

ORIGINAL

Commissioner	Yes	No	Not Participating
Zay	√		
Deig	√		
Swinger	√		
Veleta	√		
Ziegner			√

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

**APPEAL BY PETE AND MARIANNE)
 LECLERC OF THE CONSUMER AFFAIR)
 DIVISION’S DECISION REGARDING THE) CAUSE NO. 46320
 PROVISION OF ELECTRIC SERVICE BY)
 SOUTHERN INDIANA GAS AND) APPROVED: MAY 20 2026
 ELECTRIC COMPANY D/B/A CEI SOUTH)**

ORDER OF THE COMMISSION

**Presiding Officers:
 David E. Ziegner, Commissioner
 Loraine L. Seyfried, Chief Administrative Law Judge**

This matter comes to the Indiana Utility Regulatory Commission (“Commission”) as an appeal from a decision of the Commission’s Consumer Affairs Division (“CAD”). On June 4, 2025, Pete and Marianne Leclerc, customers of Indiana Gas Company, Inc. d/b/a Centerpoint Energy Indiana (“Centerpoint”) contacted CAD with an informal complaint, expressing concerns about Centerpoint’s installation of a smart gas meter on their property.

On June 26, 2025, following CAD’s review and investigation of the informal complaint, CAD’s Analyst provided Mr. and Mrs. Leclerc with a decision resolving their informal complaint, finding it unsubstantiated.

On July 1, 2025, Mr. and Mrs. Leclerc requested the CAD Director’s review of the June 26, 2025 CAD Analyst decision.

On September 30, 2025, the CAD Director affirmed the CAD Analyst’s determination.

On October 18, 2025, the Commission received notice from Mr. and Mrs. Leclerc, requesting an appeal of the CAD Director’s review and decision regarding the CAD resolution of their informal complaint. Decisions made by CAD with respect to complaints are subject to review by the Commission pursuant to Ind. Code § 8-1-2-34.5, 170 IAC 1-1.1-5, and 170 IAC 16-1.

The Commission conducted a public hearing in this Cause on February 17, 2026, at 1:00 p.m. in Room 222 of the PNC Center, 101 West Washington Street, Indianapolis, Indiana. Mr. and Mrs. Leclerc and Centerpoint, by counsel, appeared and participated in the hearing at which the parties provided their respective oral arguments and the CAD Record was admitted into the record. The Indiana Office of Utility Consumer Counselor also appeared and participated in the proceeding without offering oral argument.

Based on the applicable law and the record, the Commission finds:

1. Notice and Jurisdiction. Notice of the hearing in this Cause was given and published by the Commission as required by law. Centerpoint is a public utility as defined in Ind. Code § 8-1-2-1(a) and Mr. and Mrs. Leclerc are residential customers of Centerpoint. The parties are subject to the Commission's jurisdiction as parties to a complaint investigated by the Commission under Ind. Code § 8-1-2-34.5(b). Under Ind. Code § 8-1-2-34.5 and 170 IAC 1-1.1-5, any individual or entity may informally complain to CAD about any matter within the jurisdiction of the Commission. Under Ind. Code § 8-1-2-34.5(b), the Commission has authority to review any decision of CAD upon the request of an affected party. Accordingly, the Commission has jurisdiction over the parties and the subject matter of this Cause.

2. The CAD Record.

A. Complaint. The Leclercs contacted CAD with an informal complaint on June 4, 2025. Mrs. Leclerc stated that she was provided with conflicting information about the ability to opt-out of a smart meter installation at her home. She stated that she was unable to resolve the matter with Centerpoint. Mrs. Leclerc explained that she had been told by Centerpoint that she did not have an option to opt-out of a planned new smart meter installation and that her gas service would be disconnected if she refused to allow the planned installation. Mrs. Leclerc stated that she has health concerns associated with the presence of lithium batteries in the new meter.

B. CAD Analyst's Investigation and Resolution. The CAD Analyst contacted Centerpoint on June 4, 2025 and provided a copy of Mr. and Mrs. Leclerc's informal complaint.

On June 11, 2025, Mr. and Mrs. Leclerc submitted a copy of Centerpoint's June 6, 2025 letter informing customers of the required replacement of their natural gas meter as part of Centerpoint's meter replacement program. Centerpoint's June 6, 2025 letter provides that unless the customer contacts Centerpoint within 15 days to schedule the gas meter replacement, Centerpoint will perform an unscheduled gas meter replacement, and that the customer's gas service will be disconnected until the customer calls Centerpoint to schedule a reconnection appointment. Mr. and Mrs. Leclerc expressed concern that their gas service will be disconnected prior to resolution of their informal complaint. Also on June 11, 2025, the CAD Analyst contacted Centerpoint and requested that Centerpoint pause any action regarding the gas meter replacement during the CAD review of Mr. and Mrs. Leclerc's complaint.

On June 25, 2025, Centerpoint provided the CAD Analyst with its response to Mr. and Mrs. Leclerc's complaint. Centerpoint explains that it does not offer an opt-out option for the replacement of standard residential gas meters with updated Intelis meters. Centerpoint explained that the technology associated with the new meter incorporates the same encoder receiver transmitter technology as used with the current gas meters; however, the new meters also incorporate additional safety features such as auto meter shutoff, tamper detection, and improved emergency response. Centerpoint also provided that the new Intelis meters improve reliability by reducing service interruptions.

