



Exelon Business Services Company
Legal Department
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April 1, 2013

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Second Floor
Harrisburg, PA 17120

**RE: Thomas A. McCarey and Margery H. McCarey v. PECO Energy Company
PUC Docket No.: C-2013-2354862**

Dear Ms. Chiavetta:

Enclosed for filing with the Commission are the following documents in the matter referenced above.

—	Answer
—	Answer & New Matter
—	Motion
—	Motion for Judgment on the Pleadings
—	Motion for Continuance
<u>X</u>	Preliminary Objection
—	Exceptions
-	Reply Exceptions
—	Main Brief
—	Reply Petition

I have enclosed a Certificate of Service showing that a copy of the above document was served on the interested parties. Thank you for your time and attention on this matter.

Very truly yours,

Shawane Lee
Counsel for PECO Energy Company
SL/lo

Scheduling Recommendation: Call of the docket

Non Call of the docket

PENNSYLVANIA PUBLIC UTILITY COMMISSION

THOMAS A. MCCAREY :
MARGERY H. MCCAREY :
 Complainant :
 v. : **DOCKET NO. C-2013-2354862**
 :
PECO ENERGY COMPANY :
 Respondent :
 :

NOTICE TO PLEAD

Pursuant to 52 Pa. Code §§ 5.101 and 5.62(c), you are hereby notified that, if you do not file a written response denying or correcting the enclosed Preliminary Objections of PECO Energy Company within 20 days from service of this notice, a decision may be rendered against you. All pleadings, such as a Reply to Preliminary Objections, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for PECO Energy Company, Shawane L. Lee, and where applicable, the Administrative Law Judge presiding over the issue.

File with:
Rosemarie Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Second Floor
Harrisburg, PA 17120

With a copy to:
Shawane L. Lee, Esq.
PECO Energy Company
2301 Market Street, S-23
Philadelphia, PA 19103

Dated at Philadelphia, PA, April 1, 2013



Shawane L. Lee
Counsel for PECO Energy Company
2301 Market Street S-23
Philadelphia, PA 19101-8699
215-841-6863
Shawane.Lee@exeloncorp.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

THOMAS A. MCCAREY	:	
MARGERY H. MCCAREY	:	
Complainant	:	
v.	:	DOCKET NO. C-2013-2354862
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

**PRELIMINARY OBJECTION OF RESPONDENT,
PECO ENERGY COMPANY**

Respondent, PECO Energy Company (“PECO Energy”), pursuant to 52 Pa. Code § 5.101(a)(4) respectfully petitions this Honorable Commission to dismiss the instant Complaint as legally insufficient.

1. On March 27, 2013, PECO Energy was served with a formal complaint filed by Thomas A. McCarey and Margery H. McCarey (hereafter “Complainant”). A copy of the Complaint is attached hereto as Exhibit “1”.

2. In their Complaint, the Complainants ticked the box “Other” in Section 4A of their formal complaint and wrote “See Attached”, concerning their allegations. See Exhibit “1”.

3. Attached to the formal complaint, are fourteen (14) pages, including correspondence to the Pennsylvania Public Utility Commission. See Exhibit “1”.

4. In their correspondence, the Complainants state: **I do not want a “smart meter” electric meter on my property.** See Exhibit “1”.

5. The Complainants list twenty-five (25) separate reasons why they do not want the smart meter installed at their property located at 285 Dayleview Road, Berwyn, PA, including concerns they have for their security, privacy, health and property value. See Exhibit “1”.

6. The Complainants request to “keep [their] analog electric meter for the foreseeable future.” See Exhibit “1”.

7. In essence, the Complainants are requesting to “opt out” of smart meter installation at their home.

8. Pursuant to 52 Pa. Code § 5.101, preliminary objections may be filed against a complaint and dismissed for legal insufficiency. 52 Pa. Code § 5.101(a)(4).

9. Commission procedure regarding the disposition of preliminary objections is similar to that utilized in Pennsylvania civil procedure. Equitable Small Transportation Intervenor. v. Equitable Gas Co., 1994 Pa.PUC LEXIS 69, Docket No. C-00935435 (July 18, 1994).

10. In deciding preliminary objections, the Public Utility Commission must determine, based on the factual pleadings of the petitioner, if relief or recovery is possible. Roc v. Flaherty, 527 A.2d 211 (Pa. Cmwlth 1985).

11. A complaint must be able to recover under the law to survive a preliminary objection. Milliner v. Enck, 709 A.2d 417, 418 (Pa. Super. Ct. 1998) (“preliminary objection should be sustained only where it appears with certainty that, upon the facts averred, the law will not allow the plaintiff to recover”).

12. All of the non-moving party’s averments must be taken as true for the sake of deciding the preliminary objection. County of Allegheny v. Commw. of Pa., 490 A.2d 402 (Pa. 1985).

13. The court does not, however, need to accept, “unwarranted inferences from facts, argumentative allegations, or expressions of opinions.” Feingold v. McNulty, 2009 Phila. Ct. Com. Pl LEXIS 167, *3.

14. Section 703 of the Public Utility Code, 66 Pa. C.S.A. § 703(b) provides that the Commission may dismiss any complaint without a hearing if, in its opinion, a hearing is not necessary to the public interest.

15. A hearing is required only when there is a disputed question of fact, and is not required to resolve questions of law. Dee-Dee Cab, Inc. v. Pa. Pub. Util. Comm’n, 817 A.2nd 593 (Pa. Commw. Ct. 2003), petition for allowance of appeal denied, 836 A.2d 123 (Pa. 2003).

