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CPUC Energy Division
ED Tariff Unit
505 Van Ness Avenue, 4th Floor
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Subject: Smart Meter Opt Out Balancing Accounts

Subject: Advice Letter 2712_E/2369_G, San Diego Gas & Electric Company (SDG&E); Advice Letter 3568-G/4594-E, Pacific Gas and Electric Company (PG&E); and Advice Letter 3172-E, Southern California Edison Company (SCE)

The Center for Electrosmog Prevention (CEP) protests the subject advice letters submitted in the California Public Utilities Commission (CPUC) smart meter opt-out proceedings, Application (A.) 11-03-014 *et al.* after Decision (D.)14-12-078 was issued on December 23, 2014. CEP objects to the advice filings implementing D.14-12-078 Ordering Paragraph (OP) 25 because the CPUC Rules of Practice and Procedure Rule 15.4 states that the decision became effective 20 days after it was implemented but the utilities delayed implementing OP 25 until after the advice letters were issued. CEP believes that OP 25 was effective on January 20, 2015, and that the meter reading changes took effect on that day. Therefore, the opt-out charges should be calculated from the effective date of D.14-12-078.

Additionally, if the CPUC determines that it will allow advice letters after January 20, 2015, the following should be taken into consideration and corrected:

1. CEP objects to SCE's Advice filing 3172-E because it states that the opt-out customer may receive a non-analog meter.¹ However D.14-12-078 states² that only the all-analog meter is acceptable. CEP asks that the subject advice filings be revised to preclude using any electric meter type other than the all-analog meters.

¹ Revised Cal. PUC Sheet No. 56208-E

² D.14-12-078 p.38 section 4.6 "In a rare show of unanimity, all IOUs² and intervenors agree that the only opt-out option should be an all-analog meter. We see no reason to require the IOUs to offer multiple meter types. Expanding the range of options would only increase program costs while providing a service in which no one seems interested. We affirm the finding in D.12-02-014 that an analog meter is the only option available to those who opt-out of smart meter service."

2. CEP objects to any language which uses any wording implying the terms and conditions of the Decision are optional, such as "at the utility's discretion", ex. SDG&E's advice letter, p. 13: "When the Utility, *at its sole discretion, elects to read a meter on a bi-monthly basis*" and also on p. 13 in SDG&E's advice letter: *If the greater of five (5) percent or twenty-five (25) customers in the affected areas collectively object to the bi-monthly or quarterly meter reading, the Utility will revert the affected area to a monthly meter reading schedule.* In PG&E's advice letter, p. 13, " *At PG&E's discretion*, the SmartMeter™-module will be removed from the gas meter, or the gas meter will be exchanged for an analog gas meter, at premises where PG&E provides gas service."... which implies it is optional to carry out the actions directed by the Decision. All advice letters should be rewritten to eliminate wording that imply the terms of the Decision are optional.
3. CEP objects to any wording in the advice letters that changes the intent³ of the Decision, by adding new terms and conditions to the Decision.
 - a. In SDG&E's advice letter, again on p. 13, "quarterly reading" is mentioned as if that is a choice under the Decision. Bi-monthly readings were specifically determined to be the only reading period to be used, immediately, for all opt-out customers; therefore the utilities cannot read meters monthly or quarterly, under any conditions.
 - b. In SDG&E's advice letter, on p. 13, it says that the utility will not combine readings of two meters on the same property, even though the Decision states that this shall be done. (Conclusion of Law 21 of the Decision states that the fees will not change regardless of the kind or number of meters that are read at a single premises and Advice letter revised sheet 26153-E states that the reading of separate meters is not combined.)

1. ³ Ordering Paragraph 25: "Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company and Southern California Gas Company shall implement bi-monthly (every two months) meter reading bill plan for customers who elect the smart meter opt-out option." The decision states on page 4 that changes to these procedures can be proposed in the utility company's next general rate case application.

