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Philadelphia, PA 19103

**RECEIVED**

AUG 30 2012

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

August 27, 2012

Re: Docket No C-2012-2317176

Response to Preliminary Objections

Sent By Certified Mail

Dear Ms. Lee,

Please note that I am in receipt of your Answer and the Preliminary Objection correspondence dated August 22<sup>nd</sup> with reference to the above mentioned docket #. This letter shall constitute my official response to your Preliminary Objections.

A few points of clarification going forward:

Until August 22<sup>nd</sup>, I was not aware that a letter dated June 29<sup>th</sup>, 2012 (attached as Exhibit 2 in your Answer of Respondent PECO Energy Company) was ever issued. Such letter, if sent via regular mail, is not an appropriate method of communication given I have addressed PECO via Certified Mail on June 18, 2012, so in turn, I would expect correspondence be addressed via certified mail only, hence verifying receipt by recipient.

Moreover, your standard letter dated June 29<sup>th</sup> mentions:

“All upgraded equipment, just like our existing AMR system, meets Federal Communications Commission (FCC) requirements. (see links below)”.

I draw your attention to the fact that no links are contained in your standard letter dated June 29, 2012 so please update your template letter.

Phone communications (e.g Linda Lambertson contact referenced on page 3 of your Answer of Respondent PECO Energy Company letter) need to cease immediately. I would like to request that any future correspondence related to his matter be address to my attention only via Certified Mail. Time sensitive material needs to be received timely to allow sufficient response preparation.

The below are my arguments related to the legal insufficiency reference in your item 5 of the Preliminary Objection of Respondent, PECO Energy Company (Page 3):

1. "Smart Meters" are, by definition, surveillance devices which violate Federal and State wiretapping laws by recording and storing databases of private and personal activities and behaviors without the consent or knowledge of those people who are monitored;
2. Smart meter installation is not mandatory. The Public Utilities Commission only gave permission to install the meters. There is no forced mandate. The PUC has no such delegated authority from the People to make a forced mandate. If they did make a forced mandate, it's clearly null and void on its face. The Energy Policy Act of 2005 really only covers Federal areas within the limited jurisdiction of the CONSTITUTIONALLY LIMITED United States Government, even if it did apply, it also only mandates that a power company "offer" smart meters to the public, upon customer request. Any suggestion by the power company to customers that smart meters are mandatory is a fraudulent statement which is punishable by law and also opens the power company to liability via lawsuit;

With regards to this point, I would also like to call your attention to your Preliminary Objection of Respondent, PECO Energy Company response letter (see Page 5, paragraph 17):

"Specifically, the Commission's Implementation Order states: Act 129 requires EDCs to furnish smart meter technology (1) upon request from a customer that agrees to pay the costs of the smart meter at the time of the request (2) in new building construction (3) in accordance with a depreciation schedule not to exceed 15 years. 66 Pa.C.S § 2807(f)(2)."

I am also citing from the PA Utility Commission's presentation (slide 12) on the Smart Metering Mandate located via below link:

[http://sites.energetics.com/madri/pdfs/Act\\_129\\_Presentation.pdf](http://sites.energetics.com/madri/pdfs/Act_129_Presentation.pdf)

- "Smart meter" is bidirectional and records usage at least hourly;
- At a minimum, smart meters must be provided upon customer request (if customer pays), in all new building construction in the service territory, and to all other customers within 15 years;
- EDCs may fully recover reasonable costs;
- Direct access to meters and data will be provided to third parties with customer consent"

Given that I the customer, I have never requested a smart meter nor I am willing to pay for such meter, should constitute a sufficient legal reason for this matter. While the

current law does not specifically give customers yet the right to “opt out”, the law does not give PECO the right to force such a device on its customers. PA Act 129 only requires EDCs to furnish smart meter technology upon request from a customer that agrees to pay the costs of the smart meter at the time of the request.

The power company has no delegated authority from the People to install a security risk, privacy invading, health threatening, hackable, unfair billing, or wide power grid security threatening device on anyone’s property. In addition, the smart meters individually identify electrical devices inside the home; monitor household activity and occupancy constituting an invasion of privacy, violating the rights and domestic security.

Furthermore, as the sole electricity default provider within my area of residence, PECO’s customer service representatives have no right to threaten outstanding customers with service termination (see page 3 of Answer of Respondent PECO Energy Company letter). Refusal of non mandated smart meter installation does not provide a sufficient reason for account termination. Such threats shall cease and desist immediately.

A few additional points I would like to highlight:

Smart meters transmit wireless signals which may be intercepted by unauthorized and unknown parties. Those signals can be used to monitor behavior and occupancy and they can be used by criminals to aid criminal activity against the occupants;

Data about occupant’s daily habits and activities are collected, recorded and stored in permanent databases which are accessed by parties not authorized or invited to know and share that private data by those whose activities were recorded;

Those with access to the smart meter databases can review a permanent history of household activities complete with calendar and time-of-day metrics to gain a highly invasive and detailed view of the lives of the occupants. Those databases may be shared with, or fall into the hands of criminals, blackmailers, corrupt law enforcement, private hackers of wireless transmissions, power company employees, and other unidentified parties who may act against the interests of the occupants under metered surveillance. It is possible for example, with analysis of certain “Smart Meter” data, for unauthorized and distant parties to determine medical conditions, sexual activities, and physical locations of persons within the home, vacancy patterns and personal information and habits of the occupants;

