

The real-world Force awakens — in all of us.

Let's be honest. 2015 has been a very trying year on the whole. I can relate to what so many around the world are sensing, like there's an epic battle of light and dark happening. It's not just the Star Wars talking. It has been really difficult watching the war of duality in the real world, with real people.

Most of what seemed true and reliable in our world, we're finding out simply isn't what we thought. Radiation-pulsing utility meters and "space Wi-Fi" surveillance agendas to blanket the planet and fry the atmosphere...seriously? Our utilities and communication industry have become agents of harm. The science, the symptoms, and our hearts all speak loud and clear that this is the path to the dark side.

Yet on the positive side, while we are faced with an invasion of our rights and corrupt agendas, I'm seeing a rising *indignation* at the suggestion that this is somehow "the new normal".

The movie projector of the old power-and-control paradigm is dimming, at an **exponential** rate. The illusion of it is less solid now on our reality screen. It's there — it's just increasingly disconnected from *what we sense to be valid and rational*. We're in a time of "whole systems breakdown", as Marianne Williamson puts it. And we want to write a new story.

The corp-gov-military machine, while losing the information war (admitted back in 2011), is simultaneously lurching for total control. A last desperate attempt?

On behalf of the team at Take Back Your Power, we wish you the peace that passes all understanding in 2016.

We are still here. And we are coming together.

RECEIVED

JAN 15 2016

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

No Signature

Invalid

received 1/16/16
copied

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

improper service - case not closed

Nancy and Jim Colbert

v.

PECO Energy Company

:
:
:
:
:

C-2015-2515607

INITIAL DECISION SUSTAINING PRELIMINARY OBJECTION
AND DISMISSING COMPLAINT

Before
David A. Salapa
Administrative Law Judge

RECEIVED

JAN 15 2016

INTRODUCTION

PA PUBL. UTIL. COMMISSION
SECRETARY'S BUREAU

Customers filed a complaint against their electric utility alleging that the utility is attempting to install a new smart meter at their residence that they did not want. This decision dismisses the complaint because the utility is complying with relevant Commission statutes, regulations and orders by attempting to install the smart meter at the customers' residence.

HISTORY OF THE PROCEEDING

On November 23, 2015, Nancy and Jim Colbert (Complainants) filed a complaint with the Pennsylvania Public Utility Commission (Commission) against PECO Energy Company (Respondent). The complaint alleges that the Respondent is threatening to shut off the Complainants' service. The complaint further alleges that the Respondent is attempting to install a smart meter at the Complainants' residence that the Complainants do not want. Attached to the complaint is a document setting forth the Complainants' reasons for objecting to the smart meter installation.

The document states that the Respondent is threatening to terminate the Complainants' service because the Complainants have failed to give the Respondent access to its meter and equipment. The document asserts that the Complainants pay their bills in a timely fashion and that the Commission should not permit the Respondent to terminate their service.

The document also contends that the Respondent's attempts to install a smart meter at the Complainants' residence is unlawful. According to the document, the Complainants became customers under a contract established in 2003. The document argues that by attempting to install a smart meter at the Complainants' residence, the Respondent is attempting to unilaterally change the terms of this contract without the consent of the Complainants.

Alternatively, the document contends that even if the Respondent's attempts to install a smart meter at the Complainants' residence are lawful, the Respondent has an obligation to inform its customers of the risk of damages from smart meters. These damages include loss of privacy, radiation poisoning, identity theft, and fire.

Also attached to the complaint is a copy of a letter dated November 18, 2015 from Nancy Colbert to one of the Respondent's employees. The letter reiterates in greater detail the Complainants' objections to the Respondent installing a smart meter at their residence. The complaint requests that the Commission prohibit the Respondent from installing a smart meter at the Complainants' residence.

On December 14, 2015, the Respondent filed an answer with new matter. The answer admits that the Respondent provides electric service to the Complainants at the address shown on the complaint and that it has attempted to install a smart meter at the Complainants' residence. The answer alleges that the Respondent contacted the Complainants advising them of the smart meter installation. According to the answer, the Complainants refused to have the smart meter installed. As a result of the Complainants' refusal, the Respondent sent a ten day termination notice to the Complainants. The answer alleges that the Respondent may terminate the Complainants' service for failure to permit access to install the smart meter.

The new matter asserts that the Complainants may not opt out of having a smart meter installed at their residence. The new matter asserts that the Respondent is required by statute and Commission order to install smart meters throughout its service territory by the end of 2014.

The new matter states that Act 129 of 2008 directed the Respondent and other electric distribution companies (EDCs) to file smart meter procurement and installation plans with the Commission. The Respondent filed a smart meter procurement and installation plan with the Commission. By order entered May 6, 2010, at M-2009-2123944, the Commission approved the Respondent's smart meter procurement and installation plan.

The new matter contends that the Respondent is required to install smart meters throughout its service territory, pursuant to the Commission's order. The answer and new matter request that the Commission dismiss the complaint.