16. Here, there are no genuine issues of fact and PECO Energy is entitled to judgment as a matter of law with respect to all of the allegations in the Complaint.

I. Legal Insufficiency – Prior Commission Approval of Smart Meter Installation

17. The Complainants have requested that they be permitted to “opt out” of the smart meter installation at their residence. PECO Energy’s Smart Meter installation plan was approved by the Pennsylvania Utility Commission on May 6, 2010, as a part of the Smart Meter Technology Procurement and Installation Plan, (“Smart Meter/Smart Grid Plan”) at docket number M-2009-2123944.

18. By way of background, Governor Edward Rendell signed Act 129 of 2008 into law on October 15, 2008. The Act took effect 30 days thereafter on November 14, 2008, and amended Section 2807 of the Public Utility Code. Among other things, the Act specifically directed that electric distribution companies (such as PECO Energy) with more than 100,000 customers file smart meter technology procurement and installation plans with the Commission

for approval. See 66 Pa. C.S. § 2807(f). The statute does not provide customers with an option to “opt out” of smart meter installation.

19. On June 18, 2009, the Commission adopted a Smart Meter Procurement and Installation Implementation Order (“Implementation Order”) to establish the standards each plan must meet and to provide guidance on the procedures to be followed for submittal, review and approval of all aspects of each smart meter plan. See Smart Meter Procurement and Installation Implementation Order, entered on June 24, 2009, at Docket No. M-2009-2092655.

20. 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 cost of the smart meter at the time of the request, (2) in new building construction, and (3) in accordance with a depreciation schedule not to exceed 15 years. 66 Pa.C.S. § 2807(f)(2).

The Commission believes that it was the intent of the General Assembly to require all covered EDCs to deploy smart meters system-wide when it included a requirement for smart meter deployment “in accordance with a depreciation schedule not to exceed 15 years.”

**THEREFORE,
IT IS ORDERED:**

1. That the Commission establishes specific smart meter technology minimum capabilities and procedures for submittal, review and approval of all aspects of each smart meter plan to include cost recovery.
2. That electric distribution companies with greater than 100,000 customers adhere to the guidelines for smart meter technology procurement and installation identified in this Implementation Order.
3. That the Director of Operations convene a stakeholder meeting no later than July 17, 2009, to discuss issues related to the costs and benefits associated with the Commission imposed smart meter capability requirements.

4. That all electric distribution companies that are required to file a smart meter technology procurement and installation plan file such a plan consistent with the directives contained in this order by August 14, 2009.

See id.

21. The Commission's Order does not have a provision for customers to "opt out" of the smart meter installation.

22. Through its Implementation Order and policies, the Commission has approved the smart meter implementation process required by Act 129.

23. Indeed, Pennsylvania PUC Chairman, Robert F. Powelson stated:

Act 129 of 2008 has really paved the way for the rollout of smart meters, also referred to as Advanced Metering Infrastructure (AMI), and the implementation of Act 129 continues to benefit Pennsylvania customers. As I see it, smart meter technology is a "win-win" situation for the Commonwealth – both electricity customers and electricity providers alike reap the benefits of advanced meters.

See PaPUC Chairman Powelson on Smart Meters and Pennsylvania's Energy Future at <http://www.smartgridlegalnews.com/interviews/papuc-chairman-powelson-on-smart-meters-and-pennsylvanias-energy-future/>

24. On August 14, 2009, PECO Energy filed with the Commission its Petition of PECO Energy Company for Approval of its Smart Meter/Smart Grid Plan.

25. Amongst other things, PECO Energy's Petition requested that the Commission approve the deployment of up to 600,000 smart meters. See PECO Energy's Smart Meter/Smart Grid Petition.

26. As a part of PECO Energy's meter deployment plan, the company committed to deploy 600,000 meters by March 2013, upon receiving American Recovery and Reinvestment Act funding from the Department of Energy. See id.

27. PECO Energy's Implementation plan does not give customers the option to "opt out" of smart meter installation.

28. By Order entered May 6, 2010 at Docket No. M-2009-2123944, the Commission approved PECO Energy's Smart Meter/Smart Grid Plan.

29. The Commission's Order approving PECO Energy's plan does not provide an "opt out" provision.

30. In conjunction with the Commission's Implementation Order; the Commission-approved Smart Meter/Smart Grid Plan and continuing compliance with Act 129, PECO Energy has deployed over 194,000 Advanced Metering Infrastructure ("AMI") meters in customer's homes and businesses.

31. Act 129, the Commission's Implementation Order; and PECO Energy's Commission-approved Smart Meter/Smart Grid Plan do not provide customers the ability to "opt out" of having a smart meter installed in their homes or businesses. See 66 Pa. C.S. § 2807(f). See also Smart Meter Procurement and Installation Implementation Order, at Docket No. M-2009-2092655. See PECO Energy's Smart Meter/Smart Grid Plan at docket number M-2009-2123944.

32. The absence of an "opt out" provision in the existing statute; Implementation Order; and Smart Meter/Smart Grid Plan is underscored by a recent bill introduced at the General Assembly.

33. House Bill 2188, which was introduced on February 8, 2012, seeks to change the existing law by adding a "opt out" provision. Specifically, House Bill 2188 reads as follows:

Section 2807(f) of Title 66 of the Pennsylvania Consolidated Statutes is amended by adding a clause to read:

§ 2807. Duties of electric distribution companies.

