



**SECOND MOTION FOR SUMMARY ADJUDICATION**

**FILED**

**SEPARATE STATEMENT OF UNDISPUTED MATERIAL FACTS**

03-23-11  
04:59 PM

1. PG&E'S LOCATION OF HETHERINGTONS' METER AT THE NEIGHBOR'S HOUSE 1.5 MILES AWAY FROM HETHERINGTONS' SERVICE POINT SUPPLIES THE NEIGHBOR'S PREMISES AND/OR UNPERMITTED CABIN WITH ELECTRIC POWER FROM BEHIND HETEHRRINGTONS' METER AND APPLIES THIS ILLEGAL POWER USAGE TO HETHERINGTONS' ELECTRIC BILL IN VIOLATION OF ELECTRIC RULE 18A.

Moving party's undisputed facts and supporting evidence	Opposing party's response and supporting evidence
Hetheringtons' power line, was built to PG&E standards and approved by PG&E. Hetheringtons have paid PG&E bills for ten years. ("the billing statements speak for themselves. " PG&E Answer, pg. 3, line 8), Exhibits B and C showing plans for the subject PG&E approved power line.	
In plaintiffs' power line, a first transformer steps up energy in the line to approximately 2,400 volts. The second transformer over 3,000 feet(approx. 2/3 mile) away at the Hetherington house steps down the 2,400 transmission voltage to a useable 240 volts This voltage (240 V) then goes into the Hetherington house via a "housetline." Exhibits B, C, and D	
The level of 2,400 volts in plaintiffs' line is necessary to achieve a "pushing" or transmissive force sufficient to transmit electric power without losses over a distance of 3,000 feet. Physics principle of "ampacity."	
Accordingly, 2,400 volts is a transmission voltage. A transmission voltage of 2,400 volts is a primary distribution voltage. Exhibits B&C. See also PG&E Electric Rule 2B.	
Plaintiffs' system, producing a primary distribution voltage of 2,400 volts and sending it 2/3 mile to plaintiffs' house comprises a distribution or transmission voltage. An electrical transmission /distribution system is part of the power grid. Pub Util Code 8360 line 2, and/ or "infrastructure serving the grid." 8360 (i)	

<p>The same Smart Meter located at plaintiffs' house from March through August 25, 2010 transmitted plaintiffs' true electric usage data verifiable from PG&amp;E bill July 14, 2010, Exhibit E, "The billing records speak for themselves."</p>	
<p>PG&amp;E's smart meter for Hetheringtons is now located on the neighbor's premises 1.5 miles by car away from the service point at the Hetherington house.</p>	
<p>No unusual site conditions exist that bar the location of a meter at Hetheringtons' premises - only inconvenience to PG&amp;E meter reading trucks. (Exhibits A &amp; D, Mot. S.J.)</p>	
<p>At times and dates known only to PG&amp;E, infrastructure located between Hetheringtons' house and Hetheringtons' smart meter 1.5 miles away at the neighbor's house - is using double the amount of electric power consumed by Hetheringtons. Such infrastructure is located entirely on the neighbor's land under his dominion and control. And, this results in <u>fraudulent charges</u> on Hetheringtons' PG&amp;E bills, as measured by PG&amp;E's own smart meter when located at Hetheringtons' house for six months ("the billing records speak for themselves").</p>	
<p>Hetheringtons' PG&amp;E bills metered at the neighbor's house 1.5 miles away are as much as four times the bills <u>measured by the same smart meter located at the service point at Hetheringtons' house for six months</u>. Electric usage metered at the neighbor's house is about double the usage metered at plaintiffs' house - averred to by PG&amp;E; "the billing records speak for themselves."</p>	

2. THE BILLING RECORDS PROVIDE AN INESCAPABLE CONCLUSION THAT INFRASTRUCTURE LOCATED ENTIRELY ON THE NEIGHBOR'S PREMISES AND UNDER HIS DOMINION AND CONTROL IS USING TWICE AS MUCH POWER AS HETHERINGTONS AND IS SUPPLIED THROUGH THE HETHERINGTONS' METER. ACCORDINGLY, RES IPSA LOQUITUR (THE THING SPEAKS FOR ITSELF) MAY BE INVOKED ON A MOTION FOR SUMMARY ADJUDICATION TO PROVE HETHERINGTONS' METER IS SUPPLYING SEPARATE PREMISES IN VIOLATION OF ELECTRIC RULE 18A.

Moving party's undisputed facts and supporting evidence	Opposing party's response and supporting evidence
<p>Prior to construction of Hetheringtons' power line, an isolated cabin on the neighbor's property where PG&amp;E insists on locating Hetheringtons' meter had no PG&amp;E power. The cabin was constructed without permits, and has no permits for electricity from PG&amp;E or San Mateo County.</p>	
<p>The cabin is located to the north, between the Hetherington house and PG&amp;E's distant location for the Hetherington meter located 1.5 miles away by road away from the Hetherington house. Direct observation, verifiable from inspection of Google Maps or San Mateo County Sheet 18G. Exhibits A, A1, D.</p>	
<p>During construction, PG&amp;E changed the route of Hetheringtons' underground electric utility easement to a location that would benefit a remote cabin (built without permits) -on the separate premises where PG&amp;E now insists on locating the smart meter. (See Letter of San Mateo County, Exhibit K. PG&amp;E approved this change of location.</p>	
<p>The cabin now has electricity as evidenced by Dish Network, lights at night, at least one electric line running into the woods, and security cameras that appear to run full time on outbuildings. Fires are consistent with illegal electrical diversions. One outbuilding near the cabin burned to the ground in about 2007-2008. Direct observation by plaintiffs and verifiable by Richard Sampson, Division Chief, Resource Management and Fire Prevention, Cal. Dept. of Forestry and Fire Prevention, 6059 Highway 9, Felton CA 95018. Tel. 831 335 6742.</p>	

## Exhibit A

PG&E Meter  
for Hetherington

Jaqua House

Hetherington  
Boundary  
(sections  
11 & 12)

Hetherington  
House



**EXHIBIT A-1**



**Legend**

-  City Boundary
-  County Parcels

Match Sheet 18G

**Reference Scales**

1:4,800  
1" = 400'



# San Mateo County

San Mateo County government protects and enhances the health, safety, welfare, and natural resources of the community.

