

RECEIVED

2022 MAY -3 PM 4:46

IDAHO PUBLIC
UTILITIES COMMISSION

LISA D. NORDSTROM
Lead Counsel
lnordstrom@idahopower.com

May 3, 2022

VIA ELECTRONIC FILING

Jan Noriyuki, Secretary
Idaho Public Utilities Commission
11331 W. Chinden Blvd., Bldg 8,
Suite 201-A (83714)
PO Box 83720
Boise, Idaho 83720-0074

Re: Case No. IPC-E-22-09
Karen Erickson v. Idaho Power Company

Dear Ms. Noriyuki:

Enclosed for electronic filing please find Idaho Power Company's Answer in the above matter.

In addition, attached is the Declaration of Dan Smith filed in support of the Answer. Word versions are also attached for the Reporter.

The confidential Answer and attachments will be provided under separate cover to the parties who sign the Protective Agreement in this matter.

If you have any questions about the attached documents, please do not hesitate to contact me.

Very truly yours,

Lisa D. Nordstrom

LDN:sg
Enclosures

LISA D. NORDSTROM (ISB No. 5733)
Idaho Power Company
1221 West Idaho Street (83702)
P.O. Box 70
Boise, Idaho 83707
Telephone: (208) 388-5825
Facsimile: (208) 388-6936
lnordstrom@idahopower.com

Attorney for Idaho Power Company

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

Karen Erickson,)	
)	Case No. IPC-E-22-09
Complainant,)	
)	IDAHO POWER COMPANY'S
vs.)	ANSWER
)	
Idaho Power Company,)	
)	
Respondent.)	
_____)	

COMES NOW, Idaho Power Company ("Respondent," "Idaho Power" or "Company"), and pursuant to Procedural Rule 57, now answers the Summons of the Idaho Public Utilities Commission ("Commission") dated March 29, 2022, concerning the formal Complaint ("Complaint") of Karen Erickson ("Complainant" or "Ms. Erickson"). Idaho Power requests the Commission deny the relief sought by the Complainant and dismiss the complaint with prejudice.

I. STATEMENT OF FACTS & ACCOUNT HISTORY

1. On November 19, 2018, Ms. Erickson called the Company to request electric service at 311 Almond St., Nampa, ID 83686 and for assistance registering for MyAccount, the Company's then online account management platform ("Initial Request for Service").¹ It was during this call that Ms. Erickson first notified the Company of her purported visual and auditory impairments and inability to use the phone or internet without assistance. However, despite notifying the Company of her claimed disabilities at the time of her Initial Request for Service, Ms. Erickson did not indicate that exploring alternative communication channels, which may better suit her needs, was necessary or desired.

2. Beginning early 2019 and through early 2021 the Company had numerous interactions with the Complainant, both in-person and via telephone, usually after her service was disconnected for non-payment. As can be seen within confidential Attachment 1 to this Answer, Ms. Erickson repeatedly failed to make timely payments since her Initial Request for Service² and her service was ultimately disconnected on several occasions after having been provided the notice required by the Commission's

¹ Although this was Ms. Erickson's initial request for service at this premises, the Complainant received electric service at other locations within Idaho Power's service area between November 2009 and January 2014. Idaho Power has no record of the Complainant notifying the Company of her claimed visual and auditory disabilities or making a request for assistive devices or services while receiving electric service at these other locations.

² The Complainant's payment delinquency existed long before her Initial Request for Service. While receiving service at a Boise premises between November 2009 and December 2012, the Complainant failed to pay a past-due balance of [REDACTED], which was eventually written off by the Company. Similarly, while receiving service at a Meridian premises between May 2011 and January 2014, the Complainant again failed to pay a past-due balance of [REDACTED], which was again later written off by the Company.

Utility Customer Relations Rules (“UCRRs”) 304³ and 305.⁴ Only after such disconnections occurred did Ms. Erickson seek to engage the Company, voice her apparent grievances, and proceed to pay off her past-due balance, generally at a local pay station or in cash while visiting the Company’s Canyon Operations Center (“COC”) in Nampa or corporate headquarters in downtown Boise (“CHQ”). It was during these post-disconnection interactions that Ms. Erickson first made, and subsequently repeatedly stated, her Americans with Disabilities Act (“ADA”)⁵-related accusations against the Company, all without making a specific request of the Company or proposing a solution.

3. The Company attempted to work with Ms. Erickson during these numerous interactions and sought to implement different options which may allow for unhindered access to our services and receipt of communications in a preferred format. The Company’s proposed solutions included: in-person visits, enrolling Ms. Erickson’s account in the Company’s automatic monthly bill payment option, sending past-due text alerts to her and her adult son, implementing third-party notifications,⁶ and adding a power of attorney to her account. Aside from enlisting her phone number to receive past-due

³ UCRR 304 requires a utility to send an Initial Notice of termination to a customer at least seven calendar days before the utility’s proposed date of termination. Additionally, while the utility may elect to mail a written Final Notice at least three calendar days, excluding weekends or holidays, before the utility’s proposed date of termination, the utility must diligently attempt to contact, either in person or by telephone, the customer whose service may be disconnected at least twenty-four hours in advance of the proposed date of termination. IDAPA 31.21.01.304.

⁴ UCRR 305 specifies the content required within a utility’s written or oral notice, pursuant to UCRR 304, of its intent to terminate service. IDAPA 31.21.01.305.

⁵ The Americans with Disabilities Act of 1990 makes it unlawful to discriminate against a qualified individual with a disability in employment, state and local government services, public accommodations, transportation, and telecommunications.

⁶ UCRR 307 requires each gas and electric utility to provide a program where, at the request of the customer, the utility will notify a third-party, in writing or orally, and as designated by the customer, of the utility’s intention to terminate service. IDAPA 31.21.01.307.

Company having been previously unsuccessful in meeting with the Complainant at her home, the Company sent the Complainant a letter via email, mail, and hand delivery, provided as Attachment 3 to this Answer, emphasizing its commitment to exploring all reasonable measures to ensure Ms. Erickson's access to our services. Following a third complaint submitted by Ms. Erickson through iWebster on March 25, 2021, the Company sent a limited character, large font email, provided as Attachment 4 to this Answer, asking that the Complainant contact the Company's Canyon West Regional Manager to discuss a solution.

6. April 2021 Informal Complaint. On April 1, 2021, the Company was notified of Ms. Erickson having submitted an informal complaint to the Commission ("April Informal Complaint") -- the first of four informal complaints opened by Commission Staff ("Staff") for Ms. Erickson throughout 2021. Within this April Informal Complaint, Ms. Erickson referred to having previously requested auxiliary assistive devices and services,⁹ and alleged, among her other ADA-related concerns, Idaho Power's refusal to communicate with her in an understandable format, denying her access to service on the basis of her disability, and lacking accessible payment options. Additionally, Ms. Erickson also submitted three more complaints directly to Idaho Power through iWebster between April 14, 2021, and April 20, 2021, whereby she reiterated her ADA-related concerns. The Company responded to these newly submitted iWebster complaints with a telephone call, limited character text message, and through iWebster,¹⁰ the same technology Ms.

⁹ Idaho Power does not have record of the Complainant having previously requested a specific auxiliary assistive device or service. Instead, Ms. Erickson had repeatedly claimed that reasonable accommodation should include an unspecified form of adaptive technology.

¹⁰ See Attachment 5 to this Answer.

text alerts in April 2019, Ms. Erickson declined to pursue these proposed options or authorize Idaho Power to implement them at her direction.

4. On March 9, 2021, Ms. Erickson was again disconnected for non-payment, after which she drove to CHQ to express her grievances and pay her past-due balance to have service restored. During this visit, Ms. Erickson spoke with the Company's Vice President of Customer Operations who reaffirmed the Company's commitment to working with the Complainant and finding a reasonable solution to her concerns. However, Ms. Erickson indicated during this conversation that "providing accommodation and effective communication was the responsibility of Idaho Power and that [she] was no longer willing to facilitate communication by providing such significant accommodation [to the Company]."⁷

5. In response to Ms. Erickson's March 9, 2021, visit to CHQ and a complaint she submitted through the Company's online web inquiry portal ("iWebster"),⁸ provided as Attachment 2 to this Answer, the Company attempted to meet with Ms. Erickson at her home on March 16, 2021, and March 17, 2021. While Ms. Erickson appeared to be away from her home at the time these visits occurred, the Company was able to speak with her adult son on one occasion and requested that he inform the Complainant of the Company's desire to speak with her about an important matter. Although Ms. Erickson did not subsequently seek to engage with the Company, she did submit a second complaint on March 18, 2021, through iWebster and restated her ADA-related grievances against Idaho Power. In response to Ms. Erickson's second iWebster complaint and the

⁷ See Attachment 2 to this Answer.

