

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company for Approval of Modifications to its SmartMeter™ Program and Increased Revenue Requirements to Recover the Costs of the Modifications (U39M).

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

And Related Matters.

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

CENTER FOR ELECTROSMOG PREVENTION MOTION FOR CONSIDERING THE REQUIREMENTS OF SECTION 451 ON THE MATTERS INCLUDED IN THIS PROCEEDING

Summary

California Public Utilities Code section 451¹ (Section 451) requires the California Public Utilities Commission (CPUC or Commission) to consider risks and hazards to the public. This proceeding has not taken evidence concerning the safety of smart meters installed in California. The Commission adopted a Safety Policy Statement of the California Public Utilities Commission on July 10, 2014, stating that: “The CPUC’s overall mission is to protect consumers and ensure the provision of safe, reliable utility service and infrastructure at reasonable rates, with a commitment to environmental enhancement and a healthy economy.”

¹ California Public Utilities Code section 451:

“All charges demanded or received by any public utility, or by any two or more public utilities, for any product or commodity furnished or to be furnished or any service rendered or to be rendered shall be just and reasonable. Every unjust or unreasonable charge demanded or received for such product or commodity or service is unlawful.

Every public utility shall furnish and maintain such adequate, efficient, just, and reasonable service, instrumentalities, equipment, and facilities, including telephone facilities, as defined in Section 54.1 of the Civil Code, as are necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public.

All rules made by public utility affecting or pertaining to its charges or service to the public shall be just and reasonable.”

Specifically the Safety Policy said: “Commissioners commit to do the following:

- Certify through signature on Scoping Memos that our proceedings cover key safety and resiliency questions that will be answered during the course of the proceeding.”

PU Code section 963(b)² states that gas customers must not be charged separate fees to receive safe, basic gas service. Yet customers who opt-out of having a smart gas meter installed and instead have an analog meter, are being charged an installation charge and a monthly fee.

Background

The amended scoping memorandum for these proceedings issued on June 8, 2012, does not address the Section 451 requirements. But, there is ample time to add these important considerations to these proceeding since Decision (D.) 14-07-017 recently extended the statutory deadline to resolve them until October 4, 2014.

The issues remaining to be addressed before the extension of the statutory deadline were identified during the evidentiary hearings held in November 2012. These issues included the health effects of smart meter electromagnetic emissions and the rules for allowing communities to implement smart meter opt-out policies.

Recommendation

CEP recommends that the Commission issue a new scoping memorandum describing the process for addressing the risks and hazards presented by the smart meter deployment. This could include additional evidentiary hearings.

This process should begin immediately because the statutory deadline expires in two months.

² “(b) The Legislature finds and declares all of the following:

- (1) In order to ensure that all core customers of a gas corporation continue to receive safe basic gas service, each existing gas corporation shall continue to provide this essential service.
- (2) A customer shall not be required to pay separate fees for utilizing services that protect public or customer safety.
- (3) It is the policy of the state that the commission and each gas corporation place safety of the public and gas corporation employees as the top priority. The commission shall take all reasonable and appropriate actions necessary to carry out the safety priority policy of this paragraph consistent with the principle of just and reasonable cost-based rates.”

Respectfully submitted,

 /S/
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August 1, 2014