

DECISION MEMORANDUM

**TO: COMMISSIONER KJELLANDER
COMMISSIONER REDFORD
COMMISSIONER SMITH
COMMISSION SECRETARY
LEGAL
WORKING FILE**

FROM: DANIEL KLEIN AND NANCY HYLTON

DATE: JANUARY 9, 2012

IPC-E-12-04

**RE: FORMAL COMPLAINT OF BONNIE MENTH AND VICKY DAVIS
AGAINST IDAHO POWER OBJECTING TO THE INSTALLATION OF
AMI METERS.**

On January 5, 2012, the Commission received two separate "formal" complaints (attached) from Bonnie Menth and Vicky Davis against Idaho Power. Mrs. Menth and Ms. Davis do not want smart meters installed at their respective residences. They are asking the Idaho Public Utilities Commission to order Idaho Power Company to remove their new smart meters and replace them with analog meters. Mrs. Menth also indicated that she would be willing to purchase an analog meter and have a certified electrician install it at her expense. She also would like assurance that if she moves to another location she can have an analog meter there also regardless of which utility serves that area. In her complaint, Ms. Davis wants the Commission to establish an "opt-out" form and procedure for customers who do not want a smart meter. Bonnie Menth and Vicky Davis were unsatisfied with the outcome of the informal procedures to resolve their complaints and have filed formal complaints.

BACKGROUND – MENTH COMPLAINT

Mrs. Menth filed an informal complaint at the Commission on December 13, 2011. She was upset because Idaho Power (IPC) had come out and replaced her old meter with a new smart meter that day. Mrs. Menth contacted IPC to object to the installation right after she received notice of the impending meter change in August. Mrs. Menth and IPC have communicated through e-mail, letter and in person during that time. Finally, on December 13, IPC came out to

talk to Mrs. Menth one more time and replace the meter, but Mrs. Menth was not at home. The new meter was installed in her absence.

Staff has explained to Mrs. Menth that the Commission approved the installation of the smart meters and encouraged IPC to move forward with all deliberate speed. Mrs. Menth was provided with a link to Case No. IPC-E-08-16, where the Commission issued CPCN to IPC to install AMI technology throughout its service territory, Order No. 30726. Mrs. Menth is concerned about possible health issues that could be caused by having a smart meter, as well as feeling it is a "surveillance" device.

BACKGROUND – DAVIS COMPLAINT

Ms. Davis filed an informal complaint on August 31, 2011. She did not want the smart meter installed at her home, and wanted to know if the Public Utilities Commission had mandated it. She was concerned that Idaho Power was recording her usage and reporting it somewhere. She asked about an opt-out for the installation of the smart meter. Staff informed Ms. Davis that there was no opt-out provision for smart meters in Idaho. Staff also explained that the Commission had approved the installation of the smart meters by Idaho Power and encouraged them to do it. Ms. Davis was not happy with the job the Public Utilities Commission was doing. Order No. 30726 in Case No. IPC-E-08-16 was also provided to Ms. Davis.

Ms. Davis noted in her formal complaint letter that the Commission operates under the authority of U.S. Code as well as Idaho law. She claims that although Idaho Power is regulated by the Commission it is also subject to U.S. Code. She quoted the National Energy Policy Act of 2005, Section 1252, "Smart Metering" and stated it allows customers to opt-out. In particular she quoted 16 U.S.C § 2621 (d)(14)(attached).

She is concerned that the Smart Meter is "always on" and is always collecting and transmitting data violating her privacy and the sanctity of her home. She claims to have been in a continual state of distress and mental anxiety since the installation of the smart meter.

She offered to go on level pay and only have her meter read once a year to reduce operating expenses. Alternatively she offered to read the meter once a month and call in the reading allowing Idaho Power to read the meter annually to verify usage.

Ms. Davis provided a copy of a December 1, 2011 letter (attached) from Idaho Power to her requesting that she contact Rick Astley no later than December 9, 2011 to schedule the meter

exchange. She also provided a copy of her December 6, 2011 response (attached) to Idaho Power declining the exchange of meters.

