilities Code Section 451; they are not “regulatory fees” charged by a state agency and therefore they are not subject to Proposition 26 or Section 3 of Article XIII of the California. In any event, the Decision makes clear that the level of the fees and charges is interim and subject to review in Phase 2 of the proceeding, and so any challenge to the level of the fees is premature and non-ripe.

The CARE Rehearing Request raises no errors of law and therefore should be rejected.

Respectfully Submitted,

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SmartMeters™ are safe, and that this technology operates well within the Federal Communications Commission’s compliance-standards. (PG&E Reply Comments on Proposed Decision, December 19, 2012, p.1. CARE’s allegations that the Commission has violated the California Environmental Quality Act (CEQA) in authorizing PG&E’s deployment of SmartMeters™ is likewise outside the scope of the Decision because the CPUC’s earlier decision, not the Decision, authorized PG&E’s SmartMeter™ deployment.