

C-2015-2475023

April 17, 2015

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

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APR 18 2015

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

**Re: Response to New Matter
Maria Povacz v PECO Energy Company
PUC Docket No C-2015-2475023**

Sent By Certified Mail

Dear Ms. Chiavetta:

Enclosed for your records, is my Response to New Matter with regards to the matter referenced above.

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

Regards,



Maria Povacz

Cc: Shawane L. Lee, PECO
Charles McIlhenney, State Senator, 10th District
Scott Petri, State Representative, 178th District
David Hecker, District Attorney

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MARIA POVACZ	:	
Complainant	:	
v.	:	DOCKET NO. C-2015-2475023
PECO ENERGY COMPANY	:	
Respondent	:	

**RESPONSE TO NEW MATTER,
MARIA POVACZ**

The undersigned, MARIA POVACZ, pursuant to 52 PA. Code § 5.101(a)(4) respectfully petitions this Honorable Commission to dismiss PECO's 10 Day shutoff notice and the force installation of an AMI meter at my residence as legally insufficient.

1. On March 26, 2015, PECO Energy served me with a 10 Day shutoff notice. A copy of the notice is attached hereto as **Exhibit "1"**.
2. The 10 day Shut off notice alleges the following: "You did not give us access to our meter and your equipment".
3. PECO's notice states: "Provide us access to our meter and your equipment".
4. In essence, PECO is demanding access to the current AMR meter and requests the installation of a "Smart Meter" aka AMI meter.
5. On March 28th, 2015, I filed a formal complaint with the Commission. A copy of the Complaint was attached as an exhibit in PECO's preliminary Objections of Respondent Docket No C-2015-2475023.

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1. PECO is in violation of The Constitution of the United States of America, Bill of Rights, 4th Amendment - Smart Meters are designed and intended to record personal and private events and activities within private structures and properties which constitutes violation of the United States Constitution, Bill of Rights, 4th Amendment guaranteeing all people to be "...secure in their persons, houses..." and to be free of "search". No search of private property may be lawfully done without a valid, timely and ratified court order (warrant) based on probable cause or by full informed consent of the occupants. In addition to the 4th Amendment, the 1st, and 5th Amendment also provide for protection of privacy.
2. PECO is in violation of 15 U.S.C. § 45 and the Privacy Act of 1974- By installing a wiretapping device on my house, PECO is planning to take my property rights away from me, the property owner. Without due process no private property can be taken for public use without just compensation. The Constitutional right of privacy has developed alongside a statutory right of privacy which limits access to personal information. The Federal Trade Commission overwhelmingly enforces this statutory right of privacy, and the rise of privacy policies and privacy statements are evidence of its work. As per 15 U.S.C. § 45 and the Privacy Act of 1974 (5 U.S.C. § 552(a), the right of privacy has evolved to protect the ability of individuals to determine what sort of information about themselves is collected, and how that information is used. The threats of fraud and identity theft created by this flow of personal information have been an impetus for right of privacy legislation requiring disclosure of information collection practices, opt-out opportunities, as well as internal protections of collected information. In two reports to Congress (1998, 2000) though, the FTC found that most sites falling outside of the jurisdiction of the established right of privacy laws do not adequately inform consumers about collection practices, nor do the majority of sites adequately protect the privacy of visitors' personal information. It appears that the voluntary regime is insufficient, and the prospect of further right of privacy legislation in the area of access to personal information is very real.
3. U.S.C. Title 18, Part 1, Chapter 119, Sec 25112 – If PECO is allowed to install a Smart Meter at my property, PECO will be in violation of wiretapping laws. Smart Meters and digital utility meters meet the statutory definition of unlawful surveillance devices put forth as "Wiretapping" in U.S.C Title 18, Part 1, Chapter 119, Section 2511.

4. U.S.C Title 18, Part I, Chapter 7, Sec. 1133- Because electromagnetic radiation is known to cause cancer and other diseases and injuries, installation of any meter with an EMR transmitter, a switching mode power supply, a transformer or similar devices on a private residence without consent of the occupants and property owner constitutes Assault under United States Code Title 18, Section 113. To attempt the installation of such devices on virtually every private structure is quite clearly criminal misconduct on the part of all those associated and complicit with that attempt.
5. Title 66, Chapter 14, Section 1406 (f) Medical certification states that “A public utility shall not terminate service to a premise when a customer has submitted a medical certificate to the public utility. The customer shall obtain a medical certificate verifying the condition and shall promptly forward it to the public utility. The medical certification procedure shall be implemented in accordance with commission regulations”. I am including as Exhibit 2 the letter dated April 9, 2015 from my physician Dr. Hanoch Talmor MD as well as a letter from the American Academy of Environmental Medicine stating that : “Smart Meters” produce Radiofrequency emissions, it is recommended that patients with the above conditions and disabilities be accommodated to protect their health” Since Dr. Talmor’s letter clearly describes that I suffer from severe sensitivities to electromagnetic fields, installing a Smart Meter at my residence will only exacerbate my current health problems. It is not credible that PECO did not perform due diligence by determining the dangers and violations of “Smart Meters” and digital meters prior to deployment, and it is not credible that PECO does not have information on the biological hazards of electromagnetic radiation which are known to include cancers, neurological diseases and injuries, birth defects and many other symptoms, disease and injuries, so the PECO’s causing those exposures are apparently intentional and criminal, therefore, PECO has no lawful right, privilege, authority or permission to place or operate a “Smart Meter” or similar device on private property without the prior fully informed and written consent of all occupants, and no right at any time to prevent or object to the removal or replacement, by any interested party, of any device emitting electromagnetic radiation if PECO fails to remove the meter on the request and replace it with a safe analog meter.

PECO has not disclosed the frequencies, volumes, power values, qualities and exposure levels of radiation the digital meters emit, and has not disclosed whether those frequencies can or cannot harm to animal, human or plant tissues, and has not disclosed at what proximities such harm could occur and has not offered any warranty, claim or indemnification against any *negative effects of the meters on its customers as negative effects are known and reported* regularly. Digital meters do have switching mode power supplies and transmitters, they do *disrupt household current integrity and therefore must be harmful at some locations for some duration of exposure*, yet no limits are disclosed by PECO in reckless disregard for the health and safety of the public.

