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IDAHO PUBLIC
UTILITIES COMMISSION

1407 West North Temple, Suite 330
Salt Lake City, Utah 84116

July 6, 2022

VIA ELECTRONIC DELIVERY

Jan Noriyuki
Commission Secretary
Idaho Public Utilities Commission
11331 W Chinden Blvd.
Building 8 Suite 201A
Boise, ID 83714

**Re: CASE NO. PAC-E-22-09
FORMAL COMPLAINT OF TAMI THATCHER VS ROCKY MOUNTAIN
POWER**

Dear Ms. Noriyuki:

Please find Rocky Mountain Power's Answer in the above referenced matter.

Informal inquiries may be directed to Ted Weston, Idaho Regulatory Manager at
(801) 220-2963.

Very truly yours,

A handwritten signature in black ink that reads "Joelle Steward".

Joelle Steward
SVP, of Regulation and Customer / Community Solutions

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Attorney for Rocky Mountain Power

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

FORMAL COMPLAINT OF TAMI THATCHER VS ROCKY MOUNTAIN POWER	CASE NO. PAC-E-22-09
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MOTION TO DISMISS AND ANSWER

1. In accordance with Rule 57 of the Rules of Procedure of the Idaho Public Utilities Commission (“Commission”), Rocky Mountain Power, a division of PacifiCorp (“Rocky Mountain Power” or the “Company”) hereby provides its answer to the formal complaint (“Complaint”) filed by Tami Thatcher (“Complainant”) with the Commission on May 2, 2022. In addition, the Company moves to dismiss the Complaint in its entirety because Complainant has failed to state a claim upon which relief can be granted. Complainant has not alleged that Rocky Mountain Power violated any statute, administrative rule, Commission order, or Company tariff.

2. Communications regarding this Case should be addressed to:

By e-mail (preferred):

datarequest@pacificorp.com
emily.wegener@pacificorp.com
ted.weston@pacificorp.com

By mail:

Data Request Response Center
Rocky Mountain Power
825 NE Multnomah St., Suite 2000
Portland, OR 97232

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Rocky Mountain Power
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I. INTRODUCTION

3. Complainant's formal complaint alleges that the Company provided misinformation to Complainant regarding smart meters through the Company's smart meter hotline and mailed materials. Further, Complainant alleges that the Company refused to document her concerns and deliberately provided incorrect information. Lastly, Complainant alleges that the current safety studies for smart meters are unscientifically sound and due to Complainant's existing health conditions may be unsafe. Complainant requests that the Commission allow Complainant an opt-out option from a smart meter.

II. BACKGROUND INFORMATION REGARDING SMART METERS

4. On April 15, 2022, the Company received Complainant's initial complaint from the Commission.

5. On April 21, 2022, the Company provided a response to Complainant's initial complaint to the Commission. In that response, the Company apologized for any miscommunication or misinformation that Complainant received verbally or through the mail about smart meters and their installation in the state of Idaho. The original information sent to Complainant was for customers in the state of Utah, and although unintentional, this oversight did

not meet the Company's high standard of customer service. The Company further expressed regret for any confusion and inconvenience that this caused the Complainant and provided the correct smart meter materials for customers in the state of Idaho, including four authoritative studies¹ that address Complainant's concern regarding smart meters and public health.

6. On June 21, 2022, the Company received by certified-mail Complainant's Complaint from the Commission.

III. RESPONSE TO COMPLAINANT'S ALLEGATIONS

7. Safety is Rocky Mountain Power's first concern, for customers, the community, and our employees. While the Company respects our customers' input and health concerns, we strongly disagree with Complainant's claim that studies for smart meters are unscientifically sound and could cause heart fibrillations or impact the Complainant's health.

8. The Federal Communications Commission ("FCC") has jurisdiction over the approval and use of radio frequency devices, including smart meters. One of the FCC's roles is to ensure the safety of equipment that produces radio frequencies. The FCC is required by the National Environmental Policy Act of 1969, among other laws, to evaluate the effect of emissions from FCC-regulated transmitters on the quality of the human environment.

