



**BEFORE THE CALIFORNIA PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

FILED

08-23-11

04:59 PM

Application of PACIFIC GAS AND
ELECTRIC COMPANY for Approval of
Modifications to its SmartMeter™ Program
and Increased Revenue Requirements to
Recover the Costs of the Modifications

(U-39-M)

Application No. 11-03-014

(Filed March 24, 2011)

WILNER & ASSOCIATES' MOTION FOR RULINGS ON OUTSTANDING MOTIONS

Dated: August 23, 2011

David L. Wilner
Wilner & Associates
P.O. Box 2340
Novato, CA 94948-2340
415-898-1200

DavidLWilner@aol.com

**BEFORE THE CALIFORNIA PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Application of PACIFIC GAS AND
ELECTRIC COMPANY for Approval of
Modifications to its SmartMeter™ Program
and Increased Revenue Requirements to
Recover the Costs of the Modifications

(U-39-M)

Application No. 11-03-014

(Filed March 24, 2011)

WILNER & ASSOCIATES' MOTION FOR RULINGS ON OUTSTANDING MOTIONS

Pursuant to Rule 11.1 of the California Public Utilities Commission's (Commission) Rules of Practice and Procedure, Wilner & Associates (Wilner) respectfully requests the assigned Administrative Law Judge (ALJ) to rule on the outstanding motions described herein to ensure that Wilner is not denied procedural due process in this matter.

I. INTRODUCTION

Pity PG&E's ratepayers and the people of the State of California that must rely on the Commission to protect their health and safety. Pity the consumer groups and other parties in this proceeding that are attempting to stand up for ratepayers' rights. They too are being denied due process as a result of the Commission's bias toward PG&E. It is obvious that the Commission has already decided this matter in favor of PG&E, and the workshops, hearings, and other process to follow are intended to give the appearance that the Commission has fulfilled its constitutional duty to ensure that PG&E provides safe and reliable service to its customers.

Pity the poor customers that suffer serious health problems when a SmartMeter is installed on their property, and are hoping that this proceeding will bring them relief. How is it that the people employed by PG&E and the Commission can be so cold-hearted as to allow corporate profits to come before peoples' health and safety? No wonder people are losing confidence in government. Their constitutional right to petition government to seek relief for their grievances is being denied here.

II. OUTSTANDING MOTIONS

MOTION TO REQUIRE PG&E TO CONDUCT SMARTMETER HEALTH STUDY (Filed May 3, 2011 – Unopposed)

This motion requested that the Commission order PG&E to conduct a study to confirm that installing a SmartMeter with the Radio Frequency (RF) transmitter disconnected would provide relief to customers with health problems. Although PG&E has not provided any evidence to show that its proposal will help those customers, the Commission has chosen to go forward without ruling on Wilner's motion. This constitutes a denial of due process.

MOTION TO REQUIRE DRA TO OVERSEE THE PG&E SMARTMETER HEALTH STUDY (Filed May 4, 2011 – Unopposed)

This motion requested the Commission to require the Division of Ratepayer Advocates (DRA) to oversee the study proposed by Wilner to make sure that it is fair to PG&E's customers. The Commission's failure to rule on this motion constitutes a denial of due process.

MOTION TO AMEND PROTEST (Filed May 5, 2011 – Unopposed)

The motion to amend Wilner's Protest in this matter was intended to designate the proceeding as quasi-legislative because a decision would affect other investor-owned utilities in

California. This was also to avoid the problem of the ratemaking proceeding being focused exclusively on whether the costs for the opt-out option proposed by PG&E are just and reasonable. The Amended Protest attached to the motion also requested the Commission to order the study referred to in the motions described above, including review by its staff, and a discussion of the findings during the workshop scheduled in this matter (see p. 6 of the Amended Protest). The Commission's failure to rule on this motion constitutes a denial of due process.

MOTION TO TAKE JUDICIAL NOTICE AND MAKE
CERTAIN DOCUMENTS PART OF THE RECORD
(Filed June 3, 2011 – Unopposed)

This motion requested the Commission to take judicial notice of: 1) a determination by the World Health Organization (WHO) that RF emissions similar to those from a SmartMeter might be a possible carcinogen; 2) a ruling by the Maine Public Utilities Commission approving an analog meter option for utility customers in that State; and 3) nine letters from PG&E's customers stating that disconnecting the RF transmitter in the SmartMeter (as proposed by the utility) may not solve their health concerns. This included a letter from a noted physician and epidemiologist offering important comments on PG&E's opt-out proposal. At present, these documents are in the Commission's correspondence file, and not part of the record in this proceeding. The Commission's failure to rule on this motion constitutes a denial of due process.

MOTION TO REQUIRE PG&E TO INCLUDE AN ANALOG METER
OPTION AS PART OF ITS SMARTMETER OPT-OUT PROPOSAL
(Filed June 9, 2011 – Opposed by PG&E)

This motion requested the Commission to order PG&E to include an analog meter as an alternative option to its opt-out program. This would ensure relief for people that suffer health

problems when a SmartMeter is installed on their property. The Commission's failure to rule on this motion constitutes a denial of due process.

III. CONCLUSION

Clearly, the Commission is moving forward in this proceeding without any concern for the health and safety of PG&E's customers and the people of this State. The Commission must give consideration to and act upon Wilner's outstanding motions before conducting the workshop scheduled for September 14, 2011, or otherwise continuing in this matter.

WHEREFORE, for the reasons set forth herein, this motion should be granted.

Respectfully submitted,

/s/

David L. Wilner
Wilner & Associates
P.O. Box 2340
Novato, CA 94948-2340
415-898-1200
DavidLWilner@aol.com

Dated: August 23, 2011