Ms. Davis is requesting the Commission to issue an immediate Order to establish an opt out form and procedure and Order Idaho Power to remove the Smart Meter from her premises and to install an analog meter without communications and "smart device" technology and software.

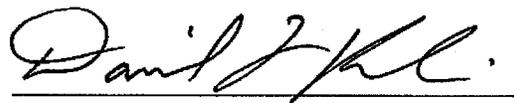
STAFF RECOMMENDATION

Mrs. Menth and Ms. Davis were not satisfied with the outcome of their informal complaints. Consequently, they filed formal complaints. *See* Rules 23, 25 and 54, IDAPA 31.01.01.023, .024 and .054.

Staff recommends that the Commission consolidate the two complaints into a single case and direct the Company to file a response to the complaints. Idaho Power finished the installation of the smart meters throughout its service territory on December 21, 2011.

COMMISSION DECISION

- Does the Commission wish to accept Mrs. Menth's and Ms. Davis' formal complaints?
- Does the Commission wish to issue a Summons or proceed under Modified Procedure?
- Does the Commission desire to consolidate the two complaints into a single case?



Daniel Klein



Nancy Hylton

i:\udmemos\Menth Davis formal complaint dec memo

Bonnie Menth
306 Shadetree Trail
Twin Falls, ID 83301

January 2, 2012

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

RECEIVED

2012 JAN -4 AM 8:45

IDAHO PUBLIC
UTILITIES COMMISSION

Complaints: Idaho Power Company forceful installation of an unwanted time-based meter and communication device known as smart meter against customer request.
Idaho Power Company misrepresentation of product referred to as a smart meter.
Idaho Public Utility Commission failure to address customer concerns regarding the installation of smart meter and failure to provide an opportunity for customers to opt out of the device.

Dear Idaho Public Utilities Commission:

In August 2011, I contacted Idaho Power Company requesting that they do not install a smart meter on my home because of health, privacy, and safety issues and to please provide an opt out form and a form for reading my meter. I was told that because their smart meter technology was wired and used low frequency 60Hz power line communication (TWACS- PLC/PLT) it was secure and had no health risks they would not be providing an opt out.

During a visit by two Idaho Power representatives I asked if their device would allow communication onto the interior electrical wiring of my house to 'talk' with smart appliances. The answer I received was, "What's a smart appliance? I've never heard of a smart appliance" and then I was promised the device would never allow communication on the wiring in my home.

I was also told by Idaho Power that their new metering device would transmit data only when queried by the substation which consisted of one register read per day and a retrieval of hourly consumption data 3 times per day. If this were true, then why is the meter on my house indicating that it is communicating approximately every 30 seconds?

I have received two letters from Idaho Power, and both times I responded that I did not want this type of metering on my house. In their last letter they stated that if I did not allow them to install it, they may terminate my service, or will seek an order from the Idaho Public Utilities Commission to exchange the meter and will enforce it in District court. On December 13, 2011,

twelve days after that letter was written, I arrived home and was informed by a neighbor that while I was out of town a Idaho Power representative accompanied by a police officer, along with a meter installer, came to my house, climbed over the fence and installed a smart meter (no IPUC or District Court order, or any notice was posted on my property or has since been provided to me).

The smart meter is a time-based meter with modem enabled communication. It does not just measure energy usage. It has 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 their rate class, usage patterns, location, and energy profile that may have been collected from the customer. This would include knowing the household occupancy at given times. This is a surveillance device.

Idaho Power is using deceptive language to convince customers that this AMI technology will only communicate between the meter and substation and that communication will never enter their house or be able to control their devices. As recorded in the 2003 IPUC Order NO.29362 to Idaho Power Company, the goal of this smart grid technology is to control customer appliances and even customer generation. However, Idaho Power is telling customers that it has no plans to ever do this; it will cost too much.

Idaho Power states that their smart meter technology using power line communications is safe because it uses a 60Hz low frequency signal and a wired meter.

