

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**GERALD H. SMITH, DDS** :  
**Complaint** :  
v. : **DOCKET NO. C-2014-2443198**

**PECO ENERGY COMPANY** :  
**Respondent**

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**NEW MATTER OF COMPLAINANT, GERALD H. SMITH, DDS**

1. Counsel for PECO Energy Company, Shawane L. Lee, stated that based on Act 129, the Commission’s Implementation Order and PECO Energy’s Commission-approved Smart Meter/Grid Plan has no “opt out” provision for customers having a smart meter installed in their homes or businesses.

Attorney Lee’s statement is inconsistent with the PUC’s own Mission Statement, which appears on the PUC’s web site:

**Mission Statement:** The Pennsylvania Public Utility Commission balances the needs of consumers and utilities; **ensures safe and reliable utility service** at reasonable rates; **protects the public interest**; **educates consumers to make independent and informed utility choices**; furthers economic development; and **fosters new technologies and competitive markets in an environmentally sound manner.**

A. ...“ensures safe and reliable utility service”: **I already had a sparking problem with the “smart meter” and had to replace (at my expense) the mounting board for the new meter for the damage done by PECO’s faulty smart meter. How safe is the design?** The fire chiefs of Reno, Nevada are asking the NV’s Public Utilities Commission to investigate the safety of smart meters installed by NV Energy on homes throughout the state in the wake of a troubling spate of blazes they believe are associated with the meters, including one recent fire that killed a 61-year-old woman.

In addition, I have attached a letter signed by the Members of the Board of the American Academy of Environmental Medicine addressed to the Commissioners of the Public Utilities Commission of the state of California. In summary this letter states:

...“sufficient scientific and medical evidence suggests health risks which can potentially affect large populations. The literature raises serious concern regarding the levels of radio frequency (RF – 3KHz – 300 GHz) or extremely low frequency (ELF – 300Hz) exposures produced by “smart meters” to warrant an immediate and complete moratorium on their use and deployment until further study can be performed. The board of the American Board of Environmental Medicine wishes to point out that existing FCC guidelines for RF safety that have been used to justify installation of “smart meters” only looks at thermal tissue damage and are obsolete, since many modern studies show metabolic and genetic damage from RF and ELF exposures below the level of intensity which heats tissues. The FCC guidelines are therefore inadequate for use in establishing public health standards. More modern literature shows medically and biologically significant effects of RF and ELF at lower energy densities. These effects accumulate over time, which is an important consideration given the chronic nature of exposure from “smart meters. The current medical literature raises credible questions about genetic and cellular effects, hormonal effects, male fertility, blood/brain barrier damage and increased risk of certain types of cancers from RF or ELF levels similar to those emitted from “smart meters. Children are placed at particular risk for altered brain development, and impaired learning and behavior.”

“Existing safety limits for pulsed RF were termed “not protective of public health” by the Radiofrequency Interagency Working Group (a federal interagency working group including the FDA, FCC, OSHA, the EPA and others). Emissions given off by “smart meters” have been classified by the World Health Organization International Agency for Research on Cancer (IARC) as a Possible Human Carcinogen.”

**The International EMF Alliance** posted the following statement on their web site:  
**Electromagnetic Fields and Health**

Exposure to electromagnetic radiation has been documented to have major biological effects on living tissue. The exponential increase in the use of wireless technologies will most likely present serious, global public health consequences in the near future.

Despite mounting evidence of severe health effects, the scientific facts are generally ignored by most governments. For pure commercial reasons, the telecom industry continues to refer to outdated and irrelevant safety standards, blissfully endorsed by their respective regulators. More than two thousands scientific studies have shown that radio frequency exposures, including microwaves, can cause changes in cell membrane function, cell communication, metabolism and activation of proto-oncogenes. Production of stress proteins is triggering exposure levels far below current regulatory limits. The resulting effects can include DNA breaks and chromosome

aberrations, cell death including death of brain neurons, increased free-radical production, activation of the endogenous opioid system, cell stress and premature aging. Other documented effects are changes in brain function memory loss, retarded learning, performance impairment in children, headaches and fatigue, sleep disorders, neurodegenerative conditions, reduction in melatonin secretion and cancers. Similar results have been found from exposure to power-frequency electro-magnetic radiation (50-60Hz), and a link between childhood leukemia and exposure to high-voltage power lines is now widely accepted by the scientific community.