6. PECO is planning to intrude upon my property and invade my right to safety and privacy. As per Restatement of the Law, Second, Torts, § 652B Intrusion upon Seclusion “One who intentionally intrudes, physically or otherwise, upon the solitude or seclusion of another or his private affairs or concerns, is subject to liability to the other for invasion of his privacy, if the intrusion would be highly offensive to a reasonable person.”
7. PECO is threatening for service termination should a Smart Meter installation not be allowed. A Smart Meter device constitutes an attractive nuisance. Smart Meters constitute a dangerous condition on a landowner’s property that may attract children onto the land and may involve risk or harm to their safety. Furthermore the dangers of the smart meter impact children residing on premises and because children trespassers or children occupants may not appreciate the risks that the dangerous condition poses, as a landowner. I have the duty to either eliminate that danger or make it inaccessible to trespassing children. Given the meter is located on my property in near vicinity of traffic area; I will be unable to eliminate the danger should PECO be allowed to install a Smart Meter.
8. PECO shall follow and obey Constitution of this Commonwealth. As per PA Constitution, Article X, Section 2 Certain charters to be subject to the Constitution: “Private corporations which have accepted or accept the Constitution of this Commonwealth or the benefits of any law passed by the General Assembly after 1873 governing the affairs of corporations shall hold their charters subject to the provisions of the Constitution of this Commonwealth”. PECO is in violation of my constitutional rights to privacy and security.
9. As per Title 66, Chapter 33, Section 3309 Liability for damages occasioned by unlawful acts(a) General rule “If any person or corporation shall do or cause to be done any act,

matter, or thing prohibited or declared to be unlawful by this part, or shall refuse, neglect, or omit to do any act, matter, or thing enjoined or required to be done by this part, such person or corporation shall be liable to the person or corporation injured thereby in the full amount of damages sustained in consequence thereof. The liability of public utilities, contract carriers by motor vehicles, and brokers for negligence, as heretofore established by statute or by common law, shall not be held or construed to be altered or repealed by any of the provisions of this part.” PECO is refusing, neglecting and omitting to act although presented with my objections and formally files complaints Docket No. C-2012-2317176.

10. PECO is pursuing the execution of an unfair contract, an adhesion contract. Failure to comply on my side results in termination of service. Given that I do not have strong bargaining power and given that I am threatened with service interruption if I do not consent to the installation of a Smart Meter, I do not have the power to negotiate or modify the terms of the contract and I am in need of the electricity supplied via PECO. The Commission should therefore allow for an opt out exception from the installation of a Smart Meter at my property. This is an unfair contract, a force installation and an unconscionable treat to my safety and health. Therefore I plead with the Commission to invalidate the AMI installation and AMR accelerated depreciation and allow the weaker party exceptions to contract terms that are beyond my reasonable expectations from a contract.
11. Whether intentionally or out of ignorance, by installing “Smart Meters” and/or digital meters, which have the function and effects of surveillance devices and harmful radiation-emitting devices, PECO will violate the rights of residential occupants, committing harm to those occupants and will caused possible major liabilities for the property owners with unlawful surveillance devices and activities and emissions of potentially dangerous electromagnetic radiation in close proximity to occupants who may be vulnerable and who have not received full disclosure from PECO regarding the known health, safety and privacy hazards represented by digital electric meters. PECO must show insurance and indemnification against all known and unknown potential negative effects of digital meter installations. We have not received any notice of any such insurance or indemnification and therefore PECO is failing in its obligations and responsibilities to customers, property owners and occupants.
12. PECO is forcing an execution of an unlawful contract and is in violation of Title 66, Chapter 33, 3306 Execution of unlawful contracts that states that “any individual who shall

knowingly affix his name or attestation to any written contract or arrangement, or who shall enter into any written contract or arrangement, or any individual who shall knowingly assent to the entering into of any written or verbal contract, in violation of any of the provisions or requirements of this part, or any individual knowingly making or assenting to any false statement in any application for the approval of any contract or arrangement, the approval of which is required by this part, shall be guilty of a misdemeanor of the first degree.”

13. PECO does not have our consent to enroll our account into an unlawful contract via the installation of an AMI meter. We hereby rescind and revoke any part or provision of any prior or other contract, easement, agreement and/or covenant, written, spoken, implied or presumed which may be in conflict with, or additional to, the terms, conditions and representations herein. The installation of a radiation-emitting and/or surveillance device on our property is criminal misconduct and therefore has caused PECO’s loss of right of easement. Terms of access to our property are now as follows: (1) PECO must make an appointment to enter our property for any reason besides monthly readings of the simple monthly total usage number. Any unannounced entry will be criminal trespass; (2) PECO must state all reasons for entry to the property prior to entry; (3) PECO must secure our affirmative approval for that entry and those purposes and (4) All PECO personnel will be supervised by us while on our property.

If any activity takes place on our property not approved by us, law enforcement will be called with request to take PECO personnel into custody under formal allegations and complaints of criminal trespass. PECO must cease and desist violations and has no right of negotiation, penalty or fee in return for correction of its violations of law, safety, health, rights and privacy of utility customers.

14. PECO alleges that Act 129 requires utilities to install AMI meters. “No ex post facto law, nor any law impairing the obligation of contracts, or making irrevocable any grant of special privileges or immunities, shall be passed.” Act 129 is therefore unlawful as it impairs and modifies the obligations of the original agreement and meter type I consented to when I requested connection to the electrical grid and service from PECO. I never signed up nor I intent to consent or pay for costs of a new meter nor consent to the forceful installation into the time of use contract.