⁸ iWebster is an online web inquiry platform in which customers may submit comments, questions or feedback to the Company.

Erickson used to contact the Company.

7. On April 21, 2021, the Company responded to Staff's questions regarding Ms. Erickson's April Informal Complaint allegations, described its past efforts in attempting to work with the Complainant, and that the ADA provisions Ms. Erickson references do not apply in this circumstance. As noted in Staff's July 9, 2021, Decision Memorandum, Ms. Erickson's April Informal Complaint was closed on April 28, 2021, because of Staff's inability to reach Ms. Erickson and their belief that the Commission is not the appropriate entity to enforce the ADA.¹¹

8. On June 8, 2021, after sending notice pursuant to UCRRs 304 and 305, Ms. Erickson's service was again disconnected for non-payment. Following this disconnection one of Ms. Erickson's friends made a [REDACTED] payment on her behalf in order to restore her service, and the Complainant visited the Commission's office to discuss her ADA-related concerns in-person with Staff. During this meeting, Ms. Erickson requested that Idaho Power refrain from disconnecting her service while her ADA-based "tort claim," with which Idaho Power had not yet been served, was ongoing.¹² Also having notably occurred during this meeting, and as Staff described within their July 9, 2021, Decision Memorandum, "Ms. Erickson received and read a text, and explained that the text said Idaho Power Company had turned her power back on."¹³

¹¹ In the Matter of Karen Erickson's Petition that the Idaho Public Utilities Commission Require Public Utilities to Comply with the Americans with Disabilities Act, Case No. IPC-E-21-22, Staff Decision Memorandum at 2 (July 9, 2021).

¹² On June 9, 2021, Ms. Erickson filed a Petition for Injunction, which she referred to as a "tort claim" in several places, in Canyon County District Court. The Court dismissed the Petition for Injunction on June 24, 2021. Around the same time, Ms. Erickson had pending claims against the City of Nampa, 911 dispatch, other utilities, and Canyon County District Court.

¹³ Case No. IPC-E-21-22, Staff Decision Memorandum at 2.

9. June 2021 Informal Complaint. After meeting with Ms. Erickson, Staff opened a second informal complaint for her on June 10, 2021, (“June Informal Complaint”) and [REDACTED]

[REDACTED]. The Company also proposed scheduling a monthly, recurring meeting at the COC where an Idaho Power representative would assist Ms. Erickson with understanding her bill and making her monthly payment.¹⁵ However, the Complainant refused this offer during a June 14, 2021, meeting with Staff and stated such proposal is not consistent with the ADA and is not reasonable since it places the burden on her to remember a future date. To alleviate any such burden to Ms. Erickson, and given her ability to communicate in person, the Company later proposed to Staff that it could send high-definition video text messages as a mechanism to communicate with the Complainant about her monthly bills and any past due amounts while concurrently enabling her to see the individual speaking. Nevertheless, it’s the Company’s understanding that Staff was unsuccessful in being able to reach Ms. Erickson to propose this option, nor did Ms. Erickson return to the

¹⁴ Staff’s email to Idaho Power dated June 10, 2021, provided as confidential Attachment 6 to this Answer.

¹⁵ The Company does not generally accept cash payments at its office locations, in part due to its inability to provide change for such transactions; any amount paid in excess of that due is reconciled as an account credit.

Commission's offices after filing a petition¹⁶ with the Commission on June 14, 2021 ("Petition").

10. June 2021 Petition. Within Ms. Erickson's Petition she requested that the Commission require public utilities to comply with the ADA, provide disabled persons equal access to utility services and that the Commission also comply with the ADA's accessibility requirements.¹⁷ Although the Company continued to work with Staff to try and determine a reasonable solution to Ms. Erickson's concerns, including attempting to identify a suitable auxiliary device that the Complainant would consider to be an acceptable means of communication, Staff ultimately acknowledged that the Commission is not the appropriate entity under the ADA to investigate an ADA claim and, on July 9, 2021, recommended that the Commission dismiss Ms. Erickson's Petition.

11. On July 30, 2021, Ms. Erickson submitted a letter with the Commission specifying that she was "unsuccessful in obtaining accommodation from the court system of Idaho with respect to my suit against Idaho Power," and that her request of Idaho Power is to provide a captioned phone and case manager in order to access the Company's services.¹⁸

12. On August 4, 2021, the Commission dismissed Ms. Erickson's Petition without prejudice but issued an order¹⁹ in recognition of the uniqueness of Ms. Erickson's Petition: asking the commission to enforce the ADA on public utilities. Within its order, the Commission noted that in addition to Ms. Erickson's Petition not complying with the form

¹⁶ In the Matter of Karen Erickson's Petition that the Idaho Public Utilities Commission Require Public Utilities to Comply with the Americans with Disabilities Act, Case No. IPC-E-21-22 (June 14, 2021).

¹⁷ *Id.*

¹⁸ Case No. IPC-E-21-22, Letter from Karen Erickson at 1, (July 30, 2021).

¹⁹ Case No. IPC-E-21-22, Final Order No. 35124, (August 4, 2021).

and content requirements for petitions,²⁰ the Commission is also not the appropriate government entity to investigate an alleged ADA violation.

13. Following the dismissal of Ms. Erickson's Petition and "tort claim" against Idaho Power, the Company reached out to Staff to discuss removing the Account Flag from Ms. Erickson's account. Because Ms. Erickson had not returned to the Commission since the dismissal of her Petition, and Staff had not yet had an opportunity to discuss the Petition's outcome with her, Staff requested that the Company maintain the Account Flag for the time being. Despite Ms. Erickson having not made a payment since June 2021, as evidenced within confidential Attachment 1 to this Answer, the Company agreed to maintain the Account Flag until the sooner of Staff meeting with Ms. Erickson or October 1, 2021.

14. September 2021 Informal Complaint. On September 27, 2021, Ms. Erickson submitted a third informal complaint with the Commission whereby she claimed, among other ADA-related allegations, that her power had been turned off and the Company refused to accept her payments sent by courier. In its response, the Company specified that Ms. Erickson's service had not been disconnected but was temporarily interrupted due to a broader, squirrel-caused line disruption, and that the Company did not have any record of Ms. Erickson's courier payments being refused. Following the Company's response, Staff asked if Idaho Power would allow Ms. Erickson to make her monthly payment using a courier. The Company agreed to such a payment structure so long as Ms. Erickson's account number was included with each courier payment delivered

²⁰ Procedural Rule 53 requires, among other things, that Petitions must fully state the facts upon which they are based and refer to the particular provisions of statute, rule, order or other controlling law upon which they are based. IDAPA 31.01.01.053

to the COC. The Company also proposed a more cost-effective solution to avoid Ms. Erickson incurring any courier-related fees: the Complainant could add an authorized user to her account so that payments could more easily be made on her behalf. Alternatively, Ms. Erickson could accept the Company's offer of a monthly, recurring meeting at the COC. Ms. Erickson did not subsequently send any payments to the Company by courier.

15. On October 6, 2021, after having previously removed the Account Flag and notifying Staff that it was too early to code Ms. Erickson's account for Winter Protection,²¹ the Company informed Staff that Ms. Erickson's account had a current past-due balance of [REDACTED] and that she would begin receiving disconnect notices if this past-due balance was not remedied by her next monthly bill's due date.

16. November 2021 Informal Complaint. After providing notice pursuant to UCRRs 304 and 305, Ms. Erickson's service was again disconnected for non-payment on November 4, 2021. Afterwards, Ms. Erickson submitted a fourth informal complaint with the Commission reiterating her ADA-related grievances, stating that her service had been disconnected, and alleged the Company had not provided her with any reasonable accommodations, auxiliary aids, or services as requested. Further, during a subsequent conversation with Staff, the Company was made aware that a few of Ms. Erickson's friends had also visited the Commission's office on the Complainant's behalf and requested that her service be restored, that she be provided an auxiliary device and case manager, and allowed to make in-person, cash payments at the COC at her convenience.

