

For Immediate Release

Maine Resident with Cancer Sues CMP over Discriminatory Smart Meter Fees

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Portland, ME, July 9, 2020 –Bowdoinham resident Ed Friedman filed a disability/discrimination lawsuit against Central Maine Power (CMP) Tuesday in Portland’s U.S. District Court. The suit, brought under the Americans with Disabilities Act (ADA), Fair Housing Act (FHA) and Rehabilitation Act of 1973 (Rehab Act) alleges smart meter opt out fees are discriminatory to those disabled customers whose condition may be exacerbated by emitted radiation from the meters. Friedman has lymphoplasmacytic lymphoma, an incurable form of cancer.

While most people are familiar with the ADA; the FHA specifically protects against discrimination in the provision of housing services and the Rehab Act prohibits discrimination by recipients of federal funding. CMP received \$96 million in stimulus funding from the Department of Energy for their smart meter project.

For Friedman, opting out of the smart meter program is not a choice. His doctor recommends he not be exposed to any excess radiation in his home. According to Friedman’s oncologist, exposure to even low-level radiation from the meters may exacerbate “fatigue, cognitive difficulty, memory issues and multiple cancer types.”

In 2016 Friedman asked CMP to waive its’ opt out fees as their reasonable accommodation of his disability. CMP declined, writing there was “no basis for compromise.” When he refused to pay for the same access to safe electricity his neighbors without disabilities received without any surcharge, CMP disconnected his power and he has been without utility service since.

CMP argued the opt-out fee is not discriminatory because they charge the same amount to everyone. But Friedman’s lawsuit responds that “this is no excuse at all. Suppose a store has both stairs and a wheelchair ramp, and it charges everyone a ‘stairs opt-out fee’ to use the ramp . . . the store is illegally discriminating against wheelchair users who, by virtue of their disability, require a ramp in order to access the store. This is true even if the store charges everyone the fee to use the ramp.”

“If CMP is going to do business in Maine, they need to follow the laws of the land – including those protecting their disabled ratepayers” said Friedman.

Mr. Friedman is represented by the Law Offices of Bruce M. Merrill and the Law Office of William Most.

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