Also on December 14, 2015, the Respondent filed preliminary objections. The preliminary objections contend that the complaint is legally insufficient, pursuant to 52 Pa.Code § 5.101(a)(4). The preliminary objections assert that the complaint is requesting that the Complainants be allowed to opt out of having a smart meter installed at their residence. The preliminary objections assert that the Complainants may not opt out of having a smart meter installed at their residence. The preliminary objections assert that the Respondent is required by statute and Commission order to install smart meters throughout its service territory by the end of 2014.

The preliminary objections state that Act 129 of 2008 directed the Respondent and other EDCs to file smart meter procurement and installation plans with the Commission. The Respondent filed a smart meter procurement and installation plan with the Commission. By order entered May 6, 2010, at M-2009-2123944, the Commission approved the Respondent's smart meter procurement and installation plan.

The preliminary objections contend that the Respondent is required to install smart meters throughout its service territory, pursuant to the Commission's order. The

not Constitutional law

technocratic dictatorship

preliminary objections contend that the complaint fails to state a claim that the Respondent has violated a provision of the Public Utility Code, Commission regulation, Commission order or any provision in its tariff. Therefore, the complaint has failed to state a claim upon which relief can be granted. The preliminary objections request that the Commission dismiss the complaint.

LIE
By notice dated January 5, 2016, the Commission notified the parties that it had assigned the case to me as motion judge. As of the date of this decision, the Complainants have not filed an answer to either the Respondent's preliminary objections or its new matter. The preliminary objections are ready for decision. For the reasons set forth below, I will sustain the preliminary objections and dismiss the complaint.

sent response 12/21/15
signed & sent again 1/4/16

FINDINGS OF FACT

1. The Complainants in this case are Nancy and Jim Colbert.
2. The Respondent in this case is PECO Energy Company.
3. On November 23, 2015, the Complainants filed a complaint with the Commission against the Respondent.
4. The Respondent filed an answer with new matter on December 14, 2015.
5. On December 14, 2015, the Respondent filed preliminary objections.
6. The Complainants have not filed an answer to either the Respondent's new matter or its preliminary objections.

DISCUSSION

LIE

The Commission's Rules of Practice and Procedure permit parties to file preliminary objections. The grounds for preliminary objections are limited to those set forth in 52 Pa.Code § 5.101(a) as follows:

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

Here, the Respondent's preliminary objections assert that the complaint is legally insufficient, pursuant to 52 Pa. Code § 5.101(a)(4), in that the complaint fails to allege that the Respondent violated the Public Utility Code, Commission regulations or orders or its tariff provisions. I agree.

Commission preliminary objection practice is analogous to Pennsylvania civil practice regarding preliminary objections. Equitable Small Transportation Intervenors v. Equitable Gas Company, 1994 Pa PUC LEXIS 69, Docket No. C-00935435 (July 18, 1994). Preliminary objections in civil practice requesting dismissal of a pleading will be granted only where the right to relief is clearly warranted and free from doubt. Interstate Traveller Services, Inc. v. Pa. Dept. of Environment Resources, 406 A.2d 1020 (Pa. 1979); Rivera v. Philadelphia Theological Seminary of St. Charles Borromeo, Inc., 595 A.2d 172 (Pa.Super. 1991). The Commission follows this standard. Montague v. Philadelphia Electric Company, 66 Pa. PUC 24 (1988).

The Commission may not rely upon the factual assertions of the moving party but must accept as true for purposes of disposing of the preliminary objection all well pleaded, material facts of the nonmoving party, as well as every inference from those facts. County of

Allegheny v. Commonwealth of Pennsylvania, 490 A.2d 402 (Pa. 1985); Commonwealth of Pennsylvania v. Bell Telephone Co. of Pa., 551 A.2d 602 (Pa.Cmwlt. 1988). The Commission must view the complaint in this case in the light most favorable to the Complainants and should dismiss the complaint only if it appears that the Complainants would not be entitled to relief under any circumstances as a matter of law. Equitable Small Transportation Intervenors v. Equitable Gas Company, 1994 Pa PUC LEXIS 69, Docket No. C-00935435 (July 18, 1994).

The Commission regulation at 52 Pa.Code § 5.21(a) states that a person may file a formal complaint claiming violation of a statute that the Commission has jurisdiction to administer. The regulation at 52 Pa.Code § 5.21(d) authorizes the Commission to dismiss a complaint if a hearing is not necessary and authorizes preliminary objections to be filed in response to a complaint.

The regulation at 52 Pa.Code § 5.101(a)(4) permits the filing of a preliminary objection to dismiss a pleading for legal insufficiency. The provision at 52 Pa.Code § 5.101(a)(4) serves judicial economy by avoiding a hearing where no factual dispute exists. If no factual issue pertinent to the resolution of a case exists, a hearing is unnecessary. 66 Pa.C.S. § 703(a); Lehigh Valley Power Committee v. Pa. Pub. Util. Comm'n, 563 A.2d 557 (Pa.Cmwlt. 1989); Lehigh Valley Power Committee v. Pa. Pub. Util. Comm'n, 563 A.2d 548 (Pa.Cmwlt. 1989); S.M.E. Bessemer Cement, Inc. v. Pa. Pub. Util. Comm'n, 540 A.2d 1006 (Pa.Cmwlt. 1988); White Oak Borough Authority v. Pa. Pub. Util. Comm'n, 103 A.2d 502 (Pa.Super. 1954).