I have attached information written by an engineer who gives an easy to understand explanation of smart meter technologies. In summary, he explains that PLC technology, especially the low frequency TWACS, is one of the worst technologies in regards to possible negative health effects.

He states that when intentional pulses (communication) are put onto electrical wires which were never designed for communication as are the shielded and twisted wires used by cable TV, computers, and telephones, it will generate electromagnetic fields of dirty power, from 120 hertz to 660 hertz plus a lot of higher frequency harmonics, which follow the house wires wherever they travel throughout the whole house. PLC is to be used cautiously because the dirty power generated by neighboring houses will travel on electrical wires from one home into the next home's wiring in every direction not just back to the receiver. It should only be used in remote, sparsely populated areas. I, as well as thousands of customers where this IPUC approved PLC technology is being used, live in densely populated subdivisions where transformers are shared, neighborhoods with nearby homes, or in apartments. These are not remote areas.

PLC is of great concern not only to people who have EMF sensitivities, such as me, but also to the long term health effects of the general population. (Attached: Expressions of Concerns from Physicians, Scientists, and Health Policy Experts)

The IPUC and Idaho Power Company (IDACORP) operate under the authority of U.S. Statues as

well as Idaho law. According to IPUC approved Idaho Power Company Metering Rule D, it is indicated that a meter is a device which measures power and energy supplied to the customer. It does not indicate that a meter includes a communication and surveillance device.

In fact, if this type of device is to be used, it should be according to the National Energy Policy Act of 2005, Section 1252, "Smart Metering", 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 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 to and customer to offer and receive such rate.

According to this law, I did not need to ask for an opt out to this type of meter. I never requested and repeatedly notified the utility that I did not want a time-based rate schedule with a time-based meter and communication technology referred to as a smart meter.

Idaho Power Company has disregarded the law and my civil liberties by forcing this unwanted technology upon me which has resulted in emotional distress and an exacerbation of my medical problems.

I am asking the IPUC to order Idaho Power Company (IDACORP) to immediately remove this time-based meter and communication technology device from my house, to return the analog non-communicating meter for installation, and to allow a certified electrician of my choice to inspect the analog meter before and during the installation process, or that the IPUC allows me to purchase an analog meter and the services of a certified electrician of my choice to install it.

I would also request that if I should move to another area in Idaho where IPUC regulates the utility which uses the smart meter, that I may retain the right to either be provided with an analog non-communicating meter or that I may purchase my own analog meter and the services of a certified electrician of my choice to install the device. I should not be charged any additional fees for the right to retain and use an analog meter if I should participate in the meter self-read option or if I use the level pay service.

Sincerely,

Bonnie Menth



Attachments: Household wires/PLC

Expressions of Concern from Physicians, Scientists, and Health Policy Experts
Magnetic Fields May Increase Asthma Risks

5.5 The household wires

When electrical pulses travel on an electrical wire, it will radiate as an antenna. Wires that are intended to carry communication signals are usually twisted or shielded, as is done with telephone cables, computer networks and cable TV. This greatly limits the radiation from the wires.

Household electrical wiring was never intended to be used for high-frequency signals, so it is not twisted or shielded and therefore radiates more than telephone lines carrying DSL, computer network lines and cable TV connections.

The dirty electricity created by the meter's electronics uses the household wiring as unintentional antennas. However, in some homes this will be indistinguishable from dirty power from other household gadgets (TV, computer, battery charger, etc.) and those used by nearby neighbors.

The real concern is when the electrical wires intentionally carry communication signals, as these are much stronger and will radiate much more powerfully from the wires throughout the house.

The signals vary greatly in frequencies, depending on which Power Line Communication (PLC) technology is used. The low-frequency method will produce a range of frequencies, from 120 hertz up to 660 hertz, plus a lot of higher frequency harmonics that are not intentional, but an indirect result of how they produce the pulsing signals.

The medium-frequency method uses signals around 50 to 100 kilo hertz, while the high-frequency broadband method uses yet higher frequencies.

