FILED
07-26-11
12:33 PM

**BEFORE THE PUBLIC UTILITIES COMMISSION**

**OF THE STATE OF CALIFORNIA**

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| 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 | A._____ |

# 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 TO FILE AN APPLICATION FOR APPROVAL OF A SMART METER OPT-OUT PLAN

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July 25, 2011

Attorneys for Joint Applicants

**BEFORE THE PUBLIC UTILITIES COMMISSION**

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| 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 | A._____ |

**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 TO FILE AN APPLICATION FOR APPROVAL OF A SMART METER OPT-OUT PLAN**

This "Application for Modification Of D.08-09-039 And a Commission Order Requiring Southern California Edison Company (U338E) ("SCE") to File an Application for Commission Approval of a Smart Meter Opt-out Plan" ("Application") is filed pursuant to Rules 2.1 and 16.4 of the Commission's Rules of Practice and Procedure by County of Santa Barbara, California; Consumers Power Alliance;[1] Public Citizen;[2] Montecito

[1] Consumers Power Alliance ("CPA") is a coalition of concerned citizens and organizations dedicated to the promotion and support of America's safe, reliable, cost-efficient and secure energy production, supply and delivery systems who have banded together to oppose the deployment of the smart meter program as implemented by SCE and PG&E and similar programs of other utilities. CPA members include the individuals whose correspondence supporting this Application is attached hereto as Attachment 1.

[2] Public Citizen is a Washington, D.C. based non-profit organization with 80,000 members dedicated to ensuring that all citizens are represented in the halls of power. Public Citizen's energy and climate program advocates for affordable, clean and sustainable energy, promotes the strong regulation of energy markets, educates the public on the dangers of continued reliance on dirty energy sources, promotes localized clean energy alternatives and holds large energy corporations accountable

Association; Coalition of Energy Users; Eagle Forum of California; Neighborhood Defense League of California; Santa Barbara Tea Party; Concerned Citizens of La Quinta; Citizens Review Association; Palm Springs Patriots Coalition Desert Valley Tea Party; Menifee Tea Party - Hemet Tea Party – Temecula Tea Party; Stop Smart Meters; Rove Enterprises, Inc.; Schooner Enterprises, Inc.; Eagle Forum of San Diego; Southern Californians For Wired Solutions to Smart Meters; and Burbank Action (collectively the "Joint Applicants").

Joint Applicants request that the Commission expeditiously issue an Order requiring SCE to file an Application seeking Commission approval of a Smart Meter opt-out plan SCE believes should be considered. Such a plan, as ultimately approved by the Commission after consideration of proposed alternatives to the SCE proposal, must allow customers to choose to opt out of the installation on their property, and exposure to the effects of, Smart Meters and their associated transmission facilities. Joint Applicants also urge that SCE be required to file such an opt-out plan as soon as feasible, so that consideration of that Application can be conducted together if possible with the Commission's review of PG&E's Application A.11-03-014, seeking Commission approval of its Smart Meter opt-out plan proposal, and San Diego Gas and Electric's opt-out plan obligations as being determined in A.11-03-015.

During a July 5, 2011, hearing before the Board of Supervisors of Joint Applicant Santa Barbara County concerning PG&E and SCE Smart Meter deployment plans, SCE publicly stated that it has no intention of proposing any such opt-out plan unless ordered to do so by the Commission. This is particularly troubling to citizens and officials in

Santa Barbara County, which is served by both utilities as shown below:[3]

This situation clearly illustrates the common sense and public interest in dealing with the Smart Meter opt-out plans of SCE and PG&E on a consistent and efficient basis. A citizen's fundamental opt-out rights should not depend on which side of a street he or she lives on, or the corporate identity of the regulated monopoly provider.

If the opt-out plan of PG&E currently under review in A.11-03-015 is any indication of the content and structure of an opt-out plan that would be proposed by SCE, Joint Applicants will have numerous objections to such a proposal. However, this Application is not intended to argue these issues or prejudge what SCE may propose. Rather, this Application presents the simple request that SCE be required to prepare and seek Commission approval of a Smart Meter opt-out plan, and that the timing of such filing not be deferred for a period that would materially impede the projected

[3] White area is served by PG&E; yellow area is served by SCE. Source: California Electrical Utility Service Areas Map; California Energy Commission, May 10, 2007.

schedule of the existing reviews in A.11-03-014 and A.11-03-015. However, if SCE objects or does not do so in an expedited manner, Section II below proposes key provisions of such an opt-out plan that the Commission should alternatively impose on SCE.

In the case of PG&E, President Peevey ordered the filing of its opt-out plan within two weeks of his Order.[4] Such an expedited schedule is wholly appropriate and in the public interest with respect to the time permitted for SCE to also file such a plan, in light of the numerous reports of serious health and safety consequences arising from its installation and operation of the wireless mesh network of Smart Meters, as well as the efficiencies for both the Commission and concerned parties in dealing with the numerous common issues presented by the wireless mesh network designs being implemented by all three electric utilities regulated by the Commission. SCE has undoubtedly been aware of this issue at least since President Peevey's Order issued March 10, 2011, as well as from its involvement in numerous public forums.

## I. BACKGROUND OF THIS APPLICATION

### A. Regulatory Background

In at least three decisions the Commission has dealt with SCE's plans for Advanced Metering Infrastructure ("AMI," also referred to as Smart Meters and their associated communications facilities). In D.05-12-001, SCE was authorized to spend

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[4] *See*, President Peevey's Statement on Smart Meters, March 10, 2011: http://www.cpuc.ca.gov/PUC/aboutus/Commissioners/01Peevey/speeches/110310_meters.htm. President Peevey stated that he had communicated directly with the president of PG&E, and then directed the filing. The belief that public complaints have been made only in PG&E territory is clearly undermined by the contents of this Application.

up to $12 million for pre-deployment activities to develop the requirements for and determine the availability of an AMI with the functions proposed by SCE.[5] In D.07-07-042, the Commission authorized $45.22 million of additional expenditures for specified pre-deployment activities, explicitly finding that issues concerning specific technologies and cost benefit analyses should await SCE's expected initial deployment plan application.[6] Neither of these ratemaking decisions involved any meaningful analysis of the specific wireless technology that SCE would eventually adopt or alternatives thereto.

Decision 08-09-039, which approved a deployment plan for SCE's AMI, based its determination of the "reasonableness of SCE's chosen technology" only on the following standard:

> In order to find that SCE's AMI system meets state energy policy objectives and that the technology choice is reasonable based on the AMI solutions available today, it is necessary to determine whether the system meets the Commission's minimum functionality requirements…[7]

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[5] Decision Adopting Settlement For Funding Of Southern California Edison Company's Advanced Integrated Meter Project, *Southern California Edison Company's (U 338-E) Application for Approval of Advanced Metering Infrastructure Deployment Strategy and Cost Recovery Mechanism,* Application 05-03-026, December 12, 2005.

[6] Decision Approving Pre-Deployment Funding For Southern California Edison Company's Advanced Metering Infrastructure Project, *Southern California Edison Company's (U 338-E) Application for Approval of Advanced Metering Infrastructure Pre-Deployment Activities and Cost Recovery Mechanism,* Application 06-12-026, July 27, 2007.

[7] *Id.* at 41. These functionality requirements are:

- Collection of usage data at a level of detail (interval data) that supports customer understanding of hourly usage patterns and how those usage patterns relate to energy costs.
- Customer access to personal energy usage data with sufficient flexibility to ensure that changes in customer preference of access frequency do not result in additional AMI system hardware costs.
- Compatibility with applications that utilize collected data to provide customer education and energy management information, customized billing, and support

The Commission found that SCE's AMI wireless mesh network technology was "reasonable" based solely on the determination that it met these "minimum functionality requirements." These requirements are obviously related only to the data collection, availability, and system interface functions the entire suite of AMI technology could perform, as contrasted with any record evaluation of the comparative benefits of available alternatives to the wireless mesh network technology. For example, no analysis was done to determine the relative environmental impacts of alternative transmission technologies, the compliance of SCE's chosen wireless mesh technology or any of its alternatives with the property, privacy, or other legal rights of citizens, or the relative effects on human health and safety of the SCE wireless mesh or any alternative available technologies. The glaring absence of any evaluation, or even recognition, of these issues in the context of an application by SCE for a discretionary grant of authority from the Commission to construct and operate a new, duplicative wireless mesh communications network costing over $1.6 billion and serving 5.3 million customer locations, and affecting every person in the covered service territories in numerous ways, is unfortunate at best. This absence of these obviously relevant and legally mandated, analyses has undoubtedly led to the growing objections to this

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improved complaint resolution.

