

Redacted

vs. Pacific Gas and Electric

Statement to the California Public Utilities Commission, July 26th, 2013.

Thank you chairman and commissioners for letting me share my experience with PG&E. My name's Redacted and I'm a PG&E ratepayer living right up the street here in San Francisco.

Last month on June 18th, 2013, I went to <http://pge.com/smartmeteroptout> and opted out of the SmartMeter program, requesting that my SmartMeter - which I never consented to be installed on my property in the first place - be replaced with a mechanical analog meter as mandated by the CPUC and acknowledged by PG&E at pge.com.

I have a screen grab of the confirmation from PG&E that I had opted out dated June 18th, 2013.

The screenshot shows the PG&E website interface. At the top, there is a navigation bar with links for 'For My Home', 'About PG&E', 'Media Newsroom', 'Careers', 'Contact Us', and 'Español'. A search bar and 'Go' button are on the right, along with a 'Login' link. Below this is a main navigation menu with categories: 'Manage My Account', 'Customer Service', 'Save Energy & Money', 'Environment', and 'Education & Safety'. The main content area features a 'SmartMeter™ Opt-Out Program - Thank You' heading. The text below reads: 'Thank you for submitting your opt-out request. If you gave us an email address, we'll send you an email confirming your request. If you only provided a phone number, we'll be in touch soon by phone prior to any required field work. You can reach one of our representatives by phone 24 hours a day, 7 days a week. If you have any questions, please call 1-866-743-0263.' Below the text are three promotional banners: 'It's your bill. Pay it your way.' with icons of a calculator, phone, and envelope; 'PG&E's SmartMeter™ Program Now the largest in the nation.' with a photo of a man; and 'See how Energy House Calls helps families get energy savvy.' with an 'ENERGY HOUSE CALLS' logo. A footer at the bottom contains links for 'For My Home', 'For My Business', 'Business to Business', 'About PG&E', and 'Privacy', followed by a copyright notice: 'PG&E refers to Pacific Gas and Electric Company, a subsidiary of PG&E Corporation. © 2013 Pacific Gas and Electric Company. All rights reserved.'

I patiently waited a full month but still my SmartMeter hadn't budged.

On the morning of July 17th, I phoned PG&E's SmartMeter Opt-Out line only to be told that not only had they had lost my opt-out request, but also that I wasn't even going to get an analog meter after all. The first representative said her screen told her I was going to get a digital non-communicating SmartMeter which stores hourly data supporting my rate plan. It wouldn't allow her the option of offering me an analog meter. When I told her I didn't

consent to the SmartMeter and that PG&E was in breach of its contract and that they were violating a CPUC ruling, I got bumped up to a supervisor.

The supervisor said he didn't think PG&E had any analog meters and that my rate or service plan wouldn't support a mechanical meter even if they did. I later discovered my rate plan is designated E1 – a standard non-hourly residential rate which can be supported by any mechanical meter.

But no matter how hard I pushed, dodged or weaved, the supervisor could not confirm I would get an analog meter – despite my reminding him of his breach of contract, lack of consent and my offer to personally buy a mechanical analog meter on the open market at no cost to PG&E. When I told him there was no physical, electrical or mechanical reason why I couldn't get my analog meter back and that this appeared to be merely a policy decision, he admitted: "that's quite possible."

He escalated my complaint to the Customer Impact Department for SmartMeter Installation and Opting-Out of SmartMeters.

The next day, July 18th, I received a voicemail confirming that I would be receiving a non-transmitting SmartMeter, storing hourly data to support my rate plan.

Since during my phonecall to PG&E I was told it could be monitored or recorded by PG&E for quality assurance, I exercised my legal right to monitor or record the call for my own quality assurance (California being a two-party consent state).

I promptly uploaded the recording of my frustrating phone call to my YouTube account and posted it to PG&E's Facebook and Twitter accounts. I also emailed it to several SmartMeter rights groups and proudly made it to the front page of StopSmartMeters.org.

