**PENNSYLVANIA**

**PUBLIC UTILITY COMMISSION**

**Harrisburg, PA 17105-3265**

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|  | Public Meeting held August 20, 2015 |
| Commissioners Present:  Gladys M. Brown, Chairman  John F. Coleman, Jr., Vice Chairman  James H. Cawley  Pamela A. Witmer  Robert F. Powelson |  |
| Louise Francis | C-2014-2451351 |
| v. |  |
| PECO Energy Company |  |

**OPINION AND ORDER**

**BY THE COMMISSION:**

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition are the Exceptions filed by Louise Francis (Complainant or Ms. Francis) on March 17, 2015, in response to the Initial Decision Sustaining Preliminary Objections and Dismissing Complaint (I.D.) of Administrative Law Judge (ALJ) Christopher P. Pell issued on March 3, 2015.[[1]](#footnote-1) PECO Energy Company (Respondent or PECO) filed Replies to Exceptions on March 20, 2015. For the reasons stated below, we will deny the Complainant’s Exceptions and adopt the ALJ’s Initial Decision.

**History of the Proceeding**

On October 30, 2014, the Complainant filed a Formal Complaint (Complaint) with the Commission against PECO alleging that the Respondent was improperly attempting to install a smart meter at her residence against her wishes. Ms. Francis also averred that PECO was improperly threatening to terminate her electric service for her refusal to permit the smart meter installation. Complaint at 2-3.

The Complainant alleged that she is having a reliability, safety or quality problem with her utility. In support, she stated that there are “well documented fire safety and health risks associated with the smart meter PECO wants to install.” Complaint at 2. According to Ms. Francis, there have been thousands of fires caused by smart meters throughout the world. She contended that in “2012 PECO had to stop installation of the meters because of the fires they caused” and added that the Respondent sent a letter to her dated October 21, 2014, indicating that it will shut off her electricity on November 4, 2014, for not permitting installation of the smart meter which she considers to be unsafe and a health risk. *Id.* at 2-3.

For relief, the Complainant requested that the Commission stop PECO from discontinuing her electric service. Ms. Francis stated that she disputes the contention contained in PECO’s ten-day shutoff notice that the letter was issued because of her refusal to grant access to the electric meter. Instead, she alleged to have permitted access to her meter for purposes of meter reading but not to install a smart meter at the residence.[[2]](#footnote-2) Further, she averred that PECO is threatening to impose a $1,700 reconnection fee which she stated is egregious and bullying. She also noted that PECO’s shutoff notice letter stated that it will charge her for what it takes to restore service. According to Ms. Francis, this charge might include the cost of the smart meter which she opposes because of the alleged health hazard. *Id.* at 3-4.

On November 12, 2014, PECO filed an Answer and New Matter to the Complaint (Answer), accompanied by a Notice to Plead. In the Answer, PECO averred that it sent correspondence or made telephone calls to the Complainant about the installation of a smart meter on her property on August 27, 2013, August 31, 2013, September 3, 2013, September 6, 2013, September 20, 2013, October 10, 2013, October 16, 2013, October 23, 2013, October 28, 2013, November 6, 2013, October 7, 2014, October 8, 2014, October 9, 2014, October 14, 2014, October 22, 2014, October 27, 2014, October 29, 2014, and October 31, 2014, and that the Complainant refused to have the smart meter installed. Answer at 2-3.

PECO further averred that in accordance with Act 129 of 2008 (Act 129),[[3]](#footnote-3) it was required to install Advanced Metering Infrastructure (AMI) meters for all of its current Automated Meter Reading (AMR) customers by the end of 2014. *Id.* at 3. Finally, PECO averred that pursuant to its tariff, it had the right to terminate a customer who failed to provide access to Company equipment, including the installation or removal of equipment. *Id.* at 3. PECO asserted that the Complaint should be dismissed as a matter of law.

In its New Matter, PECO averred that the Complainant requested to “opt out” of smart meter installation, but that an opt out is not an option under any controlling authority. An opt out is not provided for under PECO’s smart meter installation plan that was approved by the Commission.[[4]](#footnote-4) Additionally, PECO contended an opt out is not permitted under Act 129 – which compelled PECO’s smart meter plan – or under the Commission’s June 18, 2009, Order establishing standards for which each electric distribution company (EDC) with more than 100,000 customers must file smart meter

technology procurement and installation plans.[[5]](#footnote-5) The absence of an opt out was further underscored, contended PECO, by recent legislation introduced in the Pennsylvania General Assembly that sought to amend Act 129 to provide for an opt out provision but which had not yet been acted on. Consequently, contended PECO, because it was operating in accordance with state law and Commission Order, no legal basis existed for the Complaint and dismissal as a matter of law was appropriate. Answer at 6-7.

