

NOV 17 2017



Idaho Public Utilities Commission

P.O. Box 83720, Boise, ID 83720-0074

Boise, Idaho
C.L. Butch Otter, Governor

Paul Kjellander, Commissioner
Kristine Raper, Commissioner
Eric Anderson, Commissioner

November 17, 2017

Via Certified Mail

David J. Meyer
Vice President and Chief Counsel
Avista Corporation
P.O. Box 3727
1411 East Mission Avenue
Spokane, Washington 99220-3727

Re: Case No. AVU-E-17-11

Dear Mr. Meyer:

Enclosed please find a Summons and Complaint issued against Avista Corporation in Case No. AVU-E-17-11. As directed in the Summons, you are to file a written answer or motion in defense of said Complaint with this Commission within 21 days of the service date of the Summons.

Ms. Baenen's complaints regarding Avista Corporation's proposed rate increase addressed in the general rate case (Case Nos. AVU-E-17-01; AVU-G-17-01), and issues relating to the pending merger with Hydro One (Case Nos. AVU-E-17-09; AVU-G-17-03) should be addressed in those cases respectively. The Company should direct its response in this docket to the allegations relating to radio frequency meters and related health and privacy issues.

Sincerely,

Diane M. Hanian
Commission Secretary

Enclosure(s)

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BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

MARY BAENEN,

COMPLAINANT,

vs.

AVISTA CORPORATION.

RESPONDENT.

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SUMMONS

CASE NO. AVU-E-17-11

THE STATE OF IDAHO SENDS GREETINGS TO THE ABOVE-NAMED RESPONDENT.

YOU ARE HEREBY NOTIFIED that a Complaint has been filed with the Idaho Public Utilities Commission by the above-named Complainant; and

YOU ARE HEREBY DIRECTED to file a written answer or written motion in defense of the Complaint within twenty-one (21) days of the service date of this Summons; and

YOU ARE HEREBY NOTIFIED that unless you do so within the time herein specified, the Idaho Public Utilities Commission may take such action against you as is prayed for in the Complaint or as it deems appropriate under Title 61 of the *Idaho Code*.

WITNESS my hand and the seal of the Idaho Public Utilities Commission this 17th day of November 2017.



Diane M. Hanian
Commission Secretary

(SEAL)

URGENT PETITION

Oct 6th, 2017

**Petition to Commissioner Paul Kjellande, Commissioner Kristine Rape, and
Commissioner Eric Anderson of the Idaho Public Utilities Commission**

**Concerning Smart Meters, Avista Corporation, Scott L. Morris, the man, and
CEO of Avista Corporation**

by Mary Baenen, the woman, living in Sandpoint Idaho

This Petition is considered Urgent and
a timely action and response
from Idaho Public Utilities Commissioners is requested
due to
the request of Avista Corporation
to sell to a foreign country
along with rate increase
and due to
Health and Security Reasons

**Petition to Commissioner Paul Kjellande, Commissioner Kristine Rape, and
Commissioner Eric Anderson of the Idaho Public Utilities Commission**

**Concerning Smart Meters, Avista Corporation, Scott L. Morris, the man, and CEO of
Avista Corporation by Mary Baenen, the woman, living in Sandpoint Idaho Oct 6th, 2017**

WHEREAS, I met with representatives of the Idaho Public Utilities Commission at meeting on August 31st, 2017 in Coeur d'Alene, Idaho, I am aware of the actions and intentions of Utility Company, Avista Corporation;

WHEREAS, Scott L. Morris and Avista Corporation, along with supporters are acting beyond the scope of their authority by placing devices that can obtain confidential information on homes in Idaho, including my home, which is in violation of protections granted by the U.S. Constitution, Amendment IV:

The right of people to be secure in their person, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized;

WHEREAS, health complaints have been reported after a smart meter is installed as well as reports of smart meters causing fires. Smart meters emit RF-EMR (Radio Frequency-Electromagnetic Radiation), which is rated by the WHO (World Health Organization) as a Class 2B carcinogen.

I consider the implementation of the so named "Smart Grid" and or some of its components, including but not limited to "Smart Meters" and or "advanced meters" to in fact cause harm of various kinds. I have asked Scott L. Morris, the CEO of Avista, to replace the digital RF-EMR emitting meter on my home with a non-EMR emitting analog meter. He refuses to do so. As per Idaho Code 61-302, Avista shall provide me with **equipment that shall promote safety, health, comfort and convenience**;

WHEREAS, Arista Corporation has requested a rate increase and intends to sell the company to Canada. As stated in Idaho Code 61-328 (a), the Idaho Public Utilities Commission shall not approve a transaction that is not consistent with the public interest. Putting public information in the hands of a foreign country and risking national security by selling to a foreign country is obviously not consistent with public interest. The Idaho Public Utility Commission must examine the scope of this risk and liability;

WHEREAS, Idaho Code 61-328 (b) states that the cost and rates for supplying service will not be increased by reason of a sale. Avista Corp. has requested two substantial rate increases along with requesting to sell to a foreign company.

Idaho Code 61-328 – Electric Utilities — Sale of Property to Be Approved by
Commission

(3) Before authorizing the transaction, the public utilities commission shall find:

- (a) That the transaction is consistent with the public interest;
- (b) That the cost of and rates for supplying service will not be increased by reason of such transaction;

WHEREAS, as per Idaho Code 61-302 Maintenance of adequate Service: 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;

WHEREAS, since it is apparent that some or all of the various forms of harm caused by the implementation of the so named "Smart Grid" and or its various components such as smart meters, can be considered a tort;

WHEREAS, it is a **fundamental principle of law** that nobody is above the law including, but not limited to, all government actors. The **UNITED STATES SUPREME COURT** has made a ruling regarding public officials being held liable for actions done or failure to perform required actions, in the case of **MILLBROOK v. UNITED STATES () 477 Fed. Appx. 4.**

THEREFORE I, Mary Baenen, the woman, living in Sandpoint Idaho, petition the Idaho Public Utilities Commission to:

- 1. Immediately take action to protect the health and support the rights of the residents of Idaho, including myself, to receive non-RF-EMR analog meters and to refuse smart meters and other RF-EMR emitting meters due to health concerns or privacy and security concerns without fees or penalties as per Idaho Code 61-302, based on the rating by the WHO (World Health Organization) rating of a Class 2B carcinogen of RF-EMR (Radio Frequency- Electromagnetic Radiation) and U.S. Constitution, Amendment IV;**
- 2. Deny the rate increases requested by Avista Corporation, the CEO of Avista, and the man, Scott Morris due to Idaho Code 61-328 (a);**
- 3. Deny the request of Avista Corporation, the CEO of Avista, and the man, Scott Morris to sell to a foreign country, due to Idaho Code 61-328 (b).**

Mary Baenen 10221 Baldy Mtn. Road. Sandpoint Idaho 10-06-17
Mary Baenen Address Date

Witnessed by Date
Herbert Fisher 10-6-17