Match Sheet 17C

Match Sheet 18H

122° 14' 00" W

122° 10' 00" W

122° 06' 00" W

122° 02' 00" W

122° 00' 00" W

37° 30' 00" N

37° 26' 00" N

37° 22' 00" N

Match Sheet 18F

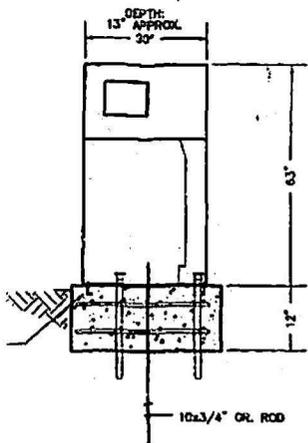
## Exhibit B

**GENERAL NOTES:**

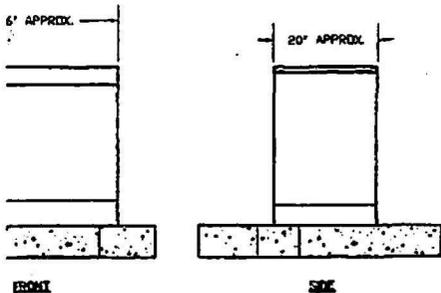
1. PERFORM ALL WORK ACCORDING TO THE CALIFORNIA ELECTRICAL CODE AND PG&E SERVICE REQUIREMENTS.
2. MAKE SERVICE PEDESTALS ACCORDING TO PG&E AND EUSERC REQUIREMENTS. MAKE CONDUIT CONNECTION TO PG&E TRANSFORMER AND INSTALL METER PEDESTAL ACCORDING TO PG&E SERVICE STANDARDS. COORDINATE WITH PG&E INSPECTORS.
3. OBTAIN SAN MATEO COUNTY ELECTRICAL PERMIT AND COORDINATE INSPECTION WITH COUNTY INSPECTOR AND PG&E UNDERGROUND INSPECTOR. PAY ALL PERMIT AND INSPECTION FEES.
4. EQUIPMENT LOCATIONS ARE APPROXIMATE. EXACT LOCATIONS WILL BE DETERMINED IN THE FIELD.

**SHEET NOTES**

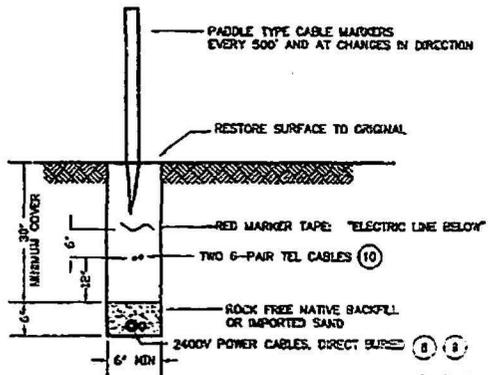
- ① 200A, 120/240V SERVICE PEDESTAL; TESCO 24-200. MEET PG&E SERVICE STANDARDS. SEE DETAIL 3
- ② NOT USED
- ③ 37.7KVA, 1Ø WEATHERPROOF, DRY TYPE TRANSFORMER; HV: 2400V, LV: 120/240 PROVIDE TWO 2-1/2" TAPS FCBN AND FCAN, TYPICAL OF BOTH TRANSFORMERS.
- ④ 5KV CABLE TERMINATIONS WITH STRESS RELIEF, RAYCHEM OR EQ.
- ⑤ NOT USED
- ⑥ 200A, 120/240V SERVICE PEDESTAL; TESCO 24-200. SIMILAR TO #1 EXCEPT NO METER. PROVIDE CIRCUIT BREAKERS AND TRANSFER SWITCH AS SHOWN. PROVIDE DEAD FRONT PANEL SO THERE ARE NO LIVE PARTS BEHIND OUTER DOOR. SIMILAR TO DETAIL 3
- ⑦ NOT USED
- ⑧ ONE-5KV, #8 EPR INSULATED (115 MIL) SHIELDED COPPER POWER CABLE, HOUSTON #EC500601 OR EQ. SUITABLE FOR DIRECT BURIAL AND ONE #8, 800V THWN.
- ⑨ NOT USED
- ⑩ PROVIDE ONE 6-PAIR FILLED SINGLE JACKETED TELEPHONE TO EACH RESIDENCE. HOUSTON #R0501908
- ⑪ PRECAST PAD FOR SINGLE PHASE TRANSFORMER, 6" THICK. UTILITY VAULT OR EQUAL. SELECT PAD TO MATCH ACTUAL TRANSFORMER DIMENSIONS.