- Compatibility with utility system applications that promote and enhance system operating efficiency and improve service reliability, such as remote meter reading, outage management, reduction of theft and diversion, improved forecasting, workforce management, etc..
- Capability of interfacing with load control communication technology. *Id.* at 42.

wireless mesh of Smart Meters as citizens have been forced to discover for themselves the reality of these impacts only as deployment makes them real. Prior Commission proceedings alerted no one to the existence or scope of these problems.

In any event, when the Commission adopted D.10-06-047, requiring the filing of detailed Smart Grid deployment plans by SCE as well as the other major utilities, even then the substantive analysis of the specific wireless mesh network technology being proposed by SCE had not occurred. The Commission stated:[8]

> The arguments of commenters confirm our tentative conclusion that the best uses of the deployment plans is to set a baseline indicating the current deployment of Smart Grid technologies and as a document for guiding future Smart Grid investments. We also conclude that deployment plans are not a substitute for a Commission review of specific infrastructure investments that will take place just *prior to the time of deployment*. (Emphasis added.)

Further, in discussing the required contents of the Smart Grid Deployment Plans to be filed by July 1, 2011, the Commission stated:[9]

> It is also reasonable to require that a utility's Smart Grid strategy demonstrates how the utility will evaluate whether third party communications networks can provide cost-effective communications that meet the security and performance requirements of the Smart Grid. *We expect that before the Commission approves a specific Smart Grid infrastructure investment, the Commission will wish to ascertain whether investments in Smart Grid communications are cost-effective and whether a utility has adequately considered a range of alternatives, especially those concerning the use of existing and future*

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[8] Decision Adopting Requirements For Smart Grid Deployment Plans Pursuant To Senate Bill 17 (Padilla), Chapter 327, Statutes Of 2009, *Order Instituting Rulemaking to Consider Smart Grid Technologies Pursuant to Federal Legislation and on the Commission's own Motion to Actively Guide Policy in California's Development of a Smart Grid System,* Rulemaking 08-12-009, June 24, 2010, at 21.

[9] *Id.* at 47.

*communications infrastructure operated by third parties.* (Emphasis added.)

The growing stream of complaints from PG&E consumers about its Smart Meter deployment, as well as the pendency of legislation mandating statewide Smart Meter opt-out plans,[10] led to President Peevey's March 10, 2011, Order directing PG&E to develop and file an opt-out plan. But concerns have not been limited to PG&E customers. On March 24, 2011, UCAN filed an Application similar to this one, asking that the Commission require SDG&E to also file an Application with the Commission establishing an opt-out plan to address citizen complaints.[11] The Commission has proceeded to process this Application and the assigned ALJ ruled that SDG&E should propose its own opt-out plan and that a Workshop would be held concerning that plan. Recently, SDG&E was required to participate in a Joint Workshop to be scheduled together with PG&E to explore alternative proposals for both opt-out plans, despite its failure to date to propose any such plan in detail.[12] If the opt-out plan proceedings are consolidated, at least in a practical sense for Workshops and submission of alternative proposals, Joint Applicants believe they will have a less complex and non-duplicative forum in which to present their alternative proposals.

Thus, even as of today there has been no meaningful Commission evaluation of the numerous issues that affect whether the technology chosen by SCE is reasonable

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[10] *See*, AB 37, which provides for a statewide opt-out requirement.

[11] *See*, A.11-03-015, Application of Utility Consumers' Action Network for Modification of Decision 07-04-043 so as to Not Force Residential Customers to Use Smart Meters, March 24, 2011.

[12] *See*, email notice from ALJ Yip-Kikugawa dated July 14, 2011, to all parties in both application proceedings, and strongly suggesting that SCE and SoCal Gas, despite the lack of a pending Application concerning their opt-out obligations, also participate.

when considering anything but the limited functionality minimum requirements related to energy policy, as is explicitly acknowledged by the Commission's requirement, cited above, that the deployment plans filed by July 1, 2011 address the issue, for example, of available alternatives to the duplicative wireless mesh network.

### B. Public Reaction to SCE Smart Meter Deployment

The problem, of course, is that much of this deployment has already occurred despite the never-investigated environmental impacts, health and safety consequences, property rights, and privacy rights of affected citizens, to name only some implications of this "cart before the horse" process. Today, for example, millions of citizens' previously private data regarding their household activities is being transmitted across the wireless mesh networks of SCE, PG&E, and SDG&E, and the Commission's privacy and security rules that would apply to this private information have not even been adopted.

In this absence of Commission analysis, citizen awareness of Smart Meter wireless mesh networks and related issues has begun to spread only as deployment efforts of SCE have increased. The level and scope of concerns expressed by a broad range of citizens and local government bodies have grown in proportion to the continuing deployment of these wireless devices.

For example, numerous experts have raised material questions concerning the security of the personal data being wirelessly transmitted throughout the Smart Meter mesh network, given growing instances of wireless telephone hacking and similar data network security breaches resulting in private information of millions of citizens being compromised.

Other concerned citizens that own or engage in the sale or rental of real property have discovered that the impact of Smart Meters on tenants or purchasers of their properties are causing increased liability of risk from litigation because of potential disclosure deficiencies and exclusion of such claims by liability insurance carriers.

Of key and immediate public interest concern, increasing personal and scientific evidence of the harmful health impacts of the wireless mesh Smart Meter networks has arisen, particularly to people with a recognized sensitivity to such EMF radiation.[13]

Yet SCE has refused to take such claims seriously, or to comply with local government ordinances and resolutions seeking temporary pauses in their self-determined installation schedules[14] to allow the local governments to investigate citizens' concerns through permitting processes that are routinely applied to all utilities,

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[13] See, e.g., Daniel Hirsch, Founder and First Director of the Stevenson Program on Nuclear Policy, UC Santa Cruz, has identified material flaws in the CCSD study, finding that cumulative RF radiation from Smart Meters to be 100-150 times the cumulative exposure of a cell phone: http://www.youtube.com/watch?v=a6-hcOr-sxA&feature=player_embedded#at=19 ; the World Health Organization on May 31, 2011 declared non-ionizing radiation from smart meters a Class 2B possible carcinogen: http://www.iarc.fr/en/media-centre/pr/2011/pdfs/pr208_E.pdf ; the National Institutes of Health has published a study of the effect of cell phone radiation on the human brain showing non-thermal biological effects on brain function: http://well.blogs.nytimes.com/2011/02/22/cellphone-use-tied-to-changes-in-brain-activity/ ; a Sage Report found that RF radiation exposure from a smart meter is equivalent to living within 500 feet of a major cell tower: http://sagereports.com .

[14] The Commission has never approved, much less mandated, that any specific Smart Meter, wireless web network repeaters, or data collection antenna facility installation schedule be used by SCE or any other utility, nor has the Commission ever authorized SCE or any other utility to not comply with local government franchise or ordinances applicable to their other utility construction projects.

including telephone utilities constructing wireless facilities within local jurisdictions, consistent with the Commission's broad jurisdiction over utility practices.[15]

As a result of these growing citizen complaints concerning both PG&E and SCE Smart Meter activities in the county, the Board of Supervisors of Santa Barbara County held a public hearing on July 5, 2011, to provide a forum to SCE, PG&E, and concerned members of the public to provide testimony concerning the Smart Meter deployment plans of both utilities serving the County. The utilities were provided time for prepared presentations, and thereafter over 40 members of the public addressed the Board. Anyone wishing to speak was accommodated. Not one speaker supported the utilities; no group or person concerned with energy efficiency, carbon footprint reduction, cost savings, or any other benefit asserted by the utilities appeared. The video transcript of this hearing is available on the County's web site and incorporated by reference herein: http://sbcounty.granicus.com/MediaPlayer.php?view_id=3&clip_id=1419.

As a result of the record of this hearing, the Santa Barbara County Board of Supervisors approved the letter to President Peevey attached hereto as Attachment 2, which sets forth its opposition to SCE's failure to voluntarily propose a Smart Meter opt-out plan and urges the Commission to require SCE to do so. The Board also expresses its position regarding the necessary components of any reasonable opt-out plan.[16]

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[15] *See*, *e.g.*, General Order 159 concerning deference to local jurisdictions for construction of cell sites, subject to Commission intervention and even preemption if appropriate to enforce Commission directives and policies, and D.11-05-050, staying D.10-12-056 at the request of the California State Association of Counties and League of California Cities due to unlawful interference with their police power and health and safety responsibilities regarding CEQA.

