



**FILED**  
07-03-12  
03:56 PM

AYK/sbf 7/3/2012

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

And Related Matters.

Application 11-03-015  
Application 11-07-020

**ADMINISTRATIVE LAW JUDGE'S RULING REVISING SCHEDULE**

This Administrative Law Judge's (ALJ) ruling memorializes the e-mail ruling issued on June 27, 2012, and revises the dates for filing opening and reply briefs in response to five questions posed in the *Assigned Commissioner's Ruling Amending Scope of Proceeding to Add a Second Phase (Amended Scoping Memo)* on June 8, 2012.<sup>1</sup> Opening Briefs shall be filed on July 16, 2012; reply briefs shall be filed on July 30, 2012. The schedule for resolving cost and cost allocation issues remains unchanged.

The *Amended Scoping Memo* had divided the schedule for this proceeding into two parts. The first part addressed legal issues concerning the opt-out fees and the community opt-out option that would not require evidentiary hearings.

---

<sup>1</sup> See *Amended Scoping Memo* at 5-6.

The issues were contained in a list of questions found on pages 5 and 6 of the *Amended Scoping Memo*. The second part would address all cost and cost allocation issues requiring evidentiary hearings. The *Amended Scoping Memo* anticipated that the briefing of legal issues would be concluded, and a proposed decision issued, prior to evidentiary hearings.

On June 26, 2012, Southern Californians for Wired Solutions to Smart Meters (SCWSSM) sent an e-mail requesting an extension of time to file its briefs in response to the questions posed in the *Amended Scoping Memo*.<sup>2</sup> In response to this request, I informed SCWSSM that, due to my limited availability a proposed decision on the legal issues would not be issued until January 2013. Therefore, I asked parties whether they would support an extension of time if it resulted in a delay in issuing a proposed decision.

Most parties responding to my inquiry either supported or did not oppose SCWSSM's request for an extension of time. Based on the potential delay in issuing a proposed decision, some parties proposed that the time to file opening briefs be extended to three weeks. Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Gas Company and Southern California Edison Company (jointly, the Utilities) all stated that they could not support an extension of time if it resulted in delaying a decision until January 2013. Aglet Consumer Alliance (Aglet) stated that it could not support the extension if it resulted in delaying the schedule for evidentiary hearings.

---

<sup>2</sup> A copy of this e-mail is found in Attachment A.

After considering parties' comments, I sent an e-mail ruling to parties on June 27, 2012 granting an extension for filing opening briefs on the legal issues.<sup>3</sup> This Ruling memorializes that e-mail and revises the schedule for legal briefing as follows:

EVENT	DATE
Opening Briefs	July 16, 2012
Reply Briefs	July 30, 2012
Proposed Decision Mailed	January 2013
Comments on Proposed Decision	20 days after mailing
Reply Comments on Proposed Decision	5 days after Opening Comments
Final Commission Decision	February 2013

I understand the Utilities' concerns with respect to the delay in resolving the legal issues and agree that it is in ratepayers' interests to have these issues resolved as promptly as possible. However, I believe that an extension is warranted in this instance. The revised schedule takes into consideration the dates for submitting testimony to ensure that there is no unnecessary delay in addressing the cost and cost allocation issues. Aside from the revisions contained in this Ruling, there are no other changes to the schedule contained in the *Amended Scoping Memo*.

Those parties intending to seek intervenor compensation for their participation in this proceeding are reminded that they must coordinate their

---

<sup>3</sup> A copy of this e-mail is found in Attachment B.

analysis and presentation with other parties to avoid duplication.<sup>4</sup>

**IT IS RULED** that the schedule for addressing the legal issues is revised as indicated in this ruling.

Dated July 3, 2012, at San Francisco, California.

/s/ AMY C. YIP-KIKUGAWA  
Amy C. Yip-Kikugawa  
Administrative Law Judge

---

<sup>4</sup> See, Pub. Util. Code § 1801.3(f) and § 1802.5.

# **ATTACHMENT A**

## Bryant, Shonta

---

**From:** Barbara Schnier [info.scwssm@gmail.com]  
**Sent:** Tuesday, June 26, 2012 3:58 PM  
**To:** Yip-Kikugawa, Amy C.  
**Cc:** GHealy@semprautilities.com; SDPatrick@SempraUtilities.com; contact@thepeoplesinitiative.org; Sharon.yang@sce.com; ATrial@SempraUtilities.com; csnyder@semprautilities.com; mshames@ucan.org; RGiles@semprautilities.com; info.scwssm@gmail.com; melissalevine@cox.net; marinameadows@comcast.net; Morey, Candace; mail@jeromyjohnson.com; marcel@turn.org; CJW5@pge.com; whb@a-klaw.com; Edward@Hasbrouck.org; martinot4@gmail.com; jim@tobinlaw.us; marybeth@eons.net; abinik@comcast.net; dbrentals@aol.com; jweil@aglet.org; DavidLWilner@aol.com; susan.upchurch@sonoma-county.org; martinhomec@gmail.com; emfsafe@sonic.net; winifredhasmail@yahoo.com; august@tobinlaw.us; davehubert@gmail.com; Dorman, Elizabeth; Yip-Kikugawa, Amy C.; Mutialu, Rajan  
**Subject:** A.11-03-014 et. al. Request for extension to file brief

Dear ALJ Amy Yip-Kikugawa,

Southern Californians For Wired Solutions to Smart Meters would like to respectfully request an extension of time to file the Legal Brief regarding the Ruling Amending Scope of Proceeding To Add Second Phase.

