

**Complaint**

**Vicky Davis**

Vicky Davis

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IDAHO PUBLIC  
UTILITIES COMMISSION

January 2, 2012

Idaho Public Utilities Commission  
P O Box 83720  
Boise, Idaho 83720-0074

Dear IPUC:

Complaints: Idaho Power Company forced installation of a Smart Meter over my objections Idaho Power Company for product misrepresentation as it pertains to the advanced metering AND communications device known as a Smart Meter Idaho Public Utilities Commission for failure to require utility to obtain informed customer consent for installation of advanced metering AND communications device known as a Smart Meter

On August 31, 2011 an Idaho Power subcontractor asked permission to install a Smart Meter on my property. I refused permission for that access. After several phone calls in which the Idaho Power Customer Service Representatives were unsuccessful at convincing me to accept the Smart Meter, Idaho Power sent a letter that contained 8 bullet points that summarized their program and technology ending with the instruction for me to contact Chris Bell to schedule a meter change.

My response to that letter was:

I received your letter dated September 19, 2011 regarding my refusal to allow the installation of the Smart Meter. I have not changed my position on the Smart Meter. The analog meter that currently meters my electric usage is suitable to the task. The additional functionality of the Smart Meter is unwelcome at this household.

As an accommodation, I will change to level pay billing so that my current meter will not need to be read more than once per year. Alternately, you can send a representative out to show me how to read the meter and I will read it monthly and call in the usage to you.

On December 2, I received another letter from Rick Astley of Idaho Power that instructed me to make an appointment for installation of the Smart Meter. If I did not respond by a given date, they would seek a Declaratory Order from the IPUC and would use law enforcement if necessary to enforce the Order. I responded to that letter again with my refusal to allow installation of the Smart Meter. Both letters are attached.

On the morning of December 13, 2011, an Idaho Power Customer Service Representative arrived at my home with Twin Falls Deputy Sheriff Scott Bishop and an Idaho Power meter installer. The Deputy Sheriff allowed the installer to trespass on my property over my strenuous objections to install the advanced metering device AND communications technology known as a Smart Meter.

The authority presented by Idaho Power through the Officer was Idaho Public Utilities Commission Rule D Metering with Item 1 highlighted and Rule C with Item 7 highlighted.

#### Rule D - Metering

1. Meter installations. The Company will install and maintain the metering equipment required by the Company to measure power and energy supplied to the Customer. Meter installations will be done at company's expense except as specified below or otherwise specified in a schedule.

#### Rule C - Service and Limitations

7. Rights of Way. The Customer shall, without cost to the Company, grant the Company a right of way for the Company's lines and apparatus across and upon the property owned or controlled by the Customer, necessary or incidental to the supplying of Electric Service and shall permit access thereto by the Company's employees at all reasonable hours.

Notice that Rule D says "Metering Equipment". It does not say "advanced metering AND communications technology". I am not a participant in a net metering program, nor did I subscribe to any of the programs that Idaho Power markets as "benefits" so the Smart Meter is not a required component in the provision of basic electric service to my home.

Idaho Power claims authority to install the Smart Meters through IPUC Orders 29362, 30102 and 30702. Order No. 30702 contains the statement that Idaho Power is relying on to force installation of the Smart Meter on my property:

**IT IS HEREBY ORDERED** that the Application of Idaho Power Company for a Certificate of Public Convenience and Necessity authorizing the Company to install AMI technology throughout its service territory, accelerate the depreciation of its existing metering infrastructure, and include the corresponding operation and maintenance benefits as they occur is approved.

The IPUC operates under authority of U.S. Code as well as Idaho law. And Idaho Power is regulated by the IPUC but they also are subject to U.S. Code. The following language was placed into law in the National Energy Policy Act of 2005, Section 1252, "Smart Metering". It became law 109-190 amending 16 USC 2621.

Item 14 (A)

“each electric utility **shall offer** each of its customer classes, and **provide individual customers upon customer request, a time-based rate schedule...** The time-based rate schedule shall enable the electric consumer to manage energy use and cost through advanced metering and communications technology.

Item 14 (C)

Each electric utility subject to subparagraph (A) **shall provide each customer requesting a time-based rate** with a time-based meter capable of enabling the utility and customer to offer and receive such rate respectively.

Notice something else about Item 14 (A). It says, “advanced metering **AND communications technology**”.

Inside the Smart Meter case is a circuit board that includes a modem for two-way communications. The circuit board includes the capability to detect and record, moment-by-moment electrical activity through the electric wiring of a person's home. The electrical activity includes device on/device off conditions through volume of electricity used and to record and retain that activity for transmission through power line carrier communications (PLCC) protocol to the utility company. The utility company retains that information and once in their possession, may sell or give it to other external interested parties for marketing, law enforcement and a plethora of other purposes unrelated to the provision of electric service.