Also on November 12, 2014, PECO filed Preliminary Objections to the Complaint, accompanied by a Notice to Plead, in which it averred that the Complaint should be dismissed under our Regulation at 52 Pa. Code § 5.101(a)(4) for legal insufficiency. In its Preliminary Objections, PECO reiterated its position that its installation of smart meters was compelled by its Smart Meter Plan, the *PECO Smart Meter Plan Order*, the Commission’s *Smart Meter Procurement and Installation Order*, and Act 129, none of which allowed for a customer to opt out of smart meter installation. PECO also further addressed the fact that lack of action by the General Assembly on draft legislation to provide for an opt out underscored its position. PECO also cited numerous Commission orders in which complaints against smart meter installation were dismissed upon preliminary objection.[[6]](#footnote-6) Again contending that it has the right to terminate service to a customer who fails to permit access to the Respondent’s property for purposes of equipment installation or removal, PECO averred that the Complainant is subject to termination consistent with its tariff and that Ms. Francis is not entitled to relief under the law. Preliminary Objections at 4-11.

In his Initial Decision issued on March 3, 2015, ALJ Pell found that the Respondent complied with relevant statutes and Commission Regulations and Orders and dismissed the Complaint. As previously indicated, the Complainant filed Exceptions to the Initial Decision on March 17, 2015, and PECO filed Replies to Exceptions on March 20, 2015.[[7]](#footnote-7)

**Discussion**

Initially, we note that any issue or Exception that we do not specifically address shall be deemed to have been duly considered and denied without further discussion. It is well-settled that the Commission is not required to consider expressly or at length each contention or argument raised by the parties. [Consolidated Rail Corp. v. Pa. PUC, 625 A.2d 741 (Pa. Cmwlth. 1993);](file://C:\research\buttonTFLink?_m=69761b6202cb4178e2a6e6fe02f5751b&_xfercite=%3ccite%20cc=%22USA%22%3e%3c!%5bCDATA%5b2000%20Pa.%20PUC%20LEXIS%2067%20%5d%5d%3e%3c\cite%3e&_butType=3&_butStat=242&_butNum=5&_butInline=1&_butinfo=%3ccite%20cc=%22USA%22%3e%3c!%5bCDATA%5b625%20A.2d%20741%5d%5d%3e%3c\cite%3e&_fmtstr=FULL&docnum=5&_startdoc=1&_startchk=1&wchp=dGLSzS-lSlbz&_md5=ad2b02d95c2a9216e83b92a3570d4785) *also* see, generally, [University of Pennsylvania v. Pa. PUC, 485 A.2d 1217 (Pa. Cmwlth. 1984).](file://C:\research\buttonTFLink?_m=69761b6202cb4178e2a6e6fe02f5751b&_xfercite=%3ccite%20cc=%22USA%22%3e%3c!%5bCDATA%5b2000%20Pa.%20PUC%20LEXIS%2067%20%5d%5d%3e%3c\cite%3e&_butType=3&_butStat=242&_butNum=6&_butInline=1&_butinfo=%3ccite%20cc=%22USA%22%3e%3c!%5bCDATA%5b485%20A.2d%201217%5d%5d%3e%3c\cite%3e&_fmtstr=FULL&docnum=5&_startdoc=1&_startchk=1&wchp=dGLSzS-lSlbz&_md5=9b1cc8319afd12440738bb82d74455ef)

In his Initial Decision, ALJ Pell made seven Findings of Fact and reached four Conclusions of Law. I.D. at 4-5, 9-10. The Findings of Fact and Conclusions of Law are incorporated herein by reference and are adopted without comment unless they are either expressly or by necessary implication rejected or modified by this Opinion and Order.