Page five and six request briefing of five questions regarding the applicability of Utility Code 453 and the ADA Title II to various aspects of metering and charges. This is highly complex area of the law that requires expertise and extensive research to fit the various legal schemes ( Disability law, CPUC Code, other Government Codes and issues of jurisdiction of the CPUC) together in a cohesive brief. Three weeks is extremely short amount of time to do so.

SCWSSM respectfully requests an extension of time to complete this complex brief. In the interest of fully apprising the CPUC of the possible ramifications of its decisions, we would like to be accurate and thorough in providing legal authority on which the CPUC Commissioners and ALJ may rely.

We request an extension until July 5th with the Reply brief then due July 19th. This will not prejudice any party and will not delay the overall schedule set forth on Page 8 of the Ruling dated June 8th, 2012. All parties were copied with this request. Thankyou for your consideration.

Sincerely,

Barbara Schnier  
President  
Southern Californians For Wired Solutions to Smart Meters  
(SCWSSM)  
760-519-2196  
[info.scwssm@gmail.com](mailto:info.scwssm@gmail.com)

(END OF ATTACHMENT A)

# **ATTACHMENT B**

**Bryant, Shonta**

---

**From:** Yip-Kikugawa, Amy C.  
**Sent:** Wednesday, June 27, 2012 8:31 PM  
**To:** Barbara Schnier  
**Cc:** Edward Hasbrouck; GHealy@semprautilities.com; SDPatrick@SempraUtilities.com; contact@thepeoplesinitiative.org; Sharon.yang@sce.com; ATrial@SempraUtilities.com; csnyder@semprautilities.com; mshames@ucan.org; RGiles@semprautilities.com; melissalevine@cox.net; marinameadows@comcast.net; Morey, Candace; mail@jeromyjohnson.com; marcel@turn.org; CJW5@pge.com; whb@a-klaw.com; martinot4@gmail.com; jim@tobinlaw.us; marybeth@eons.net; abinik@comcast.net; dbrentals@aol.com; jweil@aglet.org; DavidLWilner@aol.com; susan.upchurch@sonoma-county.org; martinhomec@gmail.com; emfsafe@sonic.net; winifredhasmail@yahoo.com; august@tobinlaw.us; davehubert@gmail.com; Dorman, Elizabeth; Mutialu, Rajan; ALJ Process; ALJ Docket Office  
**Subject:** A.11-03-014 et. al. - ALJ Ruling Granting Request for extension to file brief

All,

Based on parties' responses, I am granting the request for an extension of time to file briefs in response to the questions posed on pages 5 and 6 of the Scoping Memo (dated June 8, 2012). The extension takes into consideration the schedule for the filing of utility and intervenor testimony on cost and cost allocation issues and is as follows:

Opening Briefs - July 16, 2012  
Reply Briefs - July 30, 2012

As I stated below, this extension of time to filing briefs will result in a delay in issuing a proposed decision on the legal issues. However, there will be no delay in the schedule to address cost and cost allocation issues. The schedule for considering these issues, found on pages 8 and 9 of the Scoping Memo, is unchanged.

A formal ruling with the amended dates will be issued shortly.

Thank you,

Amy C. Yip-Kikugawa  
Administrative Law Judge  
California Public Utilities Commission  
(415) 703-5256  
ayk@cpuc.ca.gov

On 26 Jun 2012 at 20:22, "Yip-Kikugawa, Amy C." <Yip-Kikugawa, Amy C. <amy.yip-kikugawa@cpuc.ca.gov>> wrote:

Subject: RE: A.11-03-014 et. al. Request for extension to file brief - REPLY REQUESTED  
Date sent: Tue, 26 Jun 2012 20:22:33 -0700  
From: "Yip-Kikugawa, Amy C." <amy.yip-kikugawa@cpuc.ca.gov>  
To: "Barbara Schnier" <info.scwssm@gmail.com>  
Copies to: <GHealy@semprautilities.com>,  
<SDPatrick@SempraUtilities.com>,  
<contact@thepeoplesinitiative.org>,  
<Sharon.yang@sce.com>,  
<ATrial@SempraUtilities.com>,  
<csnyder@semprautilities.com>,  
<mshames@ucan.org>,  
<RGiles@semprautilities.com>,  
<melissalevine@cox.net>,  
<marinameadows@comcast.net>,  
"Morey, Candace" <candace.morey@cpuc.ca.gov>,  
<mail@jeromyjohnson.com>,  
<marcel@turn.org>,