**A SERVICE - HETHERINGTON**



**Y TYPE TRANSFORMER, TYPICAL**



BUILDING INSPECTOR  
JULY 1988  
REVISION

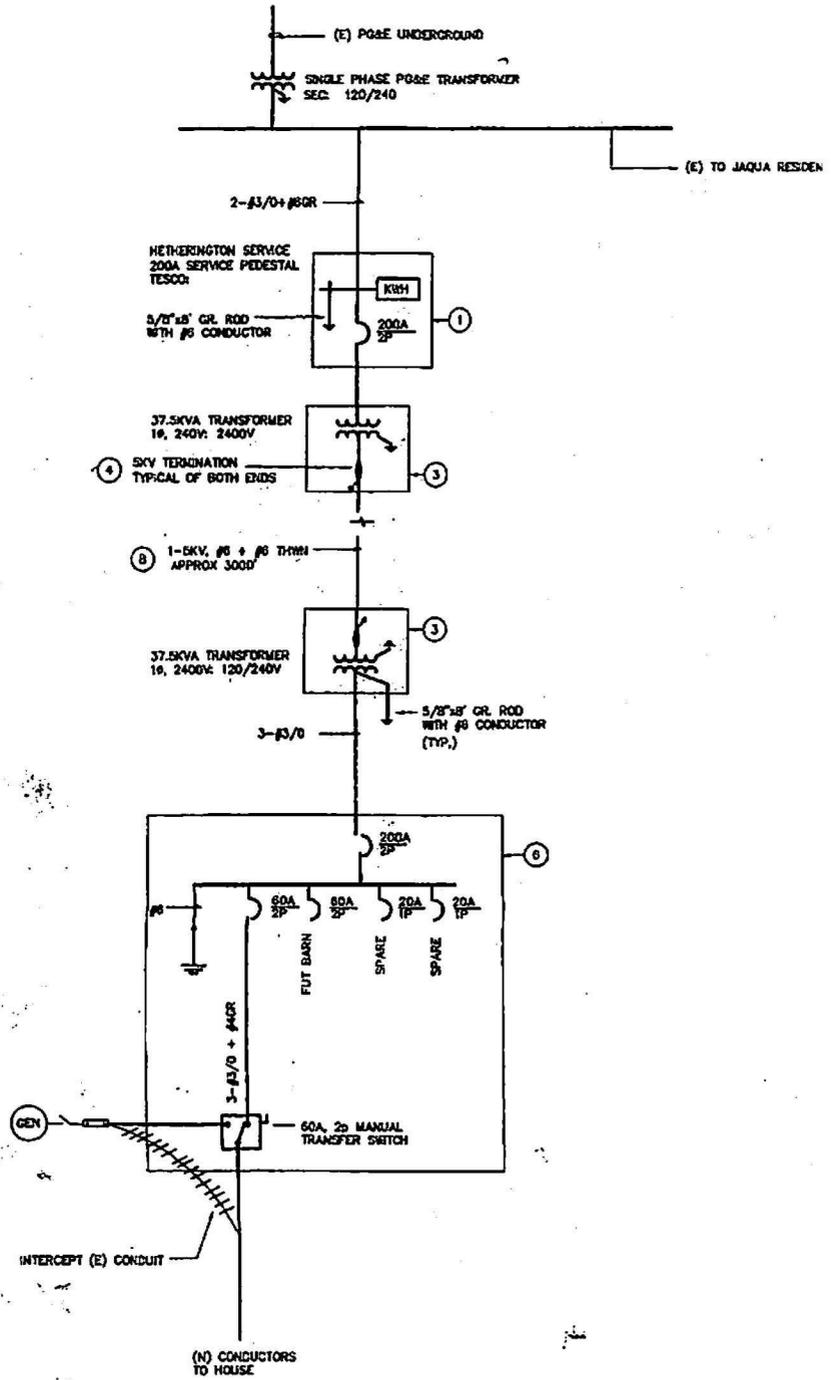
FILE 474 474

**5 TRENCH SECTION**  
N.T.S.

APPROVED FOR  
[Signature]



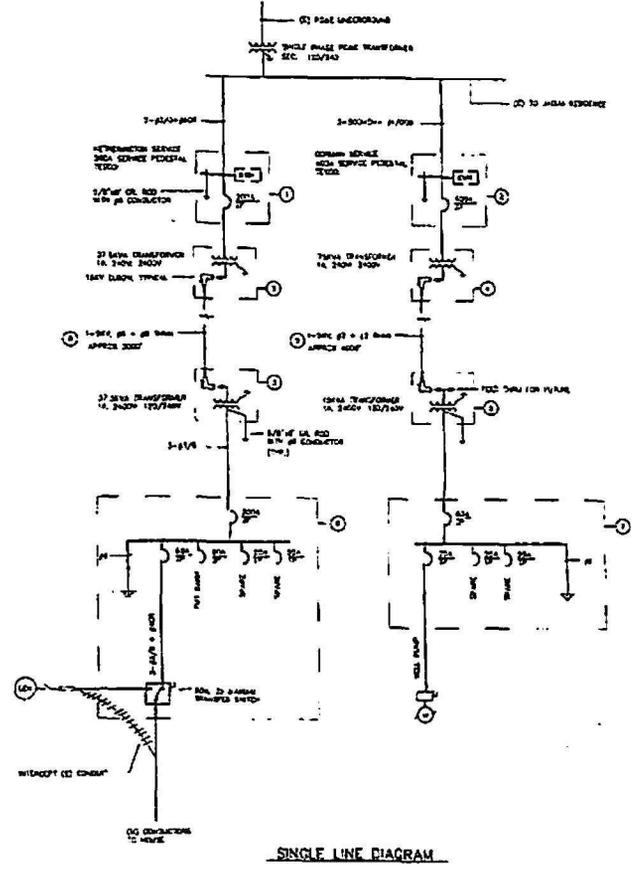
BY: JEFF SULTAN	DATE:	<b>JEFF SULTAN, P.E.</b> ELECTRICAL ENGINEER  2081 CALHO DE LOS ROSLES MENLO PARK, CA 94025 (650) 854-7585	<b>HETHERINGTON RESIDENCE</b> <b>ELECTRICAL SERVICE</b> <b>ELECTRICAL PLAN AND DETAILS</b>	DRAWING NO.
CHKD: JMS				E1
APP'D:				
DATE:				
PROJECT:				



① SINGLE LINE DIAGRAM

REV. NO.	DATE ISSUED	REVISIONS	APPR.	REV. NO.	DATE ISSUED	REVISIONS
A	7/31/88	ISSUED FOR REVIEW				
0	8/11/88	MINOR REVISIONS, ISSUED FOR CONSTRUCTION				
1	7/20/89	SERVICE TO SECOND RESIDENCE DELETED, ISSUED FOR CONSTRUCTION				