[16] These positions will be fully set forth in the record of the proceeding established to evaluate the opt-out plan Application Joint Applicants urge the Commission to require. Joint

Correspondence from Joint Applicant Montecito Association supporting the position of the Board is also included in Attachment 2. Santa Barbara County has now joined over 45 other local government bodies formally opposing the current Smart Meter deployment practices of SCE, PG&E, and SDG&E.[17]

Joint Applicant Consumers Power Alliance has received numerous letters from its members in support of the Santa Barbara County positions, and individually urging the Commission to require of SCE what it has already required of PG&E: i.e., an Application seeking Commission approval of a Smart Meter opt-out plan and a meaningful opportunity to participate in proposing superior alternatives to the components of that plan.[18]

The changed circumstances summarized above that have occurred since the ratemaking decisions upon which SCE is premising its chosen Smart Meter deployment actions, as well as the Commission's own actions requiring PG&E and SDG&E to file opt-out plans, fully support the relief requested by Joint Applicants. Conversely, failure of the Commission to grant this Application would result in serious harm to the public

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Applicants support DRA's proposal that all opt-out plan proceedings be consolidated for purposes of efficiency and cost reduction for Joint Applicants and other representatives of the public.

[17] None of the Commission decisions that have authorized SCE to proceed with Smart Meter deployment have preempted the existing jurisdiction of municipalities, counties, or other local government bodies to approve the construction and operation of facilities that have public health, safety, welfare, or environmental impacts. Municipalities retain broad discretion to legislate for public purposes and for the general welfare, including but not limited to matters of public health, safety and consumer protection pursuant to Article XI of the California Constitution. In any event, the Commission has never itself determined, or authorized SCE or PG&E to unilaterally determine, that such lawful enactments are superseded by the Commission decisions involved which never address the question.

[18] Several of these letters are attached hereto as Attachment 1.

interest. It would result in an arbitrary denial of opt-out rights to some California citizens based solely on which side of a service territory line they live on, clearly demonstrated by the impact on citizens of Santa Barbara County. It would also deprive the public of the right to a regulatory forum that would enable cost-effective sharing of limited resources to advocate uniformity of opt-out plans dealing with comparable legal, policy, and ratemaking proposals.

Therefore, Joint Applicants request that the Commission order SCE to promptly file an Application seeking Commission approval of a Smart Meter opt-out plan.

Alternatively, should SCE object or fail to promptly file such an application, Joint Applicants set forth in Section II below the essential components of such a plan that SCE should be ordered to implement pursuant to this Application.

## II. ESSENTIAL COMPONENTS OF AN OPT-OUT PLAN THE COMMISSION SHOULD IMPOSE ON SCE

In the event that SCE does not file an Application seeking Commission approval of a Smart Meter opt-out plan, the Commission should adopt such a plan and require that SCE comply with its requirements. At a minimum, Joint Applicants propose that the plan include the following essential components, which will be more fully developed, supplemented, and supported through testimony in this proceeding.

1. Immediate compliance with all local governmental ordinances, resolutions, and permitting and licensing requirements applicable on their face to further construction of Smart Meter and wireless mesh network facilities pending the decision of the Commission adopting the SCE opt-out plan. The Commission should clarify that it has not preempted such local government jurisdiction.

2. Preservation in inventory of all analog meters removed and replaced with Smart Meters to ensure availability for the opt-out program ultimately adopted.[19]

3. No installation of any further wireless mesh Smart Meters or associated wireless mesh network facilities without consent of the affected customers or communities. If wireless mesh Smart Meters are used, a community can exercise the right to opt out.

4. The Opt-Out Plan should not impose additional charges on those opting out, but should instead include incentives designed to encourage customers to choose the Smart Meter program.

5. The plan must include the right of all subscribers or communities electing to opt out to retain, or have re-installed, analog meters of the type in use prior to Smart Meters and not utilizing wireless transmissions.

6. The opt-out plan must apply to all customers and communities, not only those where wireless mesh Smart Meters have not yet been installed.

## III. MODIFICATIONS TO D.08-09-013 REQUESTED

Nothing in D.08-09-039, prohibits, discusses, or requires that as part of its authorized deployment SCE include an opt-out plan as described herein. Despite increasing opposition to the absence of such an opt-out plan as its deployment efforts have spread, SCE has refused to voluntarily implement or propose for Commission approval any such opt-out plan. This stance is not mandated by D.08-09-039 or any other Commission decision. Joint Petitioners believe that the Commission has adequate authority to grant the relief sought in this Application without necessarily modifying D.08-09-039, as exemplified by President Peevey's March 10, 2011 directive to PG&E. However, in order to comply with procedural requirements, Joint Applicants request that D.08-09-039 be modified as set forth below in order to clarify the basis for

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[19] *See* A.11-03-015, which describes how SDG&E has used lack of inventory of analog meters as a limiting factor on opt-opt out capabilities.

a Commission Order requiring SCE to file a Smart Meter opt-out plan as described herein in accordance with Rule 16.4(b).

Joint Petitioners request that the Findings of Fact, Conclusions of Law, and Ordering Paragraphs of D.08-09-039 be modified by addition of the following underlined language:

Findings of Fact:

> 21. SCE's AMI technology choices are reasonable when compared to existing AMI and related technology that is currently available, subject to Finding of Fact 36 below and Ordering Paragraph 8 below.
>
> 36. In light of SCE's chosen wireless technology, it is reasonable to require SCE to prepare and seek Commission approval of an opt-out plan which would allow customers to opt-out of installation of wireless Smart Meters and continue right to use previously-installed analog meters, as well as the terms and conditions of such opt-out rights that SCE believes should apply.

Conclusions of Law:

> 7. SCE should prepare and seek Commission approval of a Smart Meter opt-out plan proposing the terms and conditions it believes should apply to such a plan.

Ordering Paragraphs:

> 8. SCE shall file an Application seeking Commission approval of a Smart Meter opt-out plan.
>
> 9. A.07-07-026 is closed.

These modifications are fully warranted by the Commission's own action requiring PG&E to file a Smart Meter opt-out plan and the existing record in A.11-03-014, by the Commission's actions taken to date in A.11-03-015 concerning SDG&E, the clear statewide nature of the Commission's announced policies concerning the Smart

Grid, and numerous other matters that may be officially noticed, including but not limited to the recent WHO Report.[20]

## IV. STATUTORY AND REGULATORY REQUIREMENTS

### A. Legal Name and Correspondence

Joint Applicants include individual California residents living both within the SCE service territory or in the service territory of other utilities but concerned about the impact of SCE's actions on their utility, acting as individuals and as members of informal citizen action groups jointly pursuing their commonly-held beliefs, as well as corporate entities, and the County of Santa Barbara, a duly constituted governmental body. The locations of Joint Applicants' principal places of business, if a business or governmental entity, are included in Attachment 3.

Correspondence or communications to Joint Applicants regarding this Application should be addressed to:

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Joe Guzman
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### B. Category

Joint Applicants propose that this proceeding be categorized as "ratesetting" proceeding.

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[20] *See*, http://www.iarc.fr/en/media-centre/pr/2011/pdfs/pr208_E.pdf.

### C. Need for Hearings

Joint Applicants do not believe that hearings are necessary in order for the Commission to order SCE to file an Application seeking Commission approval of an opt-out plan. In the absence of such an Application, Joint Applicants believe that hearings will be required.

### D. Issues to be Considered

The issues to be considered in this proceeding is whether the Commission should order SCE to file an Application seeking Commission approval of a Smart Meter opt-out Plan or in the absence of such an application, adopt a Smart Meter Opt-Out Plan as proposed herein and require SCE to comply therewith.

### E. Proposed Schedule

Joint Applicants urge the Commission to grant this Application on an expedited basis for the reasons set forth above. Joint Applicants therefore propose the following schedule, assuming no hearings are necessary: Joint Applicants would fully support any shorter schedule and reserve the right to move for expedited consideration.

| Event | Date |
|---|---|
| Application | Day 1 |
| Responses | Day 30 |
| Reply | Day 40 |
| Proposed Decision | Day 60 |
| Comments on Proposed Decision | Day 90 |
| Reply Comments on Proposed Decision | Day 95 |
| Final Decision | Day 120 |

## V. CONCLUSION

For the above reasons, Joint Applicants respectfully request that the Commission expeditiously grant this Application and order SCE to promptly file an Application for Commission approval of a Smart Meter opt-out plan. Joint Applicants request in the alternative, absent such an application by SCE, that the Commission adopt a Smart Meter opt-out plan consistent with the provisions set forth herein and require SCE to implement and comply therewith.

Dated: July 25, 2011, at Tiburon, California.

Respectfully submitted,

By: /s/ James M. Tobin

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Attorneys for Joint Applicants

## VERIFICATION

I, James M. Tobin, am one of the attorneys for the Joint Applicants identified in the Application to which this Verification is attached, and make this Verification pursuant to Rule 1.11(d) of the Commission's Rules of Practice and Procedure. None of the Joint Applicants is present in Marin County, and the collection of the numerous individual Applicant verifications would have precluded timely filing of the Application.