The problem with all these technologies is that they follow the electrical wires wherever they go. It is not just a question of staying away from the electrical meter, as it is with the wireless technologies. One would have to stay away from all wires in the entire house, or disconnect them totally.

6. Health effects

Almost all the metering systems described here radiate, which is a health concern for the general population and may cause acute symptoms in people with severe electrical hypersensitivity (EHS). For a comprehensive review of the literature, see the BioInitiative report (www.bioinitiative.org).

Millions of people already live with these systems and do not have acute symptoms. The concern for the general population is more any long-term health effects, which will be difficult to identify the cause of and even more difficult to prove. The effect may be an increase in those diseases that have been linked to electronic exposures and "dirty power", such as headaches, ADD/ADHD, anxieties, childhood leukemia, various cancers and electro hypersensitivity. Some people may feel more restless, have problems sleeping and be more irritable.

The amount of energy radiated from a wireless smart meter is similar to that of a cell phone,

sometimes much less. Unlike a cell phone, they may transmit constantly, but are usually also some distance away from people.

The wireless meters that transmit frequently can be compared to a household wireless computer network (typically Wi-Fi) in a number of ways:

- they transmit most of the time
- the transmitters are several feet (meters) away from people, at least most of the day
- radiation also comes from the neighbors, especially in apartments and dense neighborhoods

The energy radiating from household wiring carrying PLC-signals is much less than that from a wireless meter. However, all the wires in the house are acting as antennas, so it is everywhere and often very close to a person.

Some people are more bothered by certain frequencies than others. A person who can use a cell phone may be bothered by the lower frequencies from PLC-signals, or it may be the other way.

The long-term health effects from smart meters will be nearly impossible to distinguish from the effects from cell phones, cell towers, neighbors' wireless networks, and the myriad of other wireless devices that are yet to come.

6.1 The worst technologies

For people who are particularly sensitive to electromagnetic fields (EMF), the effect of smart meter technologies can be devastating. But it may not. There are many people with EHS who have not noticed any difference after their meter was upgraded. However, there have also been several cases where they got severe symptoms and sometimes could no longer live in their home.

In the opinion of this author, the most benign technologies are, in order of safety:

- mechanical, non-communicating meters
- pre-paid meters using a cable to communicate with the in-house display
- meters using dialup telephone lines
- meters read through a communication port, by a person
- ERT meters that are only transmitting when prompted by a passing utility vehicle
- meters that only transmit once a day, using cellular or radio

The worst technologies are:

- any form of frequently communicating network
- all types of wireless networks
- all types of power line communication (PLC)

....

Power Line Filters

Communicating by sending pulses or high frequency signals across the power distribution lines, as well as the household wiring (PLC) is problematic.

The European multinational utility company, E.ON, has developed a line filter which dampens power line signals in the kilohertz range. It is installed next to the electrical meter on customer residences where there have been problems. The filters are not installed elsewhere, due to their substantial cost.

It is unlikely that filters will work for low-frequency pulsing PLC systems, such as the TWACS and Hunt's Turtle, since the problematic frequencies and harmonics are close to the power frequency.

The filters do not help on effects from the residential power lines along the roads (which act as giant unintentional antennas), nor do they help hypersensitive people when going to grocery stores or visiting other people. With wireless meters, the other end of a building may be fine, but with PLC systems some people may be trapped in their homes. There do not appear to be wholly satisfactory solutions to the problems with PLC technologies, and they should be used with great caution.

Steen Hviid, M.S., Engineer

September 4, 2011

The Tier 2 policy must be particularly flexible, as the situations can be complex. The solution can be difficult where there are close neighbors, for instance.

Using a non-communicating mechanical meter must be one of the options available. In Sweden, a country of 8 million people, about 800-900 people had to be accommodated by keeping their old meter. They self-read their meters and mail it on a postcard monthly, which rural ratepayers in the U.S. have done for many decades.

Other options may work as well. The experiences from Sweden show that when the utilities showed open-minded ingenuity, solutions were usually found.