**Legal Standards**

Section 5.101 of our Regulations, 52 Pa. Code § 5.101, sets forth the grounds for granting preliminary objections. That section provides as follows:

**§ 5.101. Preliminary objections.**

(a) *Grounds.* Preliminary objections are available to parties and may be filed in response to a pleading except motions and prior preliminary objections. Preliminary objections must be accompanied by a notice to plead, must state specifically the legal and factual grounds relied upon and be limited to the following:

  (1) Lack of Commission jurisdiction or improper service of the pleading initiating the proceeding.

    (2) Failure of a pleading to conform to this chapter or the inclusion of scandalous or impertinent matter.

    (3) Insufficient specificity of a pleading.

    (4) Legal insufficiency of a pleading.

    (5) Lack of capacity to sue, nonjoinder of a necessary party or misjoinder of a cause of action.

(6) Pendency of a prior proceeding or agreement for alternative dispute resolution.

(7) Standing of a party to participate in the proceeding.

52 Pa. Code § 5.101(a).

Commission procedure regarding the disposition of preliminary objections is similar to the procedure utilized in Pennsylvania civil practice. A preliminary objection in civil practice seeking dismissal of a pleading will be granted only where relief is clearly warranted and free from doubt. *Interstate Traveller Services, Inc. v. Pa. Dep’t of Environmental Resources*, 486 Pa. 536, 406 A.2d 1020 (1979). The moving party may not rely on its own factual assertions, but must accept for the purposes of disposition of the preliminary objection all well-pleaded, material facts of the other party, as well as every inference fairly deducible from those facts. *County of Allegheny v. Commonwealth* *of Pa.*, 507 Pa. 360, 490 A.2d 402 (1985) (*County of Allegheny*). The preliminary objection may be granted only if the moving party prevails as a matter of law. *Rok v. Flaherty*, 527 A.2d 211 (Pa. Cmwlth. 1987). Any doubt must be resolved in favor of the non-moving party by refusing to sustain the preliminary objections. *Dep’t of Auditor General, et al. v. State Employees’ Retirement System, et al.*, 836 A.2d 1053, 1064 (Pa. Cmwlth. 2003) (citing *Boyd v. Ward*, 802 A.2d 705 (Pa. Cmwlth. 2002)).

**ALJ’s Initial Decision**

Addressing the legal standards applicable to the disposition of preliminary objections, the ALJ determined that “the Commission must accept as true all well pleaded, material facts of the nonmoving party, as well as every reasonable inference from those facts.” I.D.at 6 (quoting *County of Allegheny*, *supra*; *Commonwealth of Pennsylvania v. Bell Telephone Co. of Pa.*, 551 A.2d 602 (Pa. Cmwlth. 1988)). The ALJ described Ms. Francis’ Complaint as a request to opt out of having a smart meter installed at her residence and as a request for the Commission to order PECO to cease any attempts to terminate her service for her refusal to allow the Respondent to install a smart meter. Accepting the facts alleged in the Complaint as true, the ALJ concluded that the Complaint did not raise a violation of any statute or any Commission Order, Regulation or approved tariff. On this basis, the ALJ determined that the Complaint was legally insufficient and should be dismissed. I.D.at 7.

The ALJ explained that Act 129 required EDCs to file smart meter procurement and installation plans with the Commission. PECO filed its required Smart Meter Plan and the Commission approved it pursuant to the *PECO Smart Meter Plan Order*. According to the ALJ, the Respondent was complying with the Commission’s directives by attempting to install a smart meter at the Complainant’s residence. I.D. at 7-8.

The ALJ also cited to numerous cases in which the Commission has upheld the installation of smart meters and the imposition of smart meter charges on customers’ bills by dismissing complaints opposing installation of smart meters and imposition of smart meter charges on the basis of legal insufficiency.[[8]](#footnote-8) The ALJ found that these cases control the outcome of this proceeding. The ALJ explained that Act 129 and the Commission’s Orders authorize PECO to implement a smart meter procurement and installation plan, and to impose a smart meter charge on its customers to pay for the development, implementation, procurement and installation of the plan. Further, Act 129 and the Commission’s Orders do not allow a customer to opt out of having a smart meter installed. Under these circumstances, the ALJ continued, Ms. Francis has not set forth in her Complaint any act by PECO that violates a statute or Commission Regulation or Order. Furthermore, the ALJ determined that Commission Regulations allow PECO to notify a customer that it will terminate service if the customer refuses access to a meter for purposes of replacement.[[9]](#footnote-9) I.D. at 8-9.