I have read the Application and its Attachments and am informed and believe, and on that ground allege, that the matters stated therein are true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 26th day of July, 2011, at Tiburon, California.

/s/

James M. Tobin

# ATTACHMENT 1

Concerned Citizen <smartmeterreform@gmail.com>

# "Smart Meters"

**coastberit <coastberit@cox.net>** **Mon, Jul 25, 2011 at 11:35 AM**
To: smartmeterreform@gmail.com
Cc: supervisorcarbajal@sbcbos1.org

I agree with the Consumers Power Alliance position regarding "smart meters," and respectfully request the PUC require my electric company, Southern Calif. Edison, that it offer its customers a "no-cost opt-out" alternative to "smart meters."

Berit Sten, residential home owner in Santa Barbara County, (Summerland, CA 93067)

cc: Salute Carbajal, First District County Supervisor
County of Santa Barbara

Concerned Citizen <smartmeterreform@gmail.com>

# Demand SCE Smart Meter Opt-Out

**Loyd Applegate <loyd@villagesite.com>** **Fri, Jul 15, 2011 at 12:54 PM**
To: smartmeterreform@gmail.com

California Public Utilities Commission

RE: Smart Meters

Mr. Peavey and CPUC Commissioners,

I use low level incandescent bulbs with rheostats that are energy saving and last up to seven years by using them to a reduced level. I understand that we humans can read a newspaper in the full moon light and that low level indirect down lighting is far more effective than “in your face lighting”. I understand eye fatigue and how incandescent lighting offers less eye strain. Bright lighting will be coming in even greater amounts due to the efficiency of new technology. Our night vision is impaired by constricting the iris creating temporary night blindness. I will fight the big brother views of the new social engineering that is being forced upon us by people with the same mentality that took the eastern bloc countries into 40 years of control and depression.

I am a customer of Southern California Edison (SCE). I object to the deployment of smart meters, given their risks to our health, safety, prosperity, consumer and civil rights and security. .

We never gave permission to allow installation of smart meters and/or use our homes as network transmitters. In keeping with our right of Freedom of Choice, we are demanding that you order SCE to offer an Opt Out Program at no cost to the consumer. This would also include the right for consumers to retain their analog meters on an individual or community-wide basis. .

I respectfully encourage you to enact a SCE retroactive and immediate Opt Out Program at no charge to the consumer. .

Sincerely,
Loyd Applegate
2065 Mission Ridge Road
Santa Barbara, CA.
July 15, 2011

Name
Address
Phone
email address

Dated

Loyd Applegate

Village Properties

805-570-4935

Fax: (805) 969-8920

License # 00475295

Concerned Citizen <smartmeterreform@gmail.com>

# SC Edison - Santa Barbara South County

**Harry S Rouse <k6pdq@verizon.net>** **Mon, Jul 25, 2011 at 11:07 AM**
To: smartmeterreform@gmail.com

To: Consumer Power Alliance

Thanks for the opportunity to comment on the so-called smart meters. As a residential customer of Southern California Edison Company, I have the following questions and comments to offer:

... Power output specifications: On what approximate frequencies, and at what output power, would these meters transmit their signals? (VHF or UHF band? AM, FM, CW, or other mode?) Continuous or burst transmissions? If meters' transmissions are intermittent, how many hours per day? Can SCE document that the FCC has granted type approval for the meters' RF (radio frequency) outputs? How many meters in any one location would be transmitting simultaneously (think cumulative and combined impacts on residents of apartment houses, condos and mobile home parks)?

... Access to customer properties: How will SCE cope with those customers who will not allow access for the purpose of changing meters to the new type? (Until all customers' safety and privacy are assured, I intend to keep both my gates locked, post no-trespassing signs, and have a well-trained guard dog.)

... Impacts on customer health: In our household, the meter, located on an outside wall, is less than 4 feet from our bed. My spouse has chronic heart trouble and wears a pacemaker that is very sensitive to RF emissions. Will SCE guarantee her safety and assume financial responsibility for any adverse effects on her health?

... Control: Will these meters allow SCE to limit or otherwise control our power consumption and/or hours of use?

... Cost: Will the PUC allow SCE to impose additional charges or higher rates to offset the added cost of acquiring and installing these meters

(offset, of course, by ongoing savings in labor costs when meter readers are terminated)?

... Disclosure: If SCE has nothing to hide, why have we seen almost nothing in the media as to the details of unauthorized property intrusions, loss of privacy, higher costs to customers, remote control of power usage, and potential impacts on customer health?

I suggest that you retain the services of at least one qualified electrical engineer who specializes in radio frequency properties, emissions and potential hazards. If SCE can prove conclusively the safety of its systems, guarantee customer privacy, and pass operating expense savings on to its customers, then I might be able to support their objectives. Please keep me posted!

Sincerely Yours,

Harry S Rouse

27 Calaveras Ave., Goleta

Tel. 685-1785

Concerned Citizen <smartmeterreform@gmail.com>

# Demand SCE Smart Meter Opt-Out

**Steve Thomas <steve@stevet.net>** **Fri, Jul 15, 2011 at 3:58 PM**
To: smartmeterreform@gmail.com

California Public Utilities Commission
Public Advisors Office

Mr. Peevey and CPUC Commissioners,

I am a customer of Southern California Edison. I am writing this letter to inform the Commission that I object to the deployment of smart meters and demand, as a member of the public who you are chartered to protect, that you provide a no-cost opt-out plan that includes retention or reinstallation of our reliable analog meters on an individual or on a community-wide basis. I am making this demand based on the following reasons:

1. Smart meters are a complete invasion of my privacy. Smart meters collect information about my power usage on a minute-by-minute basis and transmits that information to an unknown bureaucracy. The Supreme Court of the United States has ruled in the case of Griswold v Connecticut that each and every one of us is entitled to a right of privacy. Further, the 4th amendment to our great Constitution states, "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated . . ." Smart meters constitute an unreasonable search and seizure of my private data.

2. Smart meters are wireless devices and transmit wirelessly 24 hours per day, 7 days per week. There are numerous studies that have been conducted that indicate that for some people, this continuous broadcasting is detrimental to health. Wireless meters are up to 500 times more powerful on total body exposure than are cell phones. Also, detrimental effects other than thermal effects are unknown and have never been the subject of long-term exposure studies.

3. Smart meters are often located on bedroom walls. This subjects the residents to intense RF radiation all night long!

4. We are a country that prides itself on the freedom of choice. We can choose whether or not to use a cell phone. We can choose whether or not to use a wifi access point. We can choose whether or not to have a walk-around phone. But we cannot choose to use or not use a smart meter! This is, again, a fundamental violation of our rights.

5. Smart meters pose a significant risk to security. Recently, the Sony Corporation, Booz Allen Hamilton, the German Federal Police, and the U.S. Defense Department, among many others, have all lost personal, confidential data of up to millions of users to hackers. Procedures to hack into smart meters have already been posted on the Web. SCE has no business collecting information on how I use electricity in my home. Further, the risk to the entire smart grid is enormous.

6. Smart meters can and do interfere with critical, life dependent medical equipment. Since there is no way for the CPUC or Southern California Edison to know if there is such equipment in use, the deployment of these dangerous devices should be terminated.

I respectfully submit that an op-out plan for smart meter deployment be included in Southern California Edison's rate request and that they provide a clearly worded opt-out procedure that includes reinstallation of the old analog meters if requested, all at no cost to the rate payer.

Sincerely,

Stephen Thomas

1346 Estrella Drive
Santa Barbara, CA 93110
805-569-9656
steve@stevet.net

Concerned Citizen <smartmeterreform@gmail.com>

# Fwd: Demand SCE Smart Meter Opt-Out

**donald thorn <thethorns4@cox.net>** **Sun, Jul 24, 2011 at 5:54 PM**
To: smartmeterreform@gmail.com

Dear Mr. Peevey and CPUC Commissioners,

I am writing you to request an opt-out program for SCE and PG&E, at no cost to the consumer. What is going on today is criminal. Smart meters are being forced on people, with no regard for health, safety , or security concerns. The WHO and many other studies have explained how radiation is dangerous and can lead to cancer. As a cancer survivor, I do not want a smart meter near my house or in my neighborhood. I am also worried about the effects of smart meters on people with pace makers, like my next door neighbor. I find it inexcusable, that the CPUC and the utility mono-polies are forcing these meters on us. This is all about power and money to me.

If you care about average Americans, especially children, please offer an opt-out option.

