



TOWN OF FAIRFAX

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February 14, 2017

Mr. Anthony F. Earley, Jr.
Chairman, Chief Executive Officer, and President
Pacific Gas and Electric Company/Corporation
P.O. Box 997310
Sacramento, CA 95899-7310

Ms. Geisha Williams
President, Electric Operations
Pacific Gas and Electric Company
P.O. Box 997310
Sacramento, CA 95899-7310

Re: CEASING PG&E SMARTMETER™ INSTALLATIONS – TOWN OF FAIRFAX

Dear Chair Earley and Ms. Williams:

I am writing on behalf of the Fairfax Town Council to request that PG&E cease the impending roll-out of SmartMeter™ installations in Fairfax.

Late last year, PG&E representatives informed us that they intend to start installation of SmartMeters™ and informing customers of the Opt-Out Program (and the costs to opt-out) in Fairfax in early 2017 (this process has already begun). The people of the Town of Fairfax have been adamantly opposed to SmartMeters™ since the program's inception. The Town Council has unanimously adopted our ordinances prohibiting the installation of SmartMeters™ first in 2010, in 2014 and just recently on February 1, 2017.

As background, on August 4, 2010, the Town Council adopted Ordinance No. 752, an urgency ordinance prohibiting the installation of any SmartMeters™ in or on any home, apartment, condominium, or business in the Town, as well as the installation of equipment related to SmartMeters™ in, on, under, or above any public street in the Town. On February 5, 2014, the Town Council adopted Ordinance No. 775 prohibiting the installation of SmartMeters™ and related equipment within the Town of Fairfax or in, along, across, upon, under and over the public streets and places within the Town of Fairfax for three years. And, again, on February 1, 2017, Ordinance No. 806 was unanimously adopted by the Town Council to continue the prohibition on the installation of PG&E SmartMeters™ and related equipment within the Town for another three years.

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On January 22, 2015, petitions¹ for rehearing were filed by parties requesting that the California Public Utilities Commission (CPUC) rehear Decision 14-12-078 (*Application of Pacific Gas and Electric Company for Approval of Modifications to its SmartMeter™ Program and Increased Revenue Requirements to Recover the Costs of the Modifications (U39M)*). On behalf of the Town Council I have written letters supporting the petitions to the CPUC. *The requests for rehearing are still pending before the CPUC.* By PG&E's actions to proceed with the SmartMeter™ program in Fairfax, in essence, PG&E is effectively attempting to render the CPUC rehearing review process moot. Furthermore, by continuing forward on installations, PG&E will be in violation of the Town of Fairfax's Ordinance and would therefore be potentially subject to Code Enforcement violations.

Many citizens in our Town have grave concerns regarding electric and magnetic fields ("EMF") sensitivity and SmartMeters™. EMF sensitivity has been recognized as a major public concern by the California Public Utilities Commission for many years.² Recognizing the scientific uncertainty over the connection between EMF exposures and health effects, the CPUC adopted a policy that addresses public concerns over EMF with a combination of education, information, and precaution-based approaches. Specifically, Decision 93-11-013 established a precautionary approach based upon "no-cost and low-cost" EMF policy for California's regulated electric utilities. In 2006, the CPUC reviewed the EMF policy (Decision 06-01-042), reiterated the previous findings, and clearly affirmed the policy direction that the existing "no-cost and low-cost" precaution-based EMF policy *should be continued for proposed electrical facilities.*

In addition, as has been widely reported, the cost-effectiveness of SmartMeters™ has yet to be demonstrated (see *New York Times*, December 5, 2014 "Power Savings of Smart Meters Prove Slow to Materialize"). Ceasing moving forward on the SmartMeter™ program in Fairfax (and thus also acting in compliance with Ordinance No. 806), will not only provide a safe haven for a CPUC-recognized cohort of EMF-sensitive customers, it will also provide system-wide benefits to other ratepayers as a "control comparison" that can determine the cost efficiency of the SmartMeter™ system as opposed to existing analog systems.

Finally, the Town of Fairfax's decision to decline SmartMeters™ reflects local democracy, as there was essentially no local public input by PG&E for the deployment of the Smart System. Moreover, in Fairfax the system was constructed by PG&E in the public right of way without obtaining encroachment permits or seeking compliance with Fairfax's longstanding Wireless Communications Facilities Ordinance (Fairfax Town Code Title 19).

The Fairfax Town Council, consisting of five elected members, has unanimously passed and renewed the SmartMeter™ Moratorium Ordinance no less than three times since 2010. In so doing, the Council has been acting as the duly authorized representative of the residents who own the public rights of way upon which the system resides. Ordinance No. 806 finds that there

¹ *Applications of EMF Safety Network and Center for Center for Electrosmog Prevention for Rehearing of Decision 14-12-078; decision regarding SmartMeter™ regarding Opt-Out Provisions.*

² *San Diego Gas & Electric Co. v. Superior Court* (1996) 13 Cal.4th 893, 55 Cal.Rptr.2d 724; 920 P.2d 669

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remain significant questions regarding the financial, security, privacy, safety, accuracy and health effects of SmartMeters™.

As I stated above, many of our citizens have serious concerns regarding the potential health effects of SmartMeters™. And while the Opt-Out program is available, it cannot protect them from SmartMeters™ of their neighbors and having to bear the significant costs of opting out.

We strongly urge PG&E to comply with our Ordinances. To that end, the Town of Fairfax is willing to continue working with PG&E representatives to comply with our moratorium.

Sincerely,

A handwritten signature in black ink, appearing to read "Barbara Coler". The signature is fluid and cursive, with a large initial "B" and a long, sweeping tail.

BARBARA COLER
Councilmember