²¹ UCRR 306.01 generally prevents gas and electric utilities from terminating service or threatening to terminate service during the months of December through February to any residential customer that declares they're unable to pay in full for utility service at their primary household where children, elderly or infirm persons reside. IDAPA 31.21.01.306.01. The Company colloquially refers to UCRR 306.01 as "Winter Protection."

Staff additionally informed the Company that during Ms. Erickson's friends' visit to the Commission's office, the Complainant's friends were provided a list of pay stations where payment could be made by the Complainant, or by a friend on her behalf, as a means of quickly restoring service; however, no such payment was received by the Company and Ms. Erickson's service remained disconnected.

17. On November 5, 2021, Ms. Erickson visited the CHQ where she spoke with a manager within the Company's Human Resources department ("HR Manager") and requested that her service be restored and for the ability to pay her bill in cash, a case manager, and an unspecified telephone with assistive technology. Because Ms. Erickson's visit was unscheduled and Idaho Power does not generally have customer service personnel readily able to conduct service restoration transactions at CHQ, the HR Manager was unable to immediately advise on the steps necessary to restore Ms. Erickson's service. However, the HR Manager did discuss the Complainant's "accommodation" requests, asked whether sending a Company representative to her home to collect her monthly payment would be an agreeable arrangement, and committed that the appropriate people would follow up with all options available to restore her service. Although Ms. Erickson did not offer to make a payment to restore her service at this time, she did make it clear that she does not require financial assistance to pay her bill and that she did not think the Company visiting her home to collect payment would be a viable solution because she may be having a seizure at the time of the Company's visit and therefore unable to answer her door.

18. Following this interaction with Ms. Erickson, the Company sent an email to Staff on November 5, 2021, outlining the multiple ways the Complainant could make a

payment to Idaho Power, including unscheduled, in-person, cash payments at the COC during normal business hours (as she requested), to restore her service. Idaho Power also indicated that implementation of a medical certificate, Winter Payment Plan²² or future enrollment in Winter Protection may also be appropriate short-term solutions. The Company further offered that although Ms. Erickson had previously stated she does not require financial assistance, a pledge from an agency providing energy assistance may allow for restoration of her service, albeit without resolving the Complainant's broader ADA and payment-related concerns.

19. On November 8, 2021, Ms. Erickson delivered a letter, provided as Attachment 7 to this Answer, to Idaho Power, the Idaho Office of the Attorney General, the Commission, Idaho Governor Brad Little, the U.S. Department of Justice, and Justice Bevan of the Idaho Supreme Court. Within this letter Ms. Erickson requested that her service be restored, the Company provide her with an ADA coordinator and address her ADA-related requests, establish effective two-way communication, and process certain civil rights complaints that she had submitted.²³ Further, five of Ms. Erickson's friends also contacted the Company's customer service center requesting Ms. Erickson's account information. While the Company was unwilling to release customer account information without the customer's consent, as is standard practice for the Company, the Complainant could have provided her account information to her friends herself had she chosen to do so. Regardless, even without knowing the Complainant's account information, Ms.

²² UCRR 306.03 allows qualifying residential customers the opportunity to make reduced monthly payments, equal to one-half of the customer's level pay amount, between November and March of each year without risk of disconnection. IDAPA 31.21.01.306.03.

²³ The Company is not aware of the civil rights complaints referenced to by the Complainant within this letter.

Erickson's friends could still make a payment on her behalf so long as they were able to provide the Company with her name and service location,²⁴ yet none of Ms. Erickson's friends expressed a willingness to do so.

20. In a follow up email sent to Staff on November 8, 2021, the Company summarized Ms. Erickson's November 5, 2021, visit to CHQ, her friends' attempts to acquire the Complainant's account information, and reiterated its willingness to allow Ms. Erickson to make unscheduled, in-person, cash payments at the COC despite the building otherwise being closed to the public due to the Company's COVID-19 protocols. Staff later informed the Company that they had emailed Ms. Erickson a list of the numerous options available to restore her service on November 5, 2021, and had reiterated such options during subsequent conversations with friends of the Complainant who acknowledged having discussed them with Ms. Erickson. Although Staff had also successfully secured a preliminary energy assistance commitment from Western Idaho Community Action Partnership ("WICAP"), Ms. Erickson's service remained disconnected as a result of her declining WICAP's energy assistance pledge and refusing to remedy her account's past-due balance.

21. On November 10, 2021, the Company placed multiple calls to Ms. Erickson to discuss her request to make unscheduled, in-person, cash payments at the COC. Because Ms. Erickson did not answer any of these calls, the Company sent a large font email on November 11, 2021, provided as Attachment 8 to this Answer, further reiterating the process associated with, and Ms. Erickson's ability to, make unscheduled, in-person, cash payments at the COC.

²⁴ Idaho Power requires this information to ensure the correct account is credited.

22. On November 12, 2021, while confirming service at Ms. Erickson's premises remained disconnected, the Company's Meter Specialist ("Meter Specialist") was confronted by the Complainant who voiced her ADA-related grievances. Although the Meter Specialist did not discuss the Complainant's ADA claims, they did offer to take a partial or full cash payment from Ms. Erickson so that she could be enrolled in the Company's Winter Payment Plan or her past-due balance could be settled, respectively, and restoration of her service could occur. Ms. Erickson refused the Meter Specialist's offer and stated that while she has the money to pay her bill, she was "in protest" of doing so.

23. Following continued discussions and joint efforts with Staff to engage with Ms. Erickson and identify reasonable solutions to her concerns, such as an appropriate auxiliary aid, the Company restored the Complainant's service on November 18, 2021, despite her continued past-due balance, out of an abundance of health-related caution related to the Complainant's unknown medical conditions and the then-persistent cold weather conditions. Throughout these joint efforts and other past discussions, it came to be the Company's understanding that Ms. Erickson had previously received assistance from the Idaho Department of Health and Welfare and Idaho Assistive Technology Project; however, the Complainant was no longer in receipt of these agencies' services as of November 2021.

24. Between November 19, 2021, and November 22, 2021, the Company emailed, mailed and hand-delivered a letter to Ms. Erickson ("November 22, 2021, Letter"), provided as Attachment 9 to this response, restating the Company's willingness to accept unscheduled, in-person, cash payments at the COC during normal business

hours and proposing reasonable solutions to the Complainant's requests regarding her being provided a case manager and assistive technology; this letter also emphasized that although Ms. Erickson's service was restored on November 18, 2021, her then-past-due balance of ██████ remained owed. Additionally, the Company also coded Ms. Erickson's account for future enrollment in Winter Protection, thereby preventing any disconnections from occurring until at least March 2022 and providing sufficient time for Ms. Erickson to engage with the Company and discuss its most recent case manager and assistive technology proposals.

25. However, on November 24, 2021, Ms. Erickson's friend, on behalf of the Complainant, returned to the COC the November 22, 2021, Letter delivered to Ms. Erickson and indicated, as shown within Attachment 10 to this Answer, that it "is not in an accessible format." On December 6, 2021, using larger font, the Company re-mailed and re-emailed the previously delivered November 22, 2021, Letter and, within the body of this resent email, provided a large font, executive summary of the resent letter's contents. The resent November 22, 2021, Letter was not returned to Idaho Power.

26. On February 18, 2022, nearing the end of Winter Protection, the Company emailed, mailed and hand-delivered another large font letter to Ms. Erickson, provided as Attachment 11 to this Answer, reminding the Complainant of her past-due account balance and notifying her of the Company's intent to visit her home several times throughout the following months to discuss her account balance and "accommodation" requests. Additionally, this letter also notified Ms. Erickson that although the Company had previously restored her service on November 18, 2021, her service would again be disconnected on April 5, 2022, if her past-due account balance was not paid, or a payment

arrangement was not entered into by that time.

27. On February 22, 2022, a Company Residential & Commercial Energy Advisor (“Energy Advisor”)²⁵ visited Ms. Erickson’s home to discuss her past “accommodation” requests, the Company’s proposals outlined within its November 22, 2021, Letter and the Complainant’s past-due account balance which, if left unremedied, would eventually result in her service being disconnected. During her interaction with the Energy Advisor, Ms. Erickson restated her visual and auditory disabilities, belief that the Company had been uncooperative in meeting her disabilities’ requirements, and need of a case manager to ensure regular payment of her monthly Idaho Power bill. While Ms. Erickson did agree to make a cash payment at this time, the Energy Advisor did not have the necessary paperwork to provide a receipt, as is Company policy when conducting cash transactions. As such, the Energy Advisor arranged to return to Ms. Erickson’s home at 10:00 a.m. on February 25, 2022, to collect and provide receipt of a cash payment. Though Ms. Erickson specified that she may or may not be home at this time, as she does not “have a concept of time,” she requested that the Energy Advisor show up regardless and for them to bring a “case manager,” the latter of which the Energy Advisor did not agree to.²⁶

²⁵ Energy Advisors interact with the Company’s customers, advise on energy consumption, and help resolve billing or other sensitive issues.