Diana Thorn
7379 Shepard Mesa Rd.
Carpinteria, Calif.
805-684-6118
thethorns4@cox.net

Concerned Citizen <smartmeterreform@gmail.com>

# Demand SCE Smart Meter Opt-Out

**Robert Righetti <inrecordtimes@verizon.net>** **Sun, Jul 17, 2011 at 1:00 PM**
To: smartmeterreform@gmail.com

California Public Utilities Commission

RE: Smart Meters

Mr. Peevey and CPUC Commissioners,

I am a customer of Southern California Edison (SCE). I object to the deployment of smart meters, given their risks to our health, safety, prosperity, consumer and civil rights and security.

Under the California Environmental Quality Act, new development projects and installations of facilities would need to evaluate the environmental impacts of improvements related to the development to determine if there are detrimental aspects that would affect public health, safety and welfare. These impacts would be evaluated in an environmental impact report and a public hearing would be heard on the project EIR. Since there has been no EIR prepared incorporating the installation of these new meters which emit microwaves that could be harmful to my families health, I believe that these installations have moved forward without sufficient public input as required under the spirit of CEQA, and other environmental regulations.

If I purchase a cell phone or microwave oven, knowing the dangers involved due to the amount of public disclosure that has been put out, I can either choose to continue my use of it, or not. However, in the case of these meters, there has been no evaluation of the health hazards by SCE, there is no prolonged data that has been developed to demonstrate that they are in fact harmless, and SCE has not offered any choice to their customers in the matter.

We never gave permission to allow installation of smart meters and/or use our homes as network transmitters. In keeping with our right of Freedom of Choice, we are demanding that you order SCE to offer an Opt Out Program at no cost to the consumer. This would also include the right for consumers to retain their analog meters on an individual or community-wide basis. .

I respectfully encourage you to enact a SCE retroactive and immediate Opt Out Program at no charge to the consumer. .

Sincerely,

Robert S. Righetti
25330 Lakeview Drive, Box 1431
Idyllwild, CA. 92549-1431
(951)659-3890
in_record_times@yahoo.com

Concerned Citizen <smartmeterreform@gmail.com>

# Demand+SCE+Smart+Meter+Opt-Out

**Len Wahlert <lwwahlert@yahoo.com>** **Sat, Jul 16, 2011 at 6:53 PM**
Reply-To: Len Wahlert <lwwahlert@yahoo.com>
To: "smartmeterreform@gmail.com" <smartmeterreform@gmail.com>

California Public Utilities Commission

RE: Smart Meters

Mr. Peevey and CPUC Commissioners,

I am a customer of Southern California Edison (SCE). I object to the deployment of smart meters, given their risks to our health, safety, prosperity, consumer and civil rights and security. .

We never gave permission to allow installation of smart meters and/or use our homes as network transmitters. In keeping with our right of Freedom of Choice, we are demanding that you order SCE to offer an Opt Out Program at no cost to the consumer. This would also include the right for consumers to retain their analog meters on an individual or community-wide basis. .

I respectfully encourage you to enact a SCE retroactive and immediate Opt Out Program at no charge to the consumer. .

Sincerely,

Lenard W. Wahlert
81-773 Contento
La Quinta, CA 92253-7873
760-619-3910
lwwahlert@gmail.com

July 16, 2011

Ohq#Z dkdnuw
Od#Txlqwd/#FD

Concerned Citizen <smartmeterreform@gmail.com>

# Demand SCE Smart Meter Opt-Out

**Ed McLaughlin III <EdMcLaughlinIII@hotmail.com>** **Mon, Jul 18, 2011 at 11:04 AM**
To: smartmeterreform@gmail.com

California Public Utilities Commission

RE: Smart Meters

Mr. Peevey and CPUC Commissioners,

I am a customer of Southern California Edison (SCE). I object to the deployment of smart meters, given their risks to our health, safety, prosperity, consumer and civil rights and security. .

We never gave permission to allow installation of smart meters and/or use our homes as network transmitters. In keeping with our right of Freedom of Choice, we are demanding that you order SCE to offer an Opt Out Program at no cost to the consumer. This would also include the right for consumers to retain their analog meters on an individual or community-wide basis. .

I respectfully encourage you to enact a SCE retroactive and immediate Opt Out Program at no charge to the consumer. .

As a follow on I would like to mention that I called your 800 opt out phone number and was told that I was not an SCE customer. I have the monthly billing to verify this so it might be a good idea to make sure your customer service representatives are aware of who your customers are

Sincerely,

Edward H McLaughlin III

601 Alston Road

Santa Barbara, CA 93108-2305

805-565-8944

EdMcLaughlinIII@HotMail.com

15th July 2011

**Edward H. McLaughlin, III**

**Santa Barbara, CA 93108**

Tel: (805) 565-8944

EFax: (805) 456-2115

Mobile: (805) 452-1342

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Concerned Citizen <smartmeterreform@gmail.com>

# SMART METER REFORM

**RJ <wrj137.3@verizon.net>** **Sun, Jul 24, 2011 at 6:58 PM**
To: smartmeterreform@gmail.com

California Public Utilities Commission

RE: Smart Meter Reform

Mr. Peevey and CPUC Commissioners,

I am a customer of SOUTHERN CALIFORNIA EDISON at TEN properties in Santa Barbara County.

Because of the demonstrated risks of smart meters to public health and safety, the infringement on my rights as a property owner and consumer, the potential invasion of my personal privacy and security, and the very real possibility of abuse of the distribution of electrical energy by governmental agencies, **I strenuously object to the installation of smart meters at any of my properties.**

**I join with thousands of others in objecting to the installation of smart meters on our private property.** We have never given permission to allow installation of smart meters on our properties and/or the use of our homes as network transmitters.

In keeping with our right of Freedom of Choice, we respectfully demand that you order SOUTHERN CALIFORNIA EDISON to offer and implement an immediate and retroactive Opt Out Program at no cost to the consumer. This Opt Out Program should include the right of consumers to retain their analog meters on an individual or community-wide basis.

Thank you for taking prompt and positive action on our demands.

Sincerely,

W. R. Jacks
1825 Mission Ridge Road
Santa Barbara, California
93103

Concerned Citizen <smartmeterreform@gmail.com>

# Smartmeter installation

**maryherbfriedman@cox.net <maryherbfriedman@cox.net>** **Mon, Jul 25, 2011 at 10:13 AM**
To: smartmeterreform@gmail.com

I am writing you to demand that the opportunity to opt-out of having a smart meter installed on my property. My electric meter is only separated by the building wall from my bed. That is, it is about eight inches away from me when I am in my bed. The instructions for my implanted pacemaker read as follows "Your device is sensitive to electromagnetic interference (EMI) and Can be affected by certain sources of electric or magnetic fields. It is important you keep them the recommended distance away from your device to avoid interaction." PLACING A SMART METER NEAR MY ELECTRIC METER IS A DEATH SENTENCE FOR ME. Herbert J. Friedman, PE. 805 Grove Lane, Snta Barbara, CA 93105, phone/FAX (805)687-6228, maryherbfriedman@cox.net

Concerned Citizen <smartmeterreform@gmail.com>

# Demand SCE Smart Meter Opt-Out

**Buck Martin <buckmartin@cox.net>** **Sat, Jul 16, 2011 at 4:57 PM**
To: smartmeterreform@gmail.com

I am a SCE customer in Desert Hot Springs, CA. A Smart Meter was installed at my residence (68081 Calle Cerrito, CA 92240) without my knowledge and/or consent. I strongly object to this unilateral action by SCE, and I demand that SCE provide an OptOut for the "service", and that the Smart Meter be uninstalled at SCE expense, and that the former style of meter be replaced, also at SCE expense. These meters are health hazards and privacy violations, and I strongly demand that CPUC curb this practice until and un,less the public is contacted, consents or denies permission, and that SCE be enjoined to desist from such action in the future.

Sincerely,

William H Alley
(760)464-3794

,

Concerned Citizen <smartmeterreform@gmail.com>

# Demand SCE Smart Meter Opt-Out

**mhw <mhweinstock@sbcglobal.net>** **Tue, Jul 19, 2011 at 11:36 AM**
To: smartmeterreform@gmail.com

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**From:** mhw [mailto:mhweinstock@sbcglobal.net]
**Sent:** Monday, July 18, 2011 2:40 PM
**To:** 'smartmeterforum@gmail.com'
**Subject:** Demand SCE Smart Meter Opt-Out

California Public Utilities Commission

RE: Smart Meters

Mr. Peevey and CPUC Commissioners,

I am a customer of Southern California Edison (SCE). I object to the deployment of smart meters, given their risks to our health, safety, prosperity, consumer and civil rights and security. We never gave permission to allow installation of smart meters and/or use our homes as network transmitters. In keeping with our right of Freedom of Choice, we are demanding that you order SCE to offer an Opt Out Program at no cost to the consumer. This would also include the right for consumers to retain their analog meters on an individual or community-wide basis. I respectfully encourage you to enact a SCE retroactive and immediate Opt Out Program at no charge to the consumer.

