

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

**MOTION OF THE TOWN OF FAIRFAX TO INTERVENE IN THIS
PROCEEDING IN SUPPORT OF CITY AND COUNTY OF SAN FRANCISCO'S
PETITION TO MODIFY DECISION 09-03-026**

The Town of Fairfax, California ("Town") files this motion for leave to intervene in this proceeding as a party pursuant to California Public Utilities Commission Rules of Practice and Procedure 1.4(a)(4). The Town is filing this motion in order to support the Petition to Modify Decision 09-03-026 filed by the City and County of San Francisco ("City") on June 17, 2010 seeking to temporarily suspend Pacific Gas and Electric Company's ("PG&E") deployment of SmartMeters and the City's motion to expedite the time for PG&E to respond to the City's petition to modify Decision 09-03-026 issued in this proceeding.

In Decision 09-03-026, the California Public Utilities Commission ("Commission") granted PG&E's application 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 Decision 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 hired 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.

PG&E has already begun deploying SmartMeters and the related antennae within the boundaries of the Town of Fairfax. In addition, PG&E has installed SmartMeter equipment in the right of way without complying with CPUC General Order 131-D, Section XIV to consult with the Town as well as the requirements of the Town Code for conditional use and encroachment permits. Hence the Town has a clear and present need to obtain expedited consideration of City's petition as its residents will face the same problems that have plagued the program since its inception including but not limited to inaccurate billing; inaccurate data transmission; loss of privacy; security risks caused inadequate encryption of confidential data relating to household activities; and, potential human health risks related to Electromagnetic Radiation Fields.

For these reasons, the Town asks the Commission to exercise prudence and act before Fairfax's residents are forced to deal with the same types of problems faced by customers in other communities where PG&E has deployed SmartMeters. In light of PG&E's ongoing deployment of SmartMeters in Fairfax, the normal deadlines for hearing a petition to modify will not give the Commission adequate time to hear and

decide the City's petition. Fairfax joins the City in urging the Commission to hear the City's petition to modify on an expedited schedule.

Granting the Town's motion to intervene will not delay this proceeding. The Town is not asking the Commission to continue any of the dates set forth in the City's petition. For this reason, there will be no prejudice to any of the parties to this proceeding if the City's motion is granted. Conversely, there will be substantial prejudice to the Town if this motion is denied because of its interest in ensuring that its ratepayers not be subjected to the documented concerns about the accuracy and safety of the SmartMeter program.

The Town of Fairfax respectfully requests that the Commission grant its motion.

Dated: July 15, 2010

By: _____/S/
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