## Exhibit C



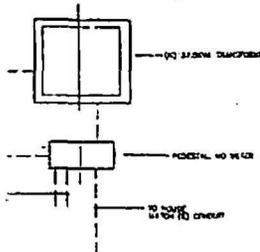
SINGLE LINE DIAGRAM

**GENERAL NOTES:**

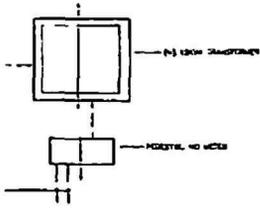
1. PERFORM ALL WORK ACCORDING TO THE CALIFORNIA ELECTRICAL CODE AND PUEB SERVICE REQUIREMENTS.
2. MAKE SERVICE POSSIBLE ACCORDING TO PUEB AND LOCAL REQUIREMENTS.
3. DETAIL BAR MOUNTED SERVICE ELECTRICAL POINTS AND COORDINATE INFORMATION WITH COUNTY INSPECTOR AND PUEB UNDERGROUND INSPECTOR. PAY ALL POINT AND INSPECTION FEES.
4. EQUIPMENT LOCATIONS ARE APPROXIMATE. EXACT LOCATIONS WILL BE DETERMINED IN THE FIELD.

**SHEET NOTES:**

- ① 120V/240V SERVICE PEGS, TYPED 20-000. MUST BE PUEB SERVICE STANDARDS. SEE DETAIL 1.
- ② 120V/240V SERVICE PEGS, TYPED 20-000. MUST BE PUEB SERVICE STANDARDS. SEE DETAIL 2.
- ③ 20 AMP. 120V/240V TRANSFORMER, 100% 20-000. PROVIDE ONE 120V BY BURNING WELL OR FILLER, AND ONE 240V ON EQUAL SIZE DETAIL 1. PROVIDE TWO 2-1/2" DIA. PEGS AND PUEB, TYPICAL OF ALL TRANSFORMERS.
- ④ 20 AMP. 120V/240V TRANSFORMER, 100% 20-000. PROVIDE ONE 120V BY BURNING WELL OR FILLER, AND ONE 240V ON EQUAL SIZE DETAIL 1.
- ⑤ 120V/240V SERVICE PEGS, TYPED 20-000. SIMILAR TO ① EXCEPT NO WELLS. PROVIDE ONE 120V BY BURNING WELL OR FILLER, AND ONE 240V ON EQUAL SIZE DETAIL 1.
- ⑥ 120V/240V SERVICE PEGS, TYPED 20-000. SIMILAR TO ② EXCEPT NO WELLS. PROVIDE ONE 120V BY BURNING WELL OR FILLER, AND ONE 240V ON EQUAL SIZE DETAIL 1.
- ⑦ ONE-SIDE OF ONE WELLS (CUT WELLS) SHOWN COPPER POWER CABLE, INSTALLED ACCORDING TO EC. SUITABLE FOR DIRECT BURIAL, AND ONE 1/2" DIA. BODY TYPICAL.
- ⑧ ONE-SIDE OF ONE WELLS (CUT WELLS) SHOWN COPPER POWER CABLE, INSTALLED ACCORDING TO EC. SUITABLE FOR DIRECT BURIAL, AND ONE 1/2" DIA. BODY TYPICAL.
- ⑨ PROVIDE ONE 6-PAIR FIBER OPTIC CABLE, INSTALLED ACCORDING TO EC. SUITABLE FOR DIRECT BURIAL, AND ONE 1/2" DIA. BODY TYPICAL.
- ⑩ PROVIDE ONE 6-PAIR FIBER OPTIC CABLE, INSTALLED ACCORDING TO EC. SUITABLE FOR DIRECT BURIAL, AND ONE 1/2" DIA. BODY TYPICAL.

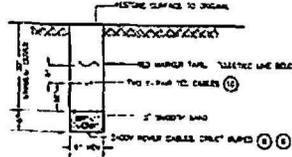


THERRINGTON RESIDENCE



RYAN WELL HOUSE

FILE COPY



TRENCH SECTION

**APPROVED PLAN**

SEP 9 1998  
 BY [Signature]  
 SAN MATEO COUNTY BUILDING INSPECTION DIVISION

**APPROVED**  
 SEP 11 1998  
 SAN MATEO COUNTY PLANNING COMMISSION

REGISTERED PROFESSIONAL ENGINEER  
 CARL W. GURBE  
 CIVIL  
 STATE OF CALIFORNIA

REGISTERED PROFESSIONAL ENGINEER  
 CARL W. GURBE  
 CIVIL  
 STATE OF CALIFORNIA

**RECEIVED**

SEP - 1 1998  
 SAN MATEO COUNTY BUILDING INSPECTION DIVISION

Hetherington/Gorman  
 ELECTRICAL SERVICE  
 Langley Hill Road  
 Woodside - San Mateo County - California

Carl W. Gurbe, P.E.  
 112 White Oak Way  
 San Carlos, CA 94070  
 (415) 221-4790

Jeff Sultan, P.E. (Elec)  
 2801 Camino de los Robles  
 Menlo Park, CA 94025  
 (415) 851-7595



## Exhibit D



To see all the details that are visible on the screen, use the "Print" link next to the map.



Exhibit E

9990966247033420000024091000000000

Account Number	Bill Date	Amount Due
9662470334-2	07/14/2010	No Payment Due

7232.21.466.97767 1 AT 0.357



MICHAEL HETHERINGTON  
PO BOX 61047  
PALO ALTO CA 94306-6047

PG&E  
BOX 997300  
SACRAMENTO CA  
95899-7300

200.0163

No payment is due. Please retain bill for your records. Thank you.