* * *

(2) *Electric distribution companies shall furnish smart meter technology as follows:*

(iii) *In accordance with a depreciation schedule not to exceed 15 years.*

(iv) *Customers may request to opt out of receiving smart meter technology under subparagraph (iii) by notifying, in writing, the electric distribution company. Meters for customers who opt out will be replaced according to a useful life depreciation schedule.*

34. House Bill 2188 attempts to address individual customer concerns about the smart meter (such as the Complainant's concerns) by allowing individual customers to "opt out" of receiving smart meter technology on the mandatory schedule established by Act 129.

35. The "opt out" provision; however, has not been scheduled for a vote by the General Assembly, and the ability to opt out of smart meter installation is not currently permissible under the law.

36. Accordingly, the Complainant's formal complaint, requesting the ability to "opt out" of smart meter installation should be dismissed as a matter of law.

37. Administrative Law Judge Joel H. Cheskis reached a similar conclusion in the matter Maria Povacz v. PECO Energy, Docket No. C-2012-2317176 (Order entered September 28, 2012). In that case, the Complainant, Maria Povacz requested to "opt out" of installation of the smart meter at her residence. Id.

38. ALJ Cheskis issued an Initial Decision wherein he determined:

To the extent that Ms. Povacz desires the ability to opt out of the smart meter installation, she should advocate for such ability before the General Assembly.....The formal Complaint process against one Electric Distribution Company, PECO, is not the appropriate avenue for this issue to be addressed.

Id.

39. On January 24, 2013, the Commission issued a Final Order, adopting ALJ Cheskis' Initial Decision. In the Order, the Commission specifically addressed whether a PECO customer could "opt out" of meter installation at their property as follows:

There is no provision in the Code, the Commission's Regulations or Orders that allows a PECO customer to "opt out" of smart meter installation, as the Complainant desires to do. Accordingly, unless and until House Bill 2188, supra, passes the General Assembly, or some other provision is put in place that specifically allows customers to opt out of smart meter installation, PECO has not violated any provision of the Code, any Commission Order or Regulation or any Commission-approved Company tariff by prohibiting the Complainant from opting out.

See Maria Povacz v. PECO Energy, Docket No. C-2012-2317176 (Order adopted January 24, 2013).

40. The PUC precedent for formal complaints filed against PECO Energy in similar cases, requesting smart meter "opt out" have been dismissed on Preliminary Objection as a matter of law. See e.g. Theresa Gavin v. PECO Energy, Docket No. C-2012-2325258 (Order entered January 24, 2013).

41. Like the formal complaints filed in the Maria Povacz and Theresa Gavin matters, objecting to the installation of the smart meter and requesting an "opt out", this case should be dismissed as a matter of law.

42. The Complainants' formal complaint alleges that they do not want the meter installed because of their safety, privacy, health and property value concerns.

43. Assuming that everything the Complainants allege in their Complaint is true, PECO Energy is operating under the basis of Act 129 and the specific direction given to the company by the legislature and the Commission through the Commission's Implementation Order.

44. The Complainants' Complaint, objecting to the installation of a smart meter at their residence, does not allege a violation of any order, law or tariff that can be the basis of any finding against PECO Energy.

45. Further, as the law currently stands, pursuant to Act 129 and the Commission's Implementation Order, customers do not have the ability to "opt out" of smart meter installation.

46. Because PECO Energy's smart meters are being deployed in compliance with the Commission-approved Smart Meter/Smart Grid Plan, and the law does not provide for the Complainant to "opt out" of smart meter installation, there is no legal basis for the Complainant's Complaint.

47. Therefore, the Complainants are not entitled to relief under the law.

48. For the reasons set forth above, the Complainants' Complaint should be dismissed as a matter of law.

REQUEST FOR RELIEF

WHEREFORE, for the reasons set forth above, PECO Energy Company respectfully requests that your Honorable Commission summarily dismiss the Complainants' formal complaint, and all issues which were raised in the Complaint.

Respectfully submitted,



Shawane L. Lee
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
(215) 841-6841
Fax: 215.568.3389
Shawane.Lee@exeloncorp.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

THOMAS A. MCCAREY	:	
MARGERY H. MCCAREY	:	
Complainant	:	
v.	:	DOCKET NO. C-2013-2354862
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

VERIFICATION

I, Shawane L. Lee, hereby declare that I am counsel for PECO Energy Company; that as such I am authorized to make this verification on its behalf; that the facts set forth in the foregoing Pleading are true to the best of my knowledge, information and belief, and that I make this verification subject to the penalties of 18 Pa. C.S. § 4904 pertaining to false statements to authorities.



Date: April 1, 2013

Shawane L. Lee

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

THOMAS A. MCCAREY	:	
MARGERY H. MCCAREY	:	
Complainant	:	
v.	:	DOCKET NO. C-2013-2354862
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

CERTIFICATE OF SERVICE

I, Shawane L. Lee, hereby certify that I have this day served a copy of PECO Energy Company's Answer in the above matter upon all interested parties by mailing a copy, properly addressed and postage prepaid to:

Thomas A. McCarey
Margery H. McCarey
285 Dayleview Road
Berwyn, PA 19312

Dated at Philadelphia, Pennsylvania, April 1, 2013



Shawane L. Lee
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
(215) 841-6841
Fax: 215.568.3389
Shawane.Lee@exeloncorp.com



