

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF TAMI THATCHER’S) CASE NO. PAC-E-22-09
FORMAL COMPLAINT AGAINST ROCKY)
MOUNTAIN POWER) ORDER NO. 35544
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On May 2, 2022, Tami Thatcher (“Complainant”), a customer of PacifiCorp d/b/a Rocky Mountain Power Company (“Rocky Mountain” or “Company”) filed a formal complaint against the Company requesting a formal opt-out of its smart meter program. Complainant alleged the Company provided misinformation about its smart meter program and that radio frequency emissions from smart meters cause health problems to consumers. On August 16, 2022, the Commission entered its Final Order dismissing the Complaint. The Final Order provides:

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. AVUE-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 No. 35504. Pursuant to *Idaho Code* § 61-626 and IDAPA 31.01.01.331, Complainant was given twenty-one (21) days following entry of the Final Order in which to petition for reconsideration.

PETITION FOR RECONSIDERATION

On September 1, 2022, Complainant filed a Petition for Reconsideration (“Petition”) of Order No. 35504. Complainant requested that the Commission grant her request for opting-out of the smart meter installation system; “call out and stop the intentional disinformation” by the Company of ongoing “factually incorrect” and “incomplete” information on smart meters and the characteristics of smart meter transmission signals; and stop the Company from using “misleading and unsound information” to “inappropriately dismiss” the potential adverse health effects from smart meters, especially on vulnerable populations.

COMMISSION FINDINGS AND DECISION

The Commission finds that Ms. Thatcher’s Petition does not meet the substantive requirements for a petition for reconsideration. Rule 331 provides:

Petitions for reconsideration must set forth specifically the ground or grounds why the petitioner contends that the order or any issue decided in the order is *unreasonable, unlawful, erroneous or not in conformity with the law*, and a statement of the nature and quantity of evidence or argument the petitioner will offer if reconsideration is granted.

IDAPA 31.01.01.331.01 (emphasis added). Complainant has not shown that the Commission’s Final Order was unreasonable, unlawful, erroneous, or not in conformity with the law. Pursuant to Rule of Procedure 332, “[g]rounds for reconsideration or issues on reconsideration that are not supported by specific explanation may be dismissed.” IDAPA 31.01.01.332.

Complainant reiterates arguments already considered by the Commission in her initial formal complaint, and does not identify or provide any new rule or precedent for the Commission to consider. Here, 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. *See* Case Nos. IPC-E-12-04 and AVU-E-17-11.

The Commission has jurisdiction over the Company’s placement, care, and operation of smart meters in the course of providing safe and reliable service. However, the Federal Communications Commission (“FCC”) has jurisdiction over what constitutes a safe level of radiofrequency radiation that is permitted by smart meters. Although Complainant acknowledges that the FCC has jurisdiction over the safety of equipment that produces radiofrequency radiation, such as smart meters, it is clear that she disagrees with the FCC’s conclusions on the safe level of radiofrequency radiation. The Commission acknowledges the sincerity of Complainant’s concerns; however, in this case the Commission will continue adhering to the FCC’s position on safe levels

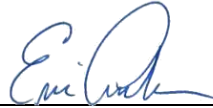
of radiofrequency radiation based upon the presently accepted scientific evidence. Thus, the Commission finds that the petition for reconsideration should be dismissed.

ORDER

IT IS HEREBY ORDERED that the Petition for Reconsideration is denied.

THIS IS A FINAL ORDER DENYING RECONSIDERATION. Any party aggrieved by this Order or other final or interlocutory Orders previously issued in this case may appeal to the Supreme Court of Idaho within forty-two (42) days pursuant to the Public Utilities Law and the Idaho Appellate Rules. *See Idaho Code* § 61-627; I.A.R. 14.

DONE by Order of the Public Utilities Commission at Boise, Idaho this 28th day of September 2022.



ERIC ANDERSON, PRESIDENT




JOHN CHATBURN, COMMISSIONER



JOHN R. HAMMOND JR., COMMISSIONER

ATTEST:


Jan Noriyuki
Commission Secretary

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