²⁶ The Company does not employ “case managers” but did offer within its November 22, 2021, Letter to provide the Complainant with a dedicated Customer Service Specialist who would have the ability to readily assist Ms. Erickson with any account-related questions she may have during normal business hours. Additionally, the Company also offered to send an employee (Energy Advisor) to the Complainant’s home, upon her request, to discuss and answer any questions related to her bill. In both instances, these Idaho Power employees would be providing services to Ms. Erickson analogous to that of a case manager in regard to assistance with her Idaho Power bill.

28. Upon the Energy Advisor's return to Ms. Erickson's home on February 25, 2022, six of the Complainant's friends were present and appeared to be taking notes of the meeting. Although Ms. Erickson was upset and voiced her displeasure that an Idaho Power case manager was not also in attendance, she did ultimately make a [REDACTED] payment in order to settle her arrears and provided the Energy Advisor with a letter restating her ADA-related concerns, provided as Attachment 12 to this Answer. After providing a receipt and again acknowledging Ms. Erickson's ADA-related concerns, the Energy Advisor departed the Complainant's premises. At no time during this visit did the Energy Advisor threaten to disconnect Ms. Erickson's service that day, as is alleged within the Klaichs' public comments posted in this case on March 7, 2022, as Winter Protection was still in effect at the time of this visit and Ms. Erickson had not yet otherwise been provided the noticing necessary prior to the Company terminating her service. The Energy Advisor's recount of their February 2022 interactions with Ms. Erickson is detailed within Dan Smith's declaration accompanying this Answer.

29. The Company visited Ms. Erickson's premises again on March 3, 2022, to discuss with the Complainant its case manager and assistive technology proposals outlined within its November 22, 2021, Letter. However, Ms. Erickson did not answer the door at the time of this visit.

30. Formal Complaint. Staff recommended the Commission treat Ms. Erickson's emails dated February 25, 2022, and March 23, 2022, "alleging, in part, that Idaho Power violated Idaho statutes and federal law" as a formal complaint.²⁷ On March 29, 2022, the Commission issued a Summons and Formal Complaint to which Idaho

²⁷ In the Matter of the Formal Complaint of Karen Erickson, Case No. IPC-E-22-09, Staff Decision Memorandum at 1 (March 29, 2022).

Power now answers.

31. Account Status. As of May 3, 2022, Ms. Erickson is receiving power and has a past due account balance of [REDACTED].

II. ANSWER

32. Idaho Power interprets the letters submitted by Ms. Erickson and attached to the Summons dated March 29, 2022, as a complaint seeking that the Commission order Idaho Power to provide “equal access” and “effective communication” plus auxiliary aids and case management services.

A. **Ms. Erickson’s Claim of Disability Discrimination Under Title II Fails Because Idaho Power is not a “Public Entity.”**

33. Ms. Erickson claims that Idaho Power discriminated against her based on her unknown, undocumented disability in violation of the ADA and Idaho Law. The Idaho Human Rights Act (“IHRA”) section prohibiting discrimination against an individual with a disability is, in large part, patterned on federal law. Therefore, analysis under federal law is applicable to a claim under the IHRA.²⁸

34. Although it is not entirely clear, it appears Ms. Erickson is claiming Idaho Power violated Title II of the ADA. Title II prohibits disability discrimination in the “services, programs, or activities” of public entities.²⁹ A “public entity” is defined to include any state or local government and any department, agency, special purpose district, or other instrumentality of a state or local government.³⁰ Idaho Power is not a “public entity” for purposes of Title II, as none of these categories describe Idaho Power. Therefore, Title II

²⁸ *Stansbury v. Blue Cross of Idaho Health Serv., Inc.*, 128 Idaho 682, 685, 918 P.2d 266 (1996).

²⁹ 42 U.S.C.A. § 12132.

³⁰ 42 U.S.C.A. § 12131(1)(A), (B).

of the ADA does not apply to Idaho Power and the Commission should dismiss Ms. Erickson's claim against Idaho Power.

B. Ms. Erickson's Claim of Disability Discrimination Under the ADA Fails Because She Has Not Established She is "Disabled."

35. Under Title II and all other titles of the ADA, Ms. Erickson must first demonstrate she is an individual with a "disability" to be entitled to the protections of the ADA. The ADA defines "disability" as a physical or mental impairment that substantially limits a major life activity.³¹ Ms. Erickson has not clearly established that she has a physical or mental impairment, and she certainly has not provided clear evidence that any alleged physical or mental impairment substantially limits a major life activity. Therefore, her claim fails, and the Commission should dismiss it.

36. Because the Complainant has not demonstrated or documented a disability, it has been challenging for Idaho Power to understand her related needs and work with her to identify a reasonable solution. Indeed, although Ms. Erickson claims that her alleged disabilities hinder her ability to comprehend the Company's delivered notifications and meet with Idaho Power on a recurring basis, the Company has observed otherwise throughout its interactions with the Complainant. Notably, Ms. Erickson is very articulate when conversing and seemingly has the capability, or necessary assistance, to submit payment, send electronic correspondence (e.g., submitting iWebster complaints to the Company and emails to Staff), drive to the COC or CHQ, or call the Company when it

³¹ 42 U.S.C. § 12102(2); 29 C.F.R. § 1630.2(g); and see *Henrietta D. v. Bloomberg*, 331 F.3d 261, 273 n. 7 (2d Cir.2003) (definition of disability is same for all ADA claims).

suits her to do so. Further, Ms. Erickson has also clearly demonstrated in front of Staff her ability to read and understand the Company's text message notifications.³²

C. Idaho Power Has Offered "Accommodations" and "Auxiliary Aids" Options Despite Ms. Erickson's Unwillingness or Inability to Demonstrate She is Disabled.

37. Even assuming Ms. Erickson can somehow establish the threshold requirements of her claim, that Idaho Power is a covered entity and she is an individual protected by the ADA, she cannot establish that the Company failed to provide auxiliary aids and services contemplated by Title II of the ADA (or accommodations required under another title).³³ The Title II regulations provide: "[a] public entity shall take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others; and "[a] public entity shall furnish appropriate auxiliary aids and services where necessary to afford individuals with disabilities, including applicants, participants, companions, and members of the public, an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity of a public entity."³⁴

³² In the Matter of Karen Erickson's Petition that the Idaho Public Utilities Commission Require Public Utilities to Comply with the Americans with Disabilities Act, Case No. IPC-E-21-22, Staff Decision Memorandum at 2 (July 9, 2021).

³³ Ms. Erickson focuses on the requirements to provide "auxiliary aids and services" under Title II. However, the Company's efforts would also satisfy the requirements to provide reasonable modifications or "accommodations" under other titles of the ADA.

³⁴ 28 C.F.R. § 35.160 (a)(1) & (b)(1).

The regulations further define “auxiliary aids and services” as effective means of communicating with individuals who are deaf or hard of hearing or blind or have low vision and list non-exhaustive examples.³⁵

38. Ms. Erickson’s primary claim appears to be that her bill, explanation of services, and bill payment options are not in an accessible format, and the Company has not provided auxiliary aids and services. In fact, despite the fact that Ms. Erickson has not established that she is a qualified individual with a disability, Idaho Power has far exceeded the requirements to provide equal access and benefits under Title II.

39. First, over six years ago, Idaho Power initiated a redesign of its public-facing website idahopower.com to ensure the website is accessible to disabled customers. The Company utilized technical guidance from the Web Content Accessibility Guidelines (“WCAG”), which the federal government uses for its websites, to ensure accessibility. Idahopower.com provides account and billing information to customers in an accessible format. Idaho Power also utilized updated WCAG guidelines to redesign its online bill pay site. So, any claim by Ms. Erickson that she does not have access online to tools for understanding her bill must fail.