On June 26, 2025, the CAD Analyst contacted Mr. and Mrs. Leclerc to explain the results of the CAD's review. He stated that the complaint has been closed and determined to be

unsubstantiated. He explained that there is no regulatory requirement that Centerpoint must offer an opt-out for customers opposing the replacement or upgrade of utility equipment. Mrs. Leclerc expressed disagreement with the CAD Analyst's determination and requested that the CAD Analyst watch a documentary that document adverse health impacts from exposure to smart meters. The CAD Analyst reiterated to Mr. and Mrs. Leclerc that the CAD review of their complaint is concluded.

C. CAD Director's Designee's Review and Decision. On July 1, 2025, Mr. and Mrs. Leclerc submitted their request for the CAD Director's review of the June 26, 2025 CAD Analyst decision. In their request, Mr. and Mrs. Leclerc state that smart meters give off electromagnetic frequency ("EMF") and radio frequency ("RF") waves which negatively affect Mrs. Leclerc's health. Mr. and Mrs. Leclerc also indicated that they wanted to simultaneously contact their legislators and the Governor to request relief while the review of their CAD case was pending.

On September 30, 2025, the CAD Director issued her review and decision. The CAD Director found that, pursuant to the facts alleged in Mr. and Mrs. Leclerc's complaint, the complaint is unsubstantiated regarding Centerpoint's compliance with a statute, administrative rule, or Commission Order governing the provision of utility services in the State of Indiana. The CAD Director explained that she is sympathetic to Mrs. Leclerc's health concerns; however, the Commission has not promulgated any rules regarding EMF/RF standards and that addressing EMF/RF health concerns are outside the scope of CAD's authority to establish or enforce.

D. Pete and Marianne Leclerc's Appeal. On October 18, 2025, Mr. and Mrs. Leclerc requested a Commission review of the CAD Director's decision resolving their informal complaint. Mr. and Mrs. Leclerc provided a letter from Mrs. Leclerc's physician stating that Mrs. Leclerc reports adverse health conditions when in close proximity to a smart meter, or other sources of EMF/RF waves and 5G signals. They also provided links to research studies and abstracts reviewing health impacts from EMF/RF exposure.

3. Oral Arguments at the February 17, 2026 Public Hearing. At the hearing, Centerpoint summarized its argument that the CAD Analyst's resolution was appropriately affirmed by the CAD Director and should be upheld by the Commission.

Mrs. Leclerc stated that she experiences several negative health effects due to exposure to EMF/RF waves. She explained that she has additional studies and documentation, as well as judicial decisions from other jurisdictions to provide to the Commission detailing adverse health effects of EMF/RF exposure. Mrs. Leclerc also stated that she believes that the Americans with Disabilities Act of 1990 requires Centerpoint to take Mrs. Leclerc's health concerns into account and to provide reasonable accommodations. She requested that she be permitted to opt-out of a new smart meter installation by Centerpoint.

Mr. Leclerc stated that Mrs. Leclerc experiences adverse health impacts from EMF/RF exposure. He stated that research has documented negative health impacts from EMF/RF exposure and requested the Commission to take action to prevent Centerpoint from requiring the installation of a new smart gas meter at their residence.

4. **Standard of Review.** This Cause involves an appeal of issues that were considered and decided by CAD pursuant to Ind. Code § 8-1-2-34.5 and 170 IAC 1-1.1-5. The CAD Record consists of information supplied by the parties. Therefore, consistent with the Commission's authority as set forth in Ind. Code § 8-1-2-34.5, 170 IAC 1-1.1-5, and 170 IAC 16-1-6, the decision in this proceeding shall be based upon a review of the CAD Record, the information submitted by the parties up to and including Mr. and Mrs. Leclerc's request for the Commission's review, and the oral arguments provided by Mr. and Mrs. Leclerc and Centerpoint.

5. **Commission Discussion and Findings.** The CAD Analyst's resolution to the Leclercs' complaint determined that Mr. and Mrs. Leclerc's complaint was unsubstantiated regarding Centerpoint's compliance with Commission regulatory requirements associated with upgrading Mr. and Mrs. Leclerc's gas meter with a new smart meter as part of Centerpoint's system-wide upgrade of residential gas meters. The CAD Director affirmed the CAD Analyst's decision.

We find that CAD's determination was supported by the information available and provided by Mr. and Mrs. Leclerc and Centerpoint. We note that there does not appear to be consensus in the medical literature cited by Mr. and Mrs. Leclerc on adverse health effects of EMF/RF exposure. No evidence was provided regarding measurable amounts or potentially unsafe thresholds of EMF/RF exposure. We further note that Mr. and Mrs. Leclerc's current gas meter utilizes the same communication technology that is used by the smart meter that Centerpoint is installing to replace existing meters. No evidence was provided indicating any difference in associated EMF/RF levels between the existing meter and the new meter. While Centerpoint may consider allowing Mr. and Mrs. Leclerc to opt-out of the meter replacement, they are not required under state law or by Commission Order to provide that option to them in the implementation of its meter replacement program for older meters.

For the foregoing reasons, we affirm the CAD Director's review and decision that Mr. and Mrs. Leclerc's complaint is unsubstantiated.

IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION that:

1. The September 30, 2025 CAD Director's review and decision in this Cause affirming the CAD Analyst's determination regarding the Leclercs' informal complaint is affirmed by the Commission.

2. This Order shall be effective on and after the date of its approval.

ZAY, DEIG, SWINGER, AND VELETA CONCUR; ZIEGNER ABSENT:

APPROVED: MAY 20 2026

**I hereby certify that the above is a true
and correct copy of the Order as approved.**

**Dana Kosco
Secretary of the Commission**