That's when PG&E noticed, much like roaches notice when you turn the kitchen light on. At 8:18am the following morning, I got a robocall from PG&E stating that I would now be getting an analog meter after all. Fancy that.

That afternoon, again July 19th, I called PG&E to ask them which voice message was accurate. Was I getting a SmartMeter as the first message said, or an analog meter according to the second?

The very helpful representative said that of course everybody who asked for analog meters got them unless they were on a time of use plan, which he confirmed I was not.

At 9am the following morning (July 20th, 2013) I got another message from PG&E saying they had completed "my request," hopefully meaning I now have a mechanical analog meter. Fingers crossed.

So here's the 11-step real-world opt-out program.

- 1) Go to pge.com, fill out the out opt forms and print out the confirmation screen.
- 2) Document, document, document

- 3) Call PG&E a month later to find out they've "lost" it.
 - 4) Raise holy hell with multiple representatives, supervisors and Customer Impact teams.
 - 5) Get ignored.
 - 6) Fire up iMovie and make a YouTube video of the utility's mendacity
 - 7) Publically shame them on YouTube, Facebook, Twitter and the alternative press.
 - 8) Go viral.
 - 9) Receive conflicting voicemails.
 - 10) Confirm that the utility are going to do what they're legally – and morally - compelled to do.
 - 11) Get your analog meter put back. Maybe.
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I consider myself a fairly smart guy, well informed about SmartMeters, contract law, journalism, activism and social media. How can you expect Jane and John Ratepayer to opt out when it's this Kafka-eque for me? PG&E won't tell them about the well-documented health and Fourth Amendment-violating privacy issues or to effectively publicize that they can - let alone how to - opt out of the pernicious so-called "Smart" Grid.

In summary, PG&E is a lying pack of scumbags who deserve to have their corporate charter revoked for grand malfeasance and/or be fined into oblivion.

I'd like to include the transcripts of my phone calls and voicemails printed below into the record. You can also hear audio of my first phone call at <http://webbery.com/mendacity>

Thank you for your time, I hope you appropriately exert your full power on this lawless utility which show contemptuous disregard for your lawful rulings as documented in the transcripts below.

Phone call to PG&E, Wednesday July 17th, 2013, 10:47am

PG&E: Hi, I'm sorry for the hold, I had to get through to a supervisor. So I advised her about what was going on about the request to switch to the analog versus the digital and she said what I can do is submit the request and that way when they go out to do the install, or when they call you to do the install they'll let you know what we're going to be able to do so I can do my best to request and describe what it is you would like but I just don't want to guarantee that that's going to happen.

PR: Well the thing is, this building dates back to 1928, it's not new. The bank of meters is the same, the only thing that got switched out was the meters themselves. My issue with the SmartMeters is that the digital signal processor records and sells on information about all the appliances that I'm using. It also sends dirty electricity through my electrical cords and that's also a health issue. So basically, I don't consent to either of those things.

PG&E: So you don't want a digital one at all.

PR: Yeah, the wireless thing makes it even worse, but that's not the issue about this. I do

not consent to be a part of the Smart Grid.

PG&E: I understand and that's why I was trying to explain to her how you wanted to not even have a digital one and what she stated was what I can do for you is to notate on the request that you don't want the digital, you want to go back to the analog with the clock meter that has it like that. So I can put in that request, but like I said I just don't want to guarantee it because I don't want you to be upset if they call you and tell you that it's still going to be a digital versus an analog.

Redacted Well I will be upset, but I won't be upset at you *laughs*

PG&E: *laughs* I know but I just want to see that I can.

Redacted By the way, what's your name?

PG&E: My name is Erica.

Redacted Erica, great, and it is July 17th.

PG&E: Yeah, and I'll go ahead and notate the account. Let me go ahead and let me finish reading this to you and then you can decide if you still want to continue. What they said is that it will be the digital non-communicating which supports the rate plan and does not have the radio transmitter in it.

Redacted But I don't consent to that.