Exelon Business Services Company

One PECO Center

100 North 17th Street

Philadelphia, PA 19103

215-253-2000

www.exelon.com

Direct Dial: 215 841-6841

April 1, 2013

Thomas A. McCarey
Margery H. McCarey
285 Dayleview Road
Berwyn, PA 19312

**RE: Thomas A. McCarey and Margery H. McCarey v. PECO Energy Company
PUC Docket No.: C-2013-2354862**

Dear Mr. and Mrs. McCarey:

Enclosed is a copy of PECO Energy Company's response to the formal complaint filed in the above-referenced docket. The law requires PECO Energy to file an answer to your Public Utility Commission complaint. Keep these papers for your records. This is not a decision on your complaint. PECO's response may include a New Matter, Motion or Preliminary Objection. Please note that if you do not respond to a New Matter, Motion, or Preliminary Objection an unfavorable decision may be rendered against you. Responses to New Matters and Motions must be filed within 20 days. Responses to Preliminary Objections must be filed within 10 days. If there is no New Matter, Motion or Preliminary Objection included, no response is required.

Soon, the Public Utility Commission will schedule either a settlement conference or a hearing on your complaint. The Commission will let you know by mail whether there will be a conference or a hearing and will include instructions on what to do next. If the matter is set for hearing, the notice will provide you with information about the date, time and place of the hearing. If we are unable to resolve your complaint and have to proceed with a hearing, a judge will be at the hearing and will decide your complaint. You must call the Public Utility Commission if you have any questions about the hearing or if you cannot attend the hearing.

Thank you for your time and attention on this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Shawane Lee", with a long, sweeping underline.

Shawane Lee
Counsel for PECO Energy Company
Enc.
SL/lo

EXHIBIT “1”

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

RECEIVED

Please print in ink or type.

MAR 4 2013

1. CUSTOMER (COMPLAINANT) INFORMATION

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Your name, mailing address, county, telephone number, utility account number and service address:

Name THOMAS A. MCCAREY / MARGERY H. MCCAREY

Street/P.O. Box 285 DAYLE VIEW RD

City BERWYN State PA Zip 19312-1201

County CHESTER

Daytime Telephone Number Where We Can Contact You: (610) 644-7947

E-mail Address (optional): tom_mccarey@yahoo.com

Utility Account Number 69633-00206
(from your bill)

If your complaint involves utility service provided to a different address than your mailing address, please list this information below.

Name N.A.

Street/P.O. Box _____

City _____ State _____ Zip _____

2. FULL NAME OF UTILITY COMPANY (RESPONDENT):

PECO ENERGY / EXELON

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FEB 11 2013

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

3. TYPE OF UTILITY (check one)

ELECTRIC

STEAM HEAT

GAS

WASTE WATER

WATER

MOTOR CARRIER

TELEPHONE
(local, long distance)

(e.g., taxi, moving company, limousine)

4. COMPLAINT (check one)

A. In general, what is your complaint?

I want to oppose the company's proposed rate increase.

There are incorrect charges on my bill.

There is a reliability, safety or quality problem with my utility service.

I received a notice that my utility service is being terminated.

I would like a payment agreement.

Other (explain).

B. State the facts of your complaint.

Include any specific dates, times or places that may be important. If the complaint is about a bill, tell us about any charges that you believe are not correct. Use additional paper if you need more space. Provide copies of all relevant documents you believe will support your complaint.

SEE ATTACHED

RECEIVED

MAR 4 2013

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

u
http://www.electricalpolution.com/documents/public_health -

Sheet - sum.pdf

Make copies for Puc

5. RELIEF

How do you want your complaint to be resolved? Use additional paper if you need more space.

SEE ATTACHED

RECEIVED

MAR 4 2013

**PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU**

6. PROTECTION FROM ABUSE

Answer the following question if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility AND your complaint is about a billing problem, a request to receive service, a security deposit request, termination of service or a request for a payment agreement.

Has a court granted a "Protection from Abuse" order for your personal safety or welfare?

YES

NO

7. PRIOR UTILITY CONTACT

Answer the following question only if you are a residential customer and your complaint is against an electric distribution utility, natural gas distribution utility or a water distribution utility.

Have you spoken to a utility company representative about this complaint?

YES (includes appeals of BCS determinations)



NO



If you tried to, but could not speak to a utility company representative about your complaint, please explain why.

RECEIVED

MAR 4 2013

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

8. LEGAL REPRESENTATION (IF ANY)

If you are represented by a lawyer in this matter you must provide your lawyer's name, address, telephone number, and e-mail address, if known.

Lawyer's Name _____

Street _____

City _____ State _____ Zip _____

Area Code/Phone Number _____

E-mail Address (If Known) _____

9. VERIFICATION AND SIGNATURE

You must print or type your name below on the line provided for the verification paragraph, and you must sign and date (in ink) this form on the lines provided.

Verification:

I THOMAS A. MCCABEY, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Thomas McCabe
(Signature)

02/11/2013
(Date)

Title of authorized employee or officer

RECEIVED

MAR 4 2013

10. FILING

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Please return the completed form to one of the addresses listed below:

If using U.S. Postal Service:

If using overnight delivery service:

Secretary Pennsylvania Public Utility Commission P.O. Box 3265 Harrisburg, PA 17105-3265	Secretary Pennsylvania Public Utility Commission 400 North Street Commonwealth Keystone Building, 2 nd Floor Harrisburg, Pennsylvania 17120
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Facsimiles and/or electronic filings of the complaint will not be accepted.

