



EON The Ecological Options Network

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Alf W. Brandt, Legislative Director
Assemblymember Anthony Rendon
State Capitol – Room 5136
Sacramento, California 95814

Dear Mr. Brandt,

As 'official intervenors' on behalf of the public interest in CPUC proceedings over the last several years, we have a few suggestions we hope AB 825 - as eventually passed - will address. We appreciate the opportunity to provide input. Here are our issue suggestions.

We need rigorous enforcement of CPUC sections 451 & 453 (b) that have been egregiously ignored in the case of the forced installation of so-called 'smart' meters.

Particularly:

451 " Every public utility shall furnish and maintain such adequate, efficient, just, and reasonable service, instrumentalities, equipment, and facilities ... as are necessary to promote the **safety, health, comfort**, and convenience of its patrons, employees, and the public." [emphasis added]

and

453 (b) "No public utility shall prejudice, disadvantage, or require different rates or deposit amounts from a person because of ancestry, **medical condition**, marital status or change in marital status, occupation, or any characteristic listed or defined in Section 11135 of the Government Code." [emphasis added]

In the case of "smart" meters, thousands of ratepayers vociferously objected to the forced installation of the electronic RF-emitting meters. Hundreds reported serious health affects and injuries.

Those suffering from exposure to banks of multiple meters in apartments, condominiums and business offices are at serious risk.

Fires, interference with other wireless devices, bill over-charging and privacy impacts from the microwave-emitting meter's mega-data-gathering to be sold to third parties are all impacts that were reported to a non-responsive CPUC in addition to the adverse health effects.

Despite people objecting in many ways, the CPUC ignored their pleas and instituted an upfront and monthly fee for those demanding to retain the old mechanical meter. This is paying to NOT have this dangerous meter that Attorney General reports from Illinois and other states have determined to have no advantage to ratepayers.

In a stinging letter to the state Department of Public Utilities Commission, for instance, a lawyer from Massachusetts Attorney General Martha Coakley's office pointed to large-scale tests in Illinois and elsewhere in which the meters failed to justify their costs. Michigan Attorney General Bill Schuette filed suit in the state appeals court, stating that there is no net economic benefit to consumers resulting from the use of smart meters and that there is unlikely to be any future benefit.⁸ The court of appeals agreed. Illinois Attorney General Lisa Madigan agreed with Schuette, stating: "The utilities have shown no evidence of billions of dollars in benefits to consumers from these new meters, but they have shown they know how to profit."

Unimpeded Media Access (in accordance with California's 2004 Bagley-Keene Open Meeting Act) http://ag.ca.gov/publications/bagleykeene2004_ada.pdf for both corporate AND independent media organizations and citizen journalists. We've had to constantly fight to have the Bagley-Keene Act enforced.

Ex parte Rule Violations must be prosecuted and prevented by a change in the Commission's management culture. The institutionalized attitude toward 'public advocates as enemies' and utility officials as friends must be changed.

Authentic Public Access to Commissioners – Members of the public and advocacy group representatives, not just utility executives, should be able to meet with Commissioners and their aides with appropriate ex-parte reporting. Commissioners and staff must officially receive and register communications from the public.

Complaint Processing – Public complaints should be officially received and published online as well as publishing online the concrete actions taken to address the problems.

Transparency in Renewable Energy Accounting - The CPUC should mandate utilities to track solar roof top electricity generation in order to be able to fully utilize it via substations. The amount of renewable energy thus generated should be transparently reported. Currently, it is not tracked.

Transparency in Utilities' Energy Efficiency Program Reporting – CPUC awarded large bonuses to utilities for unsubstantiated Energy Efficiency Program gains. CPUC currently gives ratepayer-based Energy Efficiency funds to utilities and disallows them to be used by cities and other entities who have no conflict of interest in saving energy and whose EE programs have genuinely produced results in the past.

Public Comments – Members of the public and advocacy group representatives must be allowed to speak in the 'open comment' period before business meetings without unfair limits being imposed. Spokespeople should not be prohibited from speaking on a given issue if they have already addressed it in previous meetings.

Administrative Law Judges must be randomly chosen, not 'shopped' for their friendliness to the interests of certain parties in Commission proceedings. Attorney Larry Bragman, formerly Mayor of Fairfax, CA and current Marin County Water Board Member, who has familiarity with past and current CPUC functioning, puts it this way:

"The CPUC's administrative law judges should be assigned cases randomly (as in Federal and State Court) and not by the commissioners. That would reduce the influence of individual commission members to cherry pick judges and influence hearings.

"Once assigned a case, the law should require that ALJ's adhere to the same judicial code of conduct and ethics that Superior Court judges follow. No more back door meetings with litigants or commissioners."

Commissioners Should be Elected, rather than appointed. Elections should be open to candidates from all stakeholder sectors, not just corporate and political circles and utility-friendly NGOs, but from Citizen Groups as well.

Legal Challenge of Decisions – proceeding decisions must be open to direct and timely challenge in Superior Court, rather than in the appellate courts.

Online User Friendliness – the Commission website should be updated and streamlined to support non-expert access. Complex forms should be simplified. The video archive should be upgraded for greater video quality and accessibility.

Overly complex and burdensome technical and procedural barriers to public and intervenor input should be removed.

Intervenor Compensation Requests should be evaluated and ruled upon by a randomly-chosen Administrative Law Judge other than the ALJ of the proceeding in which the intervenor participated. Compensation payments should not be punitively manipulated or delayed in relation to the identity or policy position of the intervenor .

We observed an example of this when a dying intervenor’s compensation was deliberately withheld by the CPUC, though it was known, according to a former CPUC Commissioner who spoke with someone in the business office, that the money was desperately needed for the intervenor’s cancer treatment. The check arrived after her death.

We appreciate Assemblymember Rendon’s CPUC reform initiative and wish you well with your efforts.

Sincerely,

Mary Beth Brangan James Heddle
Co-Directors