15. PECO is in violation of its easements- By installation or threat of installation of a digital meter PECO is in violation of its easement as of this notice and has no right, authority, privilege or consent to place or operate a “Smart Meter” or any radiation emitting or monitoring device on our property and/or place of occupancy. Utility delivering utilities under easement have been given this privilege subject to obligations to guard property and person and to act in good faith. Easement does not give PECO the right to trample all over our property. PECO’s right of access (easement) comes with obligations. PECO may claim a historical easement (right of access) to connect an AMR meter to the electrical service of the above address for the purpose of recording and billing total electrical usage once per month. PECO’s easement is only for the travel through wires. PECO DOES NOT have easement to monitor activities and events INSIDE THE HOME, and does not have easement to transmit electromagnetic radiation FROM, ON, IN AND THROUGH THE ABOVE PROPERTY, and affected parties have not knowingly or willingly granted or permitted any such easement or access and, if any such permission is presumed or claimed, all such permission is hereby denied and refused as that is invasive, unlawful, threatening to health and not necessary for utility billing. In addition, I did not provide PECO with air rights over my property to transmit signals to/from my property.
16. PECO has not disclosed or obtained consent from customers with regard to what data will be collected by its digital meters on personal and private activities on private property, where that data will be stored, who will access that data, how that data will be shared and managed, how the subjects of that data can be assured of their privacy, how utility customers can review and correct any errors, how that data will be secured, how victims of privacy invasion or mishandling of private data will be compensated and restored and how PECO claims to have gained the unconstitutional authority to record, collect, store and distribute private and personal data taken from utility customers without informed consent. Utility customers have generally not granted permission for such surveillance, nor have they been properly and fully informed of it. Even if PECO may claim to keep data “safe” which is statistically not possible, PECO itself has no consent to collect and hold personal information, so personal is not “safe” after it has been accessed and viewed by parties within PECO who have not been identified to the utility customer and have not been permitted by the utility customer to access and view that personal data.

17. PECO has destroyed trust by *threatening and implying intention to install unlawful and harmful devices on our property, we must approve in advance with fully informed written consent, the installation, operation and control of all meters or other equipment on our property that may affect ourselves and our property, which may emit electromagnetic radiation or which may cause or allow data to be collected and records made of private and personal activities on our property.* In addition, Common law protections allow a land-owner whose land is being polluted to sue the polluter. A landowner may sue under a theory of trespass (a physical invasion of the property) or nuisance (an interference with the landowner's enjoyment of his property).
18. PECO is in violation of 42 U.S.C § 4372 - Office of Environmental Quality Section (4) which states that “promoting the advancement of scientific knowledge of the effects of actions and technology on the environment and encourage [1] the development of the means to prevent or reduce adverse effects that endanger the health and well-being of man”. The Office of Environment Quality is already investigating numerous complaints from concerns citizens. PECO is not seeking to respect my health, safety and security and protect the *wellbeing of the citizens and taxpayers.*
19. Furthermore, 42 U.S.C § 4331, Section 2 provides for “all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings” while Section 3 demands we “attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences”. Last but not least, 42 U.S.C § 4331, Section 2 Section 6(c) states “Congress recognizes that each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment”. PECO's AMI deployment is not respecting and ensuring my health and safety but rather seeks to expose me to risk as well as other undesirable and unintended consequences.
20. PECO has not provided any information regarding UL certification for its meters prior to installation. PECO experienced several meter events involving overheating during the Phase I deployment. PECO initiated corrective action including replacement of the installed smart meters with meters manufactured by a different contractor, L+G. On January 18, 2013, PECO had completed replacing the meters. PECO is deferring the costs associated with the meter overheating events while it resolves issues with the meter vendor. PECO's credibility is

questionable given the numerous fire incidents, 15 still under investigation and 2 admittedly due to smart meter installation. My safety and security are not negotiable.

21. PECO is in violation of Pa Code, Title 56, Chapter 57, Subchapter O, Section 251 Purpose: “(a) The purpose of this subchapter is to facilitate the deployment of advanced metering equipment and the associated development of generation services based on these technologies. This subchapter establishes a procedure for identifying and providing for customer selection of qualified advanced meters, meter-related devices or deployment of automatic meter reading network equipment from the EDC while maintaining the safety and reliability of the electric system in this Commonwealth. **This subchapter does not require the public to participate in an advanced metering program.**” As per this Pa Code, Title 56, Chapter 57, Subchapter O, Section 251 Purpose, there is not requirement from the public to participate in advanced metering program. Why is PECO stating that customers have no options until the HB 2188 and several others awaiting Rep. Godshall’s call for a vote by General Assembly? PECO’s statement is contrary to Pa Code, Title 56, Chapter 57, Subchapter O, Section 251 Purpose.
22. PECO is in violation of 16 U.S. Code § 2625 (b) Time-of-day rates - Special rules for standards requires: “In undertaking the consideration and making the determination required under section 2621 of this title with respect to the standard for time-of-day rates established by section 2621 (d)(3) of this title and the standard for time-based metering and communications established by section 2621 (d)(14) of this title, a time-of-day rate charged by an electric utility for providing electric service to each class of electric consumers shall be determined to be cost-effective with respect to each such class if the long-run benefits of such rate to the electric utility and its electric consumers in the class concerned are likely to exceed the metering and communications costs and other costs associated with the use of such rates. Furthermore 16 U.S. Code § 2625 (i) Time-based metering and communications requires: “Each State regulatory authority shall conduct an investigation and issue a decision whether or not it is appropriate for electric utilities to provide and install time-based meters and communications devices for each of their customers which enable such customers to participate in time-based pricing rate schedules and other demand response programs.” Neither PECO nor the Commission provided any information on the long-run benefits if such rates are likely to exceed the metering and communications costs and other costs associated

with the use of such rates. Has the Commission conducted an investigation and issued a decision whether or not it is appropriate for electric utilities to provide and install time-based meters and communications devices for each of their customers which enable such customers to participate in time-based pricing rate schedules and other demand response programs? At the given moment, PA consumers are participating involuntarily in an experiment without any immediate benefits. In fact, other states and countries where such AMI mandates have been rolled out arrived at the conclusion that the AMI deployment does not in fact derive any energy or cost savings when compared to the large taxpayer's investments in such infrastructure. Some countries and states halted the deployment and others have simply rejected the notion of savings all together. Pennsylvania should strongly consider saving taxpayer's dollars and abandon this grandiose plan.