If there are “smart devices” in the home that have circuit boards with similar capabilities, those “smart devices” can communicate with the Smart Meter via PLCC over the wiring in my home and the Smart Meter can not only record the type of device, it can issue instructions to the “smart device” to execute any function built into it - or any function loaded onto it as in the case of a computer. The implications of that are horrifying when all the known possibilities are considered.

Idaho Power is marketing the Smart Meters as a benefit that allows them to offer enhanced customer services, which includes being able to monitor my electric usage moment by moment. I'm not interested in those services and especially not at the price of loss of security and privacy in my home. Once the Smart Meter device is installed, my option to decline those “benefits” is negated. The Smart Meter is “always on” and is always collecting and transmitting data violating my privacy and the sanctity of my home.

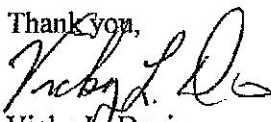
Since the day of the installation, figuratively at gunpoint, I have been in a continual state of distress and mental anxiety over the unlawful installation of a two-way communications, surveillance, data collection and control device that also happens to have an electric metering capability built into the same case.

In the order authorizing Idaho Power to install advanced metering AND communications devices throughout their territory, the Idaho Public Utilities Commission neglected to include provision

for a customer opt out as other states like Arizona, Florida and most recently, California have done.

I am therefore requesting the Idaho Public Utilities Commission to issue an immediate order to establish an opt out form and procedure and an order for Idaho Power to remove the Smart Meter from my premises and to install an analog meter without communications and "smart device" technology and software.

Thank you,



Vicky L. Davis

Attachments:

Idaho Power Letter, Dated December 1, 2011

Letter from me to Idaho Power (2 locations, Boise and Twin Falls), Dated December 6, 2011

December 6, 2011

Idaho Power  
273 Blue Lakes Blvd. South  
Twin Falls, ID 83301

Idaho Power  
1221 W. Idaho St.  
P.O. Box 70  
Boise, ID 83707

Dear Mr. Rick Astley,  
Mr. Chris Bell,  
Ms. Lisa Nordstrom

On December 3, 2011, I received two duplicate letters from Mr. Rick Astley with Mr. Bell and Ms. Nordstrom listed as recipients of carbon copies. I intend to hand deliver this response letter to Mr. Chris Bell at the Idaho Power office in Twin Falls with the expectation that it will be faxed to the recipients who are located in Boise. I will however, mail a copy to Mr. Astley and Ms. Nordstrom via regular mail.

This letter is the response to Mr. Astley's letter dated December 1, 2011 concerning my refusal to allow an Idaho Power employee/contractor access to my property to replace my current power meter with an AMI Smart Meter. I have never refused to allow the Idaho Power meter reader access to the property to read my meter nor have I ever refused access to any other Idaho Power employee/representative who made a request for access for any purpose other than for exchange of the meter. It was misleading to imply otherwise.

As I made clear in conversations with the Tru-Check contractor and Idaho Power Customer Service Representatives both verbally and in writing, I do not want a smart meter installed. Smart Meter technology – regardless of the method of communications, is a surveillance, detection, monitoring, data collection, and communications and control device. Those capabilities are outside the scope of a public utility chartered to provide electric service. If your charter has been changed to Idaho de-Power and Spy, then please advise me of the law that requires me to submit so that I can verify it with the Sheriff's office and my attorney.

In Mr. Astley's December 1, 2011 letter, he states, "Once installed, this infrastructure will enable Idaho Power to provide enhanced customer services and reduce its operating expenses to keep customer rates as low as possible". In my response to the first letter from Chris Bell, as an accommodation to Idaho Power's desire to reduce operating costs, I offered to go on a program of level pay so that the meter will only have to be read once per year. Alternately, I offered to read the meter once a month and call in the reading which would also give Idaho Power the savings of only a once a year reading to verify usage.

My understanding is that the enhanced customer services you wish to provide are optional. The following is 16 USC 2621 (d) obtained through Internet access to the Library of Congress, database of US Code.

(14) Time-based metering and communications

(A) Not later than 18 months after August 8, 2005, each electric utility shall offer each of its customer classes, and provide individual customers upon customer request, a time-based rate schedule under which the rate charged by the electric utility varies during different time periods and reflects the variance, if any, in the utility's costs of generating and purchasing electricity at the wholesale level. The time-based rate schedule shall enable the electric consumer to manage energy use and cost through advanced metering and communications technology.

You offered and I declined. My declination begins with refusal of the installation of the smart meter technology that provides the capability for the enhanced services and communications because once the smart meter is installed, my right of refusal of the offer is effectively nullified.

