

**BEFORE THE PENNSYLVANIA
PUBLIC UTILITY COMMISSION**

Laura Sunstein Murphy,

Complainant,

v.

Docket No. C-2015-2475726

PECO Energy Company

Respondent

AMENDED FORMAL COMPLAINT

I. INTRODUCTION

Pursuant to Section 701 of the Public Utility Code, 66 Pa. C.S. § 701 and Sections 5.21, 5.22 and 1.81 of the Commission's Regulations, 52 Pa. Code §§ 5.21, 5.22 & 1.81, the Complainant in the above-captioned matter respectfully submits this Amended Complaint. This submittal amends the Formal Complaint filed with the Pennsylvania Public Utility Commission ("PUC" or "Commission") on or about April 2, 2005 and docketed at the Commission on April 7, 2015. In support of her Amended Formal Complaint, the Complainant sets forth the following.

1. The Complainant is:

Laura Sunstein Murphy
1191 Telegraph Road
West Chester, PA 19380
(610) 431-1984
sunmur@gmail.com

2. Complainant's Counsel is:

Edward G. Lanza, Esq.
THE LANZA FIRM, LLC
P.O. Box 61336
Harrisburg, PA 17106-1336
(717) 576-2696 (phone)
(717) 798-9897 (fax)
ed@lanzafirm.com

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3. Respondent is PECO Energy Company (“PECO”), an Electric Distribution Company (EDC) regulated by the Commission.

4. Complainant is an electric customer of PECO receiving residential service at the address above under account number 2346901005.

II. REASON FOR COMPLAINT

5. On or about March 26, 2015, Complainant received from PECO a 10-day shut-off notice threatening to cut off service to Complainant’s residence on April 3, 2015. The shut-off notice is attached as Exhibit A.

6. The shut-off notice claimed that the reason for the threatened termination was Complainant’s failure to provide PECO access to the Company’s meter. *See*, Exhibit A.

7. Complainant and her husband are elderly customers and have a number of serious medical conditions that require them to have uninterrupted electric service to their home.

8. The Complainant’s medical conditions include Ehlers Danlos Syndrome, lipedema and post-concussion syndrome, among other ailments, which make Complainant uniquely susceptible to Electro Magnetic Field (EMF) radiation.

9. Exposure to EMF radiation is known to exacerbate certain medical conditions, including the rare ailments suffered by Complainant.

10. Wireless smart meters are known to emit indeterminate amounts of EMF radiation.

11. Complainant requested that PECO abstain from installing a wireless smart meter at her residence because the device would adversely affect her fragile health.

12. Complainant made a request to PECO for a reasonable accommodation under the Americans with Disabilities Act (“ADA”), and PECO rejected Complainant’s request.

13. PECO ignored Complainant's requests regarding the installation of a wireless smart meter at her premises and did not accept Complainant's doctor's recommendation to PECO to abstain from installing a smart meter at the residence.

14. Complainant believes, and therefore avers, that installation of a wireless smart meter at her home would create an unsafe and unhealthy condition at the premises.

15. The Public Utility Code and the Commission's regulations require that regulated utilities like PECO "furnish and maintain adequate, efficient, *safe*, and reasonable service and facilities." 66 Pa. C.S. § 1501; 52 Pa. Code § 57.194 (emphasis added).

16. The Public Utility Code and the Commission's regulations further requires that PECO make all "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." 66 Pa. C.S. § 1501; 52 Pa. Code § 57.194 (emphasis added).

17. PECO's installation of a wireless smart meter in Complainant's home would constitute a violation of Section 1501 of the Public Utility Code and Section 57.194 of the Commission's regulations because it would create unsafe and unreasonable service for Complainant, a PECO customer.

18. PECO's installation of a wireless smart meter in Complainant's home would constitute a violation of Section 1501 of the Public Utility Code and Section 57.194 of the Commission's regulations because change or alteration of PECO's meter is not necessary or proper for the accommodation, convenience and safety of Complainant.

19. PECO claims it is obligated by Act 129 to install smart meters for all its customers. *See*, 66 Pa. C.S. § 2807(f) and *Smart Meter Plan*, Docket No. M-2009-2123944 (Order issued May 6, 2010).

20. PECO is not obligated to create unsafe, unhealthy or unreasonable conditions at a customer's premises. In fact, creating an unsafe condition at Complainant's residence would be a violation of Section 1501 of the Public Utility Code and Section 57.194 of the Commission's regulations.

21. PECO is not obligated to make changes, alterations and improvements that are unnecessary or improper for the accommodation, convenience and safety of Complainant.

22. The wireless smart meter that PECO wants to install cannot be tolerated by Complainant due to medical reasons.

23. PECO's forced installation of a wireless smart meter at Complainant's residence under threat of termination would prevent Complainant from being able to access to safe and reasonable electrical services.

24. Electric service is essential to the health and well-being of residents of the Commonwealth. 66 Pa. C.S. § 2802(9).

25. PECO's *threatened termination, if allowed, would constitute a denial of essential electric service to a disabled customer who needs electricity to maintain a reasonable level of health and well-being.*

26. PECO has presented Complainant with the unacceptable choice of having her service terminated or accepting the installation of a device that his exceedingly harmful to her health and well-being.

III. RELIEF SOUGHT

27. Complainant respectfully requests that the Commission compel PECO to abide by the requirements of Section 1501 of the Public Utility Code and Section 57.194 of the Commission's regulations to provide safe and reasonable service to Complainant.

28. The Commission should compel PECO to cease and desist from any attempts to install a smart meter or other harmful equipment at Complainant's premises as such an action is a violation of Section 1501 of the Public Utility Code and Section 57.194 of the Commission's regulations.

29. The Commission should compel PECO to make an accommodation for Complainant based on her disability and desist from any attempts to install any equipment that would exacerbate Complainant's medical conditions.

30. PECO should be compelled by the Commission to install only an analog meter or similar non-EMF-emitting device at Complainant's residence.

31. The Commission should order a permanent stay of any termination on the part of PECO against Complainant for any alleged denial of access to the meter at the subject premises.

32. In the alternative, and pursuant to 52 Pa. Code § 1.91, Complainant respectfully requests that the Commission order the waiver of any rule, regulation or Commission Order that requires PECO to install smart meters in the Complainant's premises.

IV. CONCLUSION

Based on the foregoing, Complainant respectfully requests that the Commission sustain her Formal Complaint and issue an Order granting the relief requested and any other remedy that the Commission deems just and appropriate.

Respectfully submitted,



Edward G. Lanza, Esq.
THE LANZA FIRM, LLC
P.O. Box 61336
Harrisburg, PA 17106-1336
(717) 576-2696 (phone)
(717) 798-9897
ed@lanzafirm.com

Date: July 28, 2015

Counsel for Complainant

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VERIFICATION

I, Laura Sunstein Murphy, hereby state that the facts above set forth 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. § 6904 (relating to unsworn falsification to authorities).

Date: July 28, 2015



Laura Sunstein Murphy
Complainant

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