40. Additionally, as outlined above in the Statement of Facts, Idaho Power has

³⁵ Auxiliary aids and services includes—(1) Qualified interpreters on-site or through video remote interpreting (“VRI”) services; notetakers; real-time computer-aided transcription services; written materials; exchange of written notes; telephone handset amplifiers; assistive listening devices; assistive listening systems; telephones compatible with hearing aids; closed caption decoders; open and closed captioning, including real-time captioning; voice, text, and video-based telecommunications products and systems, including text telephones (“TTYs”), videophones, and captioned telephones, or equally effective telecommunications devices; videotext displays; accessible electronic and information technology; or other effective methods of making aurally delivered information available to individuals who are deaf or hard of hearing; (2) Qualified readers; taped texts; audio recordings; Brailled materials and displays; screen reader software; magnification software; optical readers; secondary auditory programs (“SAP”); large print materials; accessible electronic and information technology; or other effective methods of making visually delivered materials available to individuals who are blind or have low vision; (3) Acquisition or modification of equipment or devices; and (4) Other similar services and actions.

offered a number of “auxiliary aids and services,” including communicating in multiple formats, meeting with Ms. Erickson in person, offering multiple dedicated individuals to explain her bill and services to her, offering regular meetings at locations convenient to her, and also offering to provide technical solutions to purported communication barriers, such as software or relay telephones. Despite multiple attempts to provide specific solutions to the alleged communication barrier, Ms. Erickson refused to identify specific auxiliary aids that would enable her to communicate with the Company.

41. Ms. Erickson’s discrimination claim fails because Idaho Power’s website is accessible to individuals with disabilities and the Company has offered and provided multiple auxiliary aids and services, despite the Complainant’s failure to provide any evidence of a disability. The Commission should dismiss Ms. Erickson’s claim of disability discrimination under Title II, or any other title of the ADA, to the extent she is making such a claim.

III. AFFIRMATIVE DEFENSES

A. Complainant Does Not Present a Claim the Commission Is Empowered to Remedy.

42. The Commission is an agency of limited jurisdiction and may only exercise the authority delegated to it by the Legislature. *Washington Water Power v. Kootenai Environmental Alliance*, 99 Idaho 875, 591 P.2d 122 (1979). The Legislature has delegated to the Commission responsibility to regulate certain relationships between utilities and their customers, including by setting service rates, charges and terms of service. *Idaho Code* §§ 61-501, 61-502, 61-507. However, even if there was merit to her ADA arguments, Ms. Erickson does not present a claim that the Commission is empowered to remedy. Last summer the Commission explained to Ms. Erickson in Case

No. IPC-E-21-22 that it does not have jurisdiction over ADA complaints; Order No. 35124 states, “We decline to enforce ADA-based claims against public utilities because we lack the statutory authority to do so.” This outcome is consistent with decisions³⁶ made by other state utility regulatory bodies and Ms. Erickson does not cite legal authority to the contrary.

B. Complainant Does Not Allege Violation of Idaho Public Utilities Law or Commission Rules.

43. Although the Commission has authority to interpret its rules and utility statutes, no violation of the Commission’s rules or *Idaho Code* Title 61 has been alleged by the Complainant. Idaho Power has not only complied with the Commission’s consumer rules and regulations, but it has also made extraordinary efforts to find methods of communication and payment acceptable to Ms. Erickson. As described above, Ms. Erickson has found them all to be unsatisfactory.

44. While Ms. Erickson has submitted numerous letters detailing her complaints against Idaho Power to the Commission, she does not “fully state the facts upon which they are based” to support her claims of alleged noncompliance as required by procedural rule 54. IDAPA 31.01.01.054.02. Moreover, Ms. Erickson does not “refer to the specific provision of the statute, rule, order, notice tariff or other controlling law that the utility or person has violated.” IDAPA 31.01.01.054.03. While this complaint could be dismissed due to these procedural defects, Idaho Power does not wish to further prolong issuance of a final order addressing Ms. Erickson’s complaint.

³⁶ *Harper v. PPL Electric Utilities Corp.*, Pa.P.U.C. Docket No. F-2014-2422449 at 10, 22 (Jan 27, 2015); *Frompovich v. PECO Energy Co.*, Pa.P.U.C. Docket No. C-2015-2474602 at 43 (May 3, 2018); *Wahlig v. We Energies*, Wis.P.S.C. Docket 6630-CC-208318 at 3-5 (Jan. 27, 2017).

IV. COMMUNICATIONS AND SERVICE OF PLEADINGS

45. Service of pleadings and communications with reference to this case should be sent to the following:

Lisa D. Nordstrom
Idaho Power Company
1221 West Idaho Street (83702)
P.O. Box 70
Boise, Idaho 83707
lnordstrom@idahopower.com
dockets@idahopower.com

Connie Aschenbrenner
Riley Maloney
Idaho Power Company
1221 West Idaho Street (83702)
P.O. Box 70
Boise, Idaho 83707
caschenbrenner@idahopower.com
rmaloney@idahopower.com

V. CONCLUSION

46. From the onset of Ms. Erickson voicing her ADA-related grievances against Idaho Power in early 2019, the Company has repeatedly attempted to work with the Complainant to find reasonable solutions to her concerns. Specifically, the Company has attempted to engage with Ms. Erickson on numerous occasions to discuss her concerns and alleged disability, has offered to implement various types of communication channels and payment structures, and has provided the Complainant with her “accommodation” requests or a reasonable variation thereof. At this time, Ms. Erickson has personally made the decision to not implement any of the Company’s proposals, many of which she initially requested, and instead chooses to continue making broad and unfounded accusations against the Company for which no remedy can be provided because no violation is specified.

47. Choosing to not engage with the Company, refusing to exercise self-help options, and ignoring disconnection notices are issues separate from not having the capability to engage with the Company and comprehend its notices, the latter of which has not been established. Idaho Power respectfully requests the Commission issue an

Order denying the relief sought by the Complainant and dismiss the complaint with prejudice.

Dated at Boise, Idaho, this 3rd day of May 2022.

Lisa D. Nordstrom

LISA D. NORDSTROM
Attorney for Idaho Power Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 3rd day of May 2022, I served a true and correct copy of the within and foregoing IDAHO POWER COMPANY'S ANSWER upon the following named parties by the method indicated below, and addressed to the following:

Commission Staff

Riley Newton
Deputy Attorney General
Idaho Public Utilities Commission
472 West Washington (83702)
P.O. Box 83720
Boise, Idaho 83720-0074

Hand Delivered
 U.S. Mail
 Overnight Mail
 FAX
 E-mail riley.newton@puc.idaho.gov

Karen Erickson
3327 N Eagle Rd, Ste 110
Meridian, Idaho 83646

Hand Delivered (311 Almond St, Nampa)
(On or about May 3, 2022 to accommodate hand-delivery)
 U.S. Mail (large font format)
 Overnight Mail
 FAX
 E-mail karen.healthybynature@gmail.com

Stacy Gust

Stacy Gust, Regulatory Administrative Assistant

**BEFORE THE
IDAHO PUBLIC UTILITIES COMMISSION**

CASE NO. IPC-E-22-09

IDAHO POWER COMPANY

CONFIDENTIAL

ATTACHMENT NO. 1

**BEFORE THE
IDAHO PUBLIC UTILITIES COMMISSION
CASE NO. IPC-E-22-09**

IDAHO POWER COMPANY

ATTACHMENT NO. 2

March 10, 2021 iWebster Submission

Karen
Erickson
Email:
Company:
Location:
Subject:

Karen.healthbynature@gmail.com

CustomerService

Comments:

Wednesday March 10, 2021. Tort Claim against Idaho Power relating to discrimination on the basis of disability. Forward this to the legal department and provide Copy to Customer Service Employee (manager?) that I spoke with on 3/9/2021 This shall serve as notification of a Tort Claim against Idaho Power for discrimination against me on the basis of my disability by disregarding Federal ADA Provisions for equally accessible services. Please confirm receipt of this Tort in a format I can understand. I will require Reasonable Accommodation to be able to communicate or participate in this action. I have requested RA for several years in writing without response. I have advocated for myself in person. And I have had the assistance of a number of professional advocates. On 12/9/19 I spoke to HR and made an in person request for adaptive technology (auxiliary aids). On 3/11/20 I submitted a Civil Right Complaint. On 12/2/2020 I submitted a complaint because I had been told by Idaho Power Customer Service that people with a hearing impairment who are unable to use the phone couldn't have power restored since phone confirmation was required. And on March 9,2021 my power was again disrupted without warning. In order for me to communicate or make a payment I make a 40 mile round trip to the Boise downtown office. Idaho Power has no means of communication with me at all. No RA requests over the past 7 years have been responded to or addressed. I am unable to read, unable to receive mail, and unable to talk on the phone. I am developmentally disabled and have been in Federal Disability for almost 40 years. Yesterday it was not clear to me if my power was disrupted by Idaho Power or if another issue was occurring. Although I did not feel well enough to drive, I went into Boise to ask Idaho Power where I was in a near accident. I do not have the personal resources to continue to accommodate Idaho Power in this manner. I indicated that I would not leave the building until I got some help. Although I specifically asked to speak to the legal department or HR; as usual I was directed to Customer Service. The Representative I spoke to from Customer Services told me Idaho Power was ADA compliant, yet he had never heard about any of my ADA requests over the past 7 years and he did not present any plan for addressing ADA issues. As I left he asked me how to reach me and I indicated that providing Accomodation and effective communication was the responsibility of Idaho Power and that I was no longer willing to facilitate communication by providing such significant accomodation. Reasonable Accommodation: I meet the criteria for ADA provisions since I have been legally recognized as developmentally disabled by the Federal Government for almost 40 years. I do not currently have any advocacy or disability services. I require face to face communication to negotiate Accomodation. Accomodation should minimally include case management services and adaptive technology. I ask that Idaho Power consider the extreme level of Accomodation I have provided to Idaho Power over a significant period of time while requesting RA from Idaho Power without response. Karen Erickson 3/10/2012

**BEFORE THE
IDAHO PUBLIC UTILITIES COMMISSION**

CASE NO. IPC-E-22-09

IDAHO POWER COMPANY

ATTACHMENT NO. 3



March 19, 2021

Karen Erickson
311 Almond St.
Nampa, ID 83686
Karen.healthybynature@gmail.com

VIA EMAIL, US MAIL, AND HAND DELIVERY

Ms. Erickson,

I am the Regional Manager for the Idaho Power Company region covering your residence. This letter is in response to your visit to Idaho Power's Corporate Headquarters on March 9, 2021, your two recent emails to Idaho Power's inbox dated March 10 and 18, 2021, and your prior communication with Idaho Power.

Your correspondence indicates you are an individual with a disability and need assistance communicating effectively with Idaho Power. Idaho Power has been engaged in conversations with you since 2019 regarding this matter and has offered a number of reasonable solutions during our conversations, including text alerts to you and your son; in-person visits; assistance setting up autopay; and different types of written and electronic communication. **We remain committed to exploring all reasonable measures to ensure you have access to our services, and we would like to better understand your specific needs.**

As you know, we attempted to visit you at your home on March 16, 2021, to discuss this matter, and we did not reach you. **We would like to set up some time to discuss this matter and possible solutions.** We think it may be helpful to have your son involved in the conversation as well, since he has reached out to customer service on your behalf in the past. We are happy to meet you at your residence, or we can set up an appointment at our Canyon Operations Center located at 2420 Chacartegui Ln. in Nampa, Idaho. You or your son can call me at [REDACTED] or email me directly at arood@idahopower.com and let me know what dates and times work for you. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Angelique Rood".

Angelique Rood
Regional Manager

**BEFORE THE
IDAHO PUBLIC UTILITIES COMMISSION**

CASE NO. IPC-E-22-09

IDAHO POWER COMPANY

ATTACHMENT NO. 4

From: Rood, Angelique
Sent: Wednesday, March 31, 2021 12:42 PM
To: 'karen.healthynature@gmail.com'
Cc: Wolverton, Gina
Subject: Idaho Power Company

I received your message and want to talk to you. Please call or email me with your availability. 208-465-8601 or ARood@idahopower.com.

Thank you,

Angelique Rood

Angelique Rood
REGIONAL MANAGER- CANYON WEST
Customer Operations & Business Development
Idaho Power Company
Work 208-465-8601
Mobile [REDACTED]

Email arood@idahopower.com

From: Rood, Angelique
Sent: Monday, March 22, 2021 10:08 AM
To: 'karen.healthynature@gmail.com' <karen.healthynature@gmail.com>
Cc: Wolverton, Gina <GWolverton@idahopower.com>
Subject: Idaho Power Company
Importance: High

Ms. Erickson,

Please see the attached letter. I look forward to hearing from you.

Sincerely,

Angelique Rood
REGIONAL MANAGER- CANYON WEST
Customer Operations & Business Development
Idaho Power Company
Work 208-465-8601

**BEFORE THE
IDAHO PUBLIC UTILITIES COMMISSION**

CASE NO. IPC-E-22-09

IDAHO POWER COMPANY

ATTACHMENT NO. 5

April 14, 2021 iWebster Submission

Web Email Contact System

Case Details Inquiry From Idaho Power Contact Us

Response Info: Wloverton, Gina (Gloverton@idahopower.com) responded to this case on 04/16/2021 at 10:24 AM.

A customer contacted Idaho Power with a question or comment. You are here because you have been chosen to handle this case. The customer contacted Idaho Power with the following information:

Log Number: 219855
Name: Karen Erickson
Email: Karen_health@idahopower.com
Company: Idaho Power
Location: 311 Almond, Nampa
Subject: Customer Service
Comments: Please give this to a supervisor I am trying to communicate with you about my tort claim. I can see Idaho power is also trying to communicate with me which I appreciate but it's not in an accessible format. I am disabled. I have clearly specified in my Tort Claim as well as my RA requests over a 7 year period that I require auxiliary aids and services to have effective communication.
Respond: Please refer to these documents and provide me with legally mandated Accommodation to communicate with me, Karen Erickson.
Date Sent: 04/14/21

Status: Complete
Resolution Owner: Wloverton, Gina
Logged In: NO
Owner Email: Gloverton@idahopower.com
Priority: High
Date Due: 04/16/21

Communication: Karen Erickson
Ms. Erickson:
We received your emails on April 14 and 15. We are trying to contact you to discuss solutions to your communication concerns. We have attempted to contact you by letter, phone, text, and in person because we want to set up a time to talk to you. Please call Angelique Rood at 208-456-3921 or email her at ARood@idahopower.com and let us know when you are available to meet at your home or our office in Nampa. Thank you.

[Details](#) - Back to the details.

[Respond](#) - Respond with an email.

[Complete](#) - Set status to complete without email.

[Decline](#) - Decline ownership of the case.

[History](#) - View a history of previous cases assigned to you.

idahopower.com

**BEFORE THE
IDAHO PUBLIC UTILITIES COMMISSION
CASE NO. IPC-E-22-09**

IDAHO POWER COMPANY

**CONFIDENTIAL
ATTACHMENT NO. 6**

**BEFORE THE
IDAHO PUBLIC UTILITIES COMMISSION**

CASE NO. IPC-E-22-09

IDAHO POWER COMPANY

ATTACHMENT NO. 7

To Idaho Power

To Idaho Power

Karen Erickson <karen.healthybynature@gmail.com>

Mon 11/8/2021 11:53 AM

To: Karen Erickson <karen.healthybynature@gmail.com>

Cc: Ods02104Cpc <ods02104cpc@officedepot.com>

[CAUTION: EXTERNAL SENDER]

To Idaho Power

Cc Idaho Power, PUC, AG, Governor, DOJ, Supreme Justice Bevan

I am submitting an emergency request to Idaho Power that I be connected with the ADA coordinator for Idaho Power. It is a legal requirement that contact information be provided on request. I have requested this information in person for 8 years but at present am unable to come to your office, 40 miles from my home, because of my disability.

Designation of responsible employee. A public entity that employs 50 or more persons shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under this part, including any investigation of any complaint communicated to it alleging its noncompliance with this part or alleging any actions that would be prohibited by this part. The public entity shall make available to all interested individuals the name, office address, and telephone number of the employee or employees designated pursuant to this paragraph.

I have been submitting ADA requests, asking for the ADA coordinator and submitting Civil Rights Complaints to Idaho Power for EIGHT (8) years without response. During this time my power has been repeatedly disrupted because no billing information has been made available to me in accessible format. No payment process is accessible to me besides driving the 40 miles, which I am unable to do because of my disability.

I am requesting that my power be restored until such time that Idaho power can identify an ADA Coordinator, address my ADA requests, establish effective 2 way communication, and process the Civil Rights Complaints that have been submitted. Withholding power from a vulnerable disabled adult because of non compliance with Federal Regulations is a dangerous public practice, one that has caused and IS causing me irreparable harm RIGHT NOW.

IDAPA rules for Public Utilities are also clear:

MAINTENANCE OF ADEQUATE SERVICE. Every public utility shall furnish, provide and maintain such service, instrumentalities, equipment and facilities as shall promote the safety, health, comfort and convenience of its patrons, employees and the public, and as shall be in all respects adequate, efficient, just and reasonable.

[(61-302) 1913, ch. 61, sec. 12b, p. 248; reen. C.L. 106:45; C.S., sec. 2412; I.C.A., sec. 59-302.]

It is unreasonable to expect disabled adults to pay a bill without payment information in accessible formats, the ability to ask billing questions, or an accessible payment method - especially when these provisions are Federal Regulations required of all public entities you Section 504 and the ADA.

It is unsafe to disrupt power to vulnerable disabled adults because of lack of equal access.

Idaho Power is disregarding my safety, health, comfort and convenience by disregarding Section 504 and the ADA.

The Requirement to comply with Federal Law is reiterated in the next paragraph in IDAPA:

NONCOMPLIANCE WITH LAW -- LIABILITY FOR DAMAGE. In case any public utility shall do, cause to be done or permit to be done, any act, matter or thing prohibited, forbidden or declared to be unlawful, or shall omit to do any act, matter or thing required to be done, either by the constitution, any law of this state, or any order or decision of the commission, according to the terms of this act, such public utility shall be liable to the persons or corporations affected thereby for all loss, damages or injury caused thereby or resulting therefrom. An action to recover such loss, damage or injury may be brought in any court of competent jurisdiction by any corporation or person.

I am sending copies of this letter to the office of the AG, the Governor, the PUC, and Federal Agencies, and The Supreme Court of Idaho. This situation should have been addressed with an injunction I tried to request in the Idaho Court System which itself is not ADA compliant or accessible to disabled adults trying to protect themselves from harm. **NO ACCESSIBLE COMPLAINT PROCESS TO ADDRESS CIVIL RIGHTS VIOLATIONS BY PUBLIC ENTITIES EXISTS IN IDAHO AS EVERYONE RECEIVING THIS CORRESPONDENCE IS CLEARLY AWARE OF.** You all have responsibilities with respect to investigating violations of IDAPA, ADA, Section 504, issues relating to public safety and the protection of vulnerable and disabled adults in this community as public servants. I expect you all to live up to the responsibility of being a public servant and get my power restored immediately. Obviously my ability to address these issues without any of you extending me effective communication, providing Auxiliary aids and services, or identifying and correcting civil rights violations creates a barrier to access beyond my capabilities. Exploiting disabled adults by Government Entities is reprehensible. Ignoring laws protecting the safety of disabled adults is reprehensible. This is causing me irreparable harm because I am being denied the Federal Protections awarded to me by Congress in **NONDISCRIMINATION ON THE BASIS OF DISABILITY IN STATE AND LOCAL GOVERNMENT SERVICES.** Please act immediately and correct these issues with Idaho power and your own agencies and departments.

Karen Erickson

Special note to the PUC that I am requesting an exact copy of this correspondence be copied and provided directly to each commissioner without 'summarization' by your legal team.

Sent from my iPad

Complaint of disability discrimination from Lisa Graham

I want to report that my friend Karen Erickson, a disabled woman living in Nampa, has been without the ability to call 911, turn on a light, store and prepare food or heat her home for 4 days. Today is November 7. It's cold. I just happened to stop by on my way through town and found her in this dangerous situation. Two of her friends reported this to the PUC on Thursday. She went in to Idaho Power on Friday and told them she was disabled and had no power. I cannot understand why no one has helped a disabled woman get her power back on or why this would not be addressed before the weekend.

This situation is extremely dangerous. It has caused ongoing harm and serious risk to someone with a severe disability. It is getting progressively worse.

Disabled adults need the same information from Idaho Power as people without disabilities before they can pay their bill: a due date and a balance. This information is not being made available to Karen because she is disabled and unable to read. She is unable to talk on the phone. She has no personal care services or case management services to assist her. And because she does not have the basic information she needs to pay her bill - her power and water get cut off. Because she is disabled, she has no way to communicate, no way to ask questions, and no way to report an emergency. Karen is being denied every basic service in Idaho because of her disability. It is against the Law to discriminate because someone is disabled. And it's unbelievable to me that so many people would stand by and allow this to happen.

This is a formal complaint of discrimination of a disabled adult against Idaho Power. What can you do to prevent this situation from happening in the future? She can't be your only customer that has experienced the same degrading situation.

Lisa Graham
Lisa Graham

Orofino Idaho

To Idaho Power

**BEFORE THE
IDAHO PUBLIC UTILITIES COMMISSION**

CASE NO. IPC-E-22-09

IDAHO POWER COMPANY

ATTACHMENT NO. 8

From: Rood, Angelique
Sent: Thursday, November 11, 2021 2:44 PM
To: Karen.healthybynature@gmail.com
Cc: Smith, Dan
Subject: Idaho Power In-person Payments

Importance: High

Ms. Erickson,

We received your request to pay your bill in person in cash. In response to your request, we unlocked our outside door in Nampa so **you can pay cash in person.** We need you to pay the overdue balance of [REDACTED] to restore power. Please see the details below.

Office Location: 2420 Chacartegui Lane Nampa, Idaho 83687

Hours: Our office is open Monday through Friday (except major holidays) from 8am until 5pm. We are closed from Noon until 1pm.

Payment Options: We can accept check, credit card, or cash. If paying in cash, we will need the exact amount due. If not, the additional amount provided will be

credited to your account. We cannot provide change. We will only be able to provide account information to you or someone authorized on your account.

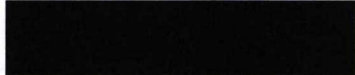
Instructions: If possible, please call in advance of your visit so that we have a representative ready to serve you. You can reach Lupe at 208-465-8603 or Angelique at 208-465-8601. When you arrive, please enter our Customer entrance. There is a phone in the lobby that will connect you with a representative. Please let them know you're there to pay and we will meet you in the lobby.

If you have additional questions, please contact Dan Smith, Residential Energy Advisor at 208-465-8607 or our Customer Interaction Center at 208-388-2323.

Angelique Rood

Regional Manager

Idaho Power | Customer Operations

Office 208-465-8601 | Mobile 

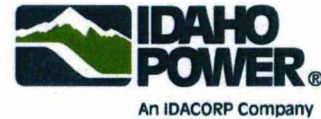
arood@idahopower.com

**BEFORE THE
IDAHO PUBLIC UTILITIES COMMISSION**

CASE NO. IPC-E-22-09

IDAHO POWER COMPANY

ATTACHMENT NO. 9



November 22, 2021

Karen Erickson
311 Almond St.
Nampa, ID 83686
karen.healthybynature@gmail.com

**VIA EMAIL (NOVEMBER 22, 2021);
US MAIL AND HAND DELIVERY (NOVEMBER 22, 2021)**

Subject: Request for Assistance and Restoration of Power

Dear Ms. Erickson:

The purpose of this letter is to communicate with you regarding your accommodation requests and the status of your account with Idaho Power.

ACCOMMODATION REQUESTS

On November 5, 2021, you met with a Human Resources Manager regarding your requests for accommodation due to your stated disability.¹ You requested the following three accommodations: the ability to pay your bill in cash in person; a “case manager” to assist you with your bill; and an assistive telephone to help you communicate with Idaho Power representatives.

On November 11, 2021, I sent an email to the email address you regularly use for communication (karen.healthybynature@gmail.com) notifying you that we granted your request to pay in person at our Nampa location. **We are also willing to provide reasonable solutions in response to your other two accommodation requests.** We have identified the following solutions.

1. **Case Manager**: In response to this request, IPC will provide instructions for you to directly contact a Customer Service Specialist during regular business hours who will have the information and ability to assist you with your account. We have also identified a specific

¹ IPC disagrees that “accommodations” are legally required but is using the term for ease of reference.

individual who is available to meet with you in person at your home upon request to discuss your bill and answer questions.

2. **Assistive Technology**: Idaho Power identified two possible solutions.
 - a. **Software**: Idaho Power communicated with individuals at the University of Idaho's Center on Disabilities and Human Development, and they suggested software, such as [Otter.ai](#), is a possible solution. Idaho Power is willing to discuss the use of software to resolve communication concerns.
 - b. **Captioned Telephone**: Alternatively, Idaho Power is willing to provide one captioned telephone and identified the *Hamilton CapTel 880i* as a device appropriate for hearing loss and low vision.

We would like to set up a time to discuss these options in person.

ACCOUNT STATUS

Idaho Power restored your power on November 18, 2021, despite the **overdue balance of [REDACTED]** on your account, due to weather conditions and to provide an opportunity for you and the company to discuss the solutions outlined above. The process for paying cash in person I outlined in my November 11 email is still available, and we request that you pay the overdue balance immediately. You will continue to accrue charges for all electric power used, and it will be added to the current overdue balance of **[REDACTED]**. Winter payment plans are available if you are interested. We hope to avoid any future disruption of service and look forward to your prompt payment.

Please email me at arood@idahopower.com, call or text me at 208-465-8601, or stop by our Nampa office during normal business hours to set up a meeting. Thank you.

Sincerely,

Angelique Rood
Regional Manager

**BEFORE THE
IDAHO PUBLIC UTILITIES COMMISSION**

CASE NO. IPC-E-22-09

IDAHO POWER COMPANY

ATTACHMENT NO. 10



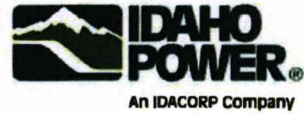
This is not in an accessible format. I

Important Notice have requested ADA provisions

CUSTOMER NAME	for effective communication and materials in accessible formats
SERVICE LOCATION	Kanan Nov 23, 2021 Bridson 311 Almond Nampa 8368

Turned in at dropbox at 10790 Franklin Rd. @ 5:08pm on 11-24-21

Amy Elder
Amy Elder
(208) 577-1430



November 22, 2021

Karen Erickson
311 Almond St.
Nampa, ID 83686
karen.healthynature@gmail.com

**VIA EMAIL (NOVEMBER 22, 2021);
US MAIL AND HAND DELIVERY (NOVEMBER 22, 2021)**

Subject: Request for Assistance and Restoration of Power

Dear Ms. Erickson:

The purpose of this letter is to communicate with you regarding your accommodation requests and the status of your account with Idaho Power.

ACCOMMODATION REQUESTS

On November 5, 2021, you met with a Human Resources Manager regarding your requests for accommodation due to your stated disability.¹ You requested the following three accommodations: the ability to pay your bill in cash in person; a "case manager" to assist you with your bill; and an assistive telephone to help you communicate with Idaho Power representatives.

On November 11, 2021, I sent an email to the email address you regularly use for communication (karen.healthynature@gmail.com) notifying you that we granted your request to pay in person at our Nampa location. **We are also willing to provide reasonable solutions in response to your other two accommodation requests.** We have identified the following solutions.

1. **Case Manager**: In response to this request, IPC will provide instructions for you to directly contact a Customer Service Specialist during regular business hours who will have the information and ability to assist you with your account. We have also identified a specific

¹ IPC disagrees that "accommodations" are legally required but is using the term for ease of reference.

individual who is available to meet with you in person at your home upon request to discuss your bill and answer questions.

2. **Assistive Technology**: Idaho Power identified two possible solutions.
 - a. **Software**: Idaho Power communicated with individuals at the University of Idaho's Center on Disabilities and Human Development, and they suggested software, such as Otter.ai, is a possible solution. Idaho Power is willing to discuss the use of software to resolve communication concerns.
 - b. **Captioned Telephone**: Alternatively, Idaho Power is willing to provide one captioned telephone and identified the *Hamilton CapTel 880i* as a device appropriate for hearing loss and low vision.

We would like to set up a time to discuss these options in person.

ACCOUNT STATUS

Idaho Power restored your power on November 18, 2021, despite the **overdue balance of [REDACTED]** on your account, due to weather conditions and to provide an opportunity for you and the company to discuss the solutions outlined above. The process for paying cash in person I outlined in my November 11 email is still available, and we request that you pay the overdue balance immediately. You will continue to accrue charges for all electric power used, and it will be added to the current overdue balance of **[REDACTED]**. Winter payment plans are available if you are interested. We hope to avoid any future disruption of service and look forward to your prompt payment.

Please email me at arood@idahopower.com, call or text me at 208-465-8601, or stop by our Nampa office during normal business hours to set up a meeting. Thank you.

Sincerely,

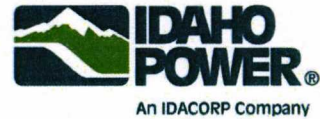
Angelique Rood
Regional Manager

**BEFORE THE
IDAHO PUBLIC UTILITIES COMMISSION**

CASE NO. IPC-E-22-09

IDAHO POWER COMPANY

ATTACHMENT NO. 11



February 18, 2022

Karen Erickson
311 Almond St.
Nampa, ID 83686
karen.healthybynature@gmail.com

VIA EMAIL, US MAIL, AND HAND DELIVERY

Subject: OVERDUE ACCOUNT
POTENTIAL POWER DISCONNECT

Dear Ms. Erickson:

The purpose of this letter is to communicate with you regarding your accommodation requests and to remind you that your account has an **outstanding balance of** [REDACTED], as of the date of this letter.

ACCOMMODATION REQUESTS

As outlined in our letter dated November 19, 2022, Idaho Power granted your requests for accommodation due to your stated disability.¹ We requested that you contact us to set up these accommodations. We are concerned that you have not contacted us, so an Idaho Power employee will visit your home several times during the next few months to discuss your account and accommodation requests.

¹ IPC disagrees that "accommodations" are legally required but is using the term for ease of reference.

ACCOUNT STATUS

Idaho Power restored your power on November 18, 2021, despite the overdue balance at the time of [REDACTED]. We hoped that restoring your power would provide relief from the inclement weather and give you and Idaho Power some time to discuss your account. Unfortunately, you have not contacted us or made any payments to your account, and your balance has increased. The Winter Protection Program ends on March 1, 2022, and **your service will be disconnected on April 5, 2022**, if we do not receive payment or you do not enter into a payment arrangement by that time. You can pay in person at our Nampa location during normal business hours.

Financial assistance for paying your electrical bill may still be available to you through Western Idaho Community Action Partnership by calling 208-454-0675.

Please email me at arood@idahopower.com, call or text me at 208-465-8601, or stop by our Nampa office during normal business hours to set up a meeting. Thank you.

Sincerely,

Angelique Rood
Regional Manager

**BEFORE THE
IDAHO PUBLIC UTILITIES COMMISSION**

CASE NO. IPC-E-22-09

IDAHO POWER COMPANY

ATTACHMENT NO. 12

2/25/2022

Idaho Power is not compliant with Federal ADA Requirements for Title 2: no ADA Coordinator has been identified; no ADA requests are addressed; no ADA violations are investigated or corrected. Instead, disability discrimination and ADA violations by Idaho Power have been inappropriately mischaracterized as 'billing issues' and are ignored. My complaints and ADA requests have been ignored for 8 years resulting in severe consequences.

The reason Qualified Disabled Adults are a Federally Protected Class of individuals is because of the disproportionate impact of discrimination on people with disabilities. This is especially true of discrimination by public utilities, both because of the essential nature of utilities, their role in my ability to access therapies that allow me function, and because of the prolonged nature and severity of the discrimination I've experienced by Idaho Power. Lack of accessible services for disabled adults in Idaho makes this a dangerous place for me to live. And the emergencies associated with disruption of my power have increased significantly because of the cumulative effect of ongoing unaddressed discrimination for so many years paired with the vulnerability caused by my disability. Recent power disruptions have resulted in life threatening injuries. And so, continuing to write off the discrimination and retaliation by Idaho Power as 'billing issues' is insulting, non productive and contributes to the ongoing harm I am experiencing.

I am not in a position to address any more 'billing issues' until the 8 years of civil rights complaints are addressed by the Mandatory ADA Grievance Process required by Federal Law of all Title 2 entities . The current injuries and neglect from the last prolonged power disruption need to be resolved and corrected immediately.

I am not interested in the ongoing processes that Idaho Power engages in *instead* of complying with Federal ADA requirements. Idaho Power's policies target disabled adults for unfair and unjust practices. Idaho Power doesn't just discriminate against me, but against all disabled adults who require ADA provisions to access essential services in Idaho. Idaho power is non compliant with Federal Law, in violation of State Law, and presenting the clear message that discriminating against vulnerable disabled adults in Idaho is both is tolerated and without accountability.