

October 9, 2023

VIA ELECTRONIC DELIVERY

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

RE: ANSWER TO MOTION AND AMENDED NOTICE OF APPEAL

Dear Ms. Noriyuki:

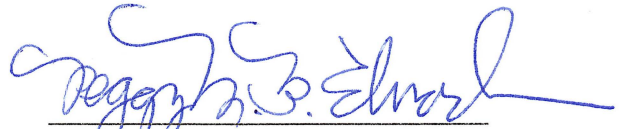
Please find enclosed our Answer to Motion and our Amended Notice of Appeal of Idaho Public Utilities Commission Order #35904.

Informal inquiries may contact us at 208-270-7937. 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  
333 Shoshone Ave.  
Rexburg, ID 83440  
208-270-7937  
[pegandsam@gmail.com](mailto:pegandsam@gmail.com)

In Sui Juris, a son and daughter of God.

**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>ANSWER TO MOTION</b>
<b>RESPONDENTS.</b>	)	

As Idaho Public Utilities Commission ('Commission') considers the Deputy Attorney General's recommendation, dated 10 October 2023, to change the title of our Notice of Appeal, we offer a counterpoint for consideration. We noted in our PETITION FOR RECONSIDERATION, received by the Commission on 31 July 2023, that packaging six different complaints resulted in a single FINAL ORDER that "overlooks material substance of our Complaint". A common theme reflected in most of the six complaints is that each objects to ROCKY MOUNTAIN POWER/PACIFICORP installing advanced metering infrastructure ("AMI meter") at our residences while simultaneously not impeding access and continuing to pay utility bills. Therefore, the legal question for which we have appealed to Idaho Supreme Court materially affects the other appellants included in the current 'Notice of Appeal' title, despite the Commission having closed their

individual cases. That legal question is whether merely objecting to installation of an AMI meter at their residence is grounds for denial or termination of service under IDAPA 31.21.01? (see paragraph #3 of our Notice of Appeal)

Given that the six different cases were bundled together and received the same Orders (#35904 and #35849) at the convenience of the Commission, how is separating these cases during this appeal respectful of Idaho citizens' rights to due process of law? It would seem that separating other appellants from the Notice of Appeal would now compound the error, since appellants have a mutual interest to retain an electric utility connection in the face of approaching winter and premature disconnection would risk lawsuit, property damage and lives. The Commission and ROCKY MOUNTAIN POWER/PACIFICORP representatives were notified on 9/27/2023 – the same email in which we submitted the Amicus Curiae briefing with requested file stamp – that ROCKY MOUNTAIN POWER/PACIFICORP lost no time after Order #35904 with issuing Final Notices to us (and all appellants) that our electric utility connection would be terminated on 2 October 2023. Since our power has not yet been disconnected, ROCKY MOUNTAIN POWER/PACIFICORP must have taken notice that our appeals are bound together with one voice and the same legal question already mentioned. The monopoly corporation known as ROCKY MOUNTAIN POWER/PACIFICORP has already revealed their intention to disconnect utility service of appellants prior to winter. We think this would be a most unfortunate mistake and a violation of Idaho Code 61-302: “every public utility shall furnish, provide and maintain such service, instrumentalities, equipment and facilities as shall promote the safety, health, comfort and convenience of its patrons, employees and the public, and as shall be in all respects adequate, efficient, just and reasonable.”

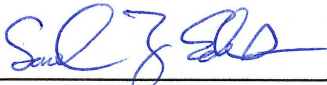
Further, Idaho Appellate Rule (I.A.R.) No. 6 states that “the original title of an action or proceeding, with the names of the parties in the same order, shall be retained on appeal by adding the designations of ‘appellant’ and ‘respondent.’”

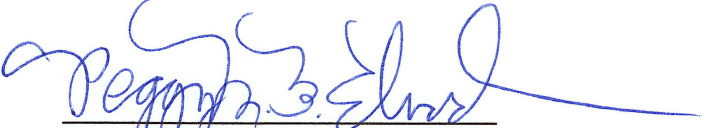
The only title deviation made in our Notice of Appeal was to include Idaho Public Utilities Commission as a co-respondent with ROCKY MOUNTAIN POWER/PACIFICORP. Therefore, we strongly recommend that the Commission deny the Deputy Attorney General's recommendation to "correct the title of the appeal as recommended by Staff." If the Commission is not required to be a co-respondent or other appellants must be removed, then we are assured by I.A.R. #6 that "the Supreme Court may amend a title of an appeal or proceeding before it at any time."

By the way, we have noticed that the Amicus Curiae Briefing which we mention above has not yet been entered into our Case Record. Also, we noticed that the (now closed) cases of Jacoba H. Van Mastrigt (PAC-E-23-04) and Judy Twede (PAC-E-23-06) omit the Notices of Violation and Notices of Demand that were served to Commissioners and Mr. Gary Hoogeveen (CEO of ROCKY MOUNTAIN POWER/PACIFICORP), with copies to the Deputy Attorney Generals and Rocky Mountain Power/Pacificorp's lawyers. Such omissions to our case records seem to be correlated with the subsequent attempt to separate/close our cases. In respect of your oaths of office, we demand that complete case records be provided to the Idaho Supreme Court, consistent with our rights to due process.

Since the Commission has opened a new case for our Appeal documentation, an amended 'Notice of Appeal' is herein attached, per I.A.R 17(m), to request that the Commission Secretary include case record SUP-E-23-02, along with PAC-E-23-05, to the Idaho Supreme Court.

DATED THIS 9<sup>th</sup> day of October, 2023.

  
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Samuel Z. Edwards, Sui Juris

  
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Peggy M. B. Edwards, Sui Juris