

FUC

November 19, 2015

Governor Wolf:

Enclosed are my letter to PECO and a formal complaint to the PUC.

There is no way I want a surveillance device "smart" meter -- like having a British soldier living in your quarters -- emitting radiation that will ruin my health, being exceedingly vulnerable to hacking which will steal my identity, being cheaply made with plastic parts that will risk setting fire to my house as the parts age, and will NOT save me any money, only raising my taxes with every electric bill I pay -- ALL THESE FACTS BEING CLEARLY EVIDENCED, ADMITTED, AND PROVEN . They can no longer be denied without risking serious consequences.

Even Attorney Generals, utility companies and former PUC officials are admitting the truth as my letter attests. And more and more of the public awakens as whistleblowers arise.

Will you uphold the Constitution of Pennsylvania to which you swore oath? You and every legislator at every level are facing a critical moment in history.

Most solemnly,

Nancy Colbert

(a Massachusetts native with the roar of John Adams ringing in my ears for all he and his family sacrificed for this country to be a beacon of light unto the world)

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint

*Filing this form begins a legal proceeding and you will be a party to the case.
If you do not wish to be a party to the case, consider filing an informal complaint.*

To complete this form, please type or print legibly in ink.

1. Customer (Complainant) Information

Provide your name, mailing address, county, telephone number(s), e-mail address and utility account number. It is your responsibility to update the Commission with any changes to your address and to where you want documents mailed to you.

Name Nancy + Jim Colbert

Street/P.O. Box 142 Pennsylvania Ave Apt # _____

City Phoenixville State PA Zip 19460

County Chester

Telephone Number(s) Where We Can Contact You During the Day:

(610) 917 1116 (home) () (mobile)

E-mail Address (optional): _____

Utility Account Number (from your bill) 35558 - 00208

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

Name _____

Street/P.O. Box _____

City _____ State _____ Zip _____

2. Name of Utility or Company (Respondent)

Provide the full name of the utility or company about which you are complaining. The name of your utility or company is on your bill.

PECO

3. Type of Utility Service

Check the box listing the type of utility service that is the subject of your complaint (check only one):

- ELECTRIC WASTEWATER/SEWER
 GAS TELEPHONE/TELECOMMUNICATIONS (local, long distance)
 WATER (local) MOTOR CARRIER (e.g. taxi, moving company, limousine)
 STEAM HEAT

4. Reason for Complaint

What kind of problem are you having with the utility or company? Check all boxes below that apply and state the reason for your complaint. Explain specifically what you believe the utility or company has done wrong. Provide relevant details including dates, times and places and any other information that may be important. If the complaint is about billing, tell us the amount you believe is not correct. Use additional paper if you need more space. **Your complaint may be dismissed without a hearing if you do not provide specific information.**

The utility is threatening to shut off my service or has already shut off my service.
I PAY ALL BILLS ON TIME!

I would like a payment agreement.

Incorrect charges are on my bill. Provide dates that are important and an explanation about any amounts or charges that you believe are not correct. Attach a copy of the bill(s) in question if you have it/them.

I am having a reliability, safety or quality problem with my utility service. Explain the problem, including dates, times or places and any other relevant details that may be important.

see attached letter

Other (explain).

6. Protection From Abuse (PFA)

Has a court granted a "Protection From Abuse" order that is currently in effect for your personal safety or welfare? The PUC needs this information to properly process your complaint so that your identity is not made public.

S.T.O.P. CORRUPTION

5. Requested Relief

YES

How do you want your complaint to be resolved? Explain what you want the PUC to order the utility or company to do. Use additional paper if you need more space.

If your answer to the above question is "yes," attach a copy of the current Protection From Abuse order to this Formal Complaint form.

7. Prior Utility Contact

a. Is this an appeal from a decision of the PUC's Bureau of Consumer Services (BCS)?

NO ^{pressuring me to}
Put a smart meter on my house.
They are ^{hazardous} dangerous, they do not save residential customers any money.
See ^{NO} letter for all the evidence.

S.T.O.P. Profiting by violating US+PA Constitutions

b. If this is not an appeal from a BCS decision, have you spoken to a utility or company representative about this complaint?

YES

NO

GUARANTEE in writing PUC/PUC will take responsibility FOR ALL

DAMAGES INCURRED FROM METER FIRE, RADIATION POISONING, IDENTITY THEFT, BANKRUPTING THE TAXPAYER.

S.T.O.P. preventing reform legislation
S.T.O.P. unpromulgated regulation in the first place. ^{Godshall}

From Abuse (PFA)

Has the PUC granted a "Protection From Abuse" order that is currently in effect for your safety or welfare? The PUC needs this information to properly process your complaint so that your identity is not made public.

Has the PUC granted a "Protection From Abuse" order for your personal safety or welfare?

YES

NO

If your answer to the above question is "yes," attach a copy of the current Protection From Abuse order to this Formal Complaint form.

Contact

Is this complaint an appeal from a decision of the PUC's Bureau of Consumer Services (BCS)?

YES

NO

If this is not an appeal from a BCS decision, have you spoken to a utility or company representative about this complaint?

YES

NO

SILLY ME - I FORGOT THE ONLY "LAW" THAT MATTERS NOW IS DICTATORIAL REGULATION

Dear Shawane Lee, Esq.:

November 21, 2015

I am in possession of a threatening shut off notice today for not providing access to a PECO meter on private property. Of course, I realize what an intimidation tactic this is for several reasons.

1. I am a timely paying customer under the contract established back in 2003 when this account began. This contract has been honored by both parties until now, meter fully working.
2. Now PECO is forcing a change of contract by installing a NON-saving (energy/money), radiation emitting, cheap-plastic-parts-therefore- fire-risking, identity theft- prone, SURVEILLANCE device without customer consent - a violation of the contract and of US & PA Constitutional Laws.
3. Therefore, PECO does not have lawful access to install a "smart" meter.
4. Worse, ACT 129 "mandate" is unpromulgated regulation, not legitimate law by elected officials.
5. Therefore, PECO's threat is unlawful.

IF PECO decides to operate lawfully, it has two options going forward:

1. PECO CAN LEAVE THE CURRENT METER ALONE. CONTRACT REMAINS IN FORCE UNLESS CUSTOMER FAILS TO PAY FOR ELECTRICITY USEAGE EACH MONTH BY DUE DATE.
2. PECO CAN HAVE ACCESS TO PROPERTY ONLY TO TAKE ITS METER OFF CUSTOMER'S PROPERTY. A certified electrician will be present immediately to replace it with a General Electric analog meter purchased with customer's own funds. A PECO METER is not needed. Customer agrees to new contract with GE meter only and timely payments for electricity useage. Analogs function in the "new" system, just ask any customer in other states who are allowed by law to keep them without threat of being cut off.

EVEN IF PECO WERE TO HAVE A VALID "SMART" CONTRACT, THEN IT WOULD HAVE TO INFORM CUSTOMERS OF THE RISK OF DAMAGE FROM "smart" METERS, just like a pharmaceutical drug advertisement does with all its warnings of damaging side effects. Acting forcefully, PECO should GUARANTEE IN WRITING THE RESPONSIBILITY FOR ALL REAL AND POTENTIAL DAMAGES INCURRED :

Loss of privacy from BIG DATA NSA surveillance for profiteering against the customer
Radiation poisoning (multiple sources from real medical science)

Identity theft (hacking is all too easy, just ask a former CIA director)
Meter /house fire damage to property value (insurance will not cover)

Threat of Bankruptcy from skyrocketing electric bills with hidden taxes (fees)

I am not a fool to risk my health, safety, security and finances so that a few privileged at the top can make all the money at customer/taxpayer expense. ALL THESE REALITIES HAVE BEEN REVEALED by alternative media, honest professionals and whistleblowers from what is left of our civilized society since the degree of damage is apocalyptic and many people have died unjustly. Lastly, A FORMAL COMPLAINT HAS BEEN FILED (assuming it will be handled lawfully) AND CUSTOMER FALLS UNDER THE 250% POVERTY LINE TO PREVENT WINTER SHUT OFF.

Most seriously and lawfully-abiding,

Nancy Colbert

WELCOME TO SLAVERY OF THE NEW WORLD ORDER →

PATRICK WOOD'S "TECHNOCRACY RISING: THE TROJAN HORSE OF GLOBAL TRANSFORMATION"

TWO LIBRARY BOOKS BY JOHN WHITEHEAD
"A GOVERNMENT OF WOLVES: THE EMERGING AMERICAN POLICE STATE"
"BATTLEFIELD AMERICA: THE WAR ON THE AMERICAN PEOPLE"

"DO WHAT YOU'RE TOLD, SHUT UP!"

PERJURATION
"LAW" THAT MATTERS NOW IS DICTATORIAL
ZILLY ME - I FORGOT THE ONLY

"AND THE 'JUST' 'GOOD' 'FAITH' OF"

THE NEW WORLD ORDER →
WELCOME TO CHANGE OF

c. If you tried to speak to a utility company representative about your complaint but were not able to do so, please explain why.

You know why. Or it is explained in attached letter.

8. **Legal Representation**

If you are filing a Formal Complaint as an individual on your own behalf, you are **not** required to have a lawyer. You may represent yourself at the hearing.

If you are already represented by a lawyer **in this matter**, provide your lawyer's name, address, telephone number, and e-mail address, if known. Please make sure your lawyer is aware of your complaint. If represented by a lawyer, both you and your lawyer must be present at your hearing.

Lawyer's Name _____

Street/P.O. Box _____

City _____ State _____ Zip _____

Area Code/Phone Number _____

E-mail Address (if known) _____

November 18, 2015

Dear Ms Eison,

I am in receipt of your letter in which you inform me PECO wants to save customers energy and money. Thank you so much for "customer care" you manage. In fact, there are many facts for care.

First of all, enclosed please see the Excel spreadsheet of my account for over 10 years monthly bills. I am well aware of my family's energy useage and ensure excellent stewardship of this resource in our household. That is, my spouse and I were raised by our parents to be "green" WAY BEFORE (early 1960's) that word became so overused. "*Money doesn't grow on trees. Shut the light off when you leave the room.*" were some of the repeated cliches and warnings we received and so naturally passed them onto the next generation, our children. We use electricity as sparingly as possible as with all other resources; we have limited electrical appliances. **PECO will not be able to help with energy and money saving with "smart" meter technology. We are "smart" ourselves in our own little house, "to make informed decisions ...and identify opportunities..."!**

SECONDLY, HERE ARE THE MOST RECENT FACTS REACHING MORE OF THE PUBLIC:

1. Eversource Energy, (a NH utility company) in September 2015, submitted these key points to the New Hampshire Public Utilities Commission:

"Eversource does not believe smart meters and/or AMI are key enabling investments for the future of the modernized grid. As demonstrated by Eversource's plan in Massachusetts, there are many more cost effective technologies that can help meet the grid modernization objectives that Eversource considers to be key in any modernization program."

"Key Operational Benefits from an AMI Deployment are Insufficient. Eversource's analysis also indicates that the incremental operational benefits of moving to an AMI platform are insufficient to warrant the increased cost."

Smart Meters Not Cost Effective

"In addition to the legal and logistical issues related to the deployment of Advanced Metering Infrastructure ('AMI') in New Hampshire, Eversource believes that a broad-based deployment, or a multi-stage roll-out, of smart meters or AMI is not cost-effective for New Hampshire customers. In its recently submitted grid modernization plan in Massachusetts, Eversource conducted a careful analysis of the costs and benefits of a broad deployment of AMI and found such deployment to be highly cost ineffective.

On the cost side, AMI deployments experience a set of high fixed upfront costs beyond the smart meters themselves.

2. The only savers are the big businesses! As K.T. Weaver, SkyVision Solutions summarized, "the vast majority of residential customers do not have sufficient load available to shift to off-peak periods to benefit from time-of-use rates. This is different from large commercial customers which typically have industrial equipment-type loads and which can likely significantly alter work and product line schedules to take advantage of time varying rates. For those residential customers who want time varying rates, let them take advantage of so-called smart metering as outlined by the Energy Policy Act of 2005 on an opt-in basis. There is no need (or net benefit) for smart meters being provided to anyone else.

3. Many US Attorney Generals, including Ontario CANADA and Australia's and more have stated "there are no cost savings." Not surprisingly, ONLY the third party distributors of all the usage data they collect are making BIG profits at public expense -- all in the name of surveillance, spitting upon Amendment IV of the United States Constitution. confirmed by former NSA senior executive Thomas Drake who blew the whistle (see 54:08 point in video)

Therefore, such installations, without owner consent, are and shall be violations of the U.S. Constitution BOR 4th Amendment; the U.S. Code Title 18, Part 1, Chapter 119 Sec. 2511 (**wiretapping**), and U.S.C. Title 18, Sec. 351(e) (**assault**) and numerous other laws and protections, i.e., for **criminal trespass, stalking, battery, public endangerment, pollution, damage to property values – and most notably – when smart meters explode and catch on fire.**

4. Reports from all over the country and world notify that residential electric bills have SKYROCKETED despite the same usage. Several years ago, Stanford University students were able to PROVE that their household had been erroneously charged. They are just one of too many examples which would be too long to list here. But more dramatically in the more recent news, hundreds of Edenorte customers in the Dominican Republic removed so-called 'smart' meters from their homes and businesses and angrily returned them once their bills skyrocketed despite reducing their usage. See "Dominican Republic Smart Meters".

https://www.youtube.com/watch?v=VXGII6FVzts&list=PLgAx2F4evwzofyH5Fh5F6UZ6V_I6MK1fk

There is ample evidence, **more facts**, determining several other critical reasons why this grid program, which is set to end in 2030, is harming not only the public finances, but also **public health** and **national security and safety**. I am sure as a Customer Care Manager you are aware of so many of the experts and honest scientific researchers who have spoken out. Here is JUST a sampling:

ON PUBLIC HEALTH

Dr Barrie Trower, a former Royal Navy microwave weapons expert and former cold-war captured spy debriefer for the UK Intelligence Services

Institute for Geopathology SA <http://geopathology-za.wikidot.com/barrie-trower>

Dr David Carpenter, Harvard Medical School and founder of the University of Albany School of Public Health, NY. Dr Carpenter author of 220 publications confirms:

Adverse health effects from electromagnetic radiation begin at 0.05 units. Smart meters emit 7.93 units per cm squared one foot away, split into 10,000-190,000 pulses, each at 4.5 millisecond in duration every few seconds, 24 hours a day, 7 days a week, 52 weeks in the year—with no let up!

HERE YE! HERE YE! -- THIS JUST IN:

**Former CPUC President Loretta Lynch—Flanked by Physicians and Researchers—
Delivers Searing Indictment of Smart Meters and EMF Risks at Mountain View
Wireless Summit**

On Saturday October 10th, the Wireless Technology and Public Health Summit was held in the heart of Silicon Valley at the Mountain View Center for the Performing Arts. The event was sponsored by the Santa Clara Medical Association Alliance Foundation. Doctors, researchers, and public policy experts in the field of wireless health impacts joined together for the first time in the heart of Silicon Valley and declared that there is more than enough evidence to reign in wireless technology, particularly in schools and other locations where sensitive populations spend time.

**Loretta Lynch, Former President of the California Public Utilities Commission, and one of
California's most influential Attorneys**

- The science is clear: EMF's affect health, particularly the most vulnerable among us.
- Those living within 150 feet of power lines are at increased risk of serious disease
- Utilities and telecommunications companies know these facts but obtain "obscenely obsessive profits" from this technology and are in a "desperate scramble" to set regulations in stone before public awareness increases and reforms are widely demanded.
- Health and environmental costs from wireless tech are "externalized" to society at large
- At this point, we are lucky if regulators are ignorant about this issue. More often they are co-opted and corrupted.
- "Smart grid" and "smart meters" are a "lucrative boondoggle" approved by the CPUC.
- CPUC says "pay me and I'll give you what you want" in secret backroom deals- a classic case of corruption and bribery, revealed in e-mails.
- CPUC has become a "rogue agency" essentially controlled by corporations (which is what we have also been saying for five years!)
- This has made a mockery of due process, and Michael Peevey, former CPUC President, has acted as if the CPUC were his own personal playground.
- CPUC has allowed utilities to cut corners, skip safety regulations, etc.
- A parade of former CPUC Commissioners now work for the utilities- the so-called "revolving door."
- The smart meter roll out was plagued with problems, and the only way regulators approved it was that they have "drunk the kool-aid."
- The \$2.2 billion+ cost of smart meters and the smart grid came about because of a secret deal between Peevey and the utilities, and the costs have been borne by ratepayers.
- Analog meters are "simple, accurate, and reliable." There was no need to change them out. The only reason they were replaced with smart meters is that the utilities were not profiting off them any longer- they had "fully depreciated."
- Utilities have entered the "big data" game and using and profiting from your private electric usage data. Protecting the privacy of our home has become harder and harder.
- She is optimistic even though she has "seen the sausage made" because the science is so strong. She sees a change in public policy coming within 5 years, and urges us to educate the legislature, as you never know when you will find an intrigued official (though most are corrupt).
- We need to continue educating the media about the facts (i.e. the John Oliver Tom Wheeler "dingo" segment really raised awareness)

NOW BACK TO THE LETTER:

Dr Frank Springob reports: One foot away from SMs for two minutes of exposure causes red blood cells to become abnormal and broken.

People with SMs on their homes have inflammatory markers in their blood – TGF Beta 1, MMP-9, and copper, which increase, while neurotransmitters and hormone levels become abnormal, as discussed by Dietrich Klinghardt, MD, PhD.

"The smart meter is number one in terms of devastation to our nervous system. It permanently destroys and alters the manufacture of brain proteins ... meaning that it completely changes the human organism - permanently."

Dr Dietrich Klinghardt MD PhD

Over 6,000 scientific studies have been conducted since the 1930s, which document adverse human health effects from microwaves and radiofrequency non-ionizing radiation, including the 1972 U.S. Navy report, *Bibliography of Reported Biological Phenomena ('Effects') and Clinical Manifestations Attributed to Microwave and Radio-frequency Radiation.*

The list could continue onto more and more pages, but you get the point easily. In summary, "smart" meters have caused health problems throughout the US. In May 2011, the **World Health Organization** determined that radiofrequency electromagnetic fields emitted from wireless devices are a class 2B possible human carcinogen, in the same class as lead, DDT, and chloroform. **The American Academy of Environmental Medicine** opposes the installation of wireless smart meters based on the current medical literature. Every day that the public, not to mention Nature in our "green" world consciousness, is exposed to all the radiation emitting from this technology, including all the other telecommunications apparatus, its health is paying the price.

Ottawa Environmental Health Clinic <http://www.oehc.ca/environmental-illnesses/emf.html>

"I have no doubt in my mind that at the present time the greatest polluting element in the earth's environment is the proliferation of electromagnetic fields. I consider that to be far greater on a global scale, than warming, and the increase in chemical elements in the environment."

Dr Robert O. Becker, M. D., Orthopaedic Surgeon twice nominated for a Nobel Prize

LOOK AT THIS 3.5 MINUTE VIDEO "STRATFORD SMART METER KILLING SHRUB" DOCUMENTING THE EFFECT SINCE 2012 OF A SMART METER CONTINUALLY EMITTING RADIATION AS MEASURED BY A SCIENTIFIC INSTRUMENT TO SEE WHAT IS HAPPENING IN OUR ENVIRONMENT, INCLUDING FROM ALL THE OTHER SOURCES OF RADIATION. THIS IS NOT SUSTAINABILITY:

https://www.youtube.com/watch?v=lsuP_WBBr2c&list=PLgAx2F4evwzofyH5Fh5F6UZ6V_I6MK1fk&index=4

ON NATIONAL SECURITY AND SAFETY

Every day that this vulnerable grid entrenches, hackers are waiting with glee, confirmed by James Woolsey, former CIA Director. From other technical expert sources I have learned:

Smart meters can be hacked and will be hacked. The small CPU in these meters cannot protect itself as good as a home PC can, and home PCs are well known for being compromised. By deploying these in the millions with the same exact software and hardware they become a huge target and will endanger the community if an attacker can switch the power on and off from remote in mass. This makes these Smart Meters dangerous and a liability to the ratepayers

Furthermore, the public is learning:

EXPOSE IN THE MAKING OF ACT 129 HEARINGS (more facts substantiated):

Here's a brief, but clear account, of the history of PA House Bill 2200 as it worked its way into becoming Act 129 of 2006.

February 11, 2006 House Journal pp. 388-403

PN 3218, p. 388

PA State Rep. Mr. Freeman addresses the Speaker:

Mr. Speaker, the amendment would require that all public utilities, electric utilities, install smart meters for residential and business customers across the Commonwealth [...] by allowing the customer to be able to opt in—and it is optional—in to a purchasing process where they could purchase their electricity at off-peak hours, thereby saving on cost.

PN 3218, p. 389

PA State Rep. Mr. Hutchinson addresses the Speaker:

Mr. Speaker [...] The consumers of Pennsylvania are about to experience an increase in the electricity costs over the next couple of years because rate caps will be phased out in various areas over the next 2 or 3 years, and with that, consumers are going to see their electric bills increased. [...] they will be mandated to pay for these new meters to be installed in their home whether they save on their electric costs or not.

It only makes sense to say smart meters should go to consumers who can save money by installing them. Those who can save by having a smart meter, it would make sense for them to have smart meters in their home. Mandating it across the board regardless that everybody pays whether they save or not, and that just does not make sense.

I am very concerned that we continue to ignore the consumers by making more mandates and increasing their costs, whether it is through mandating meters, through trying to have some kind of a surcharge on those things at a time when their electric costs are going up anyway.

So although on a case-by-case basis, smart meters might be a good thing to do, issuing a 100-percent mandate does not make sense. So I am opposing this amendment.

PA State Rep. Mr. Gonsky addresses:

In this case are we not taking the choice away from the consumer by saying you have to get this in service in your district rather than you may or you have a choice? Are we not saying that you must do it? We are taking that choice away from the consumer, I believe, and I would have no problem with this if we do it on a choice basis, as you used the word "choice" before. We are taking that choice away.

PN 3218, p. 391

PA State Rep. Mr. Freeman:

Well, I would only point out, Mr. Speaker, that we are requiring the utility company to install the meter, not the customer, and it is the utility company.

PA State Rep. Mr. Gonsky:

[...] What I am not in full agreement in any way is that everyone is mandated to, whether they intend to use it or not, whether they know how to use it or not, everyone is mandated, under this legislation, to go ahead with the smart meter technology.

[...] And then if there was a question on the bottom that says you are going to be getting credit for the installation through your utility bill for the meter and the software that goes with it, I am not sure what the answer would be.

PN 3218, p. 395

The Speaker says: The Chair recognizes the minority leader, Representative Smith, who says: From what I want to encourage people to use it, I think we ought to allow them to engage themselves as opposed to forcing them to pay for something they may not use, and that is really the difference, Mr. Speaker, in what I think is right or wrong with the amendment. What I certainly appreciate the direction it is trying to go, I think the fact that it forces the cost of the meters onto every consumer of electricity in Pennsylvania, I think that is the wrong direction to go and would ask for a vote against the amendment.

PA State Rep. Mr. Speaker says:

Mr. Speaker, I want to make it clear to everybody, this is a mandate. This is not voluntary. It is a mandate required to use smart meters in Pennsylvania. [...] the choice is up to the consumer to use that technology and structure they want that smart meter installed in their house. The big question we in the General Assembly mandate something on consumers that is going to cost them more dollars in their electric bill?

This issue in particular should be a choice by consumers, not a mandate by the General Assembly onto an additional cost to electric bills in Pennsylvania. So remember, voting for that amendment, while I think it has great goals and where the politicians want to get to is very admirable and otherwise need to get to at some point in time, it still needs to be a consumer choice, not a General Assembly mandate onto consumers that is going to cost them more in their electric bill.

PN 3218, p. 395

PA State Rep. Mr. Buntinghoff:

I guess my question, obviously, is do we want a statewide mandate? Do we want the government telling you that you have to have a meter put in your property? [...] I think it is important that we are smart about our energy use, but I also think we have to think about what government's role is in mandating such a thing.

Senator Tomlinson: "It also contains language in there that we will have smart meters. It is not mandated, but allows for the deployment of smart meters through a depreciation process, through new home construction process, and through the depreciation of 15 years, and for anyone who wants to purchase a smart meter which they feel will help them manage their electric load better."

Senator Boscola: "We also made sure that smart meters would not be mandated for every single ratepayer."

Senator Fumo: "In addition, we did not mandate smart meters, but we made them optional."

Ms Eisen, it appeared that PECO had a measure of "customer care" in mind with the following *excerpts from a petition by the Metropolitan Edison Company, the Pennsylvania Electric Company, the Pennsylvania Power Company and the West Penn Power Company ("EDCs"), written by Attorney Kathy Kolich, Senior Corporate Counsel at FirstEnergy, in August 2012, representing the EDCs to the Secretary of the PA PUC:*

Part III Section a, p. 3: *The PUC did not adhere to the formalities required to adopt a "regulation" and as a consequence the August 3 Implementation Order does not have the "force of law" that attends a regulation.if orders are so interpreted, then they are illegal because they are in the nature of unpromulgated regulations. Part III Section a, p. 4:* *...the PUC has acknowledged in the past, Implementation Orders (IO) do not create "binding norms" that have the force of law. Therefore, as a policy statement, the August 3 IO cannot establish binding penalties on Electric Distributor Companies pursuant to 66 Pa. C.S. 3301(a). And second, the PUC as a creature of statute, is only authorized to act within the scope of its duties as established by the Pennsylvania legislature. Nowhere in Act 129 did the Pennsylvania legislature establish penalties should an Electric Distributor Company fail to achieve specific customer segment carve out requirements.*

p. 5 *"In sum, the Companies respectfully ask the Commission to clarify that its August 3 IO is deemed by the Commission to be a policy statement with which the Companies should strive to comply, rather than an order that creates binding norms and has the force of law. If the Commission deems it the latter, then the Commission has erred (i) by failing to follow the procedural guidelines established either to develop regulation or to properly adjudicate the issue, thus violating the Companies' due process rights; an (ii) by creating penalties sua sponte when no such penalties were established in Act 129 and no enabling statute was created under which the Commission was so authorized to act.*

On page 6 and onto p. 7, the lawyer continues that EDCs need more time to determine the "potential participants" [my insertion: NOTICE NOT "MANDATORY" PARTICIPANTS] among other things in order to comply with the Energy Efficiency benchmarks. Instead, the required timing to meet those EE goals put them in a no-win situation, that is, "left with no choice but to file a petition in order to preserve their rights" of due process.

[REDACTED]

And so now everyone's right of due process is denied; US Constitution Amendment 14 gone. Really?

There is pending legislation *PA Smart Meter PA House Bills 396, 393, 394, 395* to opt out as other states provide. Representative Godshall, whom I hear has a body riddled with cancer, heads the committee while his son operates the installation program. As PASMA has reported, "Rep Godshall's previous stalling of Act 129 corrective bills is indicative of his "strong arm" governance tactics, possible collusion with utility lobbyists, and a definite indication that he has not been working to ensure consumer protection, consumers' rights to be informed, or safe in their lives and homes." Currently, there are more than 34 members of the PA State House who are co-sponsors of various Smart Meter revision bills.

But another route is needed anyways as the New Hampshire utility company advises that the vast majority of residential customers do not have sufficient load available to shift to off-peak periods to benefit from time-of-use rates. For those residential customers who want time varying rates, let them take advantage of so-called smart metering as outlined by the Energy Policy Act of 2005 on an opt-in basis. There is no need (or net benefit) for smart meters being provided to anyone else.

Here are the prime sources:

Docket No. DE 15-296, Electric Distribution Utilities Investigation into Grid Modernization for New Hampshire, Eversource Energy comments, September 17, 2015, available at <https://www.puc.nh.gov/Regulatory/Docketbk/2015/15-296/LETTERS-MEMOS-TARIFFS/15-296%202015-09-17%20EVERSOURCE%20COMMENT.PDF>

"New Hampshire utilities grapple with confusion over 'grid modernization'"

<http://web.archive.org/web/20150930220638/http://www.intelligentutility.com/article/15/09/new-hampshire-utilities-grapple-confusion-over-grid-modernization>

New Hampshire utilities grapple with confusion over 'grid modernization', *Public Power Daily*, by the American Public Power Association (APPA), at <https://www.publicpower.org/media/daily/ArticleDetail.cfm?ItemNumber=44562>

State of New Hampshire Public Utilities Commission, IR 15-296, Electric Distribution Utilities; Investigation into Grid Modernization, "Order of Notice," July 30, 2015, available at <https://www.puc.nh.gov/Regulatory/Docketbk/2015/15-296/INITIAL%20FILING%20-%20PETITION/15-296%202015-07-30%20ORDER%20OF%20NOTICE.PDF>

Please Ms Eisen, allow for the larger picture emerging with many a red flag all over the scenery, join awakening utility companies, and then finally let PECO put the "care" back in its "Customer Care" Department. In other words, apart from the technical fiasco of these cheap surveillance meters, people's finances and health, and our nation's safety and security are on the line. Do you care not?

With the above stated and referenced, *I have no logical reasoning for any "smart" meter towards an upgraded network.* I am not a fool.

Most seriously,
Nancy Colbert
Account 35558-00208