



# TOWN OF FAIRFAX

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August 17, 2011

Alejandro T. Vallejo  
Pacific Gas and Electric Company- Law Department  
77 Beale Street, B30A  
San Francisco, CA 94105

*Mayor*  
Larry Bragman

*Vice Mayor*  
Pam Hartwell-Herrero

*Town Council*  
John Reed  
Lew Tremaine  
David Weinsoff

*Town Manager*  
Michael Rock

BY FACSIMILE AND U.S. MAIL: (415) 973-5520

Re: Town of Fairfax SmartMeter Moratorium

Dear Mr. Vallejo:

I am writing on behalf of the Fairfax Town Council in response to your correspondence of August 8, 2011 in regard to the above referenced matter.

As you know, the Town of Fairfax and several other jurisdictions, including the Counties of Marin, Lake and Mendocino, are currently litigating PG&E's proposed SmartMeter opt-out plan that has been filed with the California Public Utilities Commission for its approval. The litigation, A. 11-03-014, is far from complete and obviously the Commission has not issued a final ruling.

PG&E's denial of any legal obligation to comply with the existing effective ordinance of Fairfax prohibiting new Smart Meter construction for a temporary period (and similar ordinances of numerous other jurisdictions) is directly presented to the CPUC by our Protest to PG&E's opt-out plan submitted to the CPUC, since that plan obviously does not include compliance with these ordinances. Hence, if PG&E begins installing SmartMeters in Fairfax, or other moratorium jurisdictions, before a final CPUC decision, it will effectively undermine the dignity and purpose of the commission's administrative process. I am also concerned that any efforts to install in Fairfax before the CPUC has issued a final ruling may precipitate disturbances which will require scarce municipal resources to police.

I have previously informally requested further assurances through PG&E's governmental relations representative, Kelli Nevin, that PG&E will not install SmartMeters in Fairfax until the CPUC has issued a final decision in regard to the opt-out plan. While your correspondence states that "SmartMeter upgrade plans in Fairfax are not currently scheduled for the immediate future, we anticipate that they will be scheduled towards the end of this year or beginning of next", it doesn't explicitly state whether there will be installations of the meters before then or not. In the meantime, I have received repeated reports that PG&E is planning on entering Fairfax to install SmartMeters on August 22nd. Hence, I am once again requesting explicit assurance from PG&E that it will not begin installation of SmartMeters in Fairfax until there is a final decision from the CPUC in A.11-03-014 regarding this issue as presented in pending protests.

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Please feel from to call me directly if you'd like to discuss the matter directly.  
In the meantime, thank you for your anticipated courtesy and cooperation.

Sincerely yours,



LARRY BRAGMAN

LB:ja