

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

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| BONNIE MENTH, |) | |
| |) | CASE NO. IPC-E-12-04 |
| COMPLAINANT, |) | |
| |) | |
| v. |) | |
| |) | |
| IDAHO POWER COMPANY, |) | ORDER NO. 32584 |
| |) | |
| RESPONDENT. |) | |

On June 21, 2012, the Commission received a written correspondence from Bonnie Menth regarding “a formal complaint against Idaho Power Company, . . . [for] continuing to install and operate devices that emit pulsed, modulated, microwave radio frequency (RF) signals that were/are in the licensed and unlicensed microwave spectrum RF widths/bands which harmfully invaded my person and caused and continue to cause physical, emotional and mental harm without my consent, permission and/or knowledge.” Ms. Menth’s correspondence raised issues similar to those raised in her formal complaint against Idaho Power in Case No. IPC-E-12-04.

In Order No. 32500 issued March 27, 2012, the Commission dismissed a formal complaint filed by Ms. Menth in that case on findings that “the meters Idaho Power installed do not have the capability to control appliances or other devices, nor initiate surveillance of electrical usage at individual customer residence.” Moreover, complainant did not provide “sufficient demonstrable, creditable factual evidence to support a finding that the meters present legitimate safety or potentially inappropriate communication concerns.” Order No. 32500, p. 3.

The Commission thereafter issued Order No. 32536, addressing an electronic mail message Ms. Menth subsequently filed with the Commission on April 17, 2012. Ms. Menth did not file a Petition for Reconsideration, but challenged the Commission’s earlier response to her request for public records. The Commission explained in Order No. 32536 that *Idaho Code* § 9-343 provides the sole remedy for a person aggrieved by an agency’s response to a public records request by requiring that a complaint be filed in state district court.

In her recent communication filed June 21, 2012, Ms. Menth continues to assert that Idaho Power’s meters emit radio frequency signals. However, the record is undisputed in this case that Idaho Power’s AMI meters use existing power lines to communicate and do not rely on

wireless communication related to radio signaling. Idaho Power on several occasions has confirmed for Ms. Menth that its AMI meters do not communicate wirelessly so that radio frequencies cannot be an issue.

The claims made by Ms. Menth in her June 21, 2012 letter are in the nature of a tort action, claiming significant physical, emotional and mental injuries caused by Idaho Power's meters. Ms. Menth also claims the meters violate trespassing and nuisance laws and that the radio frequency signals allegedly emitted violate federal air pollution regulations. The Commission has no jurisdiction to entertain any of these claims, which are more properly filed in a state district court. *Idaho Code* § 61-702. Accordingly, the Commission declines to accept the June 21, 2012 written communication from Ms. Menth as a formal complaint.

ORDER

IT IS HEREBY ORDERED that the Commission declines to accept the June 21, 2012 written communication from Ms. Menth as a formal complaint.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 28th day of June 2012.



PAUL KJELLANDER, PRESIDENT




MACK A. REDFORD, COMMISSIONER



MARSHA H. SMITH, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

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