Smart meters can be hacked and will be hacked. The small CPU in these meters cannot protect itself as good as a home PC can, and home PCs are well known for being compromised. By deploying these in the millions with the same exact software and hardware they become a huge target and will endanger the community if an attacker can switch the power on and off from remote in mass. This makes these Smart Meters dangerous and a liability to the ratepayers who would have to ultimately pay for any damage. Smart meters are not protected from EMP attacks, large EMPs or localized EMPs. A thief or burglar could use the same EMP or hacking methods to turn off the house

power even if the electrical switch box is locked. Encryption or security methods have not been adequately disclosed to the public. The source code to any data encryption must be open source and peer reviewed by the security community at large in order to be as secure as is currently possible. Security by obscurity is no security at all;

Disabling the receiver will not prevent other forms of “hacks”. For example a malicious attacker could confuse the internal CPU, reset it, change random memory locations, change the KWH reading, force a power disconnect, or completely disable a smart meter with a simple coil of wire and a small battery. This can’t happen with a mechanical meter. It is well known that a wide EMP can take out car computers; smart meters will now make that possible on the city wide electric infrastructure;

Encryption of data is irrelevant due to well known “Tempest” attacks. Please reference [http://en.wikipedia.org/wiki/Tempest\\_\(codename\)](http://en.wikipedia.org/wiki/Tempest_(codename)) , where an attacker monitors internal electrical switching signals of a CPU or other internal components from a distance. Governments have developed standards covering this. Compromising emanations are defined as unintentional intelligence-bearing signals which, if intercepted and analyzed, may disclose the information transmitted, received, handled, or otherwise processed by any information-processing equipment, like in Smart Meters. This would violate customers’ privacy and any privacy policy the power company has at this time. Turning off the RF transmitter is irrelevant due to the well-known “Tempest” attacks, the RF wireless transmitter is not needed in these attacks, and disabling the RF transmitter completely negates any advantages of these Smart Meters or their costs anyway;

It is well known to electronic and computer engineers that a high voltage spike, such as a nearby lightning strike, or EMP can change memory bits in normal memory or EEPROM memory (Electronically Programmable Memory that is non-volatile) by adding extra electrons to the small memory cells. This can change internal smart meter settings like the KWH calibration data or other settings that may change the rate of power charged without the customer or Power Company ever knowing about it. This can’t happen with a mechanical meter;

Smart meters by default are not programmed to “run backwards”, like the current mechanical meters do now. Making it harder for people to go “green” with solar panels or wind turbines using a low cost Grid Tie Inverter. The PUC has shown the intent over and over of encouraging the public to go “green”, the power company’s website and public disclosures show intent in this direction. The PUC allows the power company to charge an extra fee for “green projects”. Smart meters go against the PUC’s intent and the public interest by making it more difficult for people to install small solar or “green power” installations and gain KWH “credits” in power that they can use at a later time. Previously it was “fair” that the power company had to go to a lot of trouble to adjust the mechanical meter to read more than it should since they had to come out to do it manually. People can’t modify the mechanical meter because it’s locked up; the power company probably won’t do it because it’s just too costly, and so that was “fair enough”. Now with the smart meters they can change it anytime they wish by remote and with little risk that the customer will know. Why should customers trust a company that only has

profits and stock price in mind? With possible modification of computer code or measurement values / ratios from remote, who will overlook them? Who will ever know? This is an unfair practice and a liability to the ratepayers.

Last but not least a few other points to add to my arguments above:

Electromagnetic and Radio Frequency energy contamination from smart meters exceeds allowable safe and healthful limits for domestic environments as determined by the EPA and other scientific programs;

Installation of a smart meter will lower this property's value due to all the stated issues and controversy. This could subject ALL the ratepayers to higher rates due to lawsuit claims for value lost. The power company has no delegated authority from the People to use its easement or install equipment in a way that will lower property values or make a property less desirable to a buyer;

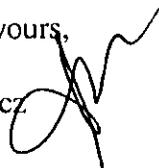
Elimination of local jobs in PA since no readers would be required to physically travel to a property and read meters impacting local economy and many families within our state.

I reserve the right to amend this notice and complaint at any time, this is not a complete list of concerns since this technology is new and new information is being found every day. Concerns listed here are not in any particular order. As previously communicated, I forbid, refuse, and deny consent of any installation and use of any monitoring, eavesdropping, and surveillance devices on my property, my place of residence, and my place of occupancy. That applies to and includes "Smart Meters" and surveillance and activity monitoring devices of any and all kinds. Any attempt to install any such device directed at me, other occupants, my property or residence will constitute trespass, stalking, wiretapping and unlawful surveillance and endangerment of health and safety, all prohibited and punishable by law through criminal and civil complaints. All persons, government agencies and private organizations responsible for installing or operating monitoring devices directed at or recording my activities, which I have not specifically authorized in writing, will be fully liable for any violations, intrusions, harm or negative consequences caused or made possible by those devices whether those negative consequences are justified by "law" or not.

This is a legal notice. After this delivery the liabilities listed above may not be denied or avoided by parties named and implied in this notice. Civil Servant immunities and protections do not apply to the installation of smart meters due to the criminal violations they represent. Finally, I request this matter be presented in front of an administrative law judge.

Very truly yours,

Maria Povacz



Cc: **Rosemary Chiavetta, Secretary** ✓  
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Ms. Maria C. Povacz  
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PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS FOLD AT DOTTED LINE

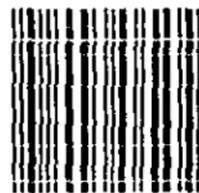
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