23. PECO failed to comply with Title 66, Chapter 14, Section § 1411- Automatic meter readings

“All readings by an automatic meter reader device shall be deemed actual readings for the purposes of this title” and claims I have failed to provide access to the meter. This is far from the truth as an AMR meter is by default read remotely and PECO does not need to be reading the meter on my property. In addition, Pa Code § 56.2 Definitions- AMR—Automatic meter reading (i) is “Metering using technologies that automatically read and collect data from metering devices and transfer that data to a central database for billing and other purposes” . § 57.254. Advanced meter standard requires a qualified advanced meter to “conform to § § 57.20—57.25 (relating to meter testing) and the American National Standards Institute Standard C12, as applicable, or as these standards may be updated.” Furthermore, “a qualified advanced meter, meter-related device and network shall be the customer's billing meter and shall meet the standards adopted by the Commission from time to time after consideration of the recommendations of the Committee. Qualified advanced meters, meter-related devices or networks shall possess open, nonproprietary communications capabilities to allow both an EGS and an EDC to access information in a standard data format. In addition, a qualified advanced meter, meter-related device or network shall be capable of measuring hourly usage and may support one or more functional requirements, such as the ability to do one or more of the following: (1) Modify a profile interval, (2) Provide a communications port for a customer to monitor usage, (3) Provide a

pulse output to allow for usage monitoring, (4) Provide password protection, (5) Measure in two directions and (6) Have multiple callout capability.

“A meter, meter-related device and network that meets the requirements in subsections (a) and (b) shall be considered a qualified advanced meter, meter-related device and network and shall be subject to applicable surcharges and other requirements of this subchapter. The Commission will periodically review and revise these requirements as necessary”. Given our AMR meter satisfies requirements in subsections (a) and (b) above, our existing AMR meter shall be considered be considered a qualified advanced meter. As per PA Code Title 56 and Bulletin style manual Fifth Edition' 6.7 “Shall expresses a duty or obligation. The subject of the sentence must be a person, committee or other nongovernmental entity that is required to or has the power to make a decision or take an action.” PECO is required to take an action and accept that the AMR meter already installed at our property is a qualified advanced meter and fits the Commissions' requirements.

24. PECO's AMI implementation plans negatively impact customers and requires rate increased.

As publicly noted before the Commission “effective January 1, 2011, PECO implemented the SMCRS in compliance with Commission Phase I Orders. PECO proposes to continue recovering its smart meter costs through the SMCRS amortizing its unrecovered investment in prematurely retired AMR meters through 2020. PECO projects the cost recovery for smart meters will increase an average residential customer's total electric bill from approximately \$1.40 in 2012 to \$2.60 by 2014. After peaking in 2014, the surcharge will decline steadily each year”. PECO has already requested a rate increase, rate increase that does not account for AMI infrastructure costs. Obviously there could be no argument of a decline in rates as the rates have been increasing or are in the process of increasing. “PECO seeks to procure and install 1.2 million AMI meters by the end of 2014 and to continue to expand and upgrade the Company's existing IT infrastructure to service its customers through the usage of the smart meters.” Customers should not be forced to consent to an AMI meter at PECO's benefit. The AMR meters are obviously being prematurely retired. Consumer paid for these meters previously and they should be allowed to enjoy the benefits of the meters without PECO's premature depreciation/retirement plan. This was not the intent of the Act 129 neither it was the intent of the General Assembly to burden the people. Official records related to Act 129 passage state the opposite that it was NOT the General Assembly's intent

to burden customers. Why are PECO and the Commission intent in proceeding differently? The official records can be always inspected if one is in doubt of the General's Assembly's intent.

25. The AMR meters are capable of providing customers interval data. The same has been publicly admitted BY PECO in the "smart Meter procurement and Installation plan Docket M-2009-2092655 that states: "In fact PECO's current AMR system is to a large degree capable of providing customers interval data with the addition of certain information collection by PECO's vendor. PECO does not read the Draft Order's language to require the removal of AMR meters capable of delivering interval data. Indeed, Staff's recognition that "deployment of smart meters on a piecemeal or individual basis could involve great costs than a system wide deployment applies even more so to the AMR meters with interval meters".

Furthermore, PECO "notes that the Draft Order does not make clear what the EDCs provision of interval data, or an interval meter if necessary, is contingent upon customer's agreement to pay the costs of the interval data or meter... The General Assembly clearly intended that customers requesting new smart meter technology in advance of the EDCs system-wide smart meter deployment must pay the cost of the technology. However, the Act does not require that EDCs provide customers with interval meters. Therefore it also does not require that EDCs provide direct access to interval meters to third parties".

26. Please understand that we are always ready to provide access to the meter so that your employees or contract people can read it, inspect it, repair it or replace it with another meter of like kind and quality should you deem that necessary. But we view your meter "upgrade" program as an illegal assault upon our health, privacy and safety. Given we have been a paying customer since the inception of service, never late in paying our bills, given that the AMR meter provides for a automatic reading by PECO personnel, why is PECO threatening paying customers with service termination?
27. We urge the Commission to inspect our account records to satisfy the above statement re paying customer. PECO is required by law to maintain such records for a minimum of 4 years. As per Pa Code§ 56.202- Record maintenance "A public utility shall preserve for a minimum of 4 years written or recorded disputes and complaints, keep the records accessible

within this Commonwealth at an office located in the territory served by it and make the records available for examination by the Commission or its staff”.

We are making no attempt to avoid obligations to pay for electric service at any time and this Notice may not be construed to suggest or imply any such attempt and/or wrongdoing and/or breach of contract. Any contract that may exist regarding easement to maintain an electric meter on our property does not to our knowledge, and may not, provide easement for radiation emissions and surveillance or monitoring of private activities on the property without our express consent which is hereby denied.

We believe your company does not have the right to force installation of any “advanced meter” which will cause customers health problems or invade their privacy. Your tariff, MPSC regulations and state law all give you the right to install a “meter” as that term is defined in the law. The definition of meter does not encompass a surveillance device or a device that may be injurious to health. We insist on the right to have our electricity usage monitored by our current AMR meter. We will refuse installation of any “advanced meter”. To that end we have posted a sign next to the meter denying such installation, and may take further steps such as the placing of a lock on the meter housing or maintaining a locked gate to deny entry to your installers. Any retaliatory action by your company, including termination of electrical service, will result in our bringing or joining a lawsuit in defense of our rights as utility customers.