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

Keep a copy of your complaint for your records.

Thomas A. McCarey/Margery H. McCarey
285 Dayleview Road
Berwyn, Pennsylvania 19312-1201
Chester County
(610) 644-7947
tom_mccarey@yahoo.com
PECO Account #69633-00206
PECO Energy
Utility Type: Electric
Dear Commissioners:

RECEIVED

MAR 4 2013

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

I do not want a "smart meter" electric meter on my property.

There is an illusion that installing a wireless smart grid is more cost effective than wiring smart meters. In Connecticut:

' "The pilot results [of installing "smart meters"] showed no beneficial impact on total energy usage," Attorney General George Jepsen said. "And, the savings that were seen in the pilot were limited to certain types of customers and would be far outweighed by the cost of installing the new meter systems," he said. ' The results will be the same in Pennsylvania.

It is far more energy efficient to transmit data over fiberoptic cables, or even copper wires than to transmit it wirelessly, according to a Swiss study wireless transmission takes 3 times as much energy. It is essential that the PUC and others pushing transmitting meters see this information.<http://www.lowtechmagazine.com/2009/08/embodied-energy-of-digital-technology.html#more>

The wireless goal is to blanket the state, and it creates a complexity of problems with literally everything the wireless frequencies touch. These RF EMFs go through walls, roofs, people, infrastructure, everything in ecosystems and will bring unrealized consequences including liabilities. The meter program is well intended but will not address Pennsylvania's energy problems. Pennsylvania building exposure to solar EMFs will cause the buildings to generate extreme heat and the utilities are responding to the symptoms with massive energy waste reacting to the symptoms.

Pennsylvania is dealing with their building solar exposure with paints, finishes or shade and will immediately knock massive energy waste off the challenged electrical grids without re-inventing the wheel. Air conditioning is really refrigeration being used because the building has become a source of extreme heat, and the "smart meter" radiation will make the situation much worse.

I do not appreciate faceless, nameless bureaucrats imposing a compromise to my

health without even asking me. There has been a virtual media blackout on the dangers of "smart meters."

It is very important for the Pennsylvania Public Utility Commission (PUC) to understand that even though safety standards on wireless exposure are based on decades of scientific literature, science was missing linking the frequencies to adverse health effects.

The FCC and other international governing bodies adopted the Specific Absorption Rate(SAR) for limits of human exposure. The SAR test didn't consider the smart meter routers, relays, collectors, antennas or that humans are bio electric.

As a result of the missing science in the SAR test, the PUC only addressed the smart meter as an end use device and state in their safety sheet that a short distance from the meter keeps you safe. The average coverage area of the smart meter router is 5 sq. miles and one collector 125 sq. miles. If you are in the coverage area, a short distance from the meter is irrelevant.

To revise safety standards a draft bill was introduced by a U.S. Member of Congress to update the Specific Absorption Rate. As soon as they add the errors or omissions in the SAR test, the frequencies will be illegal as applied.

Wireless "smart" meters emit radio-frequency microwave radiation (called "RF"), similar to that used by cell phones and wifi routers. The transmissions from "smart" meters go on day and night, and are not directly related to the amount or time of household usage. This frequency is part of the range of frequencies recently placed in the category "possible human carcinogen" by the World Health Organization (May 2011).

Public health professionals and scientists have been concerned about human exposure to this type of low-level radiation for some time now. But a "smart" meter is an RF emitter that I have no control over. There is no "off" switch, nor can I move it to a different location in my home. Recent information confirms suspicions that at least 90% of the RF emitted by the "smart" meters is NOT transmitting electrical usage data, but is part of the "mesh network" talking to itself, and includes a lot of redundant "chatter" between my meter and other meters. This is for the convenience of PECO, and its effects on me (and other living things) apparently were not even considered when they were designing the mesh network.

Funding and deployment of the "smart grid gold rush" has vastly outstripped the federal government's ability to develop meaningful privacy and security standards and regulations within one of the nation's most critical infrastructures. The Federal mandate was only to offer each individual residents the option of having a "smart"

meter. Where is the letter from PECO asking me if I want a "smart meter?" PECO's easement clause allows them access to their equipment, for meter-reading and maintenance. But I call into question whether installation of the "smart" meter—which includes telecommunications equipment and marks an unprecedented change in metering, blanketing my home in a class 2B carcinogen—actually qualifies as "maintenance"!

I expect to keep my analog electric meter for the foreseeable future. I further expect the PUC to inform and protect the people of Pennsylvania. Thank you.

Sincerely yours,



Thomas A. McCarey

RECEIVED

MAR 4 2013

**PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU**

Thomas A. McCarey
285 Dayleview Road
Berwyn, Pennsylvania 19312

To:
PECO
Pennsylvania Public Utility Commission
Tredyffrin Township Supervisors
Chester County Commissioners
Warren Kampf
Andrew Dinniman
Governor Corbett

RECEIVED

MAR 4 2013

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

NOTICE OF NO CONSENT TO TRESPASS AND SURVEILLANCE, NOTICE OF LIABILITY

Be advised, you and all other parties are hereby denied consent for installation and use of any and all "Smart Meters" or any other surveillance and activity monitoring device, or devices, at the above property. Installation and use of any surveillance and activity monitoring device that sends and receives communications technology is hereby refused and prohibited. Informed consent is legally required for installation of any surveillance device and any device that will collect and transmit private and personal data to undisclosed and unauthorized parties for undisclosed and unauthorized purposes. Authorization for sharing of personal and private information may only be given by the originator and subject of that information. That authorization is hereby denied and refused with regard to the above property and all its occupants. "Smart Meters" violate the law and cause endangerment to residents by the following factors:

1. They individually identify electrical devices inside the home and record when they are operated causing invasion of privacy.
2. They monitor household activity and occupancy in violation of rights and domestic security.
3. They 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.
4. 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.
5. 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.
6. 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.

