

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Vera Sokolova & Alexei Kacharovsky,	
	Complainants,
vs.	
Pacific Gas and Electric Company (U38E),	
	Defendant.

(ECP)
Case 10-10-019
(Filed October 27, 2010)

Vera Sokolova and Alexei Kacharovsky, in pro per,
complainants.

Laura Penron, Senior Consultant, for Pacific Gas and
Electric Company, defendant.

DECISION ON EXPEDITED COMPLAINT PROCEDURE COMPLAINT

Administrative Law Judge Victor D. Ryerson heard this matter on December 21, 2010, in San Francisco. The hearing concluded, and the matter was submitted, on that date.

Complainants seek a \$1,400 adjustment of charges billed by defendant Pacific Gas and Electric Company (PG&E) for electric service since the initial installation of a Smart Meter™ (SM#1) at their residence, and further seek an order that PG&E be required to maintain the analog meter that was installed to operate in tandem with the replacement Smart Meter™ so they may verify PG&E's billings. Complainants claim that these measures are necessary to

remedy metering and billing problems they experienced after SM#1 was installed, and to prevent PG&E from overbilling in the future.

PG&E installed SM#1 on November 18, 2009. Complainants' bills increased significantly to double or triple historical levels for the first three months following the installation of SM#1. Complainants credibly testified that they did not increase their load after the meter was installed. PG&E claims that the complainants' recorded usage and billing from the installation of SM#1 until April 13, 2010, was based upon validated daily meter reads, but agrees that complainants' recorded usage increased during the first three months after SM#1 was installed. Complainants vehemently complained to PG&E about the discrepancy after SM#1 was installed, and eventually filed an informal complaint, and then this formal complaint, with the Commission. Complainants also enlisted the aid of "Seven on Your Side," a televised consumer assistance program.¹ These efforts eventually caused PG&E to investigate the problem.

On March 18, 2010, PG&E tested SM#1 in the presence of complainant Alexei Kacharovsky. The meter tested within the accuracy limits (plus/minus 2 per cent) prescribed by PG&E Electric Tariff Rule 17.A. Consequently, there was no apparent explanation relating to the metering of usage that would explain the complainants' higher bills. However, the parties agree that the meter had the effect of activating a motion detector on the side of the complainants' house, causing it to turn on an associated floodlight, and PG&E concedes that this increased complainants' electric usage. There is no evidence in the record

¹ At the hearing defendant's principal witness conceded that PG&E's customer service organization was not well informed about Smart Meter™ issues, and admitted that it had not handled complainants' situation well.

enabling us to quantify the amount that this phenomenon increased complainants' usage or billing.

On April 14, 2010, SM#1 stopped transmitting electric usage readings, but continued to measure usage. On June 15 PG&E manually obtained a meter reading from SM#1 for billing purposes, and replaced it with another meter (SM#2). Before its removal, SM #1 was again tested by PG&E, and its accuracy was again verified. When it was replaced, PG&E also installed an electromechanical meter (which was likewise tested for accuracy onsite) so that PG&E could conduct side-by-side testing.

From June 15 to September 7, 2010, PG&E manually read both meters on a weekly basis. Comparison of the readings demonstrated that the meters were consistent, and were recording within the permitted tolerance. On September 14 PG&E went to the premises to remove the electromechanical meter, and discovered that the display on SM#2 was blank. Subsequent investigation disclosed that PG&E had received the last daily transmittal from SM#2 on September 11. PG&E has estimated complainants' bills, based upon historical billing, from September 10 to the present.

At the complainants' insistence, PG&E has not removed the electromechanical meter. Complainant Kacharovsky is an engineering technician employed by Dolby Laboratories, and is knowledgeable about the physics principles underlying both electromechanical metering and Smart Meters™. He is distrustful of the methodology utilized by Smart Meters™ for measuring power usage. He testified that he conducted a load testing experiment with SM#1 by turning off all but four rated lights, and that the results demonstrated inaccurately high measurement of the actual load. He seeks to have the

electromechanical meter left in place as a reference meter in order to provide continued comparison readings.

The metered usage reflected by complainants' billing information for the period from November 18, 2009, through April 29, 2010, supports their contention that their billings tripled in amount after SM#1 was installed. The cause of the discrepancy has not been fully explained, but the weight of the evidence demonstrates that the increase was not caused by any actions of the complainants. Based upon the historical level of their billing, we will grant their request for a \$1,400 adjustment.

The question of whether a customer may opt out of PG&E's Smart MeterTM program is currently being considered by the Commission, and PG&E recently submitted a proposal that is under review in Application 11-03-014. Pending a final determination on the matter, we perceive no harm in granting complainants' request that their electromechanical meter be left in place, as long as PG&E is permitted access to the tandem meters to record the comparative readings from SM#2.

Assignment of Proceeding

Timothy Alan Simon is the assigned Commissioner, and Victor D. Ryerson is the assigned Administrative Law Judge in this proceeding.

O R D E R

IT IS ORDERED that:

1. Defendant, Pacific Gas and Electric Company, shall immediately true up complainants' account, number 4116215379-9, and refund (or credit) charges in the amount of \$1,400.00.

2. Defendant shall maintain and operate the electromechanical meter currently installed in tandem with the Smart Meter™ at complainants' residence until the Commission issues a final rule or order in Application 11-03-014, provided that complainants do not deny defendant access to the meters in accordance with defendant's tariff rules. The Commission's final rule or order in Application 11-03-014 shall supersede our order in this Ordering Paragraph, and the parties' rights and obligations shall be governed thereby.

3. Case 10-10-019 is closed.

This order is effective today.

Dated _____, 2011, at San Francisco, California.