

## OBJECTION TO MOTION TO DISMISS

To: Jan Noriyuki, Commission Secretary  
Idaho Public Utilities Commission  
PO Box 83720  
Boise, ID 83720-0074

Date: May 21, 2023  
From: Karen Lane  
PO Box 362  
Rigby, ID 83442

RE: Objection to ROCKY MOUNTAIN POWER "Motion to Dismiss" Case ID "PAC-E-23-07"  
Dear Ma'am,

We object to the motion by ROCKY MOUNTAIN POWER/PACIFICORP to dismiss our complaint (case ID "PAC-E-23-07") based on failure to state a claim. In my FORMAL COMPLAINT to Idaho Public Utilities Commission our claim on 3/28/2023, we disputed ROCKY MOUNTAIN POWER/PACIFICORP's misrepresentation of the facts and corrected the record averring that "access to the meter has never been impeded for service and that we have always paid our power bill each month and are currently not late with payment."

Possibly, our claim was not initially understood or was ignored by Rocky Mountain Power. So, we will here re-state our claim(s) clearly.

CLAIM (as referenced in our 3/28/2023 complaint to Idaho Public Utility Commission): our family has fulfilled our contract responsibilities for electric service and not given reason for termination of service as described by Utility Customer Relations Rules (UCRR) 302.

IMPLIED CLAIM: the purposes of meter access listed in the Company's tariff, "Electric Service Regulation of Rocky Mountain Power", Regulation No. 6(2)(d), do not include meter upgrade. Therefore, declining a meter upgrade is not equivalent to denying access to the meter, per UCRR 302, and is not, therefore, legal grounds for disconnecting electric service.

ROCKY MOUNTAIN POWER/PACIFICORP asserts in Paragraph 17 of its "Answer and Motion to Dismiss" that Electric Service Regulation No. 7 does not prohibit the upgrade of any meters. The company then asserts that Electric Service Regulations No. 6 & 7 allow for the Company to upgrade its meters and "requires customers to provide physical and actual access to the meters for this process". However, this interpolation exceeds the actual language in both regulations and, without correction, will allow ROCKY MOUNTAIN POWER/PACIFICORP to violate UCRR 302 in the case of my family's electric service.

As can be seen in Appendix A of the "Answer and Motion to Dismiss", ROCKY MOUNTAIN POWER/PACIFICORP's interpolation was communicated to customers: "as required by the Idaho Public Service Commission<sup>1</sup>, clear and safe access must be available to

electric meters for inspection, maintenance, meter upgrades, and to enable us to respond to any emergencies” (see first notice, emphasis added). Then, in ROCKY MOUNTAIN POWER/PACIFICORP’s final notice, the interpolation reaches maturity as justification under UCRR 302.01(e) to terminate customers’ power for declining a meter upgrade, an assertion ungrounded in the company’s tariff. According to paragraph 8 of the “Answer and Motion to Dismiss”, about 50 customers who objected to smart meter upgrades have been strong-armed into receiving the meter against their will due to this interpolation of Electric Service Regulations No. 6 & 7.

Our meter is not damaged, and we have provided company representatives with safe, unencumbered access for the purposes required in Electric Service Regulation No. 6. Yet, ROCKY MOUNTAIN POWER/PACIFICORP has threatened our family with service disconnection because we wish to decline ROCKY MOUNTAIN POWER/PACIFICORP’s "Advanced Metering Infrastructure" (AMI) program. Termination of our family’s service is not justified by UCRR 302.

PRAYER FOR RELEIF

We seek relief by Idaho Public Utility Commission in the following ways:

Deny ROCKY MOUNTAIN POWER/PACIFICORP’s motion to dismiss our case “with prejudice”.

Order ROCKY MOUNTAIN POWER/PACIFICORP to correct their interpolation by updating customers of the correct requirements for “safe, unencumbered access” to utility meters and wiring.

Enjoin ROCKY MOUNTAIN POWER/PACIFICORP from disconnecting the electric service of the customers who have provided unencumbered access meters on their property and have asked that their meters not be "upgraded"; and

Relieving ROCKY MOUNTAIN POWER/PACIFICORP and other public utility companies serving Idaho of the unreasonable burden of 100% meter upgrades by allowing customers to opt-out and companies to negotiate alternative metering arrangements.

Thank you in advance for your time and consideration in remedying this matter as soon as possible in fulfillment of public trust. We call upon Idaho Public Utility Commission to protect the minority of consumers from "one-size-fits-all" meter upgrades.

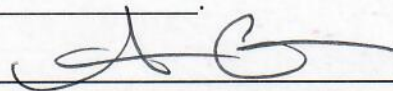
Very truly,

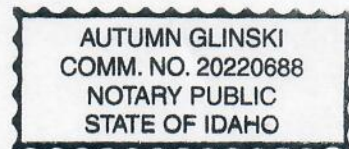
  
\_\_\_\_\_  
Karen Lane, Sui Juris

The foregoing instrument was acknowledged before me on this May 22<sup>nd</sup> 2023 by

Karen Lane  
\_\_\_\_\_

Signature of Notary Public \_\_\_\_\_





State Idaho, of Jefferson

County Expiration

Date 02/03/2028

1. Google search “Idaho Public Service Commission” (conducted 5/21/2023) raises top results as links of “Idaho Public Utilities Commission”, including [https://ballotpedia.org/Idaho\\_Public\\_Uilities\\_Commission](https://ballotpedia.org/Idaho_Public_Uilities_Commission), where both terms used.