

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Application of Pacific Gas and Electric
Company for Authority to Increase revenue
Requirements to Recover the Costs to Upgrade
its SmartMeter™ Program (U39E).

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

**REPLY COMMENTS OF PACIFIC GAS AND ELECTRIC COMPANY
ON PROPOSED DECISION OF ALJ TIMOTHY SULLIVAN DENYING
THE CITY AND COUNTY OF SAN FRANCISCO'S PETITION TO
MODIFY DECISION 09-03-026**

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I. INTRODUCTION

Pursuant to California Public Utilities Commission Rule of Practice and Procedure 14.3(d), Pacific Gas and Electric Company ("PG&E") provides these Reply Comments in response to other parties' Opening Comments on Administrative Law Judge Sullivan's Proposed *Decision Denying the City and County of San Francisco's Petition to Modify Decision 09-03-026*. (Proposed Decision or PD). The PD properly denies CCSF's Petition because (a) CCSF fails to set forth facts sufficient to warrant a modification of D.09-03-026, which authorized PG&E's SmartMeter™ Upgrade Project, and (b) because the independent Structure Group Report validated the meter and billing accuracy of PG&E's SmartMeter™ Program, evidencing that there is no factual basis upon which to suspend PG&E's SmartMeter™ deployment. CCSF, DRA and TURN each submitted Opening Comments criticizing the proposed decision but each failed to

identify any legal or factual errors in the PD. Their Opening Comments largely reargue points they each previously made in this proceeding. PG&E hereby responds to the other parties Opening Comments and requests that the Commission approve ALJ Sullivan’s well-reasoned PD.

II. DISCUSSION

A. **The PD Properly Finds that CCSF’s Allegations Do Not Satisfy the Prerequisites for the CPUC to Modify its SmartMeter™ Decision and/or Suspend PG&E’s SmartMeter™ Program**

CCSF’s rehashing of media reports and mischaracterizing of PG&E’s monthly Steering Committee Reports – which PG&E itself regularly reported to the Commission and DRA – falls far short of the Commission’s standard, namely identifying material new facts, to justify modifying the Commission’s SmartMeter™ decisions and/or suspend the SmartMeter™ program. Without pointing to any evidence in the record or providing any declaration or attestation of material new or changed facts, CCSF summarily concludes in its Opening Comments that the PD constitutes legal error. Not so, as TURN correctly acknowledges in its Opening Comments: “[t]he Proposed Decision does *not* actually contain legal error.” (TURN Comments, p.1) (emphasis added). The purported new facts that CCSF seeks to rely on to support its Petition are “newspaper reports discussing PG&E’s reports and local concerns over PG&E’s deployment.” (CCSF Comments, p.3). Newspaper reports of customer concerns are not facts on the record and do not qualify as evidence of new facts without proper attestations. Moreover, CCSF has inappropriately chosen either to disregard or ignore the reliable independent findings of the Structure Report and instead to rely on vague statements of media accounts of customer concerns.

CCSF’s further reliance on and gross mischaracterization of PG&E’s own

SmartMeter™ Project management reports is similarly misguided and does not support a suspension of PG&E's SmartMeter™ Program. Since the inception of PG&E's SmartMeter™ Program, PG&E has been submitting monthly Steering Committee Reports to the CPUC and DRA. In addition, since May 2010, PG&E has publicly filed these Reports, in compliance with an Assigned Commissioner Ruling. These Reports are not new and they do not contain facts that would warrant CPUC suspension of PG&E's deployment. Contrary to CCSF's allegations, PG&E's monthly reports demonstrate active project management, including (a) issue identification, (b) issue resolution, and (c) substantial risk factor analysis. As expected in any well-managed large capital project, the project reports detail individual issues and challenges as well as the mitigation and resolution of such issues. Despite CCSF's mischaracterization of these Reports, they do not reflect the widespread systemic problems that CCSF alleged in its Petition. The PD correctly concludes that CCSF's Petition fails to set forth facts sufficient to warrant a suspension of PG&E's SmartMeter™ Program.

B. The CPUC Commissioned the Structure Group to Conduct an Independent End-to-End Assessment of PG&E's SmartMeter™ Program, and the Structure Group's Findings of Meter and Billing Accuracy Provide a Reliable, Additional Basis Upon Which the CPUC Should Deny CCSF's Petition

The Structure Group Report directly refutes the unsubstantiated allegations of systemic meter and billing problems upon which CCSF's Petition is premised. Specifically, the Structure Report found that "PG&E's SmartMeters™ are accurately recording electric usage within acceptable CPUC tolerances, and are being accurately utilized in Customer billing." (*See*, Structure Report, p.13). CCSF specifically called upon the Commission to rely on the Structure Group's accuracy-related findings *before* Structure released the report and found no systemic SmartMeter™

problems. (See e.g., *CCSF Petition* at 2, stating that “[w]hen the investigation is completed, the Commission will have the information it needs to determine how and when PG&E should continue installing SmartMeters™”). Now that the Structure Group Report has been issued and the findings do not support CCSF’s call for a suspension of SmartMeter™ deployment, CCSF and other interveners have changed their position and seek to prolong this proceeding to challenge the adequacy of Structure’s Assessment. The Structure Group conducted its comprehensive assessment of PG&E’s SmartMeter™ Program over a five-month period, and issued its detailed findings in a Report exceeding 400 pages. CCSF’s dissatisfaction with the Structure Group’s findings and overall validation of PG&E’s SmartMeter™ Program is not a sufficient basis for the CPUC to hold open this proceeding, or for CCSF to change its position that the Structure Report “should inform the Commission’s decision on PG&E’s continued deployment of SmartMeters™.” (*Id.*) Given CCSF’s failure to set forth material new facts demonstrating a systemic problem with PG&E’s SmartMeter™ Program and, the Structure Group’s substantive findings of meter and billing accuracy, the PD properly denies CCSF’s Petition.

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III. CONCLUSION

Pacific Gas and Electric Company supports ALJ Sullivan's PD denying CCSF's Petition. The PD properly concludes that CCSF's Petition fails to attest to new material facts that would warrant a suspension of PG&E's SmartMeter™ Program. In addition, the Commission-sponsored Structure Report validates the accuracy of PG&E's SmartMeters™ and related bills, thereby refuting CCSF's allegations of systemic meter and billing problems.

Respectfully Submitted,

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