PG&E: So then do you not want me to put through the request?

Redacted No; the original request which I filled out on your website was for an analog meter. And I have the screen grab where you accepted it back on June 18th - and this is a bait and switch. I know PG&E tries this routinely but there is no electrical or technical reason why an analog meter cannot be put back where it was before. It'll still work.

PG&E: OK, what I can do is to get you over to a supervisor then because at this point the only thing I have in my hands available to you to help you with is getting you to do the opt out but it's still going to tell me it's going to be a digital meter.

Redacted The head of the Public Utilities Commission has agreed that people should be able to go back to the analog meters, not the digital meters. That's already been discussed openly at the Public Utilities Commission by Michael Peevey. So we're within our rights to go back to the analog meters. You're on really sketchy legal ground and I'd encourage you to . . . well put me up to a supervisor, I'll give them grief.

PG&E: I mean I understand your concern and I know that you had that option to go back but it's not letting me tell you that it's going to be an analog one.

Redacted Put me in touch with someone who can tell me that.

PG&E: OK, give me one second.

pause

PG&E: Good morning, Patrick?

Redacted Oh hi, how are you?

PG&E: Very good sir, my name is TJ, I'm a senior service rep in the Sacramento call center and your call was transferred to me, so I can assist you with your request.

Redacted Great, OK then. To briefly go back, back on June 18th online I submitted a request to opt out of the SmartMeter program and the previous representative I spoke to said that now you guys are going to replace a SmartMeter with a SmartMeter, which is not my agreement. My agreement was to get an analog meter which was clearly stated on your website. So, are you breaking that contract?

PG&E: Um, I don't know what kind of meter is going to be put into your location . . .

Redacted No, the agree . . .

PG&E: I just know the . . . I believe, don't quote me on this, Patrick, I believe the only meters that we have available are a non . . . they're all the same meter but the new meters just don't have the radio frequency remote capability.

Redacted It's still a SmartMeter.

PG&E: OK, so what I'm going to do is that I'll put the request in and when someone calls to make the appointment at that time you can discuss that with them?

Redacted So are you saying that this whole SmartMeter opt-out thing is not opting out at all then? So this is a sham, effectively? I mean I'm not blaming you personally, it's just your company has really deceptive practices. I'm opting out of the SmartMeter program. On your website it says "if you want to go back to the analog meter, just fill in these forms" which I did, I've waited a month, nothing happened and now I'm being told I'm going to get another SmartMeter? That's just, well, all kinds of wrong.

PG&E: So, let me at least put in the request in to opt out of the SmartMeter program and then when they call you, because I mean, you still want to opt out of the SmartMeter program, correct?

Redacted I do; basically I want to get rid of the SmartMeter, and whether it's transmitting or non-transmitting, it's still a SmartMeter.

PG&E: OK

Redacted You understand what I'm saying?

PG&E: Yes sir.

Redacted Right, so the request that I put in which was accepted by you guys - and then subsequently lost for some reason - was to get rid of the SmartMeter, put back an analog meter as has worked fine for the 20-odd years I've lived here. So I want you to put that in and if you can somehow confirm that the request is not to replace it with a non-transmitting SmartMeter but with an analog meter as I originally agreed and contracted with you guys for.

PG&E: Well this is, Redacted unfortunately, in my position I don't make the decisions on that, OK. All I can do is put in the request that you want to opt out of the SmartMeter program. It does specify here when I'm putting in the request, it says "your rate or service type isn't supported by analog mechanical meters. To complete your opt out request we can offer you a digital non-communicating meter which can store hourly energy data supporting the rate plan. Does not have a radio transmitter."

Redacted Which is a breach of contract. You contracted with me when I opted out to put back in the ...

PG&E: The analog mechanical meter.

Redacted Mechanical meter, right. Non-transmitting, regular meter which has worked for, you know, this building has been around since 1928; it's worked all the way up until now.

PG&E: Mm-hmm.