A Tier 2 accommodation may need to include the neighbors, if close by. In areas where PLC communication is used, it may not be possible to accommodate, thus PLC technology should not be used.

Relocation of the person must be the last resort. So is removing the home from the grid, which is much more complex than it seems, as today's standard off-grid technologies are unlikely to be usable (contact author for details).

VII. Recommendations

- Disallow any form of powerline/power carrier communication (PLC) except where contained within a consenting household. The PLC signals must not be entering other homes, nor the distribution system.
- Direct APS to use the most benign technologies, as outlined in the attached document.
- Direct APS to develop a two-tiered opt-out program:
 - Tier 1 – for people who object
 - Tier 2 – for people with a documented health need
- The opt-out program should not extract any punitive cost from the rate payer. The cost must be minimal for qualifying low-income ratepayers.
- The opt-out program must include people who rent houses or apartments.
- The opt-out program must include when moving to a new location that already has a smart meter installed.
- The Tier 2 opt-out program must be flexible with a range of options, including using a non-communicating mechanical meter.

VIII. About the author

Steen Hviid holds two engineering degrees, including an MS in computer engineering. He lives in northern Arizona in a solar powered house of his own design.

Expressions of Concern from Physicians, Scientists and Health Policy Experts

Andrew Weil, MD.: "Electromagnetic pollution may be the most significant form of pollution human activity has produced in this [20th] century." <http://www.drweil.com/drw/u/id/QAA26193>.

Robert Becker, Ph.D Nobel Prize nominee noted for decades of research on the effects of electromagnetic radiation says, "I have no doubt in my mind that, at present time, the greatest polluting element in the earth's environment is the proliferation of electromagnetic fields."

The following quotations are available at:

http://www.stralingsrisicos.nl/index.php?option=com_content&view=article&id=23&Itemid=6

William Rea, MD Founder & Director of the Environmental Health Center, Dallas Past President, American Academy of Environmental Medicine

"Sensitivity to electromagnetic radiation is the emerging health problem of the 21st century. It is imperative health practitioners, governments, schools and parents learn more about it. The human health stakes are significant".

Martin Blank, Ph.D Associate Professor, Department of Physiology and Cellular Biophysics, Columbia University, College of Physicians and Surgeons; Researcher in Bioelectromagnetics; Author of the BioInitiative Report's section on Stress Proteins.

"Cells in the body react to EMFs as potentially harmful, just like to other environmental toxins, including heavy metals and toxic chemicals. The DNA in living cells recognizes electromagnetic fields at very low levels of exposure; and produces a biochemical stress response. The scientific evidence tells us that our safety standards are inadequate, and that we must protect ourselves from exposure to EMF due to power lines, cell phones and the like, or risk the known consequences. The science is very strong and we should sit up and pay attention."

Olle Johansson, Ph.D. Associate Professor, The Experimental Dermatology Unit, Department of Neuroscience, Karolinska Institute, Stockholm, Sweden; Author of the BioInitiative Report's section on the Immune System.

"It is evident that various biological alterations, including immune system modulation, are present in electrohypersensitive persons. There must be an end to the pervasive nonchalance, indifference and lack of heartfelt respect for the plight of these persons. It is clear something serious has happened and is happening. Every aspect of electrohypersensitive peoples' lives, including the ability to work productively in society, have healthy relations and find safe, permanent housing, is at stake. The basics of life are becoming increasingly inaccessible to a growing percentage of the world's population. I strongly advise all governments to take the issue of electromagnetic health hazards seriously and to take action while there is still time. There is too great a risk that the ever increasing RF-based communications technologies represent a real danger to humans, especially because of their exponential, ongoing and unchecked growth. Governments should act decisively to protect public health by changing the exposure standards to be biologically-based, communicating the results of the independent science on this topic and aggressively researching links with a multitude of associated medical conditions."

David Carpenter, MD Professor, Environmental Health Sciences, and Director, Institute for Health

and the Environment, School of Public Health, University of Albany, SUNY Co-Editor, the BioInitiative Report (www.BioInitiative.org).

