**Humboldt County Board of Supervisors**
**Agenda Item Transmittal**

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<th>Consent</th>
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<tr>
<td>From: Supervisor Mark Lovelace</td>
<td>Name: Kat Hayes</td>
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<tr>
<td>Meeting Date: February 15, 2011</td>
<td>Telephone: 476-2396</td>
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<td>Time Required: N/A</td>
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**Subject:** Letter to California Public Utilities Commission (CPUC) in Support of AB 37 (Huffman: Smart Grid Deployment: Smart Meters)

**Summary:**

AB 37 would require the CPUC, by January 1, 2012, to identify alternative options for customers of electrical corporations that decline the installation of wireless advanced metering infrastructure devices, commonly referred to as smart meters, as part of an approved smart grid deployment plan. AB 37 would also require the CPUC, when it has identified those alternative options, to require each electrical corporation to permit a customer to decline the installation of an advanced metering infrastructure device and make the alternative options available to that customer.

As the installation of smart meters has caused a considerable amount of concern throughout Humboldt County, the Board is sending a letter to the CPUC in Support of AB 37, requesting that CPUC work to identify alternative options for customers.

**Requested Action:** Authorize Chair to sign letter of support.

Signed: [Signature]

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**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT**

Upon motion of Supervisor

Seconded by Supervisor

Ayes
Nays
Abstain
Absent

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: ____________________________

By: ______________________________

Kathy Hayes, Clerk of the Board
AB 37 Assembly Bill - INTRODUCED

BILL NUMBER: AB 37 INTRODUCED
BILL TEXT

INTRODUCED BY Assembly Member Huffman

DECEMBER 6, 2010

An act to add Section 8370 to the Public Utilities Code, relating to electricity, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 37, as introduced, Huffman. Smart grid deployment: smart meters.
(1) The federal Energy Independence and Security Act of 2007 states that it is the policy of the United States to maintain a reliable and secure electricity structure that achieves certain objectives that characterize a smart grid. Existing federal law requires each state regulatory authority, with respect to each electric utility for which it has ratemaking authority, and each nonregulated electric utility, to consider certain standards and to determine whether or not it is appropriate to implement those standards to carry out the purposes of the federal Public Utility Regulatory Policies Act. The existing standards include time-based metering and communications, consideration of smart grid investments, and providing purchases with smart grid information, as specified.

Under existing law, the Public Utilities Commission (CPUC) has regulatory authority over public utilities, including electrical corporations and gas corporations, as defined. Existing law requires the CPUC, by July 1, 2010, and in consultation with the State Energy Resources Conservation and Development Commission, the Independent System Operator, and other key stakeholders, to determine the requirements for a smart grid deployment plan consistent with certain policies set forth in state and federal law. Existing law requires that the smart grid improve overall efficiency, reliability, and cost-effectiveness of electrical system operations, planning, and maintenance. Existing law requires each electrical corporation, by July 1, 2011, to develop and submit a smart grid deployment plan to the commission for approval.

This bill would require the CPUC, by January 1, 2012, to identify alternative options for customers of electrical corporations that decline the installation of wireless advanced metering infrastructure devices, commonly referred to as smart meters, as part of an approved smart grid deployment plan. The bill would also require the CPUC, when it has identified those alternative options, to require each electrical corporation to permit a customer to decline the installation of an advanced metering infrastructure device and make the alternative options available to that customer. The bill would also require the CPUC to disclose certain information to customers about the technology of smart meters. The bill would require the CPUC to direct each electrical corporation to suspend the deployment of advanced metering infrastructure until the CPUC has complied with the above requirements.

(2) Under existing law, a violation of the Public Utilities Act or any order, decision, rule, direction, demand, or requirement of the
CPUC is a crime.
Because the bill would require action by the CPUC to implement
certain of its requirements, a violation of which would be a crime,
these provisions would impose a state-mandated local program by
creating a new crime.

3 The California Constitution requires the state to reimburse
local agencies and school districts for certain costs mandated by the
state. Statutory provisions establish procedures for making that
reimbursement.
This bill would provide that no reimbursement is required by this
act for a specified reason.