Redacted The wiring's all the same. All you have to do is plug it in and have some dude come around once a month to read it, that's all.

PG&E: Mm-hmm. So, should I put in the request to continue based on this information or should I leave it alone and then just put in a request to that department to make contact with you in order to opt out?

Redacted I want to reaffirm my request, which I filled out a month ago ...

PG&E: But that I don't see. I don't see that at all.

Redacted I can send you the screen grab. I suspected this sort of thing might have gotten lost so I took the precaution of taking a screen grab, the thank you page which says "Thank you for submitting your opt-out request." I actually have this and it's dated June 18th at 10:21pm.

PG&E: OK, so let me send this over, hold on one second, OK? I'm going to send this over to the proper department for them to look into this for you.

Redacted If for some reason you managed to destroy all of your analog meters, of which I wouldn't be at all surprised, I, if you like could go out and purchase an analog meter, mechanical analog meter - they're still available - to give to you guys to put in. They're like

\$50, I can afford that.

PG&E: Well let me . . . this is for the property apartment xxx, right Patrick?

Redacted Yeah.

PG&E: So what I'm going to do is . . . can I get a good contact number for you? is xxx-xxx-xxxx a good number?

Redacted A better one is xxx-xxx-xxxx. And actually, to recap: you said the note on the account said something like the rate plan doesn't support an analog meter?

PG&E: Well it says "rate or service type."

Redacted Rate or service type.

PG&E: It's one or the other. According to this particular rate or service type it's not supported by an analog mechanical meter.

Redacted But that sounds like a policy decision. That's not a mechanical, electrical or physical problem.

PG&E: That's quite possible, yes sir.

Redacted Again, I'm not blaming you personally for the policies that are given from on high at PG&E and I wouldn't expect you to publicly voice your opinion one way or the other, but legally I am standing by my contract with PG&E, which is I pay PG&E money, they supply energy. I never consented to the SmartMeter and when the opt-out thing came through I contracted with PG&E to get rid of the SmartMeter and put in a mechanical analog meter. And the company you work for has broken their contract by the sounds of it and are trying to get around it by saying some policy reason why they can't put the thing in that worked so well for years. And I basically do not consent to having a SmartMeter. I'm willing to pay you for any energy you supply, you know I've always paid. So I just want you guys to do the right thing.

PG&E: Yes sir.

Redacted And I'm not one of those people who just clicks "OK" when you agree to software terms, I actually read stuff, I have some legal background. I'm not going to say "go ahead and put in" . . . if you're defining opting-out as having a different SmartMeter, I do not agree to that change of the agreement.

PG&E: Yes sir. At this very moment, Patrick, I have put in the request - I've sent this complaint, because that's what it is right? I've sent this complaint to the Customer Impact Department for SmartMeter Installation and Opting-Out of the SmartMeter and they are the matter experts, unfortunately not I.

Redacted That's fine.

PG&E: So what I'll do is I'll send that over and they'll make contract with you at xxx-xxx-xxx OK?

Red
act

Excellent, that's great.

PG&E: So you're still in the program until otherwise dedicated . . . you know you can get what you want, you want the analog meter and you know we'll decide from there, OK?

Red
act

Great

PG&E: All right sir

Red
acte

Thanks so much

PG&E: Thank you Patrick, have a nice day.

Voicemail from a human at PG&E Thursday July 18th, 2013, 12:24pm

PG&E: Mr. Redacte this is Pacific Gas and Electric, we apologize that we missed you. This is regarding your phone call on the property on Redacted regarding the SmartMeter. I'm returning the follow-up to your inquiry regarding the type of meter. The type of meter that will be installed is titled a digital non-communicating meter which can store hourly energy data supporting the rate plan, but does not have a radio transmitter. So according to our records when you contacted PG&E the other day is that you're opting-out of the SmartMeter program. We will eventually remove the SmartMeter on the property and replace it with a digital non-communicating meter. If you have any further questions, please give us a call back at 1-800-743-5000, you can speak to the next SmartMeter representative. Again, sorry that we missed you, goodbye.