7: "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.

8: 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.

9. Your company has not adequately disclosed the particular recording and transmission capabilities of the smart meter, or the extent of the data that will be recorded, stored and shared, or the purposes to which the data will and will not be put.

10. 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.

11. 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.

12. Smart meters are not protected from EMP attacks, large EMPs or localized EMPs as simple as a kid with a battery and a coil (Electro Magnetic Pulse).

13. 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.

14. 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.

15. Encryption of data is irrelevant due to well known "Tempest" attacks; see en.wikipedia.org/wiki/TEMPEST 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.

16. 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.

17. Data about an occupant's daily habits and activities are collected, recorded and stored in permanent databases which can be accessed by parties not authorized or invited to know and share that private data by those whose activities were recorded. This can be done by cyber-attacks or disgruntled employees and has been done before where the attacked company may not know of the intrusion for months.

18. The power company has not adequately disclosed the encryption or security methods 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.

19. 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.

20. The power company has misled the public and the Public Utility Commission by leaving out publicly available facts and information regarding smart meters. There are many downsides to this new technology that the power company has not presented to the general public or the Public Utility Commission. Information is slanted and doesn't address the negative issues fully.

21. 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 false statement, fraudulent, and false commercial speech which is punishable by law and also opens the power company to liability via lawsuit.

22. The power company has no delegated authority from the People to install a security risking, privacy invading, health threatening, hackable, unfair billing, or wide power grid security threatening device on anyone's property.

23. 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.

24. 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 (Electrically 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.

25. 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.

I demand an immediate stop to the installation of all Smart Meters until all issues are resolved, the Smart Meters to be removed at customers request with no extra charge, an opt-in only for customers who are properly and fully informed and that must have this technology for their own specific need. This is in the public's best interest.

I demand an immediate investigation into these issues by the Public Utilities Commission.

I demand that the Public Utilities Commission immediately order the power company to fully inform all customers of ALL the known facts, including complaints and downsides of this technology within 30 days.

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.

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 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.

Notice to principal is notice to agent and notice to agent is notice to principal. All rights reserved.

Sincerely yours,



Thomas A. McCarey

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MAR 4 2013

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

**STATE OF CONNECTICUT ~ OFFICE OF THE ATTORNEY GENERAL ATTORNEY
GENERAL GEORGE JEPSEN**

**JEPSEN URGES STATE REGULATORS TO REJECT
CL&P'S PLAN TO REPLACE ELECTRIC METERS**

For Immediate Release TUESDAY FEB. 8, 2011

HARTFORD – Connecticut Light & Power Co.'s plan to replace existing electric meters with advanced technology would be very expensive and would not save enough electricity for its 1.2 million customers to justify the expense, Attorney General George Jepsen said Tuesday.

Jepsen made the comments in a brief filed Tuesday with the state Department of Public Utility Control, which is reviewing CL&P's request to replace all existing meters with "advanced meter infrastructure." The company also asked regulators to guarantee that the company will be allowed to recover its full cost of installation before the department actually evaluates what the costs actually were and whether those costs were reasonable.

"CL&P's proposal would force the company's ratepayers to spend at least \$500 million on new meters that are likely to provide few benefits in return," Jepsen said. He urged the regulators to "continue to evaluate emerging meter system technologies as well as other conservation programs" and only approve installation of the advanced meters when they are cost effective.

To evaluate the technical capabilities and reliability of the advanced metering system, state regulators previously approved a limited study of 10,000 meters. Between June 1 and Aug. 31, 2009, CL&P tested the meters on 1,251 residential and 1,186 small commercial and industrial customers, who volunteered and were paid for their participation in the study. The company reported its results to the DPUC on Feb. 25, 2010.

"The pilot results showed no beneficial impact on total energy usage," Jepsen said.

"And, the savings that were seen in the pilot were limited to certain types of customers and would be far outweighed by the cost of installing the new meter systems," he said.

Also, the existing meters, installed between 1994 and 2005, have a useful life of 20 years and replacing them early would incur additional costs for customers, Jepsen said.

Assistant Attorneys General Michael C. Wertheimer and John S. Wright are representing Jepsen before the DPUC.

###

CONTACT: Susan E. Kinsman, susan.kinsman@ct.gov; 860-808-5324; 860-478-9581 (cell)

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**PA PUBLIC UTILITY COMMISSION
SECRETARY S. BURMAN**

Public Health Threatened By Rapidly Increasing Exposure To High Frequency Electromagnetic Radiation

The Issues:

1) Radically increasing everyday exposure to radiofrequency radiation, including the very high frequency radiowaves known as microwaves.

- The increased exposure comes from two unrelated sources.
 - One: transmitted radiofrequency radiation from devices such as WiFi, cellphones, wireless baby monitors, DECT cordless phones, and cell towers, none of which were present in the 1970's and are unavoidable today.
 - Two: high frequencies, or electrical pollution, into the radiofrequency range present on building wiring from poorly engineered electronics and energy efficient lighting which only began widespread use in the late 1970's.

2) Lack of adequate safety standards.

