

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

Application of PACIFIC GAS AND
ELECTRIC COMPANY (U-39-E) for
Authority to Increase Revenue
Requirements to Recover the Costs to
Upgrade its SmartMeter™ Program

Application No. 07-12-009
(Filed December 12, 2007)

**MOTION FOR EXPEDITED TREATMENT OF THE CITY AND COUNTY OF
SAN FRANCISCO'S PETITION TO MODIFY DECISION 09-03-026 TO
TEMPORARILY SUSPEND PACIFIC GAS AND ELECTRIC COMPANY'S
DEPLOYMENT OF SMARTMETERS**

The City and County of San Francisco ("City") submits this motion, under California Public Utilities Commission ("Commission") Rule of Practice 11.1, to expedite the time to respond to the City's petition to modify Decision ("D.") 09-03-026 issued in this proceeding. The City further requests that the Commission expedite its consideration of the petition so that the residents of San Francisco and other counties scheduled for SmartMeter installation can be assured that they are receiving properly functioning meters and accurate billing statements. The City is filing the petition to modify today, along with this motion.

In D.09-03-026, the Commission granted the application of Pacific Gas and Electric Company ("PG&E") to increase revenue requirements and recover the costs to upgrade its SmartMeter Program. In its petition to modify, the City has asked the Commission to modify D. 09-03-26 by temporarily suspending PG&E's deployment of its SmartMeter program until the Commission's investigation is complete.

As fully discussed in the City's petition to modify, PG&E's efforts to transition from traditional to advanced meters have been plagued with problems from

the outset and those problems continue. PG&E has admitted to, among other problems, having to replace almost 45,000 meters. PG&E acknowledges that there are presently 12,826 installed SmartMeters that are not properly either transmitting or storing billing information. In response to public outcry, the Commission has obtained an independent consultant to investigate PG&E's SmartMeter deployment. The Commission's expert is expected to issue a report sometime in August.

The City submitted its petition to modify now because PG&E has indicated it will begin installing SmartMeters in San Francisco in July.¹ In the petition, the City asks the Commission to exercise prudence and act before San Francisco's residents, as well as customers in other cities, are forced to deal with the same types of problems faced by customers in other communities where PG&E has deployed SmartMeters.²

In light of PG&E's plan to begin deployment in July, the normal deadlines for hearing a petition to modify will not give the Commission adequate time to hear and decide the City's petition. For this reason, it is appropriate for the Commission to hear the City's petition to modify on an expedited schedule.

Under Commission Rule of Practice 16, responses to a petition to modify must be filed within 30 days. With the permission of the assigned Administrative Law Judge, the moving party would then have ten days to file a reply to any response. But the Commission can act without waiting for responses, and it should do so here. Given the exigent nature of the City's request, the Commission should act now and suspend future installations. There is no need to wait for responses to the City's petition to modify.

¹ PG&E's SmartMeter Report, p. 18 (April 28, 2010).

² The Commission's temporary suspension will protect millions of PG&E customers. PG&E has now installed nearly 5.8 million SmartMeters throughout its service territory and plans to install another 3.9 million. (PG&E's SmartMeter Program Data, p.1 (6/8/2010)).

If the Commission determines that a response from PG&E is necessary, the Commission should shorten the time for responses from 30 days to six business days (responses would be due on June 25, 2010), and the time for the City to file a reply from ten days to two business days (the City's reply would be due on June 29, 2010). Shortening the briefing schedule in this manner will make it possible for the Commission to put a draft decision on its calendar for its meeting on July 8, 2010.³

PG&E will not be prejudiced if the Commission grants the expedited treatment requested in this motion. In its petition, the City does not seek to modify any of the substantive issues the Commission decided in D.09-03-026. Rather, the City asks the Commission to temporarily suspend PG&E's present deployment of its SmartMeters so as to prevent further harm to ratepayers. Because of the limited nature of the relief sought in the City's petition, PG&E should be able to respond to the petition in seven days.

³ Under Public Utilities Code § 311, and Commission Rule of Practice and Procedure 14.6(c)(1), the Commission could waive the 30-day public review and comment period on the draft decision. See D.10-05-018 at 6-7, *Order Instituting Rulemaking to Develop Additional Methods to Implement the California Renewables Portfolio Standard Program* (May 6, 2010) (staying D.10-03-021).

The City respectfully requests that the Commission decide its petition to modify on an expedited basis as set forth herein.

Dated: June 17, 2010

DENNIS J. HERRERA
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By: _____ /S/
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CERTIFICATE OF SERVICE

I, **PAULA FERNANDEZ**, declare that:

I am employed in the City and County of San Francisco, State of California. I am over the age of eighteen years and not a party to the within action. My business address is City Attorney's Office, City Hall, Room 234, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102; telephone (415) 554-4623.

On June 17, 2010, I served **MOTION FOR EXPEDITED TREATMENT OF THE CITY AND COUNTY OF SAN FRANCISCO'S PETITION TO MODIFY DECISION 09-03-026 TO TEMPORARILY SUSPEND PACIFIC GAS AND ELECTRIC COMPANY'S DEPLOYMENT OF SMARTMETERS** by electronic mail on the CPUC Service List, Proceeding No. A0712009.

BY UNITED STATES MAIL: Following ordinary business practices, I sealed true and correct copies of the above documents in addressed envelope(s) and placed them at my workplace for collection and mailing with the United States Postal Service. I am readily familiar with the practices of the San Francisco City Attorney's Office for collecting and processing mail. In the ordinary course of business, the sealed envelope(s) that I placed for collection would be deposited, postage prepaid, with the United States Postal Service that same day.

Larry Nixon
Pacific Gas and Electric Company
77 Beale Street, MC B10A
San Francisco, CA 94105

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on June 17, 2010, at San Francisco, California.

/s/
PAULA FERNANDEZ