

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-7, SUB 1115

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of)	ORDER REQUIRING
Application of Duke Energy Carolinas, LLC)	AMENDMENTS TO
for Approval of Advanced Metering)	PROPOSED TARIFF
Infrastructure Opt-Out Tariff)	

BY THE COMMISSION: On June 22, 2018, the Commission issued an Order Approving Manually Read Meter Rider with Modifications and Requesting Meter-Related Information (Rider MRM Order) in the above-captioned docket. In summary, the Rider MRM Order approved a proposal by Duke Energy Carolinas, LLC (DEC) that allows customers to opt out of having an Advanced Metering Infrastructure (AMI or smart) meter installed at their premises. The Commission modified DEC's proposal by requiring that DEC forego charging a customer for opting out of having a smart meter if the customer provides DEC with "a notarized statement from a medical physician licensed by the North Carolina Medical Board that the customer must avoid exposure to RF [radio frequency] emissions to the extent possible to protect their health."

On July 24, 2018, DEC filed its Rider MRM tariff. DEC stated that the effective date of the Rider MRM is October 1, 2018. In addition, DEC filed a statement entitled "DEC North Carolina MRM Implementation Plan and Schedule" (MRM Plan).

On August 2, 2018, DEC filed copies of a proposed medical release form and a physician's verification for use by customers who wish to qualify for the medical opt-out provisions of Rider MRM.

The Commission received several statements of position from consumers regarding DEC's Rider MRM tariff filing.

DEC's proposed Rider MRM tariff includes the following provision:

Customers enrolled in Rider MRM with fees waived will need to be re-verified annually. The Company will provide the Customer with a medical waiver form to be verified. The Customer will be notified and must provide, within thirty (30) days, the form to remain on the fee waiver program. If the Customer does not provide the form in the allotted time span, the Customer will be subject to the monthly Rider MRM fees. The Customer will retain his or her opt-out meter and be responsible for monthly Rider MRM fees until the Company can verify a renewed fee waiver form.

The Commission's Rider MRM Order does not address the question of requiring a customer to provide periodic recertification that the customer should continue to avoid RF emissions for health reasons. Moreover, the Commission is not persuaded that such a requirement should be adopted. DEC's proposed recertification process would add the additional cost and burden of an annual physician's appointment for customers already certified as experiencing health concerns due to RF emissions. Therefore, the Commission concludes that DEC should remove the above provision from its Rider MRM tariff.

The MRM Plan filed by DEC includes the following provision:

On October 1, 2018, customers interested in signing up for Rider MRM who want to seek the medical fee waiver will be able to contact the Company to pursue that process. The Company will provide interested customers with a form to complete in order to have the Rider MRM fees waived due to health reasons. Customers will need to complete the Company provided form, which will include a notarized statement from a medical physician licensed by the North Carolina Medical Board that the customer must avoid exposure to radio-frequency emissions to the extent possible to protect their health.

The Commission appreciates DEC's initiative in developing proposed forms for customers who wish to qualify for the medical opt-out provisions of Rider MRM. However, the Commission has two concerns about the forms proposed by DEC. First, the language of the medical release form is overly broad. The first sentence states:

I certify that I am a member of the household at the customer address shown below and hereby authorize my Physician (as identified below) to release all medical information necessary to complete the Physician's Verification form to process the request to Duke Energy and its authorized representatives to consider the Customer's Account for the Smart Meter Medical Opt-Out.

The phrase "to release all medical information necessary to complete the Physician's Verification form" could be interpreted to mean that the customer is authorizing the physician to release all supporting medical details of the customer's RF health concerns. The medical opt-out does not require such details to be provided to DEC. Rather, it requires that the physician state that the customer "must avoid exposure to RF emissions to the extent possible to protect their health." Therefore, the Commission finds good cause to direct DEC to revise the first sentence of the medical release form to state:

I certify that I am a member of the household at the customer address shown below and hereby authorize my Physician (as identified below) to complete the Physician's Verification form, or a comparable physician's statement, and send it to Duke Energy and its authorized representatives to consider the Customer's Account for the Smart Meter Medical Opt-Out.

Second, the Commission is not persuaded that customers should be required to use DEC's physician's verification in order to obtain a waiver. Instead, the Commission is inclined to leave the physician's statement of a customer's need to avoid RF emissions to the discretion of the physician, rather than require a particular form. As a result, the Commission concludes that DEC's physician's verification should be made available by DEC for a customer to use at the customer's option, in consultation with the customer's physician.

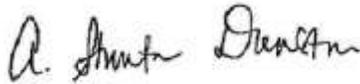
IT IS, THEREFORE, ORDERED as follows:

1. That DEC shall remove from its Rider MRM tariff the provision requiring customers to recertify their need to avoid exposure to RF emissions.
2. That DEC shall revise its medical release form as detailed in the body of this Order.
3. That DEC shall revise its MRM Plan to state that it shall be the customer's option to use the physician's verification made available by DEC, or a comparable physician's statement.

ISSUED BY ORDER OF THE COMMISSION.

This the 4th day of September, 2018.

NORTH CAROLINA UTILITIES COMMISSION



A. Shonta Dunston, Acting Deputy Clerk