

headaches and other medical symptoms when exposed to radio frequency from smart meters. Plaintiff also provided the Court with a copy of the California Public Utility Code section 453(b), which provides, in part: "No public utility shall prejudice, disadvantage, or require different rates or deposit amounts from a person because of ancestry, **medical condition**, marital status or change in marital status, occupation, or any characteristic listed or define in Section 11135 of the Government Code." (emphasis added)

Defendant office manager testified that PSREC is a member owned cooperative, and the members sign an agreement that they will abide by the rules and laws of the cooperative. Defendant conceded that at the time Plaintiff requested an analog meter, that PSREC had no policy for charging the fees it now imposes. The policy was voted on by the board on August 28, 2013, and the policy implemented a fee in the amount of \$81.22 for the cost of changing out the meter and \$15 per month for reading the meter. Plaintiff was subsequently charged for this fee. Defendant did confirm that there were members that were not charged a monthly fee, as they lived in remote areas and those members are able to self-read the meter.

Although it is unclear whether PSREC is considered a "public utility" subject to the public utility code, as some cooperatives have been found to be "public utilities", the Court finds that PSREC should be subject to the same non-discrimination policy, and that Defendant has been subjected to an additional fee because of his medical condition. Plaintiff has provided proof of his medical condition that substantiates his claim that Defendant's smart meters cause him to suffer certain medical problems. Defendant did not dispute his medical condition. Nor did Defendant provide the Court with a sufficient basis to refuse Plaintiff's request to read his own meter without charge, other than to argue