Sincerely,

MH Weinstock
6313 Timberlane Street
Agoura Hills, CA 91301

mhweinstock@sbcglobal.net
July 18, 2011

410 Dogwood Drive
Buellton, CA 93427
E-mail: retla@verizon.net
July 18, 2011

California Public Utilities Commission
Mr. Michael R. Peevey, President
505 Van Ness Avenue
San Francisco, CA 94102

Re: Smart Meters

Mr. Peevey and fellow Commissioners:

We are customers of Pacific Gas and Electric Company (PG&E) who object to the deployment of so-called Smart Meters given their risks to our health, safety, privacy, prosperity, personal security, and our consumer and civil rights under both the California and United States Constitutions. Furthermore, because radiofrequency (RF) radiation recently has been re-classified a potential carcinogen to human health, these higher-RF-radiation-generating "Smart" Meters should be pulled from the market immediately in the interest of public health. No agency of the people should be permitted to mandate a potential cancer-causing device to be forced on the public (see Nuremberg Code).

We are denying permission to CPUC and any utility company or its agents to allow installation of any so-called Smart Meters on our property and/or use of our house as a surveillance/network transmitter. In keeping with our right of Freedom of Choice, we are demanding that you agree, at a minimum, to an Opt-Out Program at no cost to the consumer. This would include the right for consumers to retain their analog meters on an individual or community-wide basis and restore any analog meters already confiscated and replaced with a so-called Smart Meter without prior written consent.

Additionally, a meter-reading option should be made available that incurs no additional billing charges if the property owner elects to submit monthly analog meter readings either by using the internet, telephone, or a cellphone text-messaged photograph of the dial to the appropriate utility company.

We respectfully and strongly encourage you to enact retroactive and immediate Opt-Out Programs to be imposed on all utility providers at no up-front or back-loaded expense to the consumer. Be advised, California Government Codes 11120 and 54950 both read, "The people of this State do not yield their sovereignty to the agencies which serve them."

Sincerely,

Robert M. Anthony

Eileen S. Anthony

Concerned Citizen <smartmeterreform@gmail.com>

# Smart Meter opt-out

**Ruth Warkentin <altovoice1000@hotmail.com>** **Mon, Jul 25, 2011 at 7:33 AM**
To: smartmeterreform@gmail.com

I want to join the Consumers Power Alliance in demanding Edison offer us a no-cost opt-out...based on the letter to the editor dated July 25, 2011. It could cause much havoc in the real estate business, not to mention all the health and other mentioned issues...all to the determent of our freedom and security.
Ruth Warkentin

Concerned Citizen <smartmeterreform@gmail.com>

# opt-out

**Anna Gardner <mischief@cox.net>** **Mon, Jul 25, 2011 at 8:47 AM**
To: smartmeterreform@gmail.com

Please add my voice to those who passionately desire the CPUC to mandate SoCalEdison to give us a no-cost opt-out choice for smart meters. It borders on criminal to allow a public utility to force customers to live with these meters. I understand that some advocates for smart meters believe them to be "green", but they are untested over the long-run and have too many potential problems, not the least of which are health risks. I ought to be able to choose whether or not to take those risks.
Anna M. Gardner
2760 Puesta del Sol Road
Santa Barbara, CA 93105

Concerned Citizen <smartmeterreform@gmail.com>

# smart meter

**Susan Willis <swillisltd@gmail.com>** **Mon, Jul 25, 2011 at 9:42 AM**
To: smartmeterreform@gmail.com

To whom it may concern,
We also would like to be included in the demand to remove our smart meter at no cost to us on medical grounds among other issues.
sincerely, Susan and John Willis

Concerned Citizen <smartmeterreform@gmail.com>

# Demand opt out

**donald thorn <thethorns4@cox.net>** **Sun, Jul 24, 2011 at 7:54 PM**
To: smartmeterreform@gmail.com

California Public Utility Commission

Mr. Peevey and Commmissioners

I am against the smart meters and I demand an opt-out option for smart meters by SCE. It is a violation of my civil rights to impose a device that I do not want and that will make me sick.

Joyce Hobson
2721`Samarkand Dr.
Santa Barbara, California 93105
687-5266

This was sent by Diana Thorn because Joyce does not have a computer? e-mail

Concerned Citizen <smartmeterreform@gmail.com>

# Smart Meter Opt-Out

**Joan and Robert Renehan <j-rrenehan@cox.net>** **Sun, Jul 24, 2011 at 3:03 PM**
To: smartmeterreform@gmail.com

California Public Utilities Commission

RE: Smart Meters

Mr. Peevey and CPUC Commissioners,

I am a customer of Southern California Edison (SCE). I object to the deployment of smart meters, given their risks to our health, safety, prosperity, consumer and civil rights and security.

We never gave permission to allow installation of smart meters and/or the use of our homes as network transmitters. In keeping with our right of Freedom of Choice, we are demanding that you order SCE to offer an Opt Out Program at no cost to the consumer. This would also include the right for consumers to retain their analog meters on an individual or community-wide basis. .

I respectfully encourage you to enact a SCE retroactive and immediate Opt Out Program at no charge to the consumer.

Sincerely,

Joan Renehan
913 Crown Ave., Santa Barbara, CA 93111
805-967-0502
j-rrenehan@cox.net
July 24, 2011

Concerned Citizen <smartmeterreform@gmail.com>

# Demand SCE Smart Meter Opt-Out

**SusanMarie Weber <susanmarieweber@earthlink.net>** **Thu, Jul 21, 2011 at 11:15 PM**
To: smartmeterreform@gmail.com

July 21, 2011

California Public Utilities Commission

RE: Smart Meters

Mr. Peevey and CPUC Commissioners,

I am a customer of Southern California Edison (SCE).

I object to the use of smart meters, given their risks to our health, safety, prosperity, consumer and civil rights, and security.

I never was asked, nor did I give permission to allow installation of the smart meter, and I sure don't want my home used as a network transmitter.

In keeping with our right of Freedom of Choice, I ask that you order SCE to offer an Opt Out Program at no cost to the consumer. This would also include the right for consumers to retain their analog meters on an individual or community-wide basis. .

I respectfully encourage you to enact a SCE retroactive and immediate Opt Out Program at no charge to the consumer. .

Sincerely,

Susan Marie Weber
43041 Buttonwood Dr.
Palm Desert CA 92260
email address: susanmarieweber@earthlink.net

California Public Utilities Commission

Re: Smart Meters

Mr. Peavey and CPUC Commisioners

I am a customer of Southern California Edison (SCE).
I object to the deployment of smart meters, given their risks to my health, safety, prosperity, consumer and civil rights and security.

I never gave permission to allow installation of a smart meter and/or use my home as a network transmitter. In keeping with my right of Freedom of Choice. I am demanding that you order SCE to offer an Opt Out Program at no cost to the consumer. This would also include the right For consumers to retain their analog meters on an individual or community-wide Basis.

I respectfully encourage you to enact a SCE retroactive and immediate Opt Out Program at no charge to the consumer.

Sincerely,

A. B. Saroni
B. 13 Mt. Holyoke
C. Rancho Mirage, Ca. 92070
760-770-5467
twoturn@webtv. Net

July, 20, 2011

Concerned Citizen <smartmeterreform@gmail.com>

# Demand

**charla spence <charla_spence@yahoo.com>** **Tue, Jul 19, 2011 at 9:54 PM**
To: smartmeterreform@gmail.com

RE: Smart Meters
Mr. Peevey and CPUC Commissioners,
I am a customer of Southern California Edison (SCE). I object to the deployment of smart meters, given their risks to our health, safety, prosperity, consumer and civil rights and security. .
We never gave permission to allow installation of smart meters and/or use our homes as network transmitters. In keeping with our right of Freedom of Choice, we are demanding that you order SCE to offer an Opt Out Program at no cost to the consumer. This would also include the right for consumers to retain their analog meters on an individual or community-wide basis. .
I respectfully encourage you to enact a SCE retroactive and immediate Opt Out Program at no charge to the consumer. .
Sincerely,
Name Charla Spence
Address 64066 Doral Drive, Desert Hot Springs, Ca. 92240
Phone 760 671-6412
email address charla_spence@yahoo.com
Dated 7/19/11

Concerned Citizen <smartmeterreform@gmail.com>

# Demand SCE Smart Meter Opt-Out

**MLH <hillmead21@aol.com>** **Tue, Jul 19, 2011 at 6:49 PM**
To: smartmeterreform@gmail.com

California Public Utilities Commission

RE: Smart Meters

Mr. Peevey and CPUC Commissioners,

I am a customer of Southern California Edison (SCE). I object to the deployment of smart meters, given their risks to our health, safety, prosperity, consumer and civil rights and security. .