€

<b>Telephone Assistance</b> 1-800-743-5000 Assistance is available by telephone 24 hours per day, 7 days per week.
<b>Local Office Address</b> 275 INDUSTRIAL RD SAN CARLOS CA 94070
<b>Account Number</b> 9662470334-2

July 2010

**ACCOUNT SUMMARY**

<u>Service</u>	<u>Service Dates</u>	<u>Amount</u>
Electric	03/13/2010 To 07/13/2010	\$240.54
Energy Commission Tax		0.37
<b>TOTAL CURRENT CHARGES</b>		<b>\$240.91</b>
Previous Balance		199.31
07/13 Payment - Thank You		101.00-
04/05 Payment - Thank You		199.31-
06/15 Payment - Thank You		199.31-
05/05 Payment - Thank You		199.31-
<b>CREDIT BALANCE - NO PAYMENT DUE</b>		<b>\$258.71-</b>

This is your last paper bill. With e-Bills, you can now view and pay your bills at [www.pge.com](http://www.pge.com).

The summer electric baseline season began on May 1. Your total electric baseline quantities shown were calculated using your daily summer electric baseline quantities starting May 1 and your daily winter electric baseline quantities for any days in your billing period prior to May 1.

The California Alternate Rates for Energy (CARE) Program provides a monthly discount on energy bills for income-qualified households. Applying is free, easy and confidential. To see if you qualify, please visit [www.pge.com/care](http://www.pge.com/care) or call 1-866-743-2273.

El programa de California Alternate Rates for Energy (CARE) ofrece un descuento en la cuenta mensual de energía a los hogares que califican. Inscribirse en el programa es gratis, fácil y confidencial. Para determinar si califica, por favor visite nuestra página en el Internet [www.pge.com/care](http://www.pge.com/care) o llámenos al 1-866-743-2273.

For your convenience, PG&E offers four-hour appointment scheduling for service visits. If you have special scheduling needs, be sure to let us know when you call.

**Moving? Please call PG&E customer service at 1-800-PGE-5000 to notify us of your new mailing address.**



MICHAEL HETHERINGTON  
 120 LANGLEY HILL RD  
 REDWOOD CITY CA 94062

**ELECTRIC ACCOUNT DETAIL**

Service ID #: 9662470005  
 Rate Schedule: E1 QB Residential Service  
 Billing Days: 123 days

Serial	Rotating Outage Blk	Meter #	Prior Meter Read	Current Meter Read	Difference	Meter Constant	Usage
P	12E	1006596657	2,208	3,893	1,685	1	1,685 Kwh

Charges

03/13/2010 - 04/30/2010

Electric Charges							\$80.59
Baseline Quantity				617.40000 Kwh			
Baseline Usage				617.40000 Kwh @ \$0.11877			
101-130% of Baseline				53.86016 Kwh @ \$0.13502			
Net Charges							\$80.59

The net charges shown above include the following component(s).  
 Please see definitions on Page 2 of the bill.

Generation	\$29.42
Transmission	8.85
Distribution	24.20
Public Purpose Programs	8.27
Nuclear Decommissioning	0.20
DWR Bond Charge	3.46
Ongoing CTC	3.72
Energy Cost Recovery Amount	2.47

Taxes and Other

Energy Commission Tax	\$0.15
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Charges

05/01/2010 - 05/31/2010

Electric Charges							\$66.75
Baseline Quantity				257.30000 Kwh			
Baseline Usage				257.30000 Kwh @ \$0.11877			
101-130% of Baseline				77.19000 Kwh @ \$0.13502			
131-200% of Baseline				90.18480 Kwh @ \$0.28562			
Net Charges							\$66.75

The net charges shown above include the following component(s).  
 Please see definitions on Page 2 of the bill.

Generation	\$27.27
Transmission	5.60
Distribution	22.41
Public Purpose Programs	5.23
Nuclear Decommissioning	0.12
DWR Bond Charge	2.19
Ongoing CTC	2.36
Energy Cost Recovery Amount	1.57

Taxes and Other

Energy Commission Tax	\$0.09
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MICHAEL HETHERINGTON

Charges

06/01/2010 - 06/30/2010

Electric Charges		\$65.02
Baseline Quantity	249.00000 Kwh	
Baseline Usage	249.00000 Kwh @ \$0.11877	
101-130% of Baseline	74.70000 Kwh @ \$0.13502	
131-200% of Baseline	87.27561 Kwh @ \$0.29062	
Net Charges		\$65.02

The net charges shown above include the following component(s).  
Please see definitions on Page 2 of the bill.

Generation	\$27.88
Transmission	4.46
Distribution	22.21
Public Purpose Programs	5.03
Nuclear Decommissioning	0.12
DWR Bond Charge	2.11
Ongoing CTC	2.28
Energy Cost Recovery Amount	0.93

Taxes and Other

Energy Commission Tax	\$0.09
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Charges

07/01/2010 - 07/13/2010

Electric Charges		\$28.18 ←
Baseline Quantity	107.90000 Kwh	
Baseline Usage	107.90000 Kwh @ \$0.11877	
101-130% of Baseline	32.37000 Kwh @ \$0.13502	
131-200% of Baseline	37.81943 Kwh @ \$0.29062	
Net Charges		\$28.18

The net charges shown above include the following component(s).  
Please see definitions on Page 2 of the bill.

Generation	\$12.08
Transmission	1.93
Distribution	9.63
Public Purpose Programs	2.18
Nuclear Decommissioning	0.05
DWR Bond Charge	0.92
Ongoing CTC	0.99
Energy Cost Recovery Amount	0.40

Taxes and Other

Energy Commission Tax	\$0.04
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TOTAL CHARGES

\$240.91

Usage Comparison	Days Billed	Kwh Billed	Kwh per Day
This Year	123	1,685	13.7
Last Year	30	678	22.6

Rotating outage blocks are subject to change without advance notice due to operational conditions.

Generation includes charges for the portion of your energy usage provided by the Department of Water Resources (DWR) and is being collected by PG&E as an agent for DWR. DWR is collecting 23.139 cents per kWh from Bundled customers for each kWh it provides plus the Power Charge Indifference Adjustment component of the Cost Responsibility Surcharge from Direct Access and Transitional Bundled Service customers.

