



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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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 11-03-014 (Filed March 24, 2011)
Application of Utility Consumers' Action Network for Modification of Decision 07-04-043 so as to Not Force Residential Customers to Use Smart Meters.	Application 11-03-015 (Filed March 24, 2011)
Application of the County of Santa Barbara, the Consumers Power Alliance, et al For Modification Of D.08-09-039 And A Commission Order Requiring Southern California Edison Company (U338E) To File An Application For Approval Of A Smart Meter Opt-Out Plan.	Application 11-07-020 (Filed July 26, 2011)

CENTER FOR ELECTROSMOG PREVENTION'S PREHEARING CONFERENCE STATEMENT

Pursuant to the California Public Utilities Commission (CPUC or Commission)'s Rules of Practice and Procedure, Rule 7.2, and the assigned Administrative Law Judge's April 24, 2012, ruling the Center for Electrosmog Prevention (CEP) submits this Prehearing Conference Statement.

CEP sent data requests to San Diego Gas and Electric Company (SDG&E) during the first phase of the proceeding to obtain the data and methodology used to calculate the opt-out charges, but the questions weren't answered completely. This information is important to know in order to determine the scope of Phase 2 of the proceedings. Therefore, CEP requests that the respondent utilities be directed to answer the following data requests:

1. Provide the data and the calculations used to determine the costs used to calculate the interim fees and charges.
2. Provide the least costly option for continued electric and natural gas service using metering that does not emit any electromagnetic or Radio Frequency radiation. [CEP strongly notes that "least costly" is not the key issue here, being safe is, and not forcing

RF radiation on people is an unsafe practice.]

3. Provide a description of an interval meter reading program that allows the ratepayer to make the readings and then transmit their data to their electric utility company. Also, include methods that could be used to verify this data.

CEP requests that the Scope of the Consolidated Opt-out Proceedings shall be:

A. Oversight of Opt-out

1. Who will oversee the opt-out, so that it is not self-regulated?
2. CEP requests that DRA oversee opt-out, with input and participation by consenting Protesting Parties, w/ frequent reports to the public and Parties.
3. CEP requests that consenting Protesting Parties which are independent organizations, that have requested an opt-out, including CEP, also be appointed to work with CPUC to help oversee regulation of opt-out, on a paid basis.

B. Applicable Laws

1. Review of all State and Federal Laws that preempt or apply to smart meters being forced on the public, fees to be charged, and rights of utility customers and American citizens.
2. Accommodations for individuals with medical conditions of any type; equity in receipt and cost of services
3. Legality of fees and charges
4. Analog as only opt-out without RF emissions and health concerns - denying some customers analogs is discriminatory.
5. Smart meters are part of a vast network of telecommunications devices forced on our properties without disclosure, contracts, or customary / legal terms for customers. Legality of this, including property rights.
6. Opt-in vs. opt-out stance of Federal Energy Act of 2005 and 2007.

C. Fees

1. No-cost analog opt-outs to be available to all customers; to those with medical concerns, disabilities, or medical conditions, physician's recommendations or notes, diagnosis of electrosensitivity or other condition needing RF radiation avoidance.

2. Discriminatory nature of charging fees to receive electrical or gas service
3. Forcing customers to agree to "program fees" as if they are permanent, or blank check to utilities, in order to opt-out. Calling them "penalty fees" in some cases.
4. Discussion on appropriateness of prior CPUC suggestions to utility to deter opting out by use of penalty fees.
5. Initial fee - what does that cover? Why are people being forced to pay the fee regardless of type of meter on their property? No change out = less cost.
6. Basis for opt-out fees with full transparency
7. Rates and future rating for customers with analogs
8. No-cost to consumer opt-out strongly requested.
9. Smart meters cost more; there should be a higher fee for smart meters and a lower fee for analogs.

D. Options for Reading Meters

1. Viable options and alternatives for reporting analog meter readings to utilities such as self-reporting and meter reader once or twice yearly.
2. Banks of meters may be read in same trip, as are meters in same neighborhood, same street.
3. No past charge for meter reading, historically.