4 This bill would declare that it is to take effect immediately
as an urgency statute.
State-mandated local program: yes.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 8370 is added to the Public Utilities Code, to
read:
8370. (a) By January 1, 2012, the commission shall do all of the
following:
(1) Identify alternative options for customers of electrical
corporations that decline the installation of wireless advanced
metering infrastructure devices as part of a smart grid deployment
plan approved by the commission pursuant to this chapter. The
alternative options identified by the commission shall provide
reliability and efficiency equivalent to the approved devices.
(2) When the commission has identified alternative options in
accordance with paragraph (1), it shall require each electrical
corporation to permit a customer to decline the installation of an
advanced metering infrastructure device, and make alternative
options identified pursuant to paragraph (1) available to that
customer.
(3) Direct each electrical corporation to disclose to customers
information about the technology of advanced metering infrastructure
devices, including radio frequency, magnitude of signal, and duration
of signal.

(4) Assess the net effect of customers declining the installation
of advanced metering infrastructure devices on smart grid reliability
and efficiency.

(b) The commission shall direct each electrical corporation to
suspend the deployment of advanced metering infrastructure until the
commission has complied with the requirements of subdivision (a).

SEC. 2. No reimbursement is required by this act pursuant to
Section 6 of Article XIII B of the California Constitution because
the only costs that may be incurred by a local agency or school
district will be incurred because this act creates a new crime or
infraction, eliminates a crime or infraction, or changes the penalty
for a crime or infraction, within the meaning of Section 17556 of the
Government Code, or changes the definition of a crime within the
meaning of Section 6 of Article XIII B of the California
Constitution.

SEC. 3. This act is an urgency statute necessary for the immediate
preservation of the public peace, health, or safety within the
meaning of Article IV of the Constitution and shall go into immediate
effect. The facts constituting the necessity are:

In order to ensure that utility customers in California are able
to make informed decisions about the deployment of smart grid
technology, it is necessary for this act to take effect immediately.
February 8, 2011

Michael R. Peevey, President  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102  

Re: Support for AB 37  

Dear President Peevey,  

I am writing to you to express our Board's concerns with the lack of options being provided for those PG&E customers who do not wish to have wireless Smart Meters installed at their homes.  

This letter is prompted after hearing numerous complaints from concerned citizens from all around Humboldt County. These residents have expressed concerns with the potential health impacts of radio frequency (RF) emissions from Smart Meters, as well as concerns about possible impacts on personal privacy.  

We have read with interest the recent study by the California Council on Science and Technology, and while we appreciate the report's conclusions regarding the thermal effects from Smart Meters, we note that it recommends further studies and monitoring regarding the potential non-thermal health effects. The report further recommends that more complete information regarding RF emissions be made available to consumers to allow them to make better-informed decisions.  

Our Board takes no position on these potential health effects, nor do we believe that conclusive evidence of such effects should be necessary before allowing consumers the alternative of a hard-wired Smart Meter.  

Assemblyman Jared Huffman has authored a bill, AB 37, which would require the CPUC to identify options for customers who decline the installation of wireless smart meters and to require PG&E to make those alternatives available. The bill would also require the CPUC to provide information to customers about RF emissions from smart meters, and would suspend the deployment of Smart Meters until the CPUC has complied with the above requirements.  

Our Board supports AB 37, as we believe that consumers who are concerned about possible health or privacy issues from wireless Smart Meters should be given the option of wired meters or traditional mechanical meters. We believe these consumers should be allowed to defer installation until such time as an alternative is available. We also support the inclusion of language in AB 37 that would allow those consumers who have already had Smart Meters installed against, or without, their will to have them replaced with an alternative.
It is our understanding that PG&E is currently allowing those customers who are concerned about Smart Meters to be placed “at the back of the line,” deferring their installation until some unspecified later date. However, we have also heard unconfirmed reports that some customers displaying “No Smart Meter” signs have had the new meters installed against their wishes. We request that PG&E provide us with their assurance that they and their contractors will honor these signs.

We further request that PG&E provide a date-certain for any delayed installations of no sooner than January 1, 2012, giving those customers the assurance that any installation will be deferred until after the fate of AB 37 is known and, in the case of passage, giving them the options and protections provided by the bill.

In conclusion, the Humboldt County Board of Supervisors supports AB 37, and we ask our legislators to work for its passage. We encourage the CPUC and PG&E to respect customers’ concerns by working together in advance of AB 37 to provide alternative options to wireless Smart Meters.

Sincerely,

Mark Lovelace, Chair
Humboldt County Board of Supervisors

Cc:

Assemblyman Jared Huffman
Assemblyman Wes Chesbro
Senator Noreen Evans
Pacific Gas & Electric Company