## Exhibit K

Environmental Services Agency



Planning and Building Division

**County of San Mateo**

Mail Drop #LN122 · 590 Hamilton Street · 2nd Floor · Redwood City  
California 94063 · Telephone 650/363-4161 · Fax 650/363-4849

**Board of Supervisors**

Ruben Barrales  
Richard S. Gordon  
Mary Griffin  
Tom Huening  
Michael D. Nevin

**Director of  
Environmental Services**  
Paul M. Koenig

**Planning Administrator**  
Terry L. Burnes

September 3, 1998

GWC Construction  
1912 White Oak Way  
San Carlos, CA 94070

SUBJECT: Status of Plan Review for Case Number ELE98-0166

ADDRESS: 120 Langley Hill Road, Woodside

The subject plan has been reviewed and the following comments apply:

The proposed location of the underground utilities does not follow the easement. Therefore, this permit cannot be issued unless the utilities are relocated within the easement or a new recorded easement is submitted.

Will C.  
Plan Reviewer

cc: Mr. Hetherington

Resolved  
WJC

## **EXHIBIT L**

**Hetherington Meter Readings**  
**Smart Meter Usage in Bold**  
 GE Meter Usage in regular print

	<b>Smart Meter Reading</b>	<b>Usage at 120 LHR</b>	<b>Amt. We Paid</b>	<b>GE Meter Reading</b>	<b>Usage at 60 LHR</b>
<b>Mar 14 2011</b>	9782 kwh	775 kwh	\$268.01	8351 kwh	<b>967 kwh</b>
<b>Feb. 12 2011</b>	8815 kwh	510 kwh	\$41.03	7676 kwh	<b>811 kwh</b>
<b>Jan. 12 2011</b>	8004 kwh	725 kwh	\$231.27	7166 kwh	<b>1088 kwh</b>
<b>Dec. 13 2010</b>	6916 kwh	725 kwh	\$115.60	not read	<b>951 kwh</b>
<b>Nov. 13 2010</b>	5965 kwh	421 kwh	0	5715 kwh	<b>712 kwh</b>
<b>Oct. 13 2010</b>	5253 kwh	306 kwh	0	5303 kwh	<b>601 kwh</b>
<b>Sept. 12 2010</b>	4652 kwh	165 kwh	0	4997 kwh	<b>340 kwh</b>
<b>Sept. 5(2) 2010</b>	4498 kwh	90 kwh	0	4922	<b>186 kwh</b>
<b>Aug. 25(1) 2010</b>	4312 kwh			4832 kwh	
<b>Aug. 23* 2010</b>	4291 kwh	<b>407 kwh</b>	0 (\$258 credit)	4793 kwh	789 kwh
<b>July 12* 2010</b>	3884 kwh	<b>303 kwh</b>	\$101.00	4004 kwh	570 kwh
<b>June 12* June 11 * 2010</b>	3581 kwh	<b>404 kwh</b>	\$199.31	3434 kwh 3417 kwh	702 kwh 685 kwh
<b>May 11 * 2010</b>	3177 kwh	<b>390 kwh</b>	\$199.31	2732 kwh	638 kwh

<b>April 10 * 2010</b>	2787 kwh	<b>579 kwh</b>	\$199.31	2094 kwh	830 kwh
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<b>March 17 * 2010</b>	2400 kwh				
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<b>Feb. 10 2010</b>	1295 kwh	721 kwh (from Jan. 5)	\$197.69	721 kwh	<b>915 kwh</b>
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<b>Jan. 10 2010</b>	380 kwh		\$185.59		
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<b>Jan. 5 2010</b>	GE meter installed at 120 Langley Hill Road (LHR)				0 kwh
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<b>Dec. 28 2009</b>	0 kwh Smart Meter installed at 60 Langley Hill Road (LHR)				
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\*Location according to Law; Pub. Util. Code sec. 8360; PG&E Electric Rule 16 B 1(b); PG&E Electric Rule 18

(1) Unlawful meter location; smart meter moved by PG&E 1.5 mi. away, back to neighbor (60 LHR)

(2) On Sept. 5 we took readings because we suspect an unauthorized electrician hooked up another pirate line to our electric service; Labor Day weekend.

(3) The GE meter is a second meter installed by our electrical engineer to monitor correct electric usage. If no power theft, the two "Usage" columns would be the same.

**EXHIBIT P**

CALIFORNIA CODES  
PUBLIC UTILITIES CODE  
SECTION 8360-8369

**8360.** It is the policy of the state to modernize the state's electrical transmission and distribution system to maintain safe, reliable, efficient, and secure electrical service, with infrastructure that can meet future growth in demand and achieve all of the following, which together characterize a smart grid:

(a) Increased use of cost-effective digital information and control technology to improve reliability, security, and efficiency of the electric grid.

(b) Dynamic optimization of grid operations and resources, including appropriate consideration for asset management and utilization of related grid operations and resources, with cost-effective full cyber security.

(c) Deployment and integration of cost-effective distributed resources and generation, including renewable resources.

(d) Development and incorporation of cost-effective demand response, demand-side resources, and energy-efficient resources.

(e) Deployment of cost-effective smart technologies, including real time, automated, interactive technologies that optimize the physical operation of appliances and consumer devices for metering, communications concerning grid operations and status, and distribution automation.

(f) Integration of cost-effective smart appliances and consumer devices.

(g) Deployment and integration of cost-effective advanced electricity storage and peak-shaving technologies, including plug-in electric and hybrid electric vehicles, and thermal-storage air-conditioning.

(h) Provide consumers with timely information and control options.

(i) Develop standards for communication and interoperability of appliances and equipment connected to the electric grid, including the infrastructure serving the grid.