We never gave permission to allow installation of smart meters and/or use our homes as network transmitters. In keeping with our right of Freedom of Choice, we are demanding that you order SCE to offer an Opt Out Program at no cost to the consumer. This would also include the right for consumers to retain their analog meters on an individual or community-wide basis. .

I respectfully encourage you to enact a SCE retroactive and immediate Opt Out Program at no charge to the consumer. .

Sincerely,

Melissa Hillegas

2304 State Street, Santa Barbara, CA 93105
805.898-2716
hillmead21@aol.com
July 19, 2011

Concerned Citizen <smartmeterreform@gmail.com>

# Smart Meters

**Mary W Wright <MarywWright@cox.net>** **Sun, Jul 24, 2011 at 9:05 PM**
To: smartmeterreform@gmail.com

Mr. Peevey and CPUC Commissioners

I am a customer of Southern California Edison Co.(SCE). I object to the deployment of smart meters, given their risks to our health, safety, security, prosperity, consumer and civil rights.

We never gave permission to allow installation of smart meters and/or use our home as a network transmitter. In keeping with our right of Freedom of Choice, we strongly urge you to order SCE to offer an Opt Out Program at no cost to the customer. This should also include the right for the customer to retain their analog meters on an individual or community-wide basis.

I respectfully encourage you to enact a SCE retroactive and immediate Opt Out Program at no charge to the consumer.

Sincerely,

Mary W. Wright/John R. Wright
5544 San Patricio Dr.
Santa Barbara, CA 93111
805 967-7520
marywwright@cox.net

July 24, 2011

Concerned Citizen <smartmeterreform@gmail.com>

# Demand SCE Smart Meter Opt-Out

**Bobby & Jeanette <croofrun@aol.com>** **Thu, Jul 21, 2011 at 10:02 AM**
To: smartmeterreform@gmail.com

July 21, 2011

California Public Utilities Commission

RE: Smart Meters

Mr. Peevey and CPUC Commissioners,

I am a customer of Southern California Edison (SCE). I object to the deployment of smart meters, given their risks to our health, safety, prosperity, consumer and civil rights and security.

My family never gave permission to allow installation of smart meters and/or use our homes as network transmitters, yet SCE has entered our property WITHOUT OUR KNOWLEDGE OR PERMISSION and installed this equipment; as a result of the installation several members of my household have been experiencing health problems which, if we are not allowed to have this meter removed, we will be retaining legal counsel to represent us in seeking judgment against SCE, CPUC (and any others our attorney deems appropriate) for our current and future health issues due to this unconstitutional action taken by SCE! In keeping with our right of Freedom of Choice, we are demanding that you order SCE to offer an Opt Out Program at no cost to the consumer. This would also include the right for consumers to retain their analog meters on an individual or community-wide basis.

I respectfully encourage you to enact a SCE retroactive and immediate Opt Out Program at no charge to the consumer.

Sincerely,

Jeanette Cambron
PO Box 743, Goleta, CA 93116
croofrun@aol.com

Concerned Citizen <smartmeterreform@gmail.com>

# Demand

**Sandy Casinelli <twobelovedone@yahoo.com>** **Mon, Jul 18, 2011 at 10:22 AM**
To: smartmeterreform@gmail.com

Re: Smart Meters

Attention Mr. Peevey and CPUC:

I am a customer of Southern California Edison (SCE). I object to the deployment health of smart meters

given their risk to my health, safety, prosperity, consumer civil rights and security. I never gave permission
to allow for installation of a smart meter and/or the use of my home as a network transmittor. In keeping

with my civil rights, I am demanding that you order SCE to offer an OPT OUT PROGRAM at no cost to
the consumer. This would also include the right for consumers to retain their analog on an individual or

community wide basis.
I respectfully encourage you to enact a SCE retroactive and immediate OPT OUT PROGRAM at no charge
to the consumer.

Sincerely,
Sandra Casinelli
67735 Loma Vista Rd.
Desert Hot Springs, CA 92240
twobelovedone@yahoo.com

Concerned Citizen <smartmeterreform@gmail.com>

# Demand SCE Smart Meter Opt-Out

**Golditina@aol.com <Golditina@aol.com>** **Fri, Jul 15, 2011 at 4:58 PM**
To: smartmeterreform@gmail.com

California Public Utilities Commission

RE: Smart Meters

Mr. Peevey and CPUC Commissioners,

I am a customer of Southern California Edison (SCE). I object to the deployment of smart meters, given their risks to our health, safety, prosperity, consumer and civil rights and security. .

We never gave permission to allow installation of smart meters and/or use our homes as network transmitters. In keeping with our right of Freedom of Choice, we are demanding that you order SCE to offer an Opt Out Program at no cost to the consumer. This would also include the right for consumers to retain their analog meters on an individual or community-wide basis. .

I respectfully encourage you to enact a SCE retroactive and immediate Opt Out Program at no charge to the consumer. .

Sincerely,

CHRISTINA MICHAS
FOUNDER/LEADER:
PALM SPRINGS PATRIOTS COALITION DESERT VALLEY TEA PARTY

ACTIVIST LEADER: ANYSTREET.ORG
PRESIDENT, EAGLE FORUM-PALM SPRINGS
**CELL**: (760) 408-0845
golditina@aol.com
www.palmspringsteaparty.ning.com
www.teapartypalmsprings.com

Concerned Citizen <smartmeterreform@gmail.com>

# Demand

**Art Novak <artcellar@yahoo.com>** **Sun, Jul 17, 2011 at 2:54 PM**
To: smartmeterreform@gmail.com

California Public Utilities Commission

RE: Smart Meters

Mr. Peevey and CPUC Commissioners,

I am a customer of Southern California Edison (SCE). I object to the deployment of smart meters, given their risks to our health, safety, prosperity, consumer and civil rights and security. .

We never gave permission to allow installation of smart meters and/or use our homes as network transmitters. In keeping with our right of Freedom of Choice, we are demanding that you order SCE to offer an Opt Out Program at no cost to the consumer. This would also include the right for consumers to retain their analog meters on an individual or community-wide basis. .

I respectfully encourage you to enact a SCE retroactive and immediate Opt Out Program at no charge to the consumer. .

Sincerely,

Art Novak
79460 azahar
La Quinta, CA 92253

Dated 7/17/2011

Concerned Citizen <smartmeterreform@gmail.com>

# Demand SCE Smart Meter Opt-Out

**Gail Michelson <gsm329@gmail.com>** **Sat, Jul 16, 2011 at 1:59 AM**
To: smartmeterreform@gmail.com

California Public Utilities Commission

RE: Smart Meters

Mr. Peevey and CPUC Commissioners,

I am a customer of Southern California Edison (SCE). I object to the deployment of smart meters, given their risks to our health, safety, prosperity, consumer and civil rights and security. .

We never gave permission to allow installation of smart meters and/or use our homes as network transmitters. In keeping with our right of Freedom of Choice, we are demanding that you order SCE to offer an Opt Out Program at no cost to the consumer. This would also include the right for consumers to retain their analog meters on an individual or community-wide basis. .

I respectfully encourage you to enact a SCE retroactive and immediate Opt Out Program at no charge to the consumer. .
sincerely,Gail Michelson 1365 Vallecito Place,Carpinteria 93013.684-6632

Concerned Citizen <smartmeterreform@gmail.com>

# Demand SCE Smart Meter Opt-Out

**Dwight Hayes <dhayes@sbhotels.com>** **Fri, Jul 15, 2011 at 1:15 PM**
To: smartmeterreform@gmail.com

California Public Utilities Commission

RE: Smart Meters

Mr. Peevey and CPUC Commissioners,

I am a customer of Southern California Edison (SCE). I object to the deployment of smart meters, given their risks to our health, safety, prosperity, consumer and civil rights and security. .

We never gave permission to allow installation of smart meters and/or use our homes as network transmitters. In keeping with our right of Freedom of Choice, we are demanding that you order SCE to offer an Opt Out Program at no cost to the consumer. This would also include the right for consumers to retain their analog meters on an individual or community-wide basis. .

I respectfully encourage you to enact a SCE retroactive and immediate Opt Out Program at no charge to the consumer. .

Sincerely, Dwight Hayes

Dated July 15, 2011

Dwight Hayes

524 Via El Encantador

Santa Barbar, CA 93111

(805) 967-8278

dwight@sbhotels.com

Concerned Citizen <smartmeterreform@gmail.com>

# DEMAND SCE SMART METER OPT-OUT-added date and phone

**Irene Kopel <irene.kopel@gmail.com>** **Sat, Jul 16, 2011 at 2:01 PM**
To: smartmeterreform@gmail.com

JULY 16,2011

California Public Utilities Commission

RE: Smart Meters

Mr. Peevey and CPUC Commissioners,

I am a customer of Southern California Edison (SCE). I object to the deployment of smart meters, given their risks to our health, safety, prosperity, consumer and civil rights and security. .