- EPA does not protect the public health.(1,2) There is no true safety standard due to political pressure from an industry group in the 1990's.
 - Radiofrequency radiation threatens human health and our bee, bat and bird populations and the EPA does nothing. (3,4,5,6,7,8,9,10,11,12,13,14,15,16,17)
- There are no comprehensive conservative safety standards designed to safeguard the public health during the continuous exposures to radiofrequency radiation experienced in daily life. (1,2)
 - Our current FCC "safety" standards are designed solely to protect a 6 ft 185 lb man from tissue heating during a short (6 minute) exposure.
 - Our current FCC "safety" standards are not designed to protect even a 6 ft man from biological effects during a continuous exposure.
 - None of the transmitter technology has been subjected to rigorous health studies as is required for drugs, in spite of its use resulting in involuntary exposure for an uninformed non-consenting population.
 - Nor has any post-marketing public health surveillance been implemented.
- There are NO safety standards to safeguard the public health from exposure to high frequencies on building wiring, resulting in widespread availability of dangerous consumer products including:
 - Compact fluorescent light bulbs and other fluorescent lights with electronic ballasts.
 - Dimmer switches, variable speed motors, etc.
 - Inverters, including those on wind turbines and solar systems.
- Safe electrical devices could be engineered if the proper standards were in place.

3) Everyday exposures to radiofrequency radiation threaten our public health.

- Since the 1970's many disease rates have skyrocketed, including rates of Alzheimer's Disease, multiple sclerosis, asthma, diabetes, and autism. Studies show a relationship to radiofrequency exposures.(6,11,12,13,14)
- Overexposure to radiofrequency radiation can cause radiofrequency sickness (aka radiowave or microwave sickness) in susceptible people. It has very real and disabling health effects.(3,4,5)

- Information about radiofrequency sickness can be found at www.electricalpollution.com.
- **Exposure to radiofrequency radiation has very real and threatening health effects in the long-term for a majority of the population.**
 - More information can be found at www.bioinitiative.org, a report by leading researchers.
 - Detrimental biological effects, distinct from tissue heating effects, have been extensively documented in studies at a range of different frequencies and at levels far below the current United States safety standard and provide a mechanistic basis for health effects (6)
 - A recent Swedish public health study suggests a link between the decline in public health and cellphones.(7)
- **High frequency signals on power lines also cause illness. See www.electricalpollution.com.**
 - **Milham and Morgan found a dose-response relationship between high frequencies present on building wiring and cancer.(9) Recent analysis of historical epidemiological data indicates a relationship to cancer, diabetes, heart disease, and suicide.(10)**
 - **Removing high frequencies on building wiring has improved MS symptoms, blood sugar levels, asthma, sleep quality, teacher health, headaches, ADD, and numerous other health problems.(11,12,13)**
 - **Technical papers provide a solid electrical and biomolecular basis for these effects. (18,19)**
 - **Transients and communications signals on wires induce much stronger current density levels in the human body than does the powerline 60Hz signal.**
 - **The induced currents disturb normal intercellular communications, causing harmful long-term and short-term effects.**
 - **Technical information necessary to properly measure the electrical pollution levels on building wiring can be found on the Technical page at www.electricalpollution.com.**
 - **A simple meter is also available that can provide accurate measurements in most situations.**

4) Our civil rights trampled

- **For the last 13 years, sensitive people like ourselves have had no protection in public places, essentially restricting us to our homes, even forcing us to move from them in a quest for a safe haven, and preventing us from using public libraries, public schools, and attending public events. Those concerned about long-term health effects have also had no recourse.**
- **The 1996 Telecommunications Act preempts the right to free speech and has stopped all consideration of the safety and environmental consequences of exposure to transmitted radiofrequency radiation, including the pulsed microwave radiation used in modern communications, in siting transmitting towers and in the court of law. Therefore, the silence outside of and inside of court is not a measure of the safety of the technology, but rather the tightness of the gag. Ecology House is a perfect example of how this law has unfairly restricted the right to free speech time after time, resulting in involuntary exposure to a dangerous pollutant for millions. http://www.marinij.com/marinnews/ci_12880530**
- **Increasing involuntary exposure. Transmitting utility meters will soon be installed on all homes nationwide and wireless broadband will be everywhere, in spite of the risks.**
 - **Most transmitting meters and wireless broadband transmit continuously.**
 - **This will cause great disability for the increasing population of individuals with radiofrequency sickness. The long-term threat to the public health is nationwide.**
 - **Utilities refuse to offer meaningful alternatives to having a transmitting meter for those with radiofrequency sickness.**

- And utilities refuse to remove transmitting meters for those being made ill.
 - And communities are not protecting those with radiofrequency sickness from wireless broadband.
- **There is no more basic civil right than the right to health and safety in our homes. Without that, what is there?**