Viewing the complaint in this case in the light most favorable to the Complainants, the Respondent is threatening to shut off their service. The Complainants do not want a smart meter installed at their residence but rather want to opt out of having a smart meter installed at their residence.

Accepting the facts alleged in the complaint as true for purposes of disposing of its preliminary objection, the Respondent contends that the complaint fails to allege that the Respondent has violated the Public Utility Code, Commission regulations or orders. The Respondent concludes that the complaint is legally insufficient. I agree.

In order to be legally sufficient, a complaint must set forth “A clear and concise statement of the act or omission being complained of...” 52 Pa.Code § 5.22(a)(5). Here, the Respondent has not violated any statute, regulation or order which the Commission has jurisdiction to administer by attempting to install a smart meter at the Complainants’ residence. Rather, the Respondent is complying with relevant statutes, regulations and orders.

As set forth in great detail in the Respondent’s answer and new matter, Act 129 of 2008 directed the Respondent and other EDCs to file smart meter procurement and installation plans with the Commission. The Respondent filed a smart meter procurement and installation plan with the Commission. By order entered May 6, 2010, at M-2009-2123944, the Commission approved the Respondent’s smart meter procurement and installation plan. The Respondent is complying with the Commission’s directives by installing the smart meter at the Complainants’ residence. The Commission has previously addressed complaints opposing smart meter installation and charges.

In her Initial Decision in Negley v. Metropolitan Edison Company, Docket No. C-2010-2205305 (Initial Decision issued January 3, 2011), Administrative Law Judge (ALJ) Susan D. Colwell dismissed a complaint opposing installation of smart meters for legal insufficiency. ALJ Colwell concluded that Act 129 of 2008 authorized the installation of smart meters by EDCs. ALJ Colwell held that the Commission’s orders approving the EDC’s smart meter plans did not exempt any customers from the smart meter plans or from paying the charges associated with the smart meter plans. In addition, she held that Act 129 of 2008 did not empower the Commission to allow customers to opt out of having smart meters installed at their residences. By Commission final order entered March 3, 2011, ALJ Colwell’s Initial Decision became final without further Commission action.

In Lutherschmidt v. Metropolitan Edison Company, Docket No. C-2010-2200353 (Initial Decision issued January 31, 2011), ALJ Wayne L. Weismandel dismissed a complaint opposing installation of a smart meter for legal insufficiency, adopting ALJ Colwell’s reasoning. By Commission final order entered March 25, 2011, ALJ Weismandel’s Initial Decision became final without further Commission action. The Commission has continued to uphold installation of smart meters and 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. 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 (Opinion and 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 (Final Order entered June 12, 2014), Siemion v PECO Energy Company, Docket No. C-2015-2493952 (Final Order entered October 21, 2015), Schoefer v PECO Energy Company, Docket No. C-2015-2497438 (Final Order entered November 6, 2015).

Concerning the alleged adverse health effects of smart meters, the Commission in Kreider v PECO Energy Company, Docket No. P-2015-2495064 (Opinion and Order entered September 3, 2015) (Kreider), issued a decision on a petition for interlocutory review allowing a consumer to raise in a hearing the health effects she has experienced after a smart meter was installed at her residence. The Commission in Kreider distinguished the facts in that case from its previous decisions cited above. The Commission reasoned that because the consumer's complaint alleged specific physical symptoms caused by installation of the smart meter at her residence, it differed from the cases cited above and required a different result. The Commission in Kreider emphasized that its decision in that case was not intended to create a broad reaching precedent.

In this case, the complaint does not allege that the Respondent has installed a smart meter at the Complainants' residence. The complaint does not allege that a smart meter has caused the Complainant to experience adverse health effects, let alone specific physical symptoms. Since the complaint in this case does not allege that the Respondent installed a smart meter at the Complainants' residence and does not allege that the Complainants have suffered specific physical symptoms resulting from the installation of a smart meter, Kreider is not applicable to this case.

Concerning the alleged unsafe conditions created by smart meters, the Commission in Feldman v. PECO Energy Company, Docket No. C-2014-2442308 (Opinion and Order entered November 19, 2015) (Feldman) addressed a complaint opposing installation of a smart meter at the complainant's residence and alleging unsafe conditions created by smart meters. In Feldman, the Commission dismissed the complaint but referred the complainant's safety concerns about smart meters to the Commission's Bureau of Investigation and Enforcement (I&E) for whatever action it deemed appropriate. I will follow the Commission's decision in Feldman and refer the Complainants' safety concerns to I&E.

Concerning the Respondent's attempts to terminate the Complainants' service, the Commission has previously ruled that the Respondent may terminate a customer's service where the customer has failed to provide the Respondent access to its meter and equipment. In Larson v. PECO Energy Company, Docket No. C-2014-2451754 (Opinion and Order entered June 11, 2015) (Larson) the Commission held that the customer's request to avoid termination of his service for his failure to provide the Respondent with access to its meter and equipment was legally insufficient. The Commission ruled in Larson that the Respondent could terminate the customer's service and that the ALJ properly granted the Respondent's preliminary objections and dismissed the customer's complaint as legally insufficient.