28. As per Docket No. M-2009-2123944 “The Commission approved the pertinent portions of Phase I of the plan by Orders at this docket entered on May 6, 2010 and June 3, 2010 finding that the plan was in accordance with Act 129 of 2008, 66 Pa. C.S. § 2807(f)(1) and Commission requirements and guidelines as set forth in Smart Meter Procurement and Installation, Docket No. M-2009-2092655, Order entered June 24, 2009. The Commission approved PECO’s proposed dynamic pricing pilot program by Order at Petition of PECO Energy Company for Approval of its Initial Dynamic Pricing and Customer Acceptance Plan, Docket No. M-2009-2123944, entered April 15, 2011. The Commission approved PECO’s dynamic pricing plans with modifications at Petition of PECO Energy Company for Expedited Approval of its Dynamic Pricing Plan Vendor Selection and Dynamic Pricing Plan Supplement, Opinion and Order at Docket No. P-2012-2297304, entered September 26, 2012, to comply with the Act 129 requirement to provide time-of-use rates to customers that

had been provided smart meters. PECO has implemented a layered cyber-security strategy which it is confident adequately addresses privacy concerns regarding the design and construction of its advanced meter infrastructure. The Company however recommends that the Commission initiate a statewide proceeding to examine cyber-security issues independently. PECO has convened several collaborative meetings with stakeholders actively engaging interested parties in the progress of its Phase I deployment of smart meters and opened dialogue regarding the next phase of the deployment.”

PECO has publicly admitted therefore that these devices ARE NOT secure and PECO recommends the Commission examines independently the cyber-security of the AMI deployment. How is the Commission protecting consumer’s rights to privacy and security?

29. PECO is in clear violation of Pa Code § 57.259 Customer education on advanced metering states: “(a) An EDC shall provide an initial summary statement to its customers that describes the availability and general uses of advanced metering. The initial summary statement may be distributed as part of a regularly scheduled customer electric usage bill or other regularly scheduled customer communications as applicable; (b) The EGS shall ensure that a customer is informed as to the capabilities, advantages and disadvantages of a qualified advanced meter prior to installation or participation in a generation service program utilizing advanced metering. An EGS shall provide to the customer a terms of service disclosure statement that addresses advanced metering; (c) An EDC shall provide, as part of the customer education program, information addressing the use of an advanced meter, basic meter operations and capabilities, advantages and disadvantages of advanced metering, including qualified advanced meter options, applicable costs/surcharges and methods to obtain additional information; (d) The informational and promotional materials are required to: (1) Comply with applicable requirements of the act and existing truth-in advertising requirements; (2) Prominently disclose that additional information is available from either the local EDC, the customer’s EGS or the Commission and (3) State that the available advanced meters are qualified to meet current Commission performance and technical standards.

PECOs letters dated June 29, 2012, June 19, 2012, June 15th, 2012 and the 2 standard letters each dated February 25, 2015 (**Exhibit 3**) do not provide for such education or information neither comply with applicable requirements of the act and existing truth-in

advertising requirements. The letters do not mention any costs impact to the customer (PECO's estimated cost per customer are \$312- **Exhibit 4** Public Meeting held April 22, 2010 2123944-OSA.

30. PECO is in violation of § 56.201 Public information, "In addition to the notice requirements in this chapter, the Commission will, within 6 months of the effective date of a change to a regulation in this chapter, prepare a summary of the rights and responsibilities of the public utility and its customers affected by the change. Summaries will be mailed by the public utility to each customer of the public utility affected by the change. These summaries, as well as a summary of the rights and responsibilities of the public utility and its customers in accordance with this chapter, shall be in writing, reproduced by the public utility, displayed prominently, available on the public utility's web site if the utility has one and available at all public utility office locations open to the general public. The public utility shall inform new customers of the availability of this information and direct where to locate it on the public utility's web site. The public utility shall deliver or mail a copy upon the request of a customer or applicant". We have not received any such summary or any written statements advising us of this change although we have requested information in our correspondence with PECO. Why is PECO failing to provide appropriate information to the public?
31. PECO selected to expedite the deployment process without preparing a cost benefit and sharing its findings in accordance with Paragraph 30 above. Allocation of costs to customer classes states that "The commission will require that all measures associated with a EDCs smart metering plan shall be financed by the customer class that receives the benefit of such measures". Also, "it should also be noted that Act 129 uses the language 'not to exceed 15 years". An EDC is encouraged to expedite the deployment process if it will provide increased benefit in a cost effective manner. EDCs may also include proposals for incentives to accelerate their smart meter deployment in their smart meter plans. Again, the primary goal of the EDC deployment plan should be to implement a deployment and installation schedule that best balances the overall efficient and timeliness of the smart meter installations with the costs incurred." It was PECO's proposal to the Commission to accelerate deployment and in the absence of an enrollment request; I am not financing any measures. I simply refuse to enroll in such a mandate.

32. PECO is violating Title 66, Chapter 15, Subchapter A, Section 1501 Character of service and facilities that states “Every public utility shall furnish and maintain adequate, efficient, safe, and reasonable service and facilities, and shall make all such repairs, changes, alterations, substitutions, extensions, and improvements in or to such service and facilities as shall be necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public. Such service also shall be reasonably continuous and without unreasonable interruptions or delay.” How is PECO maintaining and providing a safe and reasonable service when PECO is threatening to terminate my service?
33. The Commission has responsibility to “balances the needs of consumers and utilities to ensure safe and reliable utility service at reasonable rates”. Accordingly as per Title 66, Chapter 5, Subpart B, Section 501 b) Administrative authority and regulations “The commission shall have general administrative power and authority to supervise and regulate all public utilities doing business within this Commonwealth. The commission may make such regulations, not inconsistent with law, as may be necessary or proper in the exercise of its powers or for the performance of its duties.” How is the Commission protecting my health and safety and public interest and how does the Commission “balances the needs of consumers and utilities to ensure safe and reliable utility service at reasonable rates?”
34. Title 66, Chapter 14, § 1415 Reporting to General Assembly and Governor states that “No later than five years following the effective date of this chapter and every five years thereafter, the commission shall submit a report to the Governor, the Chief Clerk of the House of Representatives and the Secretary of the Senate reviewing the implementation of the provisions of this chapter. The report shall include, but not be limited to: (1) The degree to which the chapter's requirements have been successfully implemented; (2) The effect upon the cash working capital or cash flow, uncollectible levels and collections of the affected public utilities; (3) The level of access to utility services by residential customers, including low-income customers; (4) The effect upon the level of consumer complaints and mediations filed with and adjudicated by the commission. Public utilities affected by this chapter shall provide data required by the commission to complete this report. In its recommendations, the commission may also propose any legislative or other changes which it deems appropriate to the Governor and the General Assembly. “

