

**BEFORE THE CALIFORNIA PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

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

(U-39-M)

Application No. 11-03-014
(Filed March 24, 2011)

**WILNER & ASSOCIATES' EMERGENCY MOTION TO
REQUIRE PG&E TO RETAIN ANALOG METERS**

Dated: October 3, 2011

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Pursuant to Rule 11.1 of the California Public Utilities Commission's (Commission) Rules of Practice and Procedure (Rules), Wilner & Associates (Wilner) respectfully requests the Assigned Administrative Law Judge (ALJ) to issue a ruling in this proceeding requiring Pacific Gas and Electric Company (PG&E) to retain all electromechanical electric meters (analog meters) in its possession as well as those being disconnected when PG&E installs SmartMeters to replace them.

Wilner made this request in its detailed analog meter opt-out proposal submitted to the Commission on August 19, 2011 (p 7), but no ruling has been made on this suggestion to date. In the meantime, PG&E is disposing of analog meters, and claims it has eliminated its capability of refurbishing and calibrating the ones that have been taken out of service. In fact, PG&E is informing the Commission and its subscribers that it no longer has *any* analog meters and therefore cannot install them under any circumstances. This includes the analog meter that Commissioner Michael Peevey was referring to during the Commission Conference held on

September 22, 2011, when he told Mr. Vyas (a PG&E customer) that he could make that choice. However, Wilner is informed that PG&E insisted that it did not have any analog meters, and installed a digital meter instead. Unfortunately, this did not solve Mr. Vyas' problem. Such action demonstrates PG&E's defiance toward the Commission and lack of concern for its customers as far as health issues are concerned.

PG&E is doing this to avoid being ordered to implement an opt-out option requiring installation of analog meters as proposed in this proceeding. Wilner is informed that PG&E has approximately 552,600 analog meters in service that are scheduled to be replaced with SmartMeters. Wilner is also informed that there are firms that recondition (and calibrate) analog meters that are taken out of service by electric utilities, and there will be more than 100,000 of those meters available in the future if needed (see attached Declaration of David L. Wilner, p 1).

PG&E estimates that there will be approximately 140,000 customers requesting the opt-out option, so PG&E's existing inventory of analog meters along with those available from firms that recondition them will be more than sufficient to meet the needs of customers wishing that option. Wilner is also advised that there will be a continuing source of refurbished meters available in the future as electric utilities install SmartMeters across the United States (see attached Declaration of David L. Wilner, p 1). Wilner is informed that there is a General Electric licensee located in Taiwan that may be manufacturing analog meters as well (see attached Declaration of David L. Wilner, p 2).

It is obvious that PG&E is attempting to give the Commission and its customers the impression analog meters are no longer available. Therefore, PG&E will only be required to install a SmartMeter with the radio transmitter turned off or some other digital meter to satisfy any opt-out requirement established in this proceeding. The Commission should not be fooled

by these tactics, and allow PG&E to continue to dispose of the analog meters that may be needed in the future.

For the reasons stated herein, and the attached Declaration of David L. Wilner in support of the relief sought, this motion should be granted.

Respectfully submitted,

/s/

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