The Commission's decisions cited above are controlling on the outcome of this case. Act 129 of 2008 and the Commission's orders authorize the Respondent to develop and implement a smart meter procurement and installation plan and impose a smart meter charge on its customers to pay for that development, implementation, procurement and installation. Neither Act 129 of 2008 nor the Commission's order allow a customer to opt out of having a smart meter installed. If a customer refuses to provide the Respondent with access to its meter and equipment to install a smart meter, the Respondent may terminate the customer's service.

Therefore, the Complainants have not set forth in their complaint any act done by the Respondent that violates a Commission regulation, statute or order. The Respondent is authorized to install smart meters and impose a charge on its customers to develop and implement a smart meter procurement and installation plan that will lead to the installation of smart meters throughout its service territory. The Respondent is authorized to terminate the

Complainants' service if the Complainants refuse to provide the Respondent with access to its meter and equipment to install the smart meter.

Since the Complainants' complaint does not set forth any violation of a Commission regulation, statute or order, it is legally insufficient. I will sustain the Respondent's preliminary objection and enter the following order.

CONCLUSIONS OF LAW

*regulation
DUC'S*

1. The Commission has jurisdiction over the parties and the subject matter of this dispute. 66 Pa.C.S. § 701.

2. The Complainants' complaint fails to state a claim upon which relief can be granted. 52 Pa.Code § 5.101(a)(4).

3. It is just, reasonable and in the public interest that the complaint filed at Docket No. C-2015-2515607. 52 Pa.Code § 5.21 (d).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the preliminary objections filed by PECO Energy Company at Docket No. C-2015-2515607 are sustained.

2. That the complaint of Nancy and Jim Colbert at Docket No. C-2015-2515607 against PECO Energy Company is dismissed with prejudice.

3. That the public safety concerns raised by Nancy and Jim Colbert are referred to the Bureau of Investigation and Enforcement for whatever action it deems necessary.

4. That the docket at Docket No. C-2015-2515607 is marked closed.

**SIGN
HERE**

Date: January 7, 2016

_____/s/
David A. Salapa
Administrative Law Judge

pre - 10 day
window

January 16, 2016

C-2015-2515607

Dear PUC Sirs and Madams:

We are returning THE INITIAL DECISION SUSTAINING PRELIMINARY OBJECTION AND DISMISSING COMPLAINT to you because **we have learned** all documentation must have an original signature. Whoever sent, please sign in ink as indicated by the tab stating "Sign Here" and return to the COMPLAINANTS. **WHOOPS!!!!** Not only a missing signature, the document states that the Complainants have **NOT** filed an answer to the Respondent's preliminary objections and new matter with new evidence. **FALSE. See ATTACHED:**

1. ALL DOCUMENTATION THAT FILING WAS MADE TWICE TO BOTH PUC AND MS LEE:

Post office lost first CERTIFIED mailing to Ms Lee 12/21/2015, sent again UPS 12/29/15 and received.

PUC received first filing sent on 12/21/15 but returned for lack of original signature, its letter dated 12/28/15 with a 10-day response window; **second** filing with signature sent via UPS in response, mailed on January 2, 2016 **and received by PUC on January 6, 2016 BEFORE THE 10-DAY PERIOD.**

2. **RESPONSE TO PRELIMINARY OBJECTION AND NEW MATTER IS ENCLOSED A THIRD TIME which declares all aiding parties will be held liable for criminal misconduct (violations cited) leading to all smart meter damages (fully known) if consent to install is forced by threat of electric shutoff. Also attached is new evidence a PUC's "Bureau of Investigation and Enforcement" might want to consider since the public is becoming more aware of corruption along with Rep. Godshall's obstruction of due process.**

IN CONCLUSION

Due process has not been sustained on several accounts:

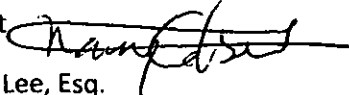
A preemptive, predetermined, premature dismissal decision, dated 1/7/16 was sent without signature.

Complainants RESPONSE TO PRELIMINARY OBJECTION AND NEW MATTER was ignored.

COMPLAINANTS AWAIT A SIGNED RESPONSE TO THE RESPONSE TO PRELIMINARY OBJECTION AND NEW MATTER determining liability.

TRULY THE ARROGANCE AND LYING on many levels BEING SPEWED BY ^{technocratic} ~~SCIENTIFIC~~ DICTATORSHIP as evidenced in the dismissal IS QUITE ALARMING. IS THIS WHAT YOU REALLY WANT or will denial of true NATURAL AND UNIVERSAL LAW OF JUSTICE continue unsustainably for a time?

Very truly yours and most seriously,

Nancy Colbert 

Cc: Shawane Lee, Esq.

RECEIVED

JAN 15 2016

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

WC

Shipment Receipt: Page #1 of 1

THIS IS NOT A SHIPPING LABEL. PLEASE SAVE FOR YOUR RECORDS.

SHIP DATE:
Mon 4 Jan 2016

EXPECTED DELIVERY DATE:
TUES 5 JAN 2016 EOD

SHIP FROM:
NANCY COLBERT
142 PENNSYLVANIA AVE
Phoenixville PA 19460
(610) 917-1116

SHIP TO:
PA- PUC
ROSEMARIE CHIAVETTA, SECRETARY
400 NORTH ST
FL 2
HARRISBURG PA 17120-0093
Business

SHIPPED THROUGH:
THE UPS STORE #3273
PHOENIXVILLE, PA 19460-4737
(610) 917-8100

SHIPMENT INFORMATION:
UPS Ground Commercial
0.1 lbs actual wt (NetWt)
Dims: 10.00x6.00x1.00 in

Tracking Number: 1Z1X576Y0353655611
Shipment ID: MMVSSK3RX0Y6C
Ship Ref 1: - -
Ship Ref 2: BS

DESCRIPTION OF GOODS:
- -

SHIPMENT CHARGES:
Ground Commercial 8.01
Service Options 0.00
Fuel Surcharge 0.42
CMS Processing Fee 0.20

Total \$8.63

COMPLETE ONLINE TRACKING: Enter this address in your web browser to track:
<http://theupsstore.com> (select Tracking, enter Shipment ID #) SHIPMENT
QUESTIONS? Contact SHIPPED THROUGH above.

THE ACKNOWLEDGEMENT: I acknowledge and accept Terms & Conditions in force
for sending shipments through this location and certify that address, contents
and values provided for this shipment are accurate in all respects.

Signature:

Shipment ID: MMVSSK3RX0Y6C



Shipped by iShip(r)

3/10/2016 07:05 AM Pacific Time N

The UPS Store

SEE NOTICE ON REVERSE regarding UPS Terms, and notice of limitation of liability. Where allowed by law, shippers authorize UPS to act as forwarding agent for export control and
customs purposes. If exported from the US, shippers certify that the commodities, technology or software were exported from the US in accordance with the Export Administration
Regulations. Diversion contrary to law is prohibited. 1350 RF 1115

The UPS Store - #3273
518 KIMBERTON RD
PHOENIXVILLE, PA 19460
(610) 917-8100

01/02/16 10:09 AM

We are the one stop for all your
shipping, postal and business needs.



(01 010253 (002) T1 \$ 1.50
07X12 Bubble Mailer
(02 001040 (001) T0 \$ 8.63
Ground Commercial
Tracking# 1Z1X576Y0353655611

SubTotal \$ 10.13
Sales tax (T1) \$ 0.09
Total \$ 10.22
Cash \$ 20.22
Change \$ 10.00-

Receipt ID 82924918829995888330 002 Items
CSH: Brianna Tran: 3339 Reg: 002

Whatever your business and personal
needs, we are here to serve you.

We're here to help.
Join our FREE email program to receive
great offers and resources.

www.theupsstore.com/signup

RECEIVED

JAN 15 2016

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
400 NORTH STREET 2ND FLOOR, HARRISBURG, PA 17120

December 28, 2015

IN REPLY PLEASE
REFER TO OUR FILE NUMBER
C-2015-2515607

NANCY & JIM COLBERT
142 PENNSYLVANIA AVENUE
PHOENIXVILLE, PA 19460

Dear Sir/Madam:

We are returning your **Response to Preliminary Objections and New Matter**, to you because it is required for us to have an original signature. Please sign in ink as indicated by the tab stating 'Sign Here' and return to the address listed at the top of this letter within 10 days.

Once we receive your Response with your original signature we will be able to process as needed. If you do not return within 10 days your filing will be considered unfiled.

Thank you for your attention to this matter.

Very truly yours,

Rosemary Chiavetta
Secretary

Enclosures
RC:al

Shipment Receipt: Page #1 of 1

THIS IS NOT A SHIPPING LABEL. PLEASE SAVE FOR YOUR RECORDS.

SHIP DATE:
Tue: 29 Dec 2015

SHIPMENT INFORMATION:
UPS Ground Commercial
0.1 lbs actual wt
Dims: 12.00x9.00x1.00 in

EXPECTED DELIVERY DATE:
WED 30 DEC 2015 EOD

SHIP FROM:
NANCY COLBERT
142 PENNSYLVANIA AVE
Phoenixville PA 19460
(610) 917-1116

Tracking Number: 1z1X576Y0353533001
Shipment ID: MMVSSK3UPLYJC
Ship Ref 1: -
Ship Ref 2: JH

SHIP TO:
SHAWANE LEE, ESO
PECO
2301 MARKET ST
UNIT S, 23
PHILADELPHIA PA 19103-1338
Business

DESCRIPTION OF GOODS:
DOCS

SHIPPED THROUGH:
THE UPS STORE #3273
PHOENIXVILLE, PA 19460-4737
(610) 917-8100

SHIPMENT CHARGES:
Ground Commercial 8.01
Service Options 0.00
Fuel Surcharge 0.42
CMS Processing Fee 0.20

Total \$8.63

COMPLETE ONLINE TRACKING: Enter this address in your web browser to track: <http://1huugastore.com> (select Tracking, enter Shipment ID #) SHIPMENT QUESTIONS? Contact SHIPPED THROUGH above.

CUSTOMER ACKNOWLEDGEMENT: I acknowledge and accept Terms & Conditions in force for tendering shipments through this location and certify that address, content, and value provided for this shipment are accurate in all respects.

Signature:

Shipment ID: MMVSSK3UPLYJC



Powered by iShip(r)
12/29/2015 09:21 AM Pacific Time N

The UPS Store

SEE NOTICE ON DELIVERY regarding UPS Terms, and notice of limitation of liability. Where allowed by law, shipper authorizes UPS to act as forwarding agent for export control and customs purposes. If exported from the US, shipper certifies that the commodity, technology or software were exported from the US in accordance with the Export Administration Regulations. Over the country in law is prohibited. 9509 99 1115

The UPS Store - #3273
516 KIMBERTON RD
PHOENIXVILLE, PA 19460
(610) 917-8100

12/29/15 12:26 PM

We are the one stop for all your shipping, postal and business needs.



001 001040 (001) TO \$ 8.63
Ground Commercial
Tracking# 1Z1X576Y0353533001

SubTotal \$ 8.63
Total \$ 8.63

Cash \$ 9.00
Change \$ 0.37

=====

PHOENIXVILLE
116 GAY ST
PHOENIXVILLE
PA
194609998
4165600860
12/21/2015 (800)275-8777 9:19 AM
=====

Product Sale Final
Description Qty Price

First-Class 1 \$0.49
Mail
Letter

(Domestic)
(HARRISBURG, PA 17120)
(Weight:0 Lb 0.90 Oz)
(Expected Delivery Day)
(Wednesday 12/23/2015)

Certified 1 \$3.45
(USPS Certified Mail #)
(70142120000006296581)

First-Class 1 \$0.49
Mail
Letter

(Domestic)
(PHILADELPHIA, PA 19103)
(Weight:0 Lb 0.90 Oz)
(Expected Delivery Day)
(Wednesday 12/23/2015)

Certified 1 \$3.45
(USPS Certified Mail #)
(70142120000006296574)

Total \$7.88

Cash \$10.00
Change (\$2.12)

BRIGHTEN SOMEONE'S MAILBOX. Greeting cards available for purchase at select Post Offices.

Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit USPS.com USPS Tracking or call 1-800-222-1811.

Order stamps at usps.com/shop or call 1-800-Stamp24. Go to usps.com/clicknship to print shipping labels with postage. For other information call 1-800-ASK-USPS.

Get your mail when and where you want it with a secure Post Office Box. Sign up for a box online at usps.com/poboxes.

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

JAN 15 2016

RECEIVED

Handwritten mark

**RESPONSE TO
PRELIMINARY
OBJECTIONS
AND NEW
MATTER**

Within 10 and 20 days

RECEIVED

JAN 15 2016

**PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU**

ne

After all the multitudinous professional and scientific sources of FACTS provided but denied, ignored and abhorred, Peco's response to the formal complaint has made quite clear that legal counsel pretends to have law on its side when in fact **NO law, legitimate and legal that is, BUT NOR ANY DUE LEGISLATIVE PROCESS** exists in this so aptly-named "smart" matter. Peco is just following **ORDERS FROM ON HIGH**, for the sake of profit at taxpayer expense.

Only money is god. The taxpayer is **MADE** a slave in their own home, subjected to surveillance, ill-health, financial risk, property risk, and identity theft. It's the **NEW WORLD ORDER** of things, every insignificant "useless eater" (**TRILATERAL COMMISSION** term) in its place doing as told, every nation weakened the same old totalitarian way.

3

10

And I quote from Ms Lee:

"Assuming that everything the Complainants allege in their Complaint is true, PECO Energy is operating under the basis of Act 129 and the specific direction given to the company by the legislature and the Commission through the Commission's Implementation Order."

"The Commission believes that it was the intent of the General Assembly to require all covered EDCs to deploy smart meters system-wide when it included a requirement for smart meter 'in accordance with a depreciation schedule not to exceed 15 years.'"

Unfortunately, Ms Lee ignores the real Congressional proceedings for Act 129 that such was NOT the case. A commission does not make "law" except for UNPROMULGATED REGULATION which does NOT have the force of law.

Then:

"The opt-out provision; however, has not been scheduled for a vote by the General Assembly..."

ON PURPOSE Ms Lee forgot to add so I added it for her. All attempts have been squashed ON PURPOSE, preventing the issue from arising despite much public call to their legislative representatives who can no longer serve their Constitutional oaths.

FURTHERMORE, while reform legislation is pending, the original law cannot be enforced legally, in a true legal system.

Ms Lee also forgot to mention that when I set up service at my residence many years ago, it was under the contract of an analog meter, NOT a secretly-veiled surveillance device. That Peco "must" follow orders to install surveillance devices without notification is a violation of:

The original customer contract,

THE UNITED STATES CODE TITLE 18

THE FOURTH AMENDMENT OF THE UNITED STATES CONSTITUTION

NATURAL AND UNIVERSAL LAW

That the smart meter is a surveillance device is FINALLY confirmed by Peco's own

Derrick Dickens:

"NOW THAT THE SYSTEM IS IN, we can really start to extract the value. There's so much data there that we have to sit down and figure out how to mine it." [which has nothing to do with a real utility providing electric service]

From the Philadelphia Inquirer, December 6, 2015 "Peco closing in on meter changeover"

DL


THEREFORE:

In a real court of law established under the Constitution of the United States and the State of Pennsylvania, and under the Natural and Universal Law of Justice which inspired them, Peco is aiding and abetting criminal misconduct.

If Peco criminally forces customer consent by sending another shut-off notice, forcing me to undergo violations of my person, family and property in order to maintain electric service (consent under protest), take notice: it and all those entities subjugating members of the public and participating in such activity, will be held liable for ALL damages to my person, family and property in a real court of law and under the Natural and Universal Law of Justice which has the final say in the order of Things.

The matter will not be closed until the true Rule of Law is followed.

Most seriously,


Nancy Colbert

Enclosures: attachment of MORE facts

nc

View or download the loD report:
Not too clever: Will Smart Meters be the next Government IT disaster?
(PDF, Released March 27, 2015)

<https://takebackyourpower.net/wp-content/uploads/2015/03/Smart-meters-Not-too-clever-1-loD.pdf>

Utility commissions' decisions appealed in Maine, Arizona

January 14, 2015 by TBYP Communications

On Friday, January 9th, an appeal in Maine was filed against PUC decision to continue to allow unfettered corporate deployment of so-named "smart" meters, without disclosure or consent:

[Appeal Press Release 1-13-15 \(pdf\)](#)

[Notice of Appeal 1-9-15 Reduced \(pdf\)](#)

Earlier last week, an appeal in Arizona was filed against the ACC's decision to allow unfettered corporate deployment and extorting of those who assert their rights to not be irradiated, surveiled, and made vulnerable with untested, fire-prone and insecure technology in their own homes:

www.sedona.biz/editorial-and-opinion/letter-to-the-editor/letter-to-the-editor-acc-smart-meter-decision-appealed/

Will these appeals and similar actions entirely within corporate jurisdictions prove to be effective? Will our public servants and judges *finally* do the right thing?

Or, will we need to seek higher ground with the enforcement of liability against the criminals involved?

Utility commissioner's private emails reveal conspiracy

February 13, 2015 by Josh del Sol

FAT CAT IS OUT OF THE BAG: Evidence has now been made public of illegal actions and collusion between former California Public Utilities Commission president Michael Peevey and utility PG&E, as criminal investigations continue.

As part of a federal and state investigation into what appears to be systemic corruption involving former senior executives at PG&E and the California Public Utilities Commission, 65,000 emails have been publicly released, revealing collusion and conspiracy.

Former commission president Michael Peevey and former PG&E Vice President Brian Cherry are wishing investigators would have been kept in the dark. The pair privately discussed problems with so-called "smart" meters, violating their own rules of procedure while *admitting* to health harm and overbilling problems – which several thousand Californians had been warning about since 2008. Details continue to surface, as press and researchers continue to delve into the mountain of collusion.

It is perhaps justly ironic that we now see, made public, the private email correspondence of those who have teamed up to deploy technology which, according to a 2012 US Congressional Research report, facilitates unprecedented in-home surveillance.

Here are some highlights from their correspondence:

1) Peevey knew – since 2010 – that "smart" meters can cause physical harm.

And he believed PG&E should do something about it, albeit "quietly". However, instead of regulating the utility to ensure public safety, he deferred his lawful duty to PG&E – *the entity causing the harm*.

From a 2010 email:

MC

From: Peevey, Michael R.
Sent: 9/3/2010 1:07:53 PM
To: Cherry, Brian K (/O=PG&E/OU=CORPORATE/CN=RECIPIENTS/CN=BKC7)
Cc:
Bcc:
Subject: RE: SF Chamber Statement on CPUC Independent Evaluation of PG&E Smart Meters

The press coverage was very good and helps PG&E big time, overall, as well as other companies, etc. One thought for the company: If it were my decision I would let anyone who wants to keep their old meter keep it, if they claim they suffer from EMF and/or related electronic-related illnesses and they can produce a doctor's letter saying so (or expressing concern about the likelihood of suffering same). I would institute such a policy quietly and solely on an individual basis. There really are people who feel pain, etc., related to EMF, etc., and rather than have them becoming hysterical, etc.. I would quietly leave them alone. Kick it around. And, it sounds like the company may already have taken this step, based on a couple of the comments at yesterday's public hearing.

"Peevey wanted PG&E to keep it quiet," writes Sandi Maurer, Director of the [EMF Safety Network](#). "He didn't want other customers, or the rest of the world to know there's a problem with smart meters causing customers pain."

2) Peevey said after a "smart" meter was installed on his vacation home, his bill more than doubled.