E. Safety

1. Safety requirements for energy services
2. Safety requirements for CA energy policies
3. Safety requirement for smart grid
4. EMF independent research - review of all of it
5. Why FCC guidelines are irrelevant.
6. Information about planned Zigbee radio use - information about RF's and duty cycles from Zigbee radios. Number of wireless-ready appliances that are smart meter accessible. List them by manufacturer, appliance name, and model. **Order Z. radios not to be turned on, for safety of public, in order not to increase burden of RF radiation and**

health effects.

7. Collector meters - duty cycles and amount of time on, RF emissions from, how they work, where they are located. What happens when a customer opts out from a collector meter? Full disclosure needed for those with collector meters.
8. Do any of the analog meters being used by SDG&E or other utilities have the capability of having radios or communicating devices installed inside?

F. Rationale for Smart Meters

1. Evidence for smart meters reducing energy usage (independent research, not conjecture by industry)
2. Show number of customers using online data
3. Show amount of energy saved using data

G. Timeline

1. Length of time analogs to be available.
4. All customers need full disclosure of RF emissions for any meter to be issued by SDG&E or other utilities.

H. Customer Notifications

1. Mutual development of a "Utility Customer Rights and Information" policy that includes metering information with full transparency related to both sides of the controversy, including health, safety, privacy, and security issues.
2. All customers need to be informed if they have a collector meter, smart meter, AMI, digital or analog meter w/ RF emissions or potential emissions.
3. Opt-out results to date, regular reports, with full transparency and data submitted to all Parties and public
4. Customer choice - customers did not choose smart meters; customers had no choice, no notifications with initial installations of smart meters and AMI. Customer choice is not a term to use w/ regards to smart meter installations.
5. Collector meters - duty cycles and amount of time on, RF emissions from, how they work, where they are located. What happens when a customer opts out from a collector meter?

6. When a customer moves he/she should not have to request an analog if one is already there - no utility change outs to smart meters automatically.

I. Transparency of Information

1. Customer complaints about smart meters- make data available to Parties
2. Data on number of customers / % of customers using online energy info
3. More transparency needed with customers related to risks of smart meters, AMI, collector meters

J. Community Opt-outs

1. Availability of opt-out for communities of any size
2. Neighboring meters - zone of safety to be available - proximity to neighboring meters, how much does it impact RF exposure, zone of safety around one's home for those who want to avoid RF radiation as a risk-factor, those with a doctor's note, and those with medical reasons?
3. Issue of two meters on condo or duplex or triplex or multiple-plex, smart meters on wall of one, and opt out to provide relief from all of the meters for that customer with the meters on his/her wall if other owners will not opt out. The issue is money - and this is why the opt-outs should be free.
4. Same as #3 for apartments or complexes with banks of meters next to or underneath (above) a customer.
5. Banning smart meters for all of California.

K. Meter choices

1. Variances between utilities - SDGE, SCE, and PG&E
 - a. SCE: to last meter had (even if it is AMI or has RF emissions)
 - b. SDG&E - some analogs being "upgraded" and some meters will be AMI or digital, even though these have RF emissions
 - c. PG&E - all analog?
2. Solar meters to analogs, discuss and ensure solar customers have access to analog meters that can "run backward".

L. Smart Meter Facts vs. these Myths created by CPUC and industry

1. customers want smart meters
2. smart meters are the standard
3. smart meters save energy
4. smart meters are safe
5. smart meters cause less exposure to RF radiation than other common devices
6. smart meters do not cause fires
7. smart meters will save us from global warming
8. smart meters are not on all the time
9. AMI meters are safe.
10. AMI is not smart metering
11. Early versions of AMI do not emit RF radiation except when read
12. Early versions of AMI are not smart meters
13. changing terminology to deny and avoid term smart meters

Respectfully Submitted,

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MARTIN HOMECEC
Attorney for Center for Electrosmog Prevention
P. O. Box 4471
Davis, CA 95617
Tel.: (530) 867-1850
Fax: (530) 686-3968
E-mail: martinhomecec@gmail.com