Robocall voicemail from PG&E Friday July 19th, 2013, 8:18am

PG&E recording: Hello, this is PG&E calling with important information about the meter at your home. You have been enrolled in a SmartMeter opt-out program which includes CPUC set charges. A PG&E representative will visit your home within the next two weeks to exchange the SmartMeter with an analog meter. Please ensure the area near the meter is accessible and be advised that you may experience a brief service interruption. If you do not wish to opt out or have any questions please call our dedicated 24 hour SmartMeter line at 1-866-743-0263, otherwise the opt out charges will appear within one or two energy statements once the SmartMeter exchange is complete.

Phone call to PG&E, Friday July 19th, 4pm

PG&E: "Your call may be monitored or recorded for quality assurance."

PG&E: This is Rich with the Sacramento center, how can I help you?

Redacted Oh, hi, I've opted out from the SmartMeter thing and I got two contradictory voice messages one saying I was going to get digital meter storing hourly data and a second - that was yesterday - and early this morning I got a robocall - the first one was actually a person calling it in - and the robocall this morning said I was going to get an analog meter. So, which is it?

PG&E: Yesterday you said it was a person leaving a message?

Redacted A person left a message yesterday saying it was quote "a digital non-communicating meter storing hourly data" which is in effect a SmartMeter.

PG&E: Right.

Redacted And the robocall I got this morning said I was going to get an analog meter. So, which one is it?

PG&E: Great question. Um, the way we're opting-out, we have to read a script which says it will be replaced with an analog meter. Um, let me see here now. Let me look at some information real quick. On opting out.

Redacted Well, actually, you're obliged to give analog mechanical meters, according to the CPUC. That's been ruled on.

PG&E: Yeah, cos I know prior people that wanted, well, you're still going to get a SmartMeter, it's just not going to transmit . . .

Redacted That's replacing a SmartMeter with a SmartMeter, which is not the agreement.

PG&E: Right, I'm just saying that was before that ruling, that's how it was.

Redacted I was actually told two days ago that you didn't have any mechanical meters and I was going to get one of these non-transmitting SmartMeters. I'm guessing that when a human calls they have better information than a robocall - and I got them within 12 hours of each other so I'm guessing the human was working on more up to date information. So I just need someone to confirm absolutely that this will be a regular mechanical meter with the dials and the disc/wheel that goes round and round - and not digital in any way.

PG&E: Just reading something, hold on. I know when I opt out people it's an analog meter. But I just wanted to read something where it says analog other than my script. *pause*

Redacted I should also mention that my inquiry got bumped up to the Customer Impact Department for SmartMeter Installation and Opting-Out, whoever they are.

PG&E: What happened with that? Was there extenuating circumstances or did you just want to . . .

Redacted I just wanted to raise hell, 'cos I just said you are in breach of contract and it's against the agreement and it was a bait and switch and that kind of stuff.

PG&E: Everything I'm seeing here says it's going to be an analog meter.

Redacted OK, awesome!

PG&E: Opt-out analog meter . . . so you know there are instances where you know analog meters can stick out larger than the prior meters so they're saying if any cabinets that are blocking this and that, there's a process for that.

Redacted The guy I spoke to a couple of days ago said they couldn't give a mechanical meter because my rate plan didn't allow it, which seemed kinda bogus.

PG&E: Um, because you're on a time of use rate? Then you'll need a digital meter.

Redacted I didn't agree to have the different rate plan. They came in without any warning and shoved SmartMeters on our entire building. And I want mine off. So I don't agree to the change in plan because my agreement with you guys was you'd provide power, I'd provide cash for it and that's all there was to it. And physically, electrically, mechanically, whatever, there's nothing stopping a regular meter going back in. The socket's the same, the wiring's the same.

PG&E: It's just your rate. You have the choice of our standard residential rate - which is E1 - and there's time of use rate. If you have a time of use rate, you have to have a digital meter.

