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5/4/2015

Judge rules electric co-op violated discrimination laws

A judge ruled that Plumas-Sierra Rural Electric Cooperative smart meters opt-out fees violate state discrimination laws in a case where the utility cut off electricity 14 months ago for a customer suffering from electromagnetic hypersensitivity.

For “Better Call Saul” fans, PSREC customer Josh Hart’s malady is the same thing Saul Goodman’s brother, Chuck, struggles with when wearing his tinfoil blanket and banning cellphones from his house.

“I’m glad it’s getting mainstream attention,” Hart said of the TV show.

EHS is a group of symptoms purportedly brought on by exposure to electromagnetic fields. Symptoms include headache, fatigue, muscle pain and more.

In the small claims battle, Hart submitted a letter from his physician confirming his diagnosis and that symptoms occur when Hart is exposed to radio frequency from smart meters emitting microwave radiation. Smart meters enable two-way communication between the meter and the utility for monitoring and billing.

PSREC terminated Hart’s electricity after he refused to pay an “opt-out fee” for use of an analog meter instead of a smart meter. The charges include a \$141 initial fee and \$15 monthly thereafter.

The disagreement left Hart and his wife living without electricity in an all-electric home in the Sierra Nevada. He reported they could not use their refrigerator and had no hot running water. The couple depended on a wood stove for heat, cooking and heating water.

In her ruling, Plumas County Superior Court Judge Janet Hilde ordered PSREC to cancel the opt-out fee and monthly charge for reading the analog meter. She also ordered the utility to allow Hart to self-read the device.

Hilde cited California law stating public utilities cannot prejudice, disadvantage or require different rates or deposit amounts from a person because of a medical condition.

“It’s about time PSREC is held to account for its flagrant violations of disability rights,” said Hart, who is the director of StopSmartMeters.org. “The court’s decision has vindicated our standing up to the utility and confirmed that PSREC is indeed violating the law. They must obey the law and reconnect services.”

PSREC General Manager Bob Marshall said the company will appeal Hilde’s decision. The utility has not restored Hart’s electricity.

“We’ve had difficulty with self-reads,” he said. “We have to have the same consistent policies for all of our members and we don’t discriminate for or against any individual members. We have no comment on this particular case.”

According to Hart, this isn’t the first time smart meter radiation concerns have made it into courtrooms.

He said a Santa Ana judge ruled that So Cal Edison return an analog meter to the home of a woman who was made sick by a wireless smart meter in 2012.

He added that a Santa Cruz County case against Pacific Gas and Electric Co. was settled out of court after a customer sued for the reimbursement of thousands of dollars spent to shield her apartment against radiation causing tinnitus (ringing in the

ears) and other health problems.

Recently, the Arizona Corporation Commission rescinded a decision made in December 2014 that assessed a fee for Arizona Public Service customers who didn't want smart meters.

PSREC has until May 7 to file an appeal. The Harts said they are fundraising to hire an attorney for that appeal.