The Solutions

- **Briefing of congressional committees with jurisdiction by Norbert Hankin of the Radiation Division of the EPA on the history of the development of current US radiofrequency radiation safety policy that has resulted in the inadequacy of current safety standards to protect public health of the general population during continuous exposures.**
- **Hearing on the public health threat posed to the general public by exposure to transmitted radiofrequency radiation and high frequency electrical pollution on all electrical wiring.**
 - **Consult The EMR Policy Institute (802-426-3035) to ensure that all relevant researchers are invited to testify.**
- **Require fiber optic and other wired infrastructure for the "National Broadband Plan for Our Future."**
- **Reverse Section 704 of the 1996 Telecommunications Act [found at 47 U.S.C. Section 332 Subsection (7)(B)] which has deprived citizens of their First Amendment Rights by preventing discussion of health and environmental threats posed by wireless technologies.**
- **Reverse the ban on incandescent light bulbs until safe alternatives exist. (New Zealand has already done this.)**
- **Reform procedures at the EPA to limit industry influence.**
- **Require the EPA to write a conservative standard to establish safe levels of exposure for the general population during the continuous daily exposures we now experience.**
 - **See NAS report: Identification of Research Needs Relating to Potential Biological or Adverse Health Effects of Wireless Communication (2008) pp. 13-18.**
 - **The non-ionizing radiation standard should be protective from the non-thermal effects of exposure to radiofrequency radiation, both transmitted and on building wiring.**
 - **Radiation emitting and electrically polluting devices should require rigorous health testing prior to approval.**
 - **Rigorous surveillance must be required to document whether the new standard is sufficiently protective.**
 - **Continuously transmitting devices should be banned. (The Israeli Environmental Ministry has done this, citing the precautionary principle.)**
 - **Compliance with the new safety standard should be required for all consumer products and all other governmental agencies.**
- **Require the Children's Health Study to include assessment of both transmitted radiofrequency radiation exposure levels and electrical pollution levels in its study design.**
- **Ban cellphone use, including texting, while driving.**

- Collection and tracking of data from cellphone providers should be required as part of accident reports, including whether the phone was on, off, texting, or calling.
- **Require a warning label on cellphones and cordless phones.**
 - It should state "Due to significantly increased health risks pregnant women and children under 21 should strictly limit use. Others should use sparingly." (8,14,15)
- **Require the Surgeon General to educate the public about wireless radiation exposure health risks, e.g. the increased cancer risk for children, the risks to unborn children – (ADHD, heart abnormalities) and the increased risks for adults – (brain tumors, other health risks such as neurodegenerative diseases, compromise of immune function, negative effects on sleep and cognitive function). (3,4,5,6,7,8,9,10,11,12,13,14,15)**

Congress Must Act Now

Dangerously high exposures to high frequencies, both transmitted and on building wiring, are contributing to deteriorating public health, causing healthcare costs to skyrocket.

Remember, X-rays were once regarded as harmless and used as entertainment at garden parties and to size children's shoes.

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Thomas A. McCarey
285 Dayleview Road
Berwyn, Pennsylvania 19312

Shawane L. Lee
Assistant General Council
Exelon BSC
2301 Market Street/S23-1
Philadelphia, Pennsylvania 19103

Re: Your letter of 02/26/2013

Dear Mrs. Lee:

Thank you for your letter. My attorney, J. Michael Considine, Jr., may have spoken to you about my concerns.

Act 129 is in violation of the federal rules for "smart meters." There is no federal security mandate for "smart meters," according to George W. Arnold the national coordinator for smart-grid interoperability at the National Institute of Standards and Technology. This agency of the U.S. Department of Commerce is said not to be involved in regulations but is only tasked with promoting standards among industries. While both the 2005 and 2007 faux energy bills were codified into public laws, NO part of them creates a federal law pertaining to individual consumers or dictating that the public must be forced to comply with provisions of SMART Grid.

Contrary to the bleating of manufacturers and utility talking heads, who claim there is no "opt out", the fact is I, the consumer must be offered the meter, or request a meter and "OPT IN". I can not be forced to comply with an unrevealed contract between private corporations, and to which I was never a party and had no knowledge of.

But legalities are just an annoyance to Pennsylvania politicians, aren't they?

Be assured that no smart meter will ever be installed on my property. Thank you.

Sincerely,

Thomas A. McCarey

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MAR 4 2013

PA PUBLIC UTILITIES COMMISSION
SECRETARY'S OFFICE

YOU ARE HEREBY PUT ON NOTICE THAT NEITHER PECO, NOR ANY OF ITS EMPLOYEES, AGENTS OR CONTRACTORS, HAS PERMISSION TO INSTALL, OR ATTEMPT TO INSTALL, ANY "SMARTMETER™" AT THE FOLLOWING ADDRESS:

285 Dayleview Road, Berwyn, PA 19312

Any attempt to install a SmartMeter at said location shall be deemed actionable under relevant state and federal laws, and in violation of the Constitutions of the Commonwealth of Pennsylvania and the United States of America. Please be aware that under federal law, "If

two or more persons conspire to injure, oppress, threaten or intimidate any citizen in free exercise or enjoyment of any right or privilege secured to him by the constitution or laws of the United States, or because of his having exercised the same, or if two or more persons go on the premises of another with the intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured - they shall be fined not more than \$10,000 or imprisoned not more than ten years or both."

Please be advised that the land use fee for the above address is hereby declared to be \$5,000.00 per person per day, or any portion thereof. Installation of a SmartMeter™ at the aforesaid location will result in the initiation of a claim for damages for trespass, wrongful burdening of a utility easement, invasion of privacy and violation of other constitutionally protected rights, intentional infliction of emotional distress, and for such other personal injuries and torts as the facts may warrant. Please be aware that activity at this location may be under surveillance. Kindly advise the undersigned of the name, address, policy number and phone number of PECO's insurer or surety.

Please accept delivery of this letter by certified mail as a good faith effort by the undersigned to exhaust all applicable administrative remedies and claims procedures that may be a precondition to legal action in relation to the installation, or attempted installation, of SmartMeters.

Thomas A. McCarey