

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. My FORMAL COMPLAINT states our claim on 3/28/2023 complaint to Idaho Public Utility Commission as "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.

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 cause 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 Commission¹, 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.

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

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

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

Relieve 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. In the case of pulsed radio frequencies, as used in electric metering (measuring/trespassing) devices, company profit motives cause a disregard for the health and privacy concerns of a minority of citizens². 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

State of Idaho, Jefferson County

The foregoing instrument was acknowledged before me on this _____ by

_____.

Signature of Notary Public _____

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, where both terms used.

PROOF OF SERVICE

I HEREBY CERTIFY and affirm that I, Karen Lane did personally E-mail the following document(s):

1.OBJECTION TO MOTION TO DISMISS, dated 5/21/23, WITH PROOF OF SERVICE,

to the following:

JAN NORIYUKI, COMMISSION SECRETARY
IDAHO PUBLIC UTILITIES COMMISSION
PO Box 83720
Boise, ID 83720-0074
Email: secretary@puc.idaho.gov

Data Request Response Center
Rocky Mountain Power
825 NE Multnomah St., Suite 2000
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Email: datarequest@pacificorp.com

Mark Alder
Idaho Regulatory Affairs Manager
Rocky Mountain Power
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Joe Dallas (*ISB# 10330*)
Senior Attorney
Rocky Mountain Power
825 NE Multnomah, Suite 2000 Portland, OR 97232
Email: joseph.dallas@pacificorp.com

on this 22nd day of May, 2023.

Karen Lane