35. Utilities complaints have increased across the board as noted on the Commission's BCS Quarterly 1-4 Report 2014 (**Exhibit 5**). There is obviously something we the people are trying to convey. The PUCs dismissal of formal complaints filed against PECO in similar cases to mine (Theresa Gavin v. PECO; Jeff Morgan V. POCO, Thomas McCarey v. PECO, Renney Thomas v. PECO, Ellen Donnelly v. PECO and many others are an obvious sign that customers are expressing their discontent with this forceful mandate. 66c1415v
36. PECO is in violation of § 56.222 Applications for modification or exception that states "(a) If unreasonable hardship to a person or to a public utility results from compliance with a section in this chapter, or a technological advance permits an enhanced level of customer service, application may be made to the Commission for modification of the section or for temporary exemption from its requirements. The adoption of this chapter by the Commission will in no way preclude it from altering or amending it under the applicable statutory procedures, nor will the adoption of this chapter preclude the Commission from granting temporary exemptions in exceptional cases. Also, in § 56.222 section (b) "A person or public utility that files an application under this section shall provide notice to persons who may be affected by the modification or temporary exemption. Notice may be made by a bill insert or in another reasonable manner."

REQUEST FOR RELIEF

WHEREFORE, for the reasons set above, I respectfully petition this Honorable Commission to dismiss the force installation of AMI (Advanced Metering Infrastructure) as unconstitutional and legally flawed and to grant an “opt out” exemption of the AMI installation at my property and stop PECO's termination of service for my account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Maria Povacz', with a stylized, cursive script.

Maria Povacz

EXHIBIT“1”

Your Electric/Natural Gas Service May Be Shut Off!

Your electric/natural gas service will be shut off to 533 TORI CT LOT 119 NEW HOPE PA 18938 on or after April 3, 2015 because:

_____ You have a past due amount of \$ _____ as of _____.

You did not give us access to our meter and your equipment.

_____ You did not pay your security deposit.

_____ You did not meet the requirements and/or complete the application for utility service.

_____ Other: _____

We will NOT shut off your electric/natural gas service if you:

_____ Pay \$ _____ in full on or before _____, this includes any amount you owe on your payment plan. This notice is effective for 60 days.

_____ Pay the required security deposit of _____.

_____ Pay the catch up amount on your agreement if it is defaulted. Call 1-888-480-1533 for the amount.

_____ Show us a paid receipt for the past due amount.

Provide us access to our meter and your equipment. Call 215-841-5950

You may be eligible for a payment agreement or special assistance programs. Call 1-888-480-1533 right away if you dispute your bill or to provide us with household income and occupant information. To talk about your bill, please call our office at 1-888-480-1533.

WE MUST RECEIVE YOUR PAYMENT, ACCESS OR INFORMATION BEFORE THE SHUT-OFF DATE. WE WILL NOT ACCEPT PAYMENTS AT YOUR PROPERTY.

If we shut off your electric/natural gas service, you may have to pay all of the following before we can turn service on:

- Past Due Amount of _____
- Deposit Past Due Amount of _____
- Agreement Unbilled Balance of _____
- Reconnection Charge of _____
- Total _____

*If your service is shut off, you may be required to pay any additional bills that have become past due to restore your service.

**If your service is shut off, you may have to make substantial payments to have your service restored. In addition to any balance owed, you will have to pay a Reconnection Charge of between \$20.00 and \$1,700.00. This fee amount is set by PECO's tariff and based on how much work is needed to restore your service. You may also be required to pay a deposit equal to two times your average monthly usage.

MEDICAL EMERGENCY NOTICE

Let us know if you or anyone presently and normally living in your home is SERIOUSLY ILL. WE WILL NOT SHUT OFF YOUR SERVICE during such an illness provided you:

1. Have your licensed physician or nurse practitioner certify by phone and in writing that such an illness exists and that it may be aggravated if your service is shut off, phone certification must be followed by written certification within 7 days.
'AND'
2. Make arrangements to pay this bill. You must provide us with household income and occupant information to determine your payment terms while protected under the medical certification.

IMPORTANT TO KNOW

Before we shut off your utility service please read the back of this notice. You may be eligible for certain protections from shut off.

Atencion ! Este es en mensaje muy importante. Si usted no lo entiende, favor de llama a 1-888-480-1533

Send payment in the enclosed envelope or pay your bill at an authorized payment location or PECO's Main Office (23rd & Market Streets Philadelphia). To pay by credit card or check by phone, call 1-877-432-9384. The service provider will charge a convenience fee of \$2.35 See other side for more information.



An Exelon Company

EXHIBIT “2”



Grid One Solutions, LLC
700 Turner Way
Suite 205
Aston, PA 19014

An Exelon Company

June 15 - letter received

T4 P1 *****AUTO**5-DIGIT 18938
Maria Povacz
or Current Resident
533 Tori Ct
New Hope, PA 18938-9544



Service Address:

Account: 9233300602

You flick the switch and the lights go on. But, what if there was something more? You probably don't spend much time thinking about this question, but at PECO . . .we do.

To do this, each year we continue to invest in our system to serve you better. Just like you replace equipment in your home or business, beginning in 2012 we will be replacing our current meters with newer technology.

In the next two months we will be replacing the meters in your area. When we replace your meter you will experience a brief service interruption – typically less than a minute. And, we'll let you know before we begin working to make sure you are aware.

If your electric meter is located indoors, or in another location that requires you to provide us access, please contact us at 1-855-741-9011 to schedule an appointment. If your electric meter is already accessible, simply do nothing.

In the future, these new meters will help us provide more information to help you understand how you use energy, and how to save energy and money. They will also help us provide faster and more convenient service, detect problems faster and provide the platform for new products and services.

If you have any questions please visit www.peco.com/technology or call 1-855-741-9011.