In this proceeding, the ALJ concluded that the public interest does not require a hearing because there are no disputed facts. PECO’s right to prevail was so clear that having a hearing would be a fruitless exercise. Thus, the ALJ granted PECO’s Preliminary Objections. *Id.* at 9.

**Exceptions and Replies**

In her Exceptions, the Complainant asserts that there are significant flaws in the Initial Decision.[[10]](#footnote-10) The Complainant contends that her Complaint is supported by scientific research, she has a right to be free of physical harm from a monopolistic corporation, and she is entitled to a hearing. Ms. Francis attached a newspaper article and additional written materials purporting to support her claim that smart meters cause adverse physical harm to customers.[[11]](#footnote-11) Exc. at 1-2.

Additionally, Ms. Francis argues that the ALJ improperly relied on a previous decision which held that consumers may not opt out of a smart meter installation. Ms. Francis asserts that her Complaint did not seek an opt out but was rather a request to not have her meter replaced at this time. Further, the Complainant avers that the Initial Decision incorrectly stated that Act 129 requires consumers to allow smart meters to be installed in residences by the end of 2014. She claims that Act 129 does not require installation by this time frame or authorize sanctions against customers who disagree with a utility’s artificial schedule for installation of smart meters. Exc. at 1.

Lastly, the Complainant objects to the ALJ’s reference to 52 Pa. Code

§ 56.81 pertaining to customer notification of service termination for failure to provide access for meter replacement. Ms. Francis contends that the ALJ incorrectly cited and interpreted this regulation because her meter does not need to be replaced. Alternatively, the Complainant states that she would be willing to replace her meter with an analog meter. Exc. at 3.

In its Replies to Exceptions, PECO contends that even if the Complainant’s allegations about product safety were true, they are not pertinent to whether Ms. Francis has the ability to opt out of smart meter deployment and whether PECO violated the Code or any Commission order or approved tariff provision by adhering to Act 129’s provision to install smart meters. R. Exc. at 2.

PECO argues that the ALJ properly determined that there is no opt out provision in Act 129. Further, the Respondent asserts, there are no misstatements of fact or misapplications of law in the Initial Decision. Accordingly, PECO contends that the Complainant’s Exceptions are without merit and the Initial Decision should be upheld. *Id.* at 3-4.

**Disposition**

We agree with the ALJ that PECO did not violate any Statute, Regulation or Commission Order by pursuing the installation of a smart meter at the Complainant’s residence. The ALJ determined that PECO’s deployment of smart meters complies with the relevant provisions of Act 129 and related Commission Orders. We also agree with the ALJ that there is no provision in the Code, the Commission’s Regulations, or Commission Orders that permits a customer to opt out of having a smart meter installed on his or her premises. With respect to Ms. Francis’ request to avoid termination of service for failure to provide PECO access to its meter, the ALJ correctly found that the Complaint was legally insufficient. Thus, the ALJ properly granted PECO’s Preliminary Objections and dismissed the Complaint in accordance with many prior orders of the Commission.

Ms. Francis argues that she is not seeking an opt out. In her Exceptions, she states: “[w]hile I am currently working with others in Pennsylvania and with state legislators to get a law passed allowing an opt-out, I did not request an opt-out and believe that my request to not have a meter replaced at this time is not the same as an opt-out.” Exc. at 1. We consider Ms. Francis’ argument to be a distinction without meaning. Clearly, the Complainant objects to the installation of a smart meter at her residence and would like to be excluded from PECO’s obligation to install a smart meter pursuant to the *PECO Smart Meter Plan Order.* There is no provision in the Code or in our Regulations or Orders that allows a PECO customer to opt out or to be excluded from a smart meter installation as the Complainant desires.[[12]](#footnote-12)

The Complainant makes an additional claim that the ALJ improperly stated that Act 129 requires consumers to allow smart meters to be installed in residences by the end of 2014. The Initial Decision does not state that smart meters must be installed by the end of 2014. Rather, the ALJ properly noted that the Commission approved PECO’s smart meter procurement and installation plan pursuant to the *PECO Smart Meter Plan Order* and that PECO is complying with the Commission’s directives for installation. I.D. at 7-8. Accordingly, we shall deny the Complainant’s Exceptions.

We recognize that the Complainant is appearing *pro se* and as such may not be well-versed in the proper presentation of legal pleadings, including the proper design and filing of complaints, preliminary motions or answers, nor may she understand rules regarding the sufficiency or admissibility of evidence to support a complaint. For this reason, we are generally more accommodating to legal insufficiencies in *pro se* complaints and would not dismiss a *pro se* complainant without first providing a hearing during which the *pro se* complainant could further explain his or her position and the factual basis for the complaint. *See*, *e.g.*, *Carlock v. The United Telephone Company of Pennsylvania*, Docket No. F-00163617 (Order entered July 14, 1993) (*Carlock*). Our concern is that *pro se* complainants may find it difficult to navigate through pre-hearing motions and, therefore, should be given the chance to testify to their issue with supporting facts.

Such accommodation, however, must be within the bounds of due process. *See MacLuckie v. Palmco Energy, LLC*, Docket No. C-2014-2402558 (Order entered December 4, 2014). Further, there are some cases where a hearing would not alter the inevitable conclusion that this Commission cannot provide the Complainant the relief requested. *See Floyd v. Verizon Pennsylvania LLC,* Docket No. C-2012-2333157 (Order entered April 30, 2013). For these reasons, we find *Carlock* distinguishable from the case now before us and agree with the ALJ’s dismissal. Ms. Francis presented no claim that would allow her to opt out of installation of a smart meter which, as the ALJ properly noted, is required by a statute that contains no provision for opt outs.

That is not to say that we have no regard for the health and safety concerns raised in Ms. Francis’ Complaint. In a previous case raising similar concerns, we noted the evidentiary challenges that a litigant, particularly a *pro se* litigant, faces in proving such allegations regarding smart meters. *Art Larson v. PECO Energy Company*, Docket No. C-2014-2451754 (Order entered June 11, 2015). As in that case, we conclude that the Complainant’s health and safety concerns are best referred to our Bureau of Investigation and Enforcement for whatever action it deems necessary.

**Conclusion**

In light of the above discussion, we shall: (1) deny the Complainant’s Exceptions; (2) adopt the ALJ’s Initial Decision; and (3) dismiss the Complaint, all consistent with this Opinion and Order. **THEREFORE,**

**IT IS ORDERED:**

1. That the Exceptions filed by Louise Francis on March 17, 2015, to the Initial Decision Sustaining Preliminary Objections and Dismissing Complaint of Administrative Law Judge Christopher P. Pell, are denied.

2. That the Initial Decision Sustaining Preliminary Objections and Dismissing Complaint of Administrative Law Judge Christopher P. Pell, issued on March 3, 2015, is adopted.

3. That the Preliminary Objections filed by PECO Energy Company on November 12, 2014, are granted.

4. That the Formal Complaint filed on October 30, 2014, by Louise Francis against PECO Energy Company is dismissed.

5. That the public safety concerns raised by Louise Francis are referred to the Bureau of Investigation and Enforcement for whatever action it deems necessary.

6. That the proceeding at Docket No. C-2014-2451351 is marked closed.

 **BY THE COMMISSION,**

Rosemary Chiavetta

Secretary

(SEAL)

ORDER ADOPTED: August 20, 2015

ORDER ENTERED: August 20, 2015

1. On March 19, 2015, the Commission’s Secretary’s Bureau issued a Secretarial Letter to the Parties stating, in part, that the Complainant’s Exceptions did not contain a certificate of service or other indication that the Respondent was served with the Exceptions. Thus, the Secretary’s Bureau enclosed a copy of the Exceptions and notified the Respondent that any Replies to Exceptions would be due by April 2, 2015. [↑](#footnote-ref-1)
2. She also stated that that smart meters do the following:

   Cause health problems

   Thousands of studies document biological effects from radiation exposure similar to that emitted by them

   Many people have become ill after having the meters installed

   Are associated with serious privacy issues

   Cause fires and the utility denies liability for the fires that their technology has caused

   Make the grid more vulnerable to failure from such events as hacking

   Complaint at 3. [↑](#footnote-ref-2)
3. Section 2807(f)(2) of the Code, 66 Pa. C.S. § 2807(f)(2), provides:

   (f) Smart meter technology and time of use rates.—

   \* \* \*

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

   (i) Upon request from a customer that agrees to pay the cost of the smart meter at the time of the request.

   (ii) In new building construction.

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

   [↑](#footnote-ref-3)
4. *See* *Petition of PECO Energy Company for Approval of Smart Meter Technology Procurement and Installation Plan*, Docket No. M-2009-2123944 (Order entered May 6, 2010) (*PECO Smart Meter Plan Order*). [↑](#footnote-ref-4)
5. *See Smart Meter Procurement and Installation*, Docket No.   
   M-2009-2092655 (Implementation Order entered June 24, 2009) (*Smart Meter Procurement and Installation Order*). [↑](#footnote-ref-5)
6. *See Maria Povacz v. PECO Energy Company*, Docket No. C-2012-2317176 (Order entered January 24, 2013); *Theresa Gavin v. PECO Energy Company*, Docket No. C-2012-2325258 (Order entered January 24, 2013); *Jeff Morgan v. PECO Energy Company*, Docket No. C-2013-2356606 (Final Order entered July 23, 2013); *Thomas McCarey v. PECO Energy Company*, Docket No. C-2013-2354862 (Order entered September 26, 2013); *Renney Thomas v. PECO Energy Company*, Docket No.   
   C-2012-2336225 (Final Order entered December 31, 2013); and *Ellen Donnelly v. PECO Energy Company*, Docket No. F-2013-2330663 (Final Order entered March 18, 2014). [↑](#footnote-ref-6)
7. On April 7, 2015, the Complainant filed a response to PECO’s Replies to Exceptions. Our Regulations at 52 Pa. Code §§ 5.533 and 5.535 allow for the filing of Exceptions and Replies to Exceptions when an ALJ issues an Initial Decision. However, there is no provision in our Regulations that allows a party to file a Response to Replies to Exceptions. Consequently, we will not consider the Complainant's response to the Replies to Exceptions. [↑](#footnote-ref-7)
8. *See*, *Negley v. Metropolitan Edison Company*, Docket No. C-2010-2205305 (Final Order entered March 3, 2011); *Lutherschmidt v. Metropolitan Edison Company*, Docket No. C-2010-2200353 (Final Order entered March 25, 2011); *Corbett v. Pennsylvania Power Company*, Docket No. C-2011-2219898 (Final Order entered May 27, 2011); *Jones v. Metropolitan Edison Company*, Docket No. C-2011-2224380 (Final Order entered June 28, 2011); *Griffin v. Metropolitan Edison Company*, Docket No.

   C-2012-2300172 (Final Order entered July 31, 2012); *Brake v. West Penn Power Company*, Docket No. C-2013-2367308 (Order entered November 14, 2013); *Drake v. Pennsylvania Electric Company*, Docket No. C-2014-2413771 (Final Order entered June 12, 2014); *Efaw v West Penn Power Company*, Docket No. C-2014-2413744 (Order entered June 12, 2014). [↑](#footnote-ref-8)
9. The ALJ cited to 52 Pa. Code § 56.81(3) which provides that a “public utility may notify a customer and terminate service provided to a customer after notice ... for … [f]ailure to permit access to meters, service connections or other property of the public utility for the purpose of replacement, maintenance, repair or meter reading.” [↑](#footnote-ref-9)
10. We acknowledge that the format of the Complainant’s Exceptions does not strictly comply with Section 5.533(b) of our Regulations, 52 Pa. Code § 5.533(b), which requires that exceptions be numbered, identify the finding of fact and conclusions of law to which exception is taken, and cite to the relevant pages of the Initial Decision. Nevertheless, particularly because the Complainant is appearing *pro se*, we will accept the Exceptions as filed pursuant to Section 1.2(a) of our Regulations, 52 Pa. Code

    § 1.2(a), in order to secure a just, speedy, and inexpensive determination. [↑](#footnote-ref-10)
11. In addressing the merits of the Exceptions, we will limit our consideration to the issue of whether the ALJ properly granted the Preliminary Objections.  We will not address issues that are unrelated to the Findings of Fact and Conclusions of Law in the Initial Decision or issues that are not part of the record before us, such as the materials attached to the Exceptions.  It is axiomatic that this Commission must base its decisions on the evidence of record, and we are prohibited from looking beyond the record for evidence not previously supplied to support a desired finding of fact and/or conclusion of law. [↑](#footnote-ref-11)
12. To the extent that Ms. Francis seeks the ability to opt out of the smart meter installation, she could continue to advocate for such an option before the General Assembly. [↑](#footnote-ref-12)