(j) Identification and lowering of unreasonable or unnecessary barriers to adoption of smart grid technologies, practices, and services.

8361. For purposes of this chapter, "ISO" means the Independent System Operator operating pursuant to Article 3 (commencing with Section 345) of Chapter 2.3 of Part 1 of Division 1.

8362. (a) By July 1, 2010, the commission, in consultation with the Energy Commission, the ISO, and other key stakeholders shall determine the requirements for a smart grid deployment plan consistent with Section 8360 and federal law, including the provisions of Title XIII (commencing with Section 1301) of the Energy Independence and Security Act of 2007 (Public Law 110-140). The

commission shall institute a rulemaking or expand the scope of an existing rulemaking to adopt standards and protocols to ensure functionality and interoperability developed by public and private entities, including, but not limited to, the National Institute of Standards and Technology, Gridwise Architecture Council, the International Electrical and Electronics Engineers, and the National Electric Reliability Organization recognized by the Federal Energy Regulatory Commission. An adopted smart grid deployment plan may provide for deployment of cost-effective smart grid products, technologies, and services by entities other than electrical corporations. The smart grid technologies and services shall improve overall efficiency, reliability, and cost-effectiveness of electrical system operations, planning, and maintenance.

(b) This section does not require or authorize the commission to delay action on an application by an electrical corporation that is submitted prior to the commission determining the requirements for a smart grid deployment plan.

8363. This chapter shall be implemented in a manner that does not compromise customer or worker safety or the integrity or reliability of the electrical transmission and distribution system in this state.

8364. (a) By July 1, 2011, each electrical corporation shall develop and submit a smart grid deployment plan to the commission for approval.

(b) This section does not require or authorize the commission to delay action on an application by an electrical corporation that is submitted prior to the commission's approval of the electrical corporation's timely filed smart grid deployment plan.

8366. Smart grid technology may be deployed in a manner to maximize the benefit and minimize the cost to ratepayers and to achieve the benefits of smart grid technology. The commission, in consultation with the Energy Commission, the ISO, and electrical corporations, shall evaluate the impact of deployment on major initiatives and policies including:

- (a) Implementation of new advanced metering initiatives.
- (b) Achievement of the renewables portfolio standard program requirements and the need to operate the smart grid of the future with a substantial increased percentage of electricity generated by eligible renewable energy resources.
- (c) Achievement of state goals for reducing emissions of greenhouse gases as set forth in the California Global Warming Solutions Act of 2006 and other state directives.
- (d) Achievement of the energy efficiency and demand response goals as required by Sections 454.5 and 454.55 and other state directives.
- (e) Modernizing the aging utility grid infrastructure.
- (f) Meeting the future energy growth needs of the state with new and innovative technologies and methods that utilize the existing assets more efficiently, result in a less environmentally adverse net impact on the state, meet stringent costs versus benefit

assessments, and provide the ratepayers with new options in meeting their individual energy needs.

(g) Implementation of technology to improve worker safety, protection, and productivity.

8367. By January 1, 2011, and by January 1 of each year thereafter, the commission shall report to the Governor and the Legislature on the commission's recommendations for a smart grid, the plans and deployment of smart grid technologies by the state's electrical corporations, and the costs and benefits to ratepayers.

8368. The commission may modify or adjust the requirements of this chapter for any electrical corporation with fewer than 100,000 service connections, as individual circumstances merit.

8369. Each local publicly owned electric utility with more than 100,000 service connections, shall, by July 1, 2011, develop a smart grid deployment plan, that is consistent with federal law, including the provisions of Title XIII (commencing with Section 1301) of the Energy Independence and Security Act of 2007 (Public Law 110-140).

assessments, and provide the ratepayers with new options in meeting their individual energy needs.

(g) Implementation of technology to improve worker safety, protection, and productivity.

8367. By January 1, 2011, and by January 1 of each year thereafter, the commission shall report to the Governor and the Legislature on the commission's recommendations for a smart grid, the plans and deployment of smart grid technologies by the state's electrical corporations, and the costs and benefits to ratepayers.

8368. The commission may modify or adjust the requirements of this chapter for any electrical corporation with fewer than 100,000 service connections, as individual circumstances merit.

8369. Each local publicly owned electric utility with more than 100,000 service connections, shall, by July 1, 2011, develop a smart grid deployment plan, that is consistent with federal law, including the provisions of Title XIII (commencing with Section 1301) of the Energy Independence and Security Act of 2007 (Public Law 110-140).



**ELECTRIC RULE NO. 18**  
 SUPPLY TO SEPARATE PREMISES AND SUBMETERING OF ELECTRIC  
 ENERGY

Sheet 1

**A. SEPARATE METERING**

Separate premises, even though owned by the same customer, will not be supplied through the same meter, except as may be specifically provided for in the applicable rate schedule.

**B. OTHER USES OR PREMISES**

A customer shall not furnish or use electricity received from PG&E upon premises, or for purposes, other than those specified in his application for service.

**C. FURNISHING AND METERING OF ELECTRICITY**

**1. RESIDENTIAL SERVICE**

PG&E will furnish and meter electricity to each individual residential dwelling unit, except:

- a. Where electricity is furnished under a rate schedule that specifically provides for resale service; or
- b. Where a customer, or his predecessors in interest on the same premises, was a customer on June 13, 1978, receiving electricity through a single meter to an apartment house, mobile home park, or other multifamily accommodation, and the cost of electricity is absorbed in the rental for the individual dwelling unit, there is no separate identifiable charge by such customer to the tenants for electricity, and the rent does not vary with electric consumption; or
- c. Where a customer or his predecessors in interest on the same premises was a customer on December 14, 1981, and submeters and furnishes electricity to residential tenants at the same rates and charges that would be applicable if the user were purchasing such electricity directly from PG&E; or
- d. Where a mobile home park or manufactured housing community developer, owner or operator who installs, owns and operates the electric distribution system within the park, submeters and furnishes electricity to residential tenants in each occupancy, charges the same rates that would be applicable if the user were purchasing such electricity directly from PG&E, unless construction of a new mobilehome park, or manufactured housing community commenced after January 1, 1997. (T)

(Continued)

Advice Letter No: 1649-E  
 Decision No.

