

**14 May 2012**

*From:* Edward Hasbrouck <edward@hasbrouck.org>  
*To:* amy.yip-kikugawa@cpuc.ca.gov, karen.miller@cpuc.ca.gov,  
@list41db.pml  
*Subject:* (Fwd) CPUC opinion regarding scope of proceeding  
*Date sent:* Mon, 14 May 2012 22:30:04 -0400

I received the message below late today, giving the opinion of the CPUC legal division regarding what "concerns" they believe can properly be raised as issues to include within the scope of the current proceeding related to PG&E and "SmartMeter" opt-outs.

Since there is no indication that this CPUC legal opinion was served on any of the parties to the proceeding it seems to refer to, I am forwarding this message to all the e-mail addresses on CPUC Service List A1103014.

It is unclear whether this CPUC legal opinion reflects a proposed resolution for CPUC action on my request for review of the CPUC Energy Division's actions and inactions on PG&E Advice Letter 3278-G/4006-E.

I have as yet received no answer to any of the questions I have raised with the CPUC Public Advisor, which the Public Advisor and her staff have told me they were directed to refer to Ms. Dorman and not to answer themselves, regarding the procedures and schedule to be followed in handling my request for review. I have received no notice of any calendaring of my request for Commission action or any draft Commission resolution proposed or to be proposed by the Energy Division regarding my request for review.

For the reasons stated in my protest and request for review, I believe that this Advice Letter was outside the scope of the existing proceeding, and that the CPUC legal opinion is erroneous.

The suggestion that the new issues raised in PG&E Advice Letter 3278-G/4006-E, and my protest and request for CPUC review, could be included within the scope of any existing proceeding, was first communicated to me by this message today, far too late for me to be able to file any response today. These issues are properly addressed neither in tomorrow's hearing nor in this proceeding, but by the full Commission in its consideration of my pending request for review.

If, however, the CPUC or the Administrative Law Judge intends to consider or adopt the opinion below, expand the scope of the existing proceeding to include the issues newly raised by PG&E

Advice Letter 3278-G/4006-E and my protest and request for review, or consider consolidating the proceeding required to address those new issues with the existing proceeding on other "SmartMeter" opt-out issues, I request that:

- (1) I be added as a party to this proceeding;
- (2) I be afforded a reasonable opportunity to respond to today's new opinion by the CPUC legal division regarding the scope of the proceeding;
- (3) The issues raised by PG&E Advice Letter 3278-G/4006-E, my protest of that Advice Letter, and my request for CPUC review, as attached, be included in the scope of this proceeding (in addition, of course, to being considered by the CPUC in its consideration of my pending request for review, which I have not withdrawn or abandoned); and
- (4) The CPUC Legal Division be directed to rescind its improper orders to the CPUC public Advisor's Office that that office not provide me with advice on how to exercise my rights of public participation.

I apologize for any errors in the form, manner, or timing of this request. As noted above, I am responding to new information which I received from the CPUC only today, and I have received no response to my requests for assistance from the CPUC Public Advisor's office (which they told me they were ordered to refer to Ms. Dorman, who has not responded to them) as to how to exercise my rights of public participation.

Sincerely,

Edward Hasbrouck  
1130 Treat Ave.  
San Francisco, CA 94110

----- Forwarded message follows -----

Subject: FW: A.11-03-014, A.11-03-015, A.11-07-020, EMF SAFETY NETWORK PREHEARING CONFERENCE STATEMENT Date sent: Mon, 14 May 2012 14:31:04 -0700 From: "Dorman, Elizabeth" <elizabeth.dorman@cpuc.ca.gov> To: "Edward Hasbrouck" <edward@hasbrouck.org>

Mr. Hasbrouck,

Below and attached are some filings related to the ongoing

proceeding in which the concerns you raised in your recent Advice Letter protest may properly be raised as issues to include within the scope of the proceeding.

Elizabeth Dorman

CPUC/Legal

elizabeth.dorman@cpuc.ca.gov

415.703.1415

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From: EMF Safety Network [mailto:EMFSafe@sonic.net]  
Sent: Monday, May 14, 2012 1:32 PM  
To: info@eon3.net; Steve Martinot; SDPatrick@SempraUtilities.com; Liz Barris; Sharon.yang@sce.com; Susan Brinchman; ATrial@SempraUtilities.com; mshames@ucan.org; Barbara Schnier; Morey, Candace; william.sanders@sfgov.org; Marcel TURN; CJW5@pge.com; whb@a-klaw.com; Jim Tobin; James Weil; Wilner David; Michael Boyd; Orlean Koehle; lloydg@co.lake.ca.us; Martin Homec; sandi@emfsafetynetwork.org; andra.pligavko@gmail.com; andrew.weisel@macquarie.com; brbarkovich@earthlink.net; BWT4@pge.com; Chonda (Law) Nwamu; GHealy@SempraUtilities.com; klatt@energyattorney.com; KAF4@pge.com; Kevin Hietbrink; LLeiterman@roadrunner.com; shp1@pge.com; mrw@mrwassoc.com; case.admin@sce.com; janet.combs@sce.com; art@ucan.org; Gideon Rappaport; RGiles@SempraUtilities.com; CentralFiles@SempraUtilities.com; PatiTo12@att.net; vanessav@ci.salinas.ca.us; michael.hetherington@usa.net; jcdt@pge.com; filings@a-klaw.com; m2ld@pge.com; nes@a-klaw.com; Edward Hasbrouck; cem@newsdata.com; lisa\_weinzimer@platts.com; CJGF@pge.com; RegRelCpucCases@pge.com; service@spurr.org; august@tobinlaw.us; joe@tobinlaw.us; Sandy Ross; jeff@jbsenergy.com; cmkehrein@ems-ca.com; Dorman, Elizabeth; Gupta, Aloke; Yip-Kikugawa, Amy C.; Chan, Cherie; Villarreal, Christopher; Malashenko, Elizaveta I.; Zafar, Marzia; Sukhov, Michael; Roberts, Thomas; Peevey, Michael R.; James Hobson

Subject: A.11-03-014, A.11-03-015, A.11-07-020, EMF SAFETY  
NETWORK PREHEARING CONFERENCE STATEMENT

Parties:

Attached PDF/A files contain the EMF SAFETY NETWORK PREHEARING  
CONFERENCE STATEMENT, a Certificate of Service including the  
service list for the consolidated smart meter opt-out proceeding.

Today I submitted the pleading to the Docket Office  
electronically. I will mail paper copies to Assigned Commissioner  
Michael Peevey and Administrative Law Judge Amy Yip-Kikugawa.

Pursuant to Rules 1.9 and 1.10 of the Commission's Rules of  
Practice and Procedure, this e-mail completes service of  
Network's Motion to Support. Parties can direct questions to me  
directly at emfsafe@sonic.net.

----- End of forwarded message -----

Attachments:

Q:\Documents\smartmeter\EH-smartmeter-protest-7MAR2012.pdf  
Q:\Documents\smartmeter\EH-request-CPUC-review-28MAR2012.pdf