- c. In SDG&E's advice letter, p. 13 Part C. Estimated Bills: "Estimated consumption for this purpose will be calculated considering the customer's prior usage, the Utility's experience with other customers of the same class in that area, and the general characteristics of the customer's operations." CEP believes that in all cases, for all utilities, as explained in SDG&E's introduction, estimated bills *must be based on the customer's average daily use of the prior month*. Otherwise this opens the door to overcharging of opt-out customers during the estimation period, which has been a reported practice according to some utility customers.
- d. CEP objects to any punitive measures mentioned in the advice letters, or derived from carrying out the opt-out that could lead to customer harassment, discouragement from being part of the opt-out program, or being shut off from customer electric or gas service in connection with opt-out billing or access to property, including when animals are present or gates are locked. CEP believes that utilities should work with customers to find an acceptable solution for each customer to read the analog meters for those who cannot take 1-3 days off from work to be present, or allow the utility unrestricted, unsupervised access which has led to gates being left open in neighborhoods where robberies often occur or animals getting loose. Some utility customers have complained that the utility had previously (just before the smart meters were installed) allowed self-reading with occasional true-ups by appointment or reading meters by appointment monthly, etc., to deal with these situations, but rather, with the opt-out program, some opt-out customers have felt they are being harassed with high estimation bills that are 2-3+ times higher and are forced to take many days off from work per year to be present while meters are being read. At times opt-out customers have even stayed home from work on the appointed day only to be told at the end of the day that it would be another day for the meter read. In one egregious case, an opt-out customer of SDG&E with a meter in his/her fenced backyard, has, reportedly been told that they can no longer keep animals in their

yard day or night, as SDG&E wants unrestricted access 24/7, and if caught doing so, day or night, will have their electric and gas service shut off.

4. CEP asserts that the Decision informs utilities that multiple meters on a property will be read at the same time, thus reducing cost of the opt-out. The advice letters should be rewritten to incorporate this important term of the opt-out, to save millions of customer dollars in costs over time. Reads of the opt-out analog meters at apartment buildings and in neighborhoods could all be scheduled together to save costs, and customer costs for the opt-out could go down for the first three years of opt-out services, rather than staying the same or going up.
5. CEP objects to any practice which would cause the opt-out to become a source of profit for the utility companies. The opt-out should be "at cost" and costs should not be inflated by any and all unnecessary and wasteful practices.
 - a. For instance, for a period of time, in one case that CEP knows of, each of the analog electric and analog gas meters were being read by different utility personnel on different days for two neighbors side by side, in SDG&E's territory, till it was brought to their attention.
 - b. It has been observed that SDG&E does not use actual experienced meter readers. These must not be claimed as "meter readers" in costs. Those reading the meters are out in the field as bill collectors. They have been known to misread meters and cause large bills for some customers.
 - c. CEP also asserts that exit fees for opt-outs must not be charged to individual customers or the customer base as a whole.
6. CEP asserts that customers should be assisted to opt-out, rather than discouraged from doing so or with the opt-out option kept from them.
 - a. For instance, customers are not aware of the opt-out availability, or the terms of the opt-out, including not having to pay fees after the first three years. CEP therefore requests that the utilities include in their advice letters, that in each of their monthly newsletters, they will incorporate an informational piece that informs customers they may opt-out of the smart

meter program, that fees are limited to 3 years, and how to do so, without any negative comments regarding the opt-out as an option.

- b. Utilities should also conduct trainings of their personnel answering phones to inform them how to help people opt-out easily. Customers from multiple utilities have informed CEP that they are told over the phone by utility representatives that there is no opt-out, or may be transferred around or kept on the phone a long time, when requesting an opt-out.
 - c. Utilities should include how they will offer analog opt-out meters to solar customers, without extra costs or punitive practices, discrimination due to being on a solar program or opting out, utilizing the full terms and conditions in the Decision.
7. CEP requests that independent oversight and audits of all opt-out utility program practices and costs should be ongoing, with oversight by DRA, and full public transparency for all oversight, findings and communications, with quarterly public reports at minimum.

CEP agrees with and supports the protests submitted by the Aglet Consumers Alliance concerning the subject advice filings.

This protest was sent to the subject utilities today, the day on which the protest was submitted to the reviewing CPUC Energy Division.

Respectfully submitted,

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