Sincerely,

PECO Meter Installation Team



PECO

www.peco.com

An Exelon Company

Customer Service Center

2301 Market Street, N4-2

P.O. Box 8699

Philadelphia, PA 19101-8699

June 19, 2012

MARIA POVACZ
533 TORI CT *LOT 119
NEW HOPE PA 18938

Dear Ms. Povacz:

Thank you for contacting us about our new meter project and radio frequency (RF) energy. As our customer your questions are important to us, and we want to make sure you have all the information you need about this project. Below is some additional information that you will find helpful.

At PECO, keeping the lights on and providing tools and information to help customers understand how they use energy – and save energy and money – is always a priority. The next step in our journey involves enhancements to our electric delivery system.

Each day all of us are exposed to both natural and man-made radio frequency (RF). Both the earth's surface and even our own human bodies produce RF.

The level of RF associated with the new meter is similar to the meter currently on your home. It is extremely low – much lower than many common household devices including cordless phones, cell phones and microwaves.

Levels of RF are measured in milliwatts. And the Federal Communications Commissions limits exposure to RF at 1 milliwatt per square centimeter. Specifically, the average RF level of the meter is 0.00037 milliwatt per square centimeter, while a cordless phone is 0.12 milliwatt per square centimeter, cell phone is 0.19 milliwatt per square centimeter and a microwave is 0.0047 milliwatt per square centimeter.

All Pennsylvania utilities are required to install new metering technology for customers as part of Pennsylvania's 2008 Act 129 and we look forward to continuing to work with our customers to successfully meet this requirement.

Again, I hope you find this information helpful.

Sincerely,

Linda Lamberson
PECO AMI Meter Installation Team



An Exelon Company

PECO
AMI DEPLOYMENT
2341 Market Street, N3-12
Philadelphia, PA 19102

February 25, 2015

MARIA POVACZ
533 TORI CT
NEW HOPE PA 18938

Dear MARIA POVACZ
Acct: 9233300602

At PECO we put our energy into keeping the lights on and gas flowing, and helping customers save energy and money. As part of these efforts, we are working to upgrade our electric and natural gas meters with newer technology.

Based on our previous conversation, the installation of our new meter at your property was postponed. During the past two years more than 1,300,000 new electric meters have been installed at customer homes and businesses across the area. These new meters provide more information to help customers make informed decisions about their energy use and identify opportunities to save energy and money. In addition, this technology has significantly enhanced our storm restoration efforts and enabled us to provide faster and more convenient service to our customers.

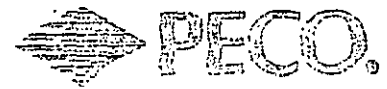
These meters are being installed as part of Pennsylvania state law, PA Act 129, requiring utilities state-wide to install new metering technology for customers. We are scheduled to complete our project later this year.

When complete, we also will fully transition to an upgraded communications network. At that time, our current meter on your property will no longer be able to communicate with our network. This will impact our ability to provide you reliable service and accurate billing. We are contacting you today to inform you that we plan to install a new meter at your property in the next few weeks. Please call 1-215-841-4225 as soon as possible to schedule an appointment.

If you have any questions please visit www.peco.com/technology or call 1-800-494-4000.

Sincerely,

Brenda Eison
Manager, Customer Care



PECO
Customer Service Center
2301 Market Street, N4-2
P.O. Box 8699
Philadelphia, PA 19101-8699

www.peco.com

An Exelon Company

February 27, 2015

MARIA POVACZ
533 TORI CT *LOT 119
NEW HOPE PA 18938

Dear Ms. Povacz:

Thank you for your recent inquiry regarding PECO's upgraded meters, our latest technology initiative. We hope to provide you with some additional information that you will find helpful.

At PECO, keeping the lights on and providing tools and information to help customers understand how they use energy – and save energy and money – is always a priority. The next step in our journey involves enhancements to our electric delivery system.

With this project we will be able to provide more information to customers about how they use electricity, and what steps they can take to manage their energy use – information previously only available to our largest customers. However, this information is not new to PECO. Unlike other utilities across the country that are moving from a manual to fully automated digital system, all of this information has been available to PECO for more than a decade through our current automated metering technology. The difference, with this new meter technology, is our ability to provide the information to you.

This modernization also includes the completion of a secure, private, PECO-owned, encrypted fiber optic and wireless system. This will ensure the privacy and security of customers' energy usage information. Indeed, as our customer, your privacy is extremely important to us. Accordingly, we will continue to work with the National Institute of Standards and Technology (NIST), the Federal Energy Regulatory Commission (FERC), and the Pennsylvania Public Utility Commission to ensure we continue to take steps to protect it.

All Pennsylvania utilities are required to install new metering technology for customers as part of Pennsylvania's 2008 Act 129 law. We look forward to continuing to work with all of our customers to successfully meet this state required mandate.

Again, we hope you find this information helpful. Please contact me at (215) 841-4225 should you have any other questions regarding this project or any other aspect of your PECO service.

Sincerely,

Brenda Eison
PECO Meter Installation Team



American Academy of Environmental Medicine

6505 E Central • Ste 296 • Wichita, KS 67206

Tel: (316) 684-5500 • Fax: (316) 684-5709

www.aaemonline.org

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24 Main St.
Liberty, MO 64068

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De Rodgers Fox

American Academy of Environmental Medicine Recommendations Regarding Electromagnetic and Radiofrequency Exposure

Physicians of the American Academy of Environmental Medicine recognize that patients are being adversely impacted by electromagnetic frequency (EMF) and radiofrequency (RF) fields and are becoming more electromagnetically sensitive.

The AAEM recommends that physicians consider patients' total electromagnetic exposure in their diagnosis and treatment, as well as recognition that electromagnetic and radiofrequency field exposure may be an underlying cause of a patient's disease process.