Your letter states that you wish to keep your operating costs low. I wish to keep the costs of your infrastructure low because as you know, all expenditures for installed equipment and facilities are direct pass through costs to the ratepayers. Replacing perfectly good equipment is an unnecessary expenditure that increases my costs and I object to the expense and the waste of it.

Sincerely,

Vicky L. Davis

CC: Larry D. Parke



Dec 01, 2011

Vicky Davis

Re: AMI Meter Exchange

Dear Ms. Vicky Davis:

As previously explained in my letter to you dated 9/19/2011 Idaho Power must replace existing meters with Advanced Metering Infrastructure pursuant to Idaho Public Utilities Commission Order Nos. 29362, 30102, and 30726. Once installed, this infrastructure will enable Idaho Power to provide enhanced customer services and reduce its operating expenses to keep customer rates as low as possible.

Idaho Power personnel or its exchange contractor, Tru-Check, recently attempted to exchange the meter at \_\_\_\_\_ Falls, ID on 08/31/2011; however, you refused the Company access to its meter. Under the terms of service outlined in Utility Customer Relations Rule 302.05 (IDAPA 31.21.01.302.05), a utility may terminate service to a customer that "denied or willfully prevented the utility's access to the meter." Although Idaho Power does not wish to terminate your electric service or take legal action against you, Idaho Power cannot ignore the lawful order of the Idaho Public Utilities Commission to exchange the meter. The Company must be given brief access to its meter to avoid these outcomes. Idaho Power anticipates it will need only five minutes to exchange the meter and that your power will be interrupted for just a few minutes at most. You need not be present at the time the exchange occurs.

Idaho Power requests that you contact Rick Astley at (208) 736-3284 no later than 12/9/2011, to schedule the meter exchange. If the Company has not received a response from you by that date, Idaho Power will seek a declaratory order from the Idaho Public Utilities Commission to exchange the meter and enforce it in District Court if necessary. To the extent Idaho Power must involve the Commission, the courts and/or law enforcement to exchange the Company's meter, Idaho Power may seek court-ordered reimbursement of its expenses from you.

Sincerely,

Rick Astley, Customer Relations Manager

CC: Lisa Nordstrom, Lead Legal Counsel, Idaho Power Company

CC: Chris Bell, Customer Representative



16 U.S.C. § 2621

(a) Consideration and determination

Each State regulatory authority (with respect to each electric utility for which it has ratemaking authority) and each nonregulated electric utility shall consider each standard established by subsection (d) of this section and make a determination concerning whether or not it is appropriate to implement such standard to carry out the purposes of this chapter. For purposes of such consideration and determination in accordance with subsections (b) and (c) of this section, and for purposes of any review of such consideration and determination in any court in accordance with section 2633 of this title, the purposes of this chapter supplement otherwise applicable State law. Nothing in this subsection prohibits any State regulatory authority or nonregulated electric utility from making any determination that it is not appropriate to implement any such standard, pursuant to its authority under otherwise applicable State law.

...

(d) Establishment

The following Federal standards are hereby established:

... [1-13]

(14) Time-based metering and communications

(A) Not later than 18 months after August 8, 2005, each electric utility shall offer each of its customer classes, and provide individual customers upon customer request, a time-based rate schedule under which the rate charged by the electric utility varies during different time periods and reflects the variance, if any, in the utility's costs of generating and purchasing electricity at the wholesale level. The time-based rate schedule shall enable the electric consumer to manage energy use and cost through advanced metering and communications technology.

(B) The types of time-based rate schedules that may be offered under the schedule referred to in subparagraph (A) include, among others--

(i) time-of-use pricing whereby electricity prices are set for a specific time period on an advance or forward basis, typically not changing more often than twice a year, based on the utility's cost of generating and/or purchasing such electricity at the wholesale level for the benefit of the consumer. Prices paid for energy consumed during these periods shall be pre-established and known to consumers in advance of such consumption, allowing them to vary their demand and usage in response to such prices and manage their energy costs by shifting usage to a lower cost period or reducing their consumption overall;

(ii) critical peak pricing whereby time-of-use prices are in effect except for certain peak days, when prices may reflect the costs of generating and/or purchasing electricity at the wholesale level and when consumers may receive additional discounts for reducing peak period energy consumption;

(iii) real-time pricing whereby electricity prices are set for a specific time period on an advanced or forward basis, reflecting the utility's cost of generating and/or purchasing electricity at the wholesale level, and may change as often as hourly; and

(iv) credits for consumers with large loads who enter into pre-established peak load reduction agreements that reduce a utility's planned capacity obligations.

(C) Each electric utility subject to subparagraph (A) shall provide each customer requesting a time-based rate with a time-based meter capable of enabling the utility and customer to offer and receive such rate, respectively.

...

**(Emphasis added).**