9. Industry research and standards agencies, such as the American National Standards Institute ("ANSI") and the Institute of Electrical and Electronics Engineers, Inc. ("IEEE") have compiled the research associated with human exposure of radio frequencies energy and created guidelines that the FCC and the federal Occupational Safety and Health Administration ("OSHA") have adopted.

¹ See The Institute of Electrical and Electronics Engineers Committee on Man and Radiation. (2013); COMAR Technical Information Statement, Radiofrequency Safety and Utility Smart Meters [Abstract]; Belanger, Mike. (2017); Itron Products and Radio Frequency Regulations; Bender, Klaus. (2010); and No Health Threat From Smart Meters. *UTC Journal, Fourth Quarter*; WHO. (2014).

10. These standards incorporate frequency of the energy to define maximum permissible exposure levels (“MPE”) correlated to frequency. The standards are most conservative at frequencies where the wavelength of the energy is near humans. The FCC defined two categories: the occupational or controlled environment, intended for workers and other trained professionals that have the most potential for whole body exposure, and the general public or uncontrolled environment. The resulting MPE levels incorporated by the FCC into the safety requirements included a 10:1 safety ratio to account for variations in size, weight, and physical condition of the person. Therefore, exposure even at 100 percent of the MPE level authorized by the FCC for the occupational or controlled environment level will not cause physical harm.

11. As a precautionary step for the general public or uncontrolled environment criteria, the FCC added an additional 5:1 safety factor over the occupational safety level. Thus, the FCC’s MPE limit for the general public is 50 times less than the level research shows could cause harm.

12. 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 your microwave oven while it’s in use. All of these devices have been approved by the FCC as safe for human use.

13. The Company respectfully requests that the Commission dismiss Complainant’s complaint and not allow an opt-out option for several reasons.

14. First, the Company’s advanced metering infrastructure project (“AMI”) is not new to the state of Idaho as other public utilities, such as Idaho Power Company and Avista Corporation, have installed AMI. Instead of installing smart meters almost two decades ago, when first available, the Company chose to wait until it was confident that the technology had fully matured and that smart meters would exceed all the Company’s safety and security standards.

15. Second, the Company provided three presentations² regarding its AMI project to the Commission, noting in each presentation that there would not be an opt-out option available to customers in the state of Idaho. Thus far, only six Idaho customers have contacted the Commission about AMI with the desire to opt-out, and the Commission has supported the Company's no opt-out approach in each of these matters.

16. Third, previous Commission orders have dismissed complaints pertaining to smart meters, and the Commission has upheld the utilities' installation of smart meters and disallowed the complainants' ability to opt-out of a smart meter. *See Menth v. Idaho Power Company*, Case No. IPC-E-12-04, Order 32500 (March 27, 2012) and *Baenen v. Avista Corporation*, Case No. AVU-E-17-11, Order 33979 (February 2, 2018). Despite previous complaints, at no time has the Commission ruled that a public utility's AMI project which does not include an opt-out provision violates an administrative rule, order, statute, or applicable provision of the Company's tariff.

17. Finally, as noted previously industry research and standards agencies such as ANSI, IEEE, the FCC, and OSHA have all determined that smart meters are safe and provide no threat or harm to the public. The Company denies all factual allegations in the Complaint not specifically admitted herein.

III. MOTION TO DISMISS

18. Complainant has failed to state a claim upon which relief can be granted and the Company moves, under Rule 256 of the Rules of Procedure of the Idaho Public Utilities Commission, for an order dismissing the Complaint.

² See Rocky Mountain Power Idaho Advanced Metering Infrastructure Project (December 19, 2018; May 25, 2019; and March 2021).

19. In support of this motion, the Company asserts that Complainant has not alleged Rocky Mountain Power violated any administrative rule, order, statute, or applicable provision of the Company's tariff.

IV. CONCLUSION

20. For the foregoing reasons, the Company requests that the Commission dismiss the Complaint with prejudice.

DATED this 6th day of July 2022.

Respectfully submitted,

ROCKY MOUNTAIN POWER



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