

September 28, 2023

VIA ELECTRONIC DELIVERY

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

**Supreme Court No. 51238-2023**

Filed: 10/17/2023  
Idaho Supreme Court  
Melanie Gagnepain, Clerk  
By: Kimber Grove, Deputy

RE: NOTICE OF APPEAL OF IDAHO PUBLIC UTILITIES COMMISSION  
ORDER #35904

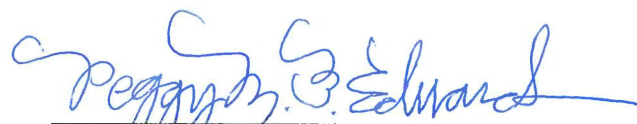
Dear Ms. Noriyuki:

Please find enclosed our Notice of Appeal in the above referenced matter.

Informal inquiries may contact us at 208-270-7939. We are also available via  
email at [pegandsam@gmail.com](mailto:pegandsam@gmail.com).

Respectfully,

  
\_\_\_\_\_  
Samuel Z. Edwards, Sui Juris

  
\_\_\_\_\_  
Peggy M. B. Edwards, Sui Juris

Samuel & Peggy Edwards  
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Rexburg, ID 83440  
208-270-7937  
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In Sui Juris

**IN THE IDAHO PUBLIC UTILITIES COMMISSION  
OF THE STATE OF IDAHO**

<b>JACOBA H. VAN MASTRIGT, et al,</b>	)	<b>CASE NOS. PAC-E-23-04;</b>
<b>APPELLANTS,</b>	)	<b>PAC-E-23-05; PAC-E-23-06;</b>
<b>vs.</b>	)	<b>PAC-E-23-07; PAC-E-23-08;</b>
<b>IDAHO PUBLIC UTILITIES COMMISSION</b>	)	<b>AND PAC-E-23-11</b>
<b>AND PACIFICORP,</b>	)	
<b>d/b/a ROCKY MOUNTAIN POWER,</b>	)	<b>NOTICE OF APPEAL</b>
<b>RESPONDENTS.</b>	)	

TO: THE ABOVE NAMED RESPONDENTS: PACIFICORP d/b/a ROCKY MOUNTAIN POWER ("COMPANY") AND THE PARTY'S ATTORNEYS:

NAME: JOE DALLAS  
ADDRESS: 825 NE Multnomah, Suite 2000  
Portland, OR 97232

NAME: MARK ALDER  
ADDRESS: 1407 West North Temple, Suite 330  
Salt Lake City, Utah 84116

AND THE SECRETARY OF THE IDAHO PUBLIC UTILITIES COMMISSION,  
MS. JAN NORIYUKI.

NOTICE IS HEREBY GIVEN THAT:

1. The above named appellants appeal against the above named Respondents to the Idaho Supreme Court from Idaho Public Utilities Commission Order #35904 recorded on the 25<sup>th</sup> day of August 2023, signed by President Eric Anderson, Commissioner John R. Hammond Jr., and Commissioner Edward Lodge. A copy of the order (#35904) being appealed is attached to this notice, as well as a copy of the order (#35849) which preceded it. Hereafter, the term 'Appellants' in this Notice refers particularly to Case No. PAC-E-23-05 of Samuel and Peggy Edwards.
2. Appellants have a right to appeal to the Idaho Supreme Court, and the orders described in paragraph 1 above are appealable orders under and pursuant to Idaho Code § 61-627 and Rule 11(e), I.A.R.
3. Orders #35904 and #35849 have carefully avoided key legal issues raised by the Appellants, which are first: that merely objecting to installation of advanced metering infrastructure ("AMI meter") at their residence is grounds for denial or termination of service under IDAPA 31.21.01 (Utility Customer Relations Rules, UCRR 302). The Appellants have stated and repeated this objection on multiple occasions:
  - a. Complaint, received 23 March 2023: "We have attempted over and over again, in good faith to resolve all issues with ROCKY MOUNTAIN POWER/PACIFICORP which have led up to this point where they are now threatening to shut our power off, in spite of the fact 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. They, in turn, are the aggressor operating in bad faith, using strong-arm intimidation tactics, threat,

duress, and coercion in order to upgrade the meter without consideration for the will, privacy or medical effects which this upgrade would have upon us, the property owners.”

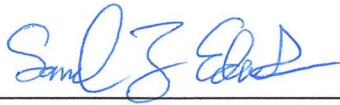
- b. Objection to Motion to Dismiss, received 22 May 2023: “CLAIM... our family has fulfilled our contract responsibilities for electric service and not given reason for termination of service as described by Utility Customer Relations Rules (UCRR) 302.”
  - c. Also stated in Objection to Motion to Dismiss: “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.”
  - d. Petition for Reconsideration, received 31 July 2023: “Is declining replacement of our meter with a meter of substantively different capability equivalent to denying access to the meter, per UCRR 302? Where is the law that authorizes ROCKY MOUNTAIN POWER/PACIFICORP to disconnect our electric power?”
4. Idaho Public Utilities Commission (“Commission”) has found that “refusing to allow the Company’s representatives access to replace existing meters with AMI meters is a violation of the [Electric Service Regulation, ESR] agreed to as a condition of receiving the Company’s service.” The Appellants disagree. Agreeing to installation of AMI meters is not one of the purposes listed in ESR 6(2)(d) “reading meters, inspecting, repairing or removing metering devices and wiring of the Company”, and is only loosely inferred in ESR No. 7(1) “repairing or removing metering devices”.

5. Nevertheless, for the sake of argument, assuming the Commission's finding is correct, the second legal issue is whether violating UCRR 302 is grounds for termination of electrical service under IDAPA 31.21.01? ROCKY MOUNTAIN POWER/PACIFICORP has alleged, but never proven, that Appellants have denied or willfully prevented the utility's access to the meter, stating that "refusing a meter upgrade is not safe and unencumbered access". The fact is that Appellants have never denied any ROCKY MOUNTAIN POWER/PACIFICORP representatives physical access to the meters. Further, the Commission has never found as a matter of fact that Appellants are refusing access to the meter.
6. Third, as a matter of law, is objecting to the installation of AMI meters the legal and factual equivalent of denying physical access to the meter, given that Appellants have never prevented the Company from physically accessing the meter – as evidenced in the original Complaint (particularly pictures and notarized statements of two neighbors) and by regular and full monthly payments based on the Company's readings of the meters?
7. No order has been entered sealing all or any portion of the record.
8. Is a reporter's transcript requested? No.
9. The Appellants request that the Commission Secretary file this Notice of Appeal and case record PAC-E-23-05 with the Idaho Supreme Court, including all documentation listed under Rule 28(b)(3), I.A.R., including "Objection to Motion to Dismiss" dated 5/22/2023 and "Objection to PACIFICORP Answer" dated 8/8/2023.
10. I certify:
  - (a) That the estimated fee for preparation of the agency's record has been paid.

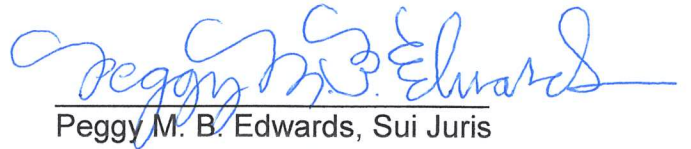
(b) That the appellate filing fee has been paid.

(c) That service has been made upon all parties required to be served pursuant to Rule 20.

DATED THIS 28<sup>th</sup> day of September, 2023.



Samuel Z. Edwards, Sui Juris



Peggy M. B. Edwards, Sui Juris