Electromagnetic fields are packets of energy that does not have any mass, and visible light is what we know best. X-rays are also electromagnetic fields, but they are more energetic than visible light. Our concern is for those electromagnetic fields that are less energetic than visible light, including those that are associated with electricity and those used for communications and in microwave ovens.

The fields associated with electricity are commonly called “extremely low frequency” fields (ELF), while those used in communication and microwave ovens are called “radiofrequency” (RF) fields. Studies of people have shown that both ELF and RF exposures result in an increased risk of cancer, and that this occurs at intensities that are too low to cause tissue heating.

Unfortunately, all of our exposure standards are based on the false assumption that there are no hazardous effects at intensities that do not cause tissue heating. Based on the existing science, many public health experts believe it is possible we will face an epidemic of cancers in the future resulting from uncontrolled use of cell phones and increased population exposure to WiFi and other wireless devices.

Thus it is important that all of us, and especially children, restrict our use of cell phones, limit exposure to background levels of Wi-Fi, and that government and industry discover ways in which to allow use of wireless devices without such elevated risk of serious disease. We need to educate decision-makers that ‘business as usual’ is unacceptable. The importance of this public health issue can not be underestimated.”

Eric Braverman, MD Brain researcher, Author of *The Edge Effect*, and Director of Path Medical in New York City and The PATH Foundation. Expert in the brain’s global impact on illness and health.

“There is no question EMFs have a major effect on neurological functioning. They slow our brain waves and affect our long-term mental clarity. We should minimize exposures as much as possible to optimize neurotransmitter levels and prevent deterioration of health”.

Abraham R. Liboff, PhD Research Professor Center for Molecular Biology and Biotechnology Florida Atlantic University, Boca Raton, Florida Co-Editor, *Electromagnetic Biology and Medicine*

“The key point about electromagnetic pollution that the public has to realize is that it is not necessary that the intensity be large for a biological interaction to occur. There is now considerable evidence that extremely weak signals can have physiological consequences. These interactive intensities are about 1000 times smaller than the threshold values formerly estimated by otherwise knowledgeable theoreticians, who, in their vainglorious approach to science, rejected all evidence to the contrary as inconsistent with their magnificent calculations. These faulty estimated thresholds are yet to be corrected by both regulators and the media.

The overall problem with environmental electromagnetism is much deeper, not only of concern at power line frequencies, but also in the radiofrequency range encompassing mobile phones. Here the public’s continuing exposure to electromagnetic radiation is largely connected to money. Indeed the tens of billions of dollars in sales one finds in the cell phone industry makes it mandatory to

corporate leaders that they deny, in knee-jerk fashion, any indication of hazard.

There may be hope for the future in knowing that weakly intense electromagnetic interactions can be used for good as well as harm. The fact that such fields are biologically effective also implies the likelihood of medical applications, something that is now taking place. As this happens, I think it will make us more aware about how our bodies react to electromagnetism, and it should become even clearer to everyone concerned that there is reason to be very, very careful about ambient electromagnetic fields.”

Lennart Hardell, MD, PhD Professor at University Hospital, Orebro, Sweden. World-renowned expert on cell phones, cordless phones, brain tumors, and the safety of wireless radiofrequency and microwave radiation. Co-authored the BioInitiative Report’s section on Brain Tumors by Dr. Hardell

“The evidence for risks from prolonged cell phone and cordless phone use is quite strong when you look at people who have used these devices for 10 years or longer, and when they are used mainly on one side of the head. Recent studies that do not report increased risk of brain tumors and acoustic neuromas have not looked at heavy users, use over ten years or longer, and do not look at the part of the brain which would reasonably have exposure to produce a tumor.”

Samuel Milham MD, MPH Medical epidemiologist in occupational epidemiology. First scientist to report increased leukemia and other cancers in electrical workers and to demonstrate that the childhood age peak in leukemia emerged in conjunction with the spread of residential electrification.

