

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

<b>BONNIE MENTH AND VICKY DAVIS,</b>	)	
	)	<b>CASE NO. IPC-E-12-04</b>
<b>COMPLAINANTS,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>IDAHO POWER COMPANY,</b>	)	<b>ORDER NO. 32500</b>
	)	
<b>RESPONDENT.</b>	)	

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On January 4, 2012, the Commission received two formal complaints filed by Bonnie Menth and Vicky Davis against Idaho Power Company. Ms. Menth and Ms. Davis object to the installation of Advanced Metering Infrastructure (AMI), or Smart Meters, at their residences. Both complainants request that the Commission require the Company to create an opt-out opportunity for customers who do not want a Smart Meter, and to order Idaho Power to remove the Smart Meters and replace them with analogue meters. On January 19, 2012, the Commission issued a Summons directing the Company to file an answer to the complaints within 21 days of issuance of the Summons. Idaho Power filed its answer on February 9, 2012. Ms. Menth and Ms. Davis filed responses to the Company's answer on February 22, 2012.

Ms. Menth and Ms. Davis raise similar issues in their complaints. They believe that Smart Meters do not simply measure energy usage, but that they have "the capacity to track minute by minute household activity, control household devices, and as stated on one of its software provider websites, it can generate profiles to target customers for other programs and services based on whatever information is available about them, including the rate class, usage patterns, location, and energy profile that may have been collected from the customer." Accordingly, the complainants regard the meters as surveillance devices. The complainants also believe the Smart Meters produce "dirty power" that can be a health risk. Although the complainants understand the Smart Meters used by Idaho Power do not communicate wirelessly, they nonetheless believe the transmission of a pulse over the house wiring "produces high frequency voltage transients."

Ms. Menth is concerned that Idaho Power's meters "have the capability to be remotely reprogrammed by the utility to enable functions which are currently disabled or

updated with new software at any time with whatever functions are available and may do this without customer notification or consent.” Ms. Menth believes these functions can include “remote connect or disconnect service, control of appliances, determination of what electronic device is being used, when we watch a DVD or TV, for how long and how often, when we go to bed, wake up, or stay up late, the occupancy status of our home, when we take a shower, if we use laptops or desktops, if we consume a lot of electricity at ‘unusual’ hours.” Ms. Davis also believes that Smart Meters are surveillance devices that can track movements and behaviors in the home by the collection of moment-by-moment usage of electricity.

In its answer, Idaho Power provided a factual background of the installation of the meters at the complainants’ residences. The Company explained that its meters cannot identify energy consumed by any specific appliance and do not have the capability to control any appliance. Idaho Power’s meters communicate only to respond to specific inquiries from the substation control equipment. “When each meter is individually requested to do so by the substation control equipment, the customer’s AMI meter relays service point consumption data back through the electrical system.” This data transfer occurs four times a day and each meter’s response lasts approximately 20 seconds. Idaho Power Answer, p. 8. The Company states that its meters “are simply not capable of initiating communication or communicating with any device other than the substation.” *Id.* Accordingly, “because the meters deployed by Idaho Power do not contain the technology necessary to communicate with other devices in the home, the meters cannot monitor or control appliances beyond the meter.” Idaho Power Answer, pp. 9-10.

Idaho Power also addressed the concern that customer information may be provided to other entities. The Company states that “it zealously protects this proprietary information and has very specific procedures in place to ensure the security of its customer data.” Idaho Power Answer, p. 11. The Company does not release customer information without the customer’s consent, a subpoena or court order or power of attorney granting a third party permission to access information. *Id.*

The Company stated it is opposed to establishing an opportunity for customers to opt-out of a Smart Meter and request a non-standard meter. The Company provided information on the cost of (1) uninstalling a meter and re-installing a different meter, (2) not being able to remotely gather usage data for billing purposes, (3) offering customers an opt-out alternative,

and (4) if an opt-out alternative is available, the cost of using estimated and actual meter readings to calculate bills. The Company estimates it will cost approximately \$110.80 to remove the standard AMI meter and replace it with a non-standard meter, and estimates it will cost approximately \$75 to re-establish AMI service at the residence if the non-standard meter is later removed. In addition, Idaho Power estimates it will cost approximately \$54.58 a month in added billing expense if it cannot use a Smart Meter to remotely obtain usage data. The Company notes that analog and electromechanical meters have not been manufactured since 2007 and they cannot be cost-effectively maintained by the Company. The AMI meter is now the standard equipment used by more than 99% of the Company's customers.

Each complainant "requests an independent investigation of the regulatory monopoly of the Idaho Public Utilities Commission to determine if they are fulfilling their mandate to serve the interest of the public," and also requests "an undetermined amount for attorneys fees to initiate an independent investigation of the regulatory monopoly of the Idaho Public Utilities Commission." This request is for relief that the Commission is not authorized to approve or implement. Instead, this request is more appropriately presented to the Idaho Legislature.

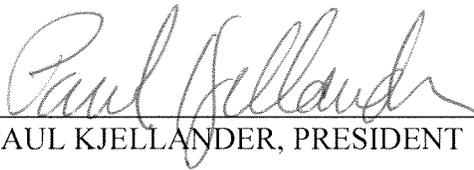
The Commission finds that the meters Idaho Power installed do not have the capability to control appliances or other devices, nor initiate surveillance of electrical usage at individual customer residences. The Commission finds that complainants have not provided sufficient demonstrable, credible factual evidence to support a finding that the meters present legitimate safety or potentially inappropriate communication concerns. The Commission therefore dismisses the complaints.

### **ORDER**

IT IS HEREBY ORDERED that the complaints filed by Bonnie Menth and Vicky Davis are dismissed.

THIS IS A FINAL ORDER. Any person interested in this Order (or in issues finally decided by this Order) or in interlocutory Orders previously issued in this case may petition for reconsideration within twenty-one (21) days of the service date of this Order with regard to any matter decided in this Order or in interlocutory Orders previously issued in this case. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. See *Idaho Code* § 61-626.

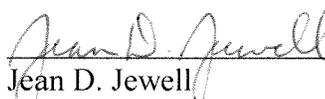
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 27<sup>th</sup>  
day of March 2012.

  
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PAUL KJELLANDER, PRESIDENT

  
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MACK A. REDFORD, COMMISSIONER

  
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MARSHA H. SMITH, COMMISSIONER

ATTEST:

  
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Jean D. Jewell  
Commission Secretary

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