

The SMUD Board of Directors never authorized the SMUD smart electric meter program

To all SMUD customers and interested parties,

Between late 2009 and early 2011 SMUD, the Evil Empire, removed the safe and proven analog electric meters from the homes of all 620,000 or so homes and businesses of its customers and deployed or installed digital “smart” electric meters or smart meters. Only a few customers know that SMUD policy in Resolution 13-03-08 allows them to “opt out” of the smart meter if they meet certain conditions and agree to pay. By opting out you can remove this source of microwave and radio frequency radiation from your home.

A more basic question is, “Did the SMUD Board of Directors ever authorize the smart meter program?” Surprisingly the answer is NO, they never did. The Board specifically only authorized giving a time-based meter (or smart meter) to those “customers requesting a time-based rate”. This flyer gives the details.

The SMUD Board of Directors is the legal entity that makes decisions and policies for SMUD. (Sections 11883 -11885 of the California Public Utilities Code, Municipal Utility District Act.) The only resolution the Board ever passed to authorize SMUD to install smart meters was Resolution 07-08-10 with Attachment E, which the Board adopted at its meeting of August 2, 2007. That Resolution said:

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SACRAMENTO MUNICIPAL UTILITY DISTRICT:

The Board Determination on the Time-Based Metering and Communication Standard is hereby adopted and approved, substantially in the form of Attachment E. [Adopted: August 2, 2007]

The Board's Determination, shown on Attachment E, said,

DETERMINATION BY THE SMUD BOARD:

The Standard is appropriate for use by the District at the present time, except for the lighting customer class. District staff should continue to evaluate advanced metering technology and alternative rate options through the, 'Compact with the Customer' process.

The Time-Based Metering and Communication Standard, referred to in the Determination, which SMUD was required by the Energy Policy Act of 2005 to consider, but not necessarily adopt, said in relevant parts:

Section 111(d)(14) of the Public Utility Regulatory Policies Act of 1978 (PURPA), as amended by Section 1252 of the Energy Policy Act of 2005:

- (A) . . . [E]ach electric utility shall offer each of its customer classes, and provide individual customers upon customer request, a time-based rate schedule.
- (B) [contains details about the type of time-based rate schedules that the utility can offer.]
- (C) Each electric utility subject to subparagraph (A) shall provide each customer requesting a time-based rate with a time-based meter capable of enabling the utility and customer to offer and receive such rate, respectively.

Part (C) is the key. If you didn't request a time-based rate you should not have gotten a time-based meter. The Board of Directors approved an “opt in” policy but SMUD's management treated it as “opt out”.

What you can do: #1. Opt out and request an analog meter. SMUD will charge you. #2. File a claim against SMUD using the Government Claims Act, part of the California Government Code. Find this Act at <http://leginfo.legislature.ca.gov/faces/codes.xhtml> by searching on the Gov Code and sections 810 - 998. <http://leginfo.legislature.ca.gov/faces/selectFromMultiples.xhtml?lawCode=GOV§ionNum=810-998>