“Very recently, new research is suggesting that nearly all the human plagues which emerged in the twentieth century, like common acute lymphoblastic leukemia in children, female breast cancer, malignant melanoma and asthma, can be tied to some facet of our use of electricity. There is an urgent need for governments and individuals to take steps to minimize community and personal EMF exposures.”

James S. Turner, Esq. Chairman of the Board, Citizens for Health Co-author, Voice of the People: The Transpartisan Imperative in American Life Attorney, Swankin-Turner, Washington, DC

“According to the BioInitiative Report: A Rationale for a Biologically-Based Public Exposure Standard for Electromagnetic Fields—from electrical and electronic appliances, power lines and wireless devices such as cell phones, cordless phones, cellular antennas, towers, and broadcast transmission towers—we live in an invisible fog of EMF which thirty years of science, including over 2,000 peer reviewed studies, shows exposes us to serious health risks such as increased Alzheimer’s disease, breast cancer, Lou Gehrig disease, EMF immune system hypersensitivity and disruption of brain function and DNA. The public needs to wake up politicians and public officials to the need for updating the decades old EMF public health standards. This report tells how.”

L. Lloyd Morgan, BS Electronic Engineering Director Central Brain Tumor Registry of the United States, Member Bioelectromagnetics Society, Member Brain Tumor Epidemiological Consortium

*“There is every indication that cell phones cause brain tumors, salivary gland tumors and eye cancer. Yet, because the cell phone industry provides a substantial proportion of research funding,...

August 1, 2011

Author Insights: Magnetic Fields May Increase Asthma Risks

Filed under: Asthma, Occupational and Environmental Medicine, Pregnancy and Breast Feeding, Public Health, Pulmonary Diseases — Rebecca Voelker @ 3:01 pm



De-Kun Li, MD, PhD, and his colleagues showed that maternal exposure to magnetic fields during pregnancy can increase the risk of asthma in offspring. (Image: Kaiser Permanente)

Electric and magnetic fields are everywhere. They're generated by thunderstorms, microwave ovens, power lines, and even hybrid cars. Scientists for years have examined their impact on human health, but results have been conflicting.

In today's *Archives of Pediatrics & Adolescent Medicine*, researchers present the first study to show an association between maternal exposure to magnetic fields (MF) during pregnancy and an increased risk of asthma in their offspring. The study included 801 pregnant women whose children were followed up for 13 years. To measure their MF exposures, the women wore 24-hour meters.

The researchers found that for each 1-milligauss (mG) increase in exposure per day, children had a significant 15% increased risk of asthma. What's more, children born to women with the highest MF exposures during their pregnancy had a 3.5-fold increased risk of asthma compared with children whose mothers had the lowest exposures. (As a point of reference, other studies have linked increased cancer rates with workday exposures above 4 mG.)

The study could have important implications for asthma prevention. The condition affects more than 9 million children in the United States, and it carries a \$30 billion annual price tag. *news@JAMA* spoke with lead author De-Kun Li, MD, PhD, a reproductive and perinatal epidemiologist at the Kaiser Permanente Division of Research in Oakland, Calif, to learn more about the findings.

Vicky Davis
145 Avenida Del Rio
Twin Falls, ID 83301

January 2, 2012

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

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2012 JAN -4 AM 8:46

IDAHO PUBLIC
UTILITIES COMMISSION

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.

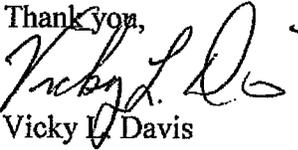
Since the day of the installation, figuratively at gunpoint, I have been in a continual state of distress and mental anxiety over the unlawful installation of a two-way communications, surveillance, data collection and control device that also happens to have an electric metering capability built into 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
145 Avenida Del Rio
Twin Falls, ID 83301

CC: Larry D. Parke
830 Colfax
Boise, ID 83706



Dec 01, 2011

Vicky Davis
145 Avenida Del Rio Dr.
Twin Falls, ID 83301

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 145 Avenida Del Rio Dr., Twin 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).