Redacted Can you just change my plan to whatever works with a regular meter, like a mechanical meter?

PG&E: Well, if you're on a time of use rate you would never have had a mechanical meter.

Redacted But I did! I had a mechanical meter, up until they switched them out.

PG&E: That must mean that you had a regular rate.

Redacted Um,

PG&E: It says on your bill.

Redacted I have my bill here, it just says gas, electric . . .

PG&E: Where it says electric account detail, it should say E-something.

Redacted It says E1-TB residential service.

PG&E: Yeah, E1, so you don't have a time of use rate. If you did, we'd have to capture your on peak/off peak usage.

Redacted Yeah, this is just an apartment, I'm not smelting aluminum or anything.

PG&E: Yeah, no worries.

Redacted So that would work with a mechanical one?

PG&E: Exactly.

Redacted Cool. Alright, so like I said I'm a bit concerned because I did get these two different messages, one saying digital, one saying analog and I need somebody to categorically say "mechanical."

PG&E: "Opt-out customers will get an analog meter in replacement."

Redacted Well, that's not what was told two days ago.

PG&E: OK, I'm not sure if that person worked with the Smart . . .

Redacted This was a supervisor at the Sacramento call office who bumped it up to the Customer Impact Department for SmartMeters - and they - I assume it was them - left me a message saying I was going to get a digital meter.

PG&E: The customer impact team said you were going to get a digital meter?

Redacted Well I assume that was from them because they called it a complaint - an inquiry/complaint and they bumped it to those guys, the customer impact department. And then I get the voicemail yesterday saying I was getting a digital meter. And the supervisor in Sacramento said my rate plan didn't support a mechanical meter - which it does - and that they didn't have any mechanical meters, they'd gotten rid of them all or something. And then I actually offered to buy one, because you can go on the open market and just buy them for like \$50, I mean I've offered to do that. So I guess if you can't give a definitive answer . . .

PG&E: I'm giving you a definitive answer, it's an analog meter.

Redacted Oh, OK, perfect. Well that's good. If they do come around and it gets swapped out with a digital one, what do I do? Do I just call up and go through the process again?

PG&E: If they do the digital just, hey, you know I opted out. You specifically told me that if I had a SmartMeter or whatever it was going to be replaced with an analog meter.

Redacted OK

PG&E: Anyone in the SmartMeter department knows, I mean we read verbatim, it's going to be an analog meter, so we read that. We can't read that to a customer and not give them an analog meter. You know, we're regulated; we can't say things that aren't true.

Redacted laughing* Well, it would be interesting for you to read the previous conversations I've had . . .

PG&E: I don't want to put my foot in my mouth.

Redacted laughing* It's alright, you can't speak for all the other employees there.

PG&E: Let's see, um. I'm still reading this information to see if anything jumps out at me other than we read . . . *pause* . . . Yeah, so it's gonna be analog. I don't know if you have access to where the meters are, but if you don't, let maintenance let you in there. I'm sure the meters are numbered, what unit they belong to.

Redacted Yeah, it's a Sharpie, it's pretty straightforward. And will this be Wellington Energy putting it back in or will it be PG&E? Do you know?

PG&E: Um, it's going to be PG&E because Wellington is only for the SmartMeter installs.

Redacted OK, that's good, I've had interesting relations with those guys - but that's another story. So great, actually cool - could I have your name please?

PG&E: Yeah, it's Rich in the Sacramento Contact Center.

Redacted Cool, so thanks so much Rich and I'll look forward to it. And thanks for your help.

PG&E: And you have a great day sir.

Redacted Thank you, bye.

Robocall from PG&E Saturday July 20, 2013, 9:02am

Hello, this is Pacific Gas and Electric Company calling. We recently completed your request and would like to get your feedback on the experience you had with PG&E. Please call us back at 1-800-743-8433 to complete a brief three question survey. Thank you.

I certify that the above is true and correct.

Signed: Redacted

7-25-13

Redacted

San Francisco, CA 94109