

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Formal Complaint of)
Michael Paul Adams vs. Rocky Mountain) DOCKET NO. 07-035-97
Power) REPORT AND ORDER
)

ISSUED: February 14, 2008

SYNOPSIS

Complainant having failed to demonstrate a violation by Rocky Mountain Power of any statute, rule, or tariff provision, the Commission dismissed the complaint.

By The Commission:

PROCEDURAL HISTORY

On December 18, 2007, Complainant Michael Paul Adams filed a formal complaint against Respondent Rocky Mountain Power (“RMP”) requesting the Commission prohibit RMP from installing an “electronic radio meter” at his residence. Complainant was concerned such a device might pose a health risk to him and could be used to invade his privacy by monitoring other events not related to power company business.

On January 9, 2008, the Division of Public Utilities (“Division”) filed a memorandum recommending the Commission dismiss the complaint based on its conclusion that RMP’s actions had violated no provision of statute, rule, or tariff.

On January 22, 2008, RMP filed a memorandum in answer to the complaint seeking dismissal of the same.

Also on January 22, 2008, Complainant filed a letter responding to RMP’s filing and requesting the matter be set for hearing.

This matter came on for duly-noticed hearing before the Administrative Law Judge on February 12, 2008. Complainant appeared and represented himself. Jordan White represented RMP. Three RMP employees testified on RMP's behalf.

BACKGROUND

This dispute arises from RMP's intent to install an Automated Meter Reading electricity meter ("ARM") at Complainant's residence. RMP states it is installing such meters along the Wasatch Front in order to improve billing accuracy and employee safety, to better control costs, and to reduce inconvenience to customers that may be associated with entering customer yards.

Complainant is concerned that RMP desires to place the ARM on the wall directly outside his bedroom so that he would be exposed to its radio frequency emissions for as many as eight hours per day. Complainant recently had a stent placed in one of his arteries and is uncertain regarding the effects the ARM's emissions could have on the stent. However, Complainant could offer no evidence in support of his stated health concerns. Complainant is further concerned that the ARM could be used to record and transmit sound and electronic emissions from his residence, enabling RMP or others to violate his privacy.¹

RMP brought to hearing an ARM like the one it intends to install at Complainant's residence and explained that the ARM is only a transmitter; it cannot receive or record sound or electronic data from any source, including customers' residences. RMP further

¹Complainant also argues RMP's actions would constitute an invasion of his privacy in violation of *Utah Code Annotated* § 76-9-402. As this statutory provision falls within the Utah criminal code and outside the jurisdiction of this Commission, we do not consider this statutory claim herein.

testified the ARM's transmitter emits a very low power radio frequency in the 900MHz range, nowhere near the power of the microwave transmitters that appear to be the cause of Complainant's health concerns. Finally, RMP explained that the ARM transmits in very short bursts every thirty seconds and that the transmission is focused out and away from customer residences such that little if any of the small amount of power contained in the transmission is directed toward the residence.

RMP also pointed out that its Electric Service Regulations Nos. 1 and 6 authorize RMP access to customer premises and that customers are obligated to provide safe, unobstructed access to assist RMP in the placement of its equipment.

DISCUSSION, FINDINGS, AND CONCLUSION

Having reviewed the evidence and testimony presented, the Administrative Law Judge concludes Complainant has failed to demonstrate that placement of the ARM would negatively impact Complainant's health or impinge upon his privacy. Furthermore, Complainant has failed to show that RMP's conduct in this matter has violated any provision of applicable statutes, rules, or tariffs. Therefore, the Administrative Law Judge recommends the subject complaint be dismissed.

Wherefore, based upon the foregoing information, and for good cause appearing, the Administrative Law Judge enters the following proposed

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

The complaint filed herein is dismissed.

Pursuant to *Utah Code Annotated* §§ 63-46b-12 and 54-7-15, agency review or rehearing of this order may be obtained by filing a request for review or rehearing with the Commission within 30 days after the issuance of the order. Responses to a request for agency review or rehearing must be filed within 15 days of the filing of the request for review or rehearing. If the Commission fails to grant a request for review or rehearing within 20 days after the filing of a request for review or rehearing, it is deemed denied. Judicial review of the Commission's final agency action may be obtained by filing a Petition for Review with the Utah Supreme Court within 30 days after final agency action. Any Petition for Review must comply with the requirements of *Utah Code Annotated* §§ 63-46b-14, 63-46b-16 and the Utah Rules of Appellate Procedure.

DATED at Salt Lake City, Utah, this 14th day of February, 2008.

/s/ Steven F. Goodwill
Administrative Law Judge

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Approved and Confirmed this 14th day of February, 2008, as the Report and Order of the Public Service Commission of Utah.

/s/ Ted Boyer, Chairman

/s/ Ric Campbell, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary

G#56312