We never gave permission to allow installation of smart meters and/or use our homes as network transmitters. In keeping with our right of Freedom of Choice, we are demanding that you order SCE to offer an Opt Out Program at no cost to the consumer. This would also include the right for consumers to retain their analog meters on an individual or community-wide basis. .

I respectfully encourage you to enact a SCE retroactive and immediate Opt Out Program at no charge to the consumer.

PERSONAL NOTE: While the above is the "meat and potatoes" of my email, it doesn't even begin to convey my passion over this issue.

I have called So Cal Edison several times over this. They have coldly and cavalierly told me that I HAVE NO CHOICE! They can do what they want because the meters are theirs. I have replied, "But this is MY home." They have responded, "But these are our meters." I have emphasized, "BUT, you don't understand, THIS IS MY HOME!" Frankly, I would be happy to BUY my own meter if it made a difference! Which, of course, was not their actual point.

I continued pursuing this fruitless conversation with So Cal Edison. I asked them if people with medical disabilities and concerns (like pacemakers) could opt-out. Their answer was a resounding "NO opt-outs." How about with a doctor's recommendation?

I want you to understand that I have never before taken on a political cause. BUT THIS IS MY LINE IN THE SAND, beyond which I will NOT CROSS. This is MY home. I do NOT want a Smart Meter on my home for numerous reasons. I should not have to hire health consultants, electrical experts and attorneys with my own money to fight the right not to have this shoved down my throat-using MY money that I pay So Cal Ed as a customer!

I have to say that this issue has really-REALLY-opened my eyes to what has happened to the freedoms that we used to take for granted in this country. My own daughter no longer wants to live in the US. And I used to tell her how lucky she is to be an American. How lucky she is that both sides of her family left their parts of the world under duress and great personal hardship to come here to America where we have the freedom to make our own decisions that affect ourselves, our families, our PERSONAL PROPERTY. A country where those bigger than us, with more power than us, cannot just come into our homes and take what they want (in

this case, our security, privacy, peace of mind and, possibly, our health)!

And now I tell her that America is NOT the same America anymore. My friends whisper the same thing, and these are people who are nearly senior citizens; people who remember. And my friends tell me that THEIR children also see what is happening. And we all wonder, is it already too late?

So, here we are: My electric company--MY ELECTRIC COMPANY--is able to tell me what I MUST allow them to install on my own home! I never, ever thought I'd live to see the day. And, frankly, I am deeply sorry that I have lived to see this.

It is truly shocking that my neighbors, my city, my county...all of us that have to live with this-all of us that DON'T WANT THIS-are told that we have NO CHOICE!

My grandparents are rolling in their graves....and our Founding Fathers must be spinning in theirs! Have we no obligation to THEM to stop this?

This is NOT right---on sooooooooooo many levels, including an illegal seizure of one's personal property.

I wish that you could have been at the meeting in Santa Barbara that I attended (at the offices of the Board of Supervisors). Person after person stepped up to the mike to beg and plead and, in some cases (medical issues), cry. These were mostly older folks, many professionals. These were not crazy people. But they were begging for their personal freedom to choose. It was a pitiful and painful sight.

I also met a number of folks like myself who had never before taken a political stand on much of anything. Surely, we see the folly of all of that now. But, to a one, we agreed that this was OUR line in the sand!

So, I hope that the CPUC has the moral backbone to take a stand against the unilateral wishes of So Cal Edison; the company that coldly informs us that they can install whatever THEY want to install on OUR homes, whether we like it or not.

I hope that you remember what America was like. This is your moment. May you meet the challenge.

Sincerely,
Irene Kopel
3085 Vista Linda Lane
Santa Barbara, CA 93108
(805) 969-2025
irene@kopel.com
DATE: July 16, 2011

# ATTACHMENT 2

**JONI GRAY**
Fourth District, Chair

**SALUD CARBAJAL**
First District

**JANET WOLF**
Second District

**DOREEN FARR**
Third District, Vice Chair

**STEVE LAVAGNINO**
Fifth District

**BOARD OF SUPERVISORS**
County Administration Building
105 East Anapamu Street
Santa Barbara, CA 93101
Telephone: (805) 568-2190
www.countyofsb.org

**COUNTY OF SANTA BARBARA**

July 25, 2011

Mr. Michael R. Peevey, President
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

RE: Smart Meters

Dear President Peevey:

The Santa Barbara County Board of Supervisors has taken a position of support for a no-cost smart meter opt-out program for both Pacific Gas & Electric (PG&E) and Southern California Edison (SCE), including a retroactive opt-out for those who have smart meters already installed.

Current smart meter programs are generating a great deal of concern about privacy and health, which is shared by the Board and the citizens of Santa Barbara County.

We respectfully request that the Commission order no-cost, opt-out proposals from both PG&E and SCE, and we have authorized the County Executive to participate in any related administrative proceedings.

Sincerely yours,

Joni Gray

Joni Gray, Chair
Board of Supervisors
County of Santa Barbara

The voice of our community

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Robertson Short
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Carol Celic

**Office**:
1469 E. Valley Road
Santa Barbara, CA 93108

P.O. Box 5278
Santa Barbara, CA 93150
Tel: (805) 969-2026
Fax (805) 969-4043

info@montecitoassociation.org
www.montecitoassociation.org

July 25, 2011

California Public Utilities Commission
505 Van Ness Ave.
San Francisco, California 94102
Attention: President Michael Peevey and Commissioners

RE: County of Santa Barbara et al Application to Require SCE to Propose a Smart Meter Opt-out Plan

Dear President Peevey and Commissioners,

The Montecito Association is an organization representing 900 households in Montecito, and committed to leading the community in the preservation, protection, and enhancement of the semi-rural residential character of Montecito, a community located adjacent to the City of Santa Barbara, California, and wholly located within the electric utility service area of Southern California Edison.

The Montecito Association is concerned about the deployment of Smart Meters by SCE, given the many unanswered questions regarding safety, risks to our health, consumer and civil rights, and security. The Association supports the recent vote of the Board of Supervisors to take this same position, and we also support the Application of the County, the Consumers Power Alliance, and others to ask your agency to require SCE to propose a Smart Meter Opt-out Plan for the CPUC's review and approval, and with the essential components of such a plan outlined in the County's Application to which this letter is intended to be attached, including that opting out is at no cost to the consumer and the right for consumers to retain their analog meters on an individual or community-wide basis.

We respectfully encourage you to grant the Application of Santa Barbara County and its Joint Applicants on an expedited basis.

Sincerely,

Richard J. Nordlund

Richard J. Nordlund, President

# ATTACHMENT 3

INFORMATION FOR JOINT APPLICANTS

County of Santa Barbara, California
County Administration Building
105 East Anapamu Street
Santa Barbara, CA 93101

Consumers Power Alliance
44-489 Town Center Way, Suite D
Palm Desert, CA 92260

Public Citizen
1600 20th Street NW
Washington, DC 20009

Montecito Association
P.O. Box 5278
Santa Barbara, CA 93150

Coalition of Energy Users
4010 Foothills Blvd., Suite 130 #115
Roseville, CA 95747

Eagle Forum of California
P.O. Box 5335
Santa Rosa, CA 95402

Neighborhood Defense League of California
1482 East Valley Road, Suite 252
Santa Barbara, CA 93108

Santa Barbara Tea Party
P.O. Box 277
Carpentaria, CA

Concerned Citizens Of La Quinta
51-321 Avenida Bermudas, Suite 1601
La Quinta, CA.  92247

Citizens Review Association
44-489 Town Center Way, Suite D
Palm Desert, CA 92260

Palm Springs Patriots Coalition Desert Valley Tea Party
44-489 Town Center Way, Suite D
Palm Desert, CA 92260

Menifee Tea Party - Hemet Tea Party - Temecula Tea Party
27-780 Shady Lane
Winchester, CA 92596

Stop Smart Meters
P.O. Box 66165
Scotts Valley, CA 95061

Rove Enterprises, Inc.
533 State Street
Santa Barbara, CA 93101

Schooner Enterprises, Inc.
533 State Street
Santa Barbara, CA 93101

Eagle Forum of San Diego
1666 Garnet Ave., #311
San Diego, CA. 92109

Southern Californians for Wired Solutions to Smart Meters
Post Office Box 3
Warner Springs, CA 92086

Burbank Action
2742 North Lamer Street
Burbank, CA 91504

Upon completion of verification of individual or corporate status, Joint Applicants will supplement this Attachment 3 with any further corporate documentation required, and to the extent necessary hereby request that the Commission grant Joint Applicants a one week period of time to file such supplemental information.