<CJW5@pge.com>,  
<whb@a-klaw.com>,  
<Edward@Hasbrouck.org>,  
<martinot4@gmail.com>,  
<jim@tobinlaw.us>,  
<marybeth@eons.net>,  
<abinik@comcast.net>,  
<dbrentals@aol.com>,  
<jweil@aglet.org>,  
<DavidLWilner@aol.com>,  
<susan.upchurch@sonoma-county.org>,  
<martinhomec@gmail.com>,  
<emfsafe@sonic.net>,  
<winifredhasmail@yahoo.com>,  
<august@tobinlaw.us>,  
<davehubert@gmail.com>,  
"Dorman, Elizabeth" <elizabeth.dorman@cpuc.ca.gov>,  
"Mutialu, Rajan" <rajan.mutialu@cpuc.ca.gov>

> Ms. Schnier,

>  
> I have very limited availability starting the week of July 23rd  
> through the end of the year. Consequently, granting any extension of  
> time would mean that a proposed decision on the legal issues would not  
> be mailed until January 2013 at the earliest. Unless I hear from  
> parties that they are willing to this delay in resolving the legal  
> issues, your request is denied.

>  
> Parties, please send me an email by COB tomorrow (Wednesday, June 27)  
> stating whether you are willing to delay resolution of the legal  
> issues until next year.

> Thank you,

>  
> Amy C. Yip-Kikugawa  
> Administrative Law Judge  
> California Public Utilities Commission  
> (415) 703-5256  
> ayk@cpuc.ca.gov

> -----Original Message-----

> From: Barbara Schnier [mailto:info.scwssm@gmail.com]  
> Sent: Tue 6/26/2012 3:58 PM  
> To: Yip-Kikugawa, Amy C.  
> Cc: GHealy@semprautilities.com; SDPatrick@SempraUtilities.com;  
> contact@thepeoplesinitiative.org; Sharon.yang@sce.com;  
> ATrial@SempraUtilities.com; csnyder@semprautilities.com;  
> mshames@ucan.org; RGiles@semprautilities.com; info.scwssm@gmail.com;  
> melissalevine@cox.net; marinameadows@comcast.net; Morey, Candace;  
> mail@jeromyjohnson.com; marcel@turn.org; CJW5@pge.com; whb@a-klaw.com;  
> Edward@Hasbrouck.org; martinot4@gmail.com; jim@tobinlaw.us;  
> marybeth@eons.net; abinik@comcast.net; dbrentals@aol.com;  
> jweil@aglet.org; DavidLWilner@aol.com;  
> susan.upchurch@sonoma-county.org; martinhomec@gmail.com;  
> emfsafe@sonic.net; winifredhasmail@yahoo.com; august@tobinlaw.us;  
> davehubert@gmail.com; Dorman, Elizabeth; Yip-Kikugawa, Amy C.;  
> Mutialu, Rajan Subject: A.11-03-014 et. al. Request for extension to  
> file brief

> Dear ALJ Amy Yip-Kikugawa,

>  
> Southern Californians For WIred Solutions to Smart Meters would  
> like to respectfully request an extension of time to file the Legal  
> Brief regarding the Ruling Amending Scope of Proceeding To Add Second Phase.

> Page five and six request briefing of five questions regarding  
> the applicability of Utility Code 453 and the ADA Title II to various  
> aspects of metering and charges. This is highly complex area of the  
> law that requires expertise and extensive research to fit the various  
> legal schemes ( Disability law, CPUC Code, other Government Codes and  
> issues of jurisdiction of the CPUC) together in a cohesive brief.  
> Three weeks is extremely short amount of time to do so.

>  
> SCWSSM respectfully requests an extension of time to complete this  
> complex brief. In the interest of fully apprising the CPUC of the  
> possible ramifications of its decisions, we would like to be accurate  
> and thorough in providing legal authority on which the CPUC  
> Commissioners and ALJ may rely.

>  
> We request an extension until July 5th with the Reply brief then  
> due July 19th. This will not prejudice any party and will not delay  
> the overall schedule set forth on Page 8 of the Ruling dated June 8th, 2012.  
> All parties were copied with this request. Thankyou for your  
> consideration.

>  
> Sincerely,

>  
> Barbara Schnier  
> President  
> Southern Californians For Wired Solutions to Smart Meters  
> (SCWSSM)  
> 760-519-2196  
> info.scwssm@gmail.com

>  
>  
-----  
Edward Hasbrouck  
<edward@hasbrouck.org>  
<<http://hasbrouck.org>>  
<<http://twitter.com/ehasbrouck>>  
+1-415-824-0214

"The Practical Nomad: How to Travel Around the World" (5th ed., 2011)  
<http://hasbrouck.org/PN>