Based on double-blinded, placebo controlled research in humans,¹ medical conditions and disabilities that would more than likely benefit from avoiding electromagnetic and radiofrequency exposure include, but are not limited to:

- Neurological conditions such as paresthesias, somnolence, cephalgia, dizziness, unconsciousness, depression
- Musculoskeletal effects including pain, muscle tightness, spasm, fibrillation
- Heart disease and vascular effects including arrhythmia, tachycardia, flushing, edema
- Pulmonary conditions including chest tightness, dyspnea, decreased pulmonary function
- Gastrointestinal conditions including nausea, belching
- Ocular (burning)
- Oral (pressure in ears, tooth pain)
- Dermal (itching, burning, pain)
- Autonomic nervous system dysfunction (dysautonomia).

Based on numerous studies showing harmful biological effects from EMF and RF exposure, medical conditions and disabilities that would more than likely benefit from avoiding exposure include, but are not limited to:

- Neurodegenerative diseases (Parkinson's Disease, Alzheimer's Disease, and Amyotrophic Lateral Sclerosis).²⁻⁶
- Neurological conditions (Headaches, depression, sleep disruption, fatigue, dizziness, tremors, autonomic nervous system dysfunction, decreased memory, attention deficit disorder, anxiety, visual disruption).⁷⁻¹⁰
- Fetal abnormalities and pregnancy.^{11,12}
- Genetic defects and cancer.^{2,3,13-19}
- Liver disease and genitourinary disease.^{12,20}

Because Smart Meters produce Radiofrequency emissions, it is recommended that patients with the above conditions and disabilities be accommodated to protect their health. The AAEM recommends: that no Smart Meters be on these patients' homes, that Smart Meters be removed within a reasonable distance of patients' homes depending on the patients' perception and/or symptoms, and that no collection meters be placed near patients' homes depending on patients' perception and/or symptoms.

Submitted by: Amy L Dean, DO and William J. Rea, MD

Approved July 12, 2012 by the Executive Committee of the American Academy of Environmental Medicine

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Hanoch Talmor, M.D.
4140-C NW 27th Lane
Gainesville, FL 32606
(352) 377-0015

April 9, 2015

PECO Customer Service Center
2301 Market Street
Philadelphia, PA 19103

Re: Maria Povacz

PECO Customer Service Center:

Mrs. Povacz is suffering from severe sensitivity to electromagnetic fields. This includes radio frequencies emitted from Smart Meters, Wi Fi, etc. Installing a smart meter on her house or in its vicinity is likely to cause her severe health problems. In conclusion: she should not have a Smart meter installed on or around the house.

Please do not hesitate to contact me if you have further questions.
(352) 377-0015

Sincerely,



Hanoch Talmor, M.D.

EXHIBIT “3”

EXHIBIT “4”

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, Pennsylvania 17105-3265**

**Petition of PECO Energy Company for
Approval of Smart Meter Technology
Procurement and Installation Plan**

**Public Meeting held April 22, 2010
2123944-OSA**

Docket No. M-2009-2123944

STATEMENT OF COMMISSIONER WAYNE E. GARDNER

Today we approved PECO's Act 129 Smart Meter filing. PECO estimates that the cost of its initial deployment will be approximately \$290 million depending on equipment, installation and IT development costs and meter and installation costs. The American Recovery and Reinvestment Act (ARRA) funding grant that PECO had the foresight to apply for will reduce the PECO-funded portion to \$148 million. PECO estimates that its total cost to offer smart meters to all of its customers will range from \$500 million to \$550 million, which will be reduced by the \$200 million PECO received in ARRA grant money. If ARRA grant money is not factored in, PECO's current estimated cost per smart meter is \$312. I simply ask that over the next two years, as PECO further develops and tests its Plan, that it will work diligently to reduce that meter cost estimate.

April 22, 2010
Date


Wayne E. Gardner, Commissioner

EXHIBIT “5”

**Major Electric Distribution Companies
Consumer Complaint, Payment Agreement Request
and Inquiry Statistics for Major Companies
January through December 2013/2014**

Company	Residential Consumer Complaints			Residential Payment Agreement Requests			Inquiries (Residential & Commercial)		
	2013	2014	Percent Change	2013	2014	Percent Change	2013	2014	Percent Change
Duquesne	514	639	27%	4,999	3,748	-25%	4,740	2,806	-41%
Met-Ed	819	1,250	53%	2,610	3,651	40%	3,091	2,950	-5%
PECO	1,219	1,713	41%	7,419	8,478	14%	9,202	5,198	-44%
Penelec	590	828	40%	2,457	3,369	37%	2,952	2,333	-21%
Penn Power	101	172	70%	661	809	22%	693	658	-5%
PPL	708	1,956	176%	19,307	17,258	-11%	9,736	6,606	-32%
West Penn	950	848	-11%	1,712	2,354	38%	3,505	2,607	-26%
Total	4,891	7,406	51%	39,165	39,667	1%	33,919	23,158	-32%

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MARIA POVACZ :
 Complainant :
 v. : **DOCKET NO. C-2015-2475023**
PECO ENERGY COMPANY :
 Respondent :

CERTIFICATE OF SERVICE

I, Maria Povacz, certify that I have this day serve a copy of Response to New Matter, in the above matter upon all interested parties by mailing a copy, properly addressed and postage paid to:

Shawane L. Lee, Esq.
Counsel for PECO Energy Company
2301 Market Street, S-23
Philadelphia, PA 19103

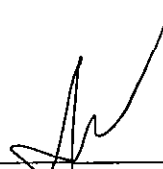
Rosemary Chiavetta, Secretary
Pennsylvania Public Utilities Commission
Commonwealth Keystone Building
400 North Street, Second Floor
Harrisburg, PA 17120

RECEIVED

APR 18 2015

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Dated at New Hope, Pennsylvania, April 17th, 2015



Maria Povacz

FROM:

MARIA POJACZ
533 TORI CT
NEW HOPE PA 18938

CERTIFIED MAIL®

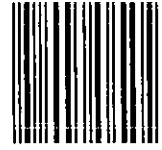


7014 2120 0000 0937 4897

**RETURN RECEIPT
REQUESTED**

TO:

ROSEMARY CHAVETTA
PA PUC
COMMONWEALTH KEYSTONE BLDG.
400 NORTH JTR, 2nd FL
HARRISBURG, PA 17120



1000

17120

U.S. POSTAGE
PAID
LAMBERTVILLE, NJ
08530
APR 18, '15
AMOUNT

\$9.08
00010070-04

RECEIVED

APR 18 2015

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU