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IDAHO PUBLIC  
UTILITIES COMMISSION

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

<b>TAMI THATCHER,</b>	)	<b>CASE NO. PAC-E-22-9</b>
	)	
<b>COMPLAINANT,</b>	)	<b>PETITION FOR RECONSIDERATION</b>
	)	<b>OF ORDER NO. 35504</b>
<b>vs.</b>	)	
	)	
<b>PACIFICORP, d/b/a ROCKY</b>	)	
<b>MOUNTAIN</b>	)	
<b>POWER COMPANY,</b>	)	
	)	
<b>RESPONDENT.</b>	)	
	)	

Comes now, Tami Thatcher (Complainant) before the Idaho Public Utilities Commission to petition for reconsideration of Order No. 35504 dismissing her complaint and denying relief from the forced installation of a smart meter on her home and not allowing her an opt-out. It is also asked that the Commission call out and stop the intentional disinformation by PacifiCorp d/b/a Rocky Mountain Power Company (“Company”) from its past and ongoing delivery of factually incorrect and also incomplete information about its smart meters and the characteristics of their transmission signals. And it is also asked that the Commission call out and stop the Company’s use of misleading and unsound information being used to inappropriately dismiss the potential adverse health effects from smart meters, especially on vulnerable populations.

The Complainant’s original complaint to the Commission was dated May 2, 2022, regarding PacifiCorp d/b/a Rocky Mountain Power Company (“Company”).

The Commission’s Final Order in Case No. PAC-E-22-9 was issued August 16, 2022.

**PETITION FOR RECONSIDERATION**

The Commission has failed to consider the degree of factually incorrect information used as the Company’s basis for claiming there are no harmful effects from exposure to smart meters for

chronic exposure. Cell phones and lap top computers are not tested for the health effects they would cause if the exposure were during the sleeping hours and for 24 hours a day. Cell phone studies find harm with far less exposure time during a person's life. The Company knowingly downplayed the fact that they knew that signals from the smart meter were to be transmitted during every hour of the day and night.

The Commission's Order No. 35504 states that "The Company provided a factual background of its smart meter program and an overview of the prevailing scientific research on smart meter technology" and "The Company has since provided Complainant with the correct smart meter materials, including four authoritative studies that address the Complainant's personal and public health concerns." The identity of the four authoritative studies has not been provided to Complainant and all studies cited on the Company's glossy handouts was based on inadequate and out-of-date studies, generally of cell phones and not smart meters.

The Company provided a few pages of glossy handouts to the Complainant. The glossy handouts did not admit that smart meters emitted radiofrequency radiation in plain language. The Company's glossy handouts do not characterize the smart meter exposure customers would be exposed to such as the signal frequency, the signal duration, the number of signals transmitted throughout the day and the night.

The Company's gloss handouts and the information given by phone are designed to make it appear that the signals are sent only once a day. Complainant made additional inquires because of the lack of meaningful and accurate information in the glossy handouts.

Various glossy handouts cite a report by the California Council on Science and Technology from 2011 titled "Health Impacts of Radio Frequency Exposure from Smart Meters." The link for the California Council on Science and Technology (CCST) report is <http://ccst.us/publications/2011/2011smart-final.pdf>. Furthermore, the CCST report states that the contents of its publication "are subject to changes, omissions, and errors, and CCST does not accept responsibility for any inaccuracies that may occur." The CCST report arrives at its statements about Smart Meters based on current Federal Communications Commission (FCC) standards that only address known thermally induced health impacts and not the potential for non-thermal impacts of radiofrequency radiation emissions. This may be considered an authoritative study by the Company, but it is a study lacking study of the smart meters and specifically the impact of chronic smart meter exposure on human health, lack of study of

vulnerable populations and is an unsound basis upon which to conclude that chronic smart meter exposure does not have potential adverse health consequences. Smart meters can be placed on a bedroom wall in very close proximity to the residents in the home.

The Company's Smart Meter Hotline responded by phone to Complainant's inquiries of how often the signals were transmitted with a wide variety of answers. The Company refused to provide any written documentation of the answers it had provided, which ranged from one signal per day on first inquiry, to that of many thousands of transmitted signals, throughout the day and night.

The signal frequency, the signal duration, the number of signals transmitted throughout the day and the night would be needed to assess the chronic as well as acute exposures. No study to which the Company's glossy handouts referenced was based on health studies conducted for chronic smart meter exposure. No study to which the Company's glossy handouts referenced addressed non-cancer effects of chronic smart meter exposure. And no study addressed potential adverse health effects on vulnerable populations. And the information was based on obsolete decades out-of-date standards based only on the thermal heating of tissue as current FCC limits are limited to.

Nearly two decades ago, the Environmental Protection Agency confirmed the fact that the FCC's limits are not based on an understanding of impacts from long-term exposure in a letter by Norbert Hankin of the EPA on July 16, 2002 to Janet Newton (at <https://ehtrust.org/up-contact-uploads/EPA-Norbert-Hankin-to-Newton-RE-FCC-2003-.pdf>). The 2002 EPA letter states, "Federal health and safety agencies have not yet developed policies concerning possible risk from long term, non thermal exposures," and current FCC human exposure limits "are thermally based, and do not apply to chronic, nonthermal exposure situations." The letter also clarified that adequate scientific studies on the full impact on sensitive populations, including children, pregnant women, and the elderly, have not been completed.

This situation and the uncertainty of safety for chronic exposure for radiofrequency radiation exposure, and this applies to smart meters, has never been corrected. The conclusion of smart meter safety adopted by the Commission is simply not based on sound science and it dismissed known facts of health concern and uncertainty without acknowledging the well-known lack of adequate study of adverse health effects from chronic exposure. It should be noted that short

term exposure for long hours of exposure has also not been adequately studied, although problems including behavioral changes have been noted by independent researchers.

A detailed explanation of the lack of appropriate standards setting regarding the non-thermal human health effects is provided in a 2021 court decision. The U.S. Court of Appeals for the D.C. Circuit court found that the Federal Communications Commission and other U.S. agencies had all failed to provide a reasoned explanation for the determination that current guidelines adequately protect against the harmful effects of exposure to radiofrequency radiation. See the U.S. Court of Appeals for the D.C. Circuit court, August 13, 2021. No. 20-1025.

ENVIRONMENTAL HEALTH TRUST, ET AL., PETITIONERS v. *FEDERAL COMMUNICATIONS COMMISSION* AND UNITED.

The Federal Communications Commission (“FCC”) has jurisdiction over smart meters and regulates the safety of equipment that produced radiofrequency radiation. But the fact is that the FCC has not provided adequate study of human health upon which to base its conclusion of safety for its long recognized inadequate safety limits on exposure.

When the Company repeats the erroneous illustration that “smart meters emit 100 times less radio frequency density than a laptop computer, 300 times less than a cell phone, and 50,000 times less than standing next to the microwave oven while in use” it has displayed again that the Company has not addressed and does not understand the very important biological fact that continuous exposure, even of a lower frequency density, can be more harmful than intermittently higher signals. The Company has understood, however, just what not to include in its glossy handouts that might be informative to the public.

Physicians who understand human health recommend minimizing electromagnetic radiation especially during the sleeping hours, when the body needs cells to repair and not be stimulated by the EMF signals. The density of the signal as well as the hours of exposure and the chronic exposure over weeks, months and years has not been studied.

Ignoring the time of day that the signals are sent, which for a smart meter, includes all night long, cannot be compared to that of using a cell phone or of using a lap top computer or of using a microwave oven. The lack of understanding of the biological implications of smart meters is on display even in the Company’s response to the Commission.

Complainant has described her longstanding problems with radiofrequency radiation. Complainant did not assert that the smart meter, which had not been installed, caused her health

concerns, but her experience with radiofrequency radiation. Complainant is simply aware of her particular vulnerabilities, has long used a radiofrequency radiation meter and found it explained symptoms and these vulnerabilities. In fact, even without installation of a smart meter on her home, the Complainant experienced a dramatic change beginning when the smart meters were installed near her home on other homes last mid-April. Complainant has had to turn off electric breakers and also to seek relief by sleeping outside the house away from electric wiring. Installation of a smart meter on the home will only make matters worse. The Company's and the Commission's claim that they believe that there are no negative health impacts, even for vulnerable populations, also shows that they have no factual bases for these erroneous beliefs. The Company has based its inadequate understanding on the FCC's inadequate and obsolete studies of short term exposure to radiofrequency radiation which are based only on thermal limits.

The FCC declined to update its radiofrequency radiation human exposure limits set in 1996. The FCC dismissed the scientific study by the National Toxicology Program (NTP) that found cancer and DNA damage from electromagnetic frequency exposure. The FCC has not updated its limits to account for the unique vulnerability of children to radiofrequency radiation despite the recommendation of the American Academy of Pediatrics. The FCC has not sought information needed to understand the potential adverse effects of long-term chronic exposure to radiofrequency radiation from cell phones or from smart meters.

The Company has decided that its smart meter studies are sound, despite the fact that the studies of radiofrequency radiation it relies on are not scientifically sound, particularly for smart meters. The Company has no basis to assert that exposure to sensitive populations would not have negative impacts. They have no studies to make such a conclusion.

The Commission must rely on sound evidence and not the Company's use of scientifically unsound conclusions made only by disregarding the lack of adequate study of adverse impacts on human health, both cancer and non-cancer effects, particularly for chronic exposure that the consumer cannot control.

The Commission has jurisdiction over this matter under Title 61 and IDAPA 31.01.01. The Commission must use a sound basis for its conclusions even if this means questioning the adequacy of the unsound and unsafe conclusions of the Company and the FCC. Nothing is prohibiting the Commission from the ability to grant Complainant an opt-out. The Commission

is not required by law to disallow an opt-out policy or to be unable to make exceptions for the health and well-being of a member of the public.

Dated at Idaho Falls, Idaho this 31th day of August 2022.

Handwritten signature of Tami Thatcher in cursive script, underlined.

Tami Thatcher  
Complainant, Case No. PAC-E-22-9