

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

<b>TAMI THATCHER,</b>	)	<b>CASE NO. PAC-E-22-09</b>
	)	
<b>COMPLAINANT,</b>	)	<b>ORDER NO. 35504</b>
	)	
<b>vs.</b>	)	
	)	
<b>PACIFICORP, d/b/a ROCKY MOUNTAIN</b>	)	
<b>POWER COMPANY,</b>	)	
	)	
<b>RESPONDENT.</b>	)	

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On May 2, 2022, the Commission received a formal complaint filed by Tami Thatcher (“Complainant”) against PacifiCorp d/b/a Rocky Mountain Power Company (“Company”). Complainant objects to the installation of a smart meter at her residence, and requests to opt-out of the smart meter program.

On June 15, 2022, the Commission issued a Summons directing the Company to file an answer to the complaint within 21 days of issuance of the Summons. The Company filed its answer on July 6, 2022, objecting to the Complaint and asking that the matter be dismissed.

The Commission now issues this Order dismissing the Complaint.

**FORMAL COMPLAINT**

Complainant represented that a Company representative assured her she could opt-out of the smart meter program, but subsequently informed her that opting-out is not available to Idaho residents. Complainant would like to opt-out of the smart meter program, because she believes the Company’s smart meter handouts obscure and minimize the consumer health risks of smart meters. Complainant criticized current studies on smart meter safety as being incomplete and failing to adequately protect consumers. Complainant alleged that smart meter radio frequency emissions have caused or aggravated her health problems—including insomnia, increased tinnitus, and heart palpitations. Finally, Complainant criticized the Commission’s formal complaint process as being onerous and for deterring the airing of consumer grievances.

**COMPANY’S ANSWER**

The Company filed its answer objecting to the Complaint and asking that the matter be dismissed. *Answer*, 1. The Company provided a factual background of its smart meter program and an overview of the prevailing scientific research on smart meter technology—all of which

show that smart meters are safe for consumers. *Id.* The Company is opposed to establishing a smart meter opt-out program. *Id.* The Company acknowledged that Complainant may have received information about a Utah smart meter opt-out program that is unavailable in Idaho. *Id.* at 2-3. The Company expressed regret to the Complainant and the Commission that providing the incorrect state-specific materials to the Complainant did not meet their high customer service standards. 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. *Id.*

The Company strongly disagreed with Complainant’s assertions that the smart meter studies are not scientifically sound and that smart meters could cause heart fibrillations or negatively impact the Complainant’s health. *Id.* at 3. The Company presented that industry research and agencies have all determined that smart meters are safe and provide no threat or harm to the public. *Id.* at 4-5. The Federal Communications Commission (“FCC”) has jurisdiction over smart meters and regulates the safety of equipment that produced radio frequencies and has approved smart meters as safe for consumers. *Id.* at 3-4. By illustration, 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. *Id.* Further, the Company argued that the Complainant has not presented any persuasive evidence that would warrant disregarding the prevailing research. *Id.*

The Company also asserts that its Idaho smart meter presentations do not represent that an opt-out option is available. *Id.* at 5. Consistent with Commission precedent, a public utility’s smart meter project is not required to include an opt-out provision under administrative rule, order, statute, or applicable provision of the Company’s tariff. *Id.*; *See* Case No. IPC-E-12-04, Order 32500; Case No. AVU-E-17-11, Order 33979. Finally, the Company asked that the matter be dismissed.

### **COMMISSION DISCUSSION AND FINDINGS**

The Commission has jurisdiction over this matter under Title 61 and IDAPA 31.01.01. The Commission has had previous opportunities to review smart meter technology, and the prevailing scientific research on consumer safety, and concluded that smart meters are allowed in Idaho. *See* Case No. IPC-E-12-04, Order 32500; Case No. AVU-E-17-11, Order 33979. Although we do not question the sincerity of Claimant’s beliefs on the matter, her assertions do not establish a persuasive causal relationship between the smart meter program and her health concerns. Further,

Complainant has not cited any precedent where a public utility's smart meter project in Idaho is required to include an opt-out provision. *See* Case No. IPC-E-12-04, Order 32500; Case No. AVU-E-17-11, Order 33979.

The Commission addresses informal and formal complaints through the process outlined in its administrative rules, and does not provide preferential treatment to any party participating in the process. IDAPA 31.01.01.054. In this case, Complainant seeks an outcome that is not required under the law, and for reasons that go against well-established evidence on smart meter safety. Again, the FCC has jurisdiction over the approval and use of radio frequency devices, such as smart meters, and has approved smart meters as safe for consumers. Complainant has not provided sufficient demonstrable, credible evidence to support a finding that the smart meters present legitimate safety concerns or that an opt-out program is required. The Commission therefore dismisses the complaint.

### **ORDER**

IT IS HEREBY ORDERED that the Complaint filed by Complainant is dismissed.

THIS IS A FINAL ORDER. Any person interested in this Order may petition for reconsideration within twenty-one (21) days of the service date of this Order regarding any matter decided in this Order. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. *Idaho Code* § 61-626.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 16<sup>th</sup> day of August 2022.



ERIC ANDERSON, PRESIDENT

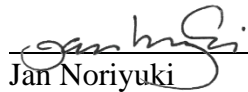


JOHN CHATBURN, COMMISSIONER



JOHN R. HAMMOND JR., COMMISSIONER

ATTEST:



Jan Noriyuki  
Commission Secretary

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