“Current regulatory limits are falling. An overwhelming majority of the European Parliament recently voted for a set of changes based on health concerns associated with electromagnetic fields. In a resolution 4th September 2008, the European Parliament notes that “the limits on exposure to electromagnetic fields which have been set for the general public are obsolete”, “obviously take no account of developments in information and communication technologies”, and “do not address the issue of vulnerable groups, such as pregnant women, newborn babies and children.” These eye-opening statements are indeed remarkable. A few countries have already acted in line with sound precautionary principles. Russia and China have long ago implemented significantly stricter limits than most western countries, and Switzerland, Italy and Lichtenstein have acted unilaterally to protect their own populations from the health hazards of electromagnetic radiation.”

By attorney Lee’s referencing Act 129 he is taking a position of abandonment of liability, that is, the **Nuremberg defense, whereby PECO will not be held liable for actions which were ordered by a public official. Theoretically, based on ACT 129, PECO doesn’t even have to pay for the damages to my mounting board caused by their defective smart meter.**

Attorney Lee’s/PECO’s myopic view of a legal defense using ACT 129 as a basis for ignoring major public safety issues also ignores the global nature of the dangers of smart meter technology and will act as a catalyst for disseminating wide spread public harm.

**B. ...”protects the public interest”:** How is Act 129 referenced by attorney Lee and your enforcement of Governor Rendell’s 2008 Law protecting my safety? Does PECO have fire safety and long term biological studies on the design and biological effects of EMFs and has the PA PUC evaluated these studies to “protect the public interest? My sparking incident is not an isolated case. There is a serious design flaw which has to be investigated. I am requesting that attorney Lee provide me and the PA PUC fire safety studies on its design and long term biological impact studies on the biological system. It appears these smart meters have real public safety issues that are not being addressed by the PUC. Passage of Act 129 was not predicated on any relevant scientific studies for either fire safety or EMF impact on the biological system.

**C. ...”educates consumers to make independent and informed utility choices”:** With Act 129 the public has no choice but to accept a smart meter device that has no fire safety studies or

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long term scientific studies to validate its safety. The government told us DDT was safe. It only took 50 years to find out otherwise. The FDA told us **Thalidomide was safe** but clinical experience of thousands of damaged children proved otherwise. The government also told us lead in our gasoline was safe until it was discovered it caused brain damage. The ADA told us fluoride was safe until a Harvard Study showed it lowered children's IQ. Based on ACT 129 will attorney Lee and PECO evaluate or ignore the scientific documentation submitted and conduct no fire studies and plead the **Nuremberg defense**?

**D. ... "fosters new technologies ... in an environmentally sound manner."** I am requesting attorney Lee supply the PUC with fire safety studies and long term scientific impact studies on the biological system so that the PUC can live up to its mission statement of "fostering new technologies in an environmentally sound manner.

2. PECO Energy violated the Easement contract by not explaining the potential fire hazards of their device and also the potential harmful effects of electromagnetic frequencies.
3. As a result of the instillation of a faulty smart meter, damage occurred to Complaint's property. Under the Easement contract PECO Energy is responsible for all damages. The replacement cost for the mounting board was \$1890.78, which is submitted for payment.
4. PECO is requested to furnish the Complainant with a copy of the power company's accident insurance policy for the easement area. As a property owner I can be held liable by others for accidents arising from the easement or on the easement area.
5. Attorney Lee requested that my complaint be dismissed as a matter of law. Car manufacturers need crash studies in order to market their vehicles but yet PECO can install under law smart meters that have no fire safety studies or biologic impact studies. What requirements does PA PUC have under their fostering of new technologies in an environmentally sound manner to insure public safety of smart meters?
6. If PECO cannot provide the PA PUC with immediate documentation that their smart meters are safe, it would be in the public's best interests for the PUC to present its findings to the PA legislators to take immediate action to call for an immediate moratorium on any further installations.

WHEREFORE, the Complainant respectfully requests that PECO provide the PUC with fire safety and long term biological impact studies to protect the public's safety. Until such documentation is received the Complainant's case must be held active.

Respectfully Submitted,



Gerald H. Smith, DDS

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**VERIFICATION**

I, Gerald H. Smith, hereby declare that I represent myself as counsel as the Complainant. The facts set forth in the foregoing presentation 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: October 17, 2014

Smith, DDS

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Gerald H.