Issued by  
**Gordon R. Smith**  
 Vice President  
 and Chief Financial Officer

Date Filed	February 4, 1997
Effective	February 4, 1997
Resolution No.	_____



**ELECTRIC RULE NO. 18**  
 SUPPLY TO SEPARATE PREMISES AND SUBMETERING OF ELECTRIC  
 ENERGY

Sheet 2

C. FURNISHING AND METERING OF ELECTRICITY (Cont'd.)

1. RESIDENTIAL SERVICE (Cont'd.)

e. Nothing in this section shall prevent PG&E from furnishing separately-metered service to electric equipment used in common by residential tenants or owners.

2. NONRESIDENTIAL SERVICE

PG&E will furnish and meter electricity to each individual nonresidential premises or space, except:

a. Where electricity is furnished under a rate schedule that specifically provides for resale service; or

b. Where a customer is receiving electricity through a single meter and the cost of electricity is absorbed in the rental for the individual premises or spaces, there is no separate identifiable charge by such customer to the tenants for electricity, and the rent does not vary with electric consumption; or where all of the following conditions are met: (T)

1) Service is supplied to a high rise building\* which is owned or managed by a single entity on a single premises; and (N)

2) Where a master-meter customer installs, owns, and maintains electric submeters on its existing building's distribution system for cost allocation of dynamic pricing and/or conservation incentive purposes the cost of electricity allocated to the commercial building tenants will be billed at the same rate as the master meter billed by PG&E under the CPUC approved rate schedule servicing the master meter. (N)

c. Where, in the sole opinion of PG&E, it is impractical for PG&E to meter individually each premises or space. In such a case, PG&E will meter those premises or spaces that it is practical to meter, if any.

d. Where the Commission has authorized PG&E to supply electric service through a single meter and to furnish service to nonresidential tenants on the same basis as in 1.c. above.

\* See Rule 1 for definition of High Rise Building. (N)

(Continued)



**ELECTRIC RULE NO. 18**  
 SUPPLY TO SEPARATE PREMISES AND SUBMETERING OF ELECTRIC  
 ENERGY

Sheet 3

C. FURNISHING AND METERING OF ELECTRICITY (Cont'd.)

3. MARINAS AND SMALL CRAFT HARBORS

Notwithstanding any other provision of this rule, PG&E will furnish electrical service to the master-meter customer at a privately or publicly owned marina or small craft harbor. The master-meter customer may submeter individual slips or berths at the marina or harbor but may not submeter any land-based facility or tenant.

If the master-meter customer submeters and furnishes electricity to individual slips or berths, the rates and charges to the user must not exceed those that would apply if the user were purchasing such electricity directly from PG&E.

4. COLD-IRONING LOAD

Cold-ironing load is defined as the use of shore-supplied electricity for the lights, heating, cooling, machinery, and other needs of an ocean-going vessel while at berth or otherwise electrically connected, as replacement for the vessel's auxiliary internal electric generation.

- a. A master-metered customer may submeter a ship's cold-ironing load aboard an ocean-going vessel at the Port of San Francisco or the Port of Oakland but may not submeter any other load or land-based facility.
- b. If the master-metered customer submeters cold-ironing load to an ocean-going vessel, the rates and charges to the sub-metered user must not exceed those rates and charges the master-metered customer is billed by PG&E for such services.

5. RECREATIONAL VEHICLE (RV) PARKS

PG&E will provide electric service to all spaces in an RV park through one meter unless the condition under c. below applies. PG&E will not provide individual metering to each RV space.

(N)

(N)

(T)

(L)

(Continued)



**ELECTRIC RULE NO. 18**  
 SUPPLY TO SEPARATE PREMISES AND SUBMETERING OF ELECTRIC  
 ENERGY

Sheet 4

C. FURNISHING AND METERING OF ELECTRICITY (Cont'd.)

4. RECREATIONAL VEHICLE (RV) PARKS (Cont'd.)

(N)

Where the master-metered RV park owner/operator does not submeter the electric service to the RV spaces, such energy use shall be absorbed in the tenant's rental charge which cannot vary month to month.

Where the master-metered RV park owner/operator installed submeters prior to May 15, 1962 (see condition a. above), the owner/operator may bill the RV park tenants for such energy use, provided the billings are calculated using the same rate schedules PG&E uses for billing its customers.

Where the master-metered RV park owner/operator submeters the electric service to the permanent-residence RV park spaces under Schedule ESR (see conditions b. and c. above), the owner/operator will bill the prepaid monthly tenants for such energy use using the same rate schedules PG&E uses for billing its residential customers.

(N)

D. TESTING OF SUBMETERS

As a condition of service for submetering, where electric energy is furnished in accordance with Paragraphs C.1., C.2., C.3, and C.4. above, customers using submeters as a basis for charges for electricity shall submit to PG&E certification by a meter testing laboratory, satisfactory to PG&E, as to the accuracy of the submeters upon initial installation of such submeters, or for existing submeters upon request of PG&E. As a further condition of service for submetering, the customer shall agree that he will be governed by PG&E's Rule 17, Meter Tests and Adjustment of Bills for Meter Error, with the exception that the word "subcustomer" be substituted for "customer" and the words "Utility's customer" be substituted for "Company." As a further condition of service for submetering, the customer shall agree that PG&E may inspect and examine customer's billing procedures from time to time to determine that such service is made in accordance with this rule or as otherwise may be authorized by the Commission.

(T)

E. In the event such energy is furnished or resold otherwise than as provided for above, PG&E may either discontinue service to the customer or, where feasible, furnish electric energy directly to the subcustomer in accordance with PG&E's tariff on file with the Commission.