Sunday's LA Times [reported this one](#). "Obviously something is wrong," Peevey wrote to Cherry in 2011. "I would like an explanation." PG&E reacted immediately to perform a "deep dive investigation" into the billing situation at the 3,118-square-foot Sea Ranch home on the Northern California coast.

There have been tens of thousands of billing complaints in California, revealing a widespread, systemic overbilling problem which appears to be the case everywhere "smart" meters are installed.

3) Peevey and Cherry colluded to *permanently delay* hearings until the "smart" meter rollout was completed.

As noted in EMF Safety Network's January 22 [appeal for rehearing](#), an email from Cherry to Tom Bottorff – a senior VP who left in disgrace but received \$1.1M in severance pay – outlines the CPUC conspiracy to delay "smart" meter hearings until all "smart" meters had already been installed:

"Mike [Peevey, the CPUC president] grumbled about the CCSF PFM [City and County of San Francisco Petition for Modification] and the folks in Sebastopol [sic] who want to delay SmartMeter implementation. He implied that this wasn't going to happen and that by the

time the Commission got around to acting on it, we would have installed all of our meters.”

SmartMeters - Mike grumbled about the CCSF PFM and the folks in Sebastapool who want to delay SmartMeter implementation. He implied that this wasn't going to happen and that by the time the Commission got around to acting on it, we would have installed all of our meters. He was concerned about the Structure SmartMeter Audit. He said he could not go into details, but that we would like their conclusions on the viability of the technology and infrastructure that supports it. He did say the Structure Audit report would be very critical of the way we handled the problem and communicated with our customers. He was also highly critical of Helen and her handling of the Senate hearing in Sacramento.

Miscellaneous - Mike couldn't hide his disdain for Mark Toney and TuRN. He was particularly incensed, along with Clanon, about TuRN's refusal to modify their website about opposition to SmartMeters. I'm not too concerned about TuRN and the GRC at this point. I don't believe we need them as a settlement partner with Peevey as the assigned Commissioner.

In fact, not all of the “smart” meters have been installed in California – as thousands of customers have refused and 57 local governments don't want them – and there are now obvious issues with those that were installed.

Thanks to multi-year efforts of advocate groups like EMF Safety Network and StopSmartMeters!, the cat is now out of the bag as to how dangerous and corrupt the grand plans of people like Michael Peevey have been. The CPUC and PG&E knew that people were being harmed and they colluded to silence the truth.

The story continues to unfold

We encourage you to stay tuned as more revelations come out by the day. With the judge-shopping scandal, ex-Commissioner Peevey's home computers, hard drives and smart phones were seized in January by investigators. This has already led to more evidence of collusion in the multi-billion dollar bailout of the San Onofre nuclear power plant in 2013.

As utility and political leaders from around the country toasted Michael Peevey last night on a “job well done”, truth advocates will continue to sift through emails. We can only guess what will be revealed in the coming months. However, it appears that it won't be a comfortable retirement for those who broke their own rules and brushed aside safety in order to push through the multi-billion dollar boondoggle that is the wireless “smart” grid.

NEWS CANADA Hydro-Quebec rocked by resignations amid smart-meter flap

THREE EXECUTIVES RESIGN FROM CANADA'S LARGEST UTILITY: Two weeks ago, Hydro Quebec was rocked with the resignations of CEO Thierry Vandal and its two “smart” meter program managers.

MONTREAL — Two Hydro-Quebec executives in charge of the contentious smart-meter program quietly resigned last week along with CEO Thierry Vandal, QMI Agency has learned.

The \$1-billion smart-meter file has sparked boycotts and petitions over the safety of the devices and Hydro-Quebec's pushy installation measures.

Vandal, the president and CEO, quit after 10 years on the job. His resignation takes effect May 1.

Vandal's second-in-command, Marie-Josée Nadeau, quit on Friday along with Georges Abiad, who was overseeing installation of more than 3.8 million electronic meters.

nc

Nadeau, as secretary of the board, was the only person aside from the president who had access to all Hydro-Quebec files. She had held her post for 22 years.

In an e-mail to QMI, Nadeau said her resignation "is totally independent of Thierry Vandal's and it would be wrong to make any connection."

Hydro-Quebec provided no explanation for the departure of Abiad, the smart-meter boss.

"Mr. Abiad left the corporation last week to pursue other challenges," the utility told QMI in a statement.

An industry insider said the sudden loss of the three top managers was a shock.

"It's as if Hydro-Quebec has been decapitated," he said.

The utility is Canada's largest in terms of revenues and capacity.

Aside from its Quebec monopoly, the utility powers up parts of Ontario, New Brunswick, Labrador and New England.

Hydro-Quebec has faced enormous criticism over its plan to replace analog meters with digital units.

Clients have reported major hikes on their hydro bills and many have told QMI they have had difficulty getting answers from Hydro-Quebec.

Some say they've been put on hold for long periods and were even harassed by call-centre agents who insisted they had no choice but to have the meters installed. The smart meters are, in fact, optional.

QMI reported in December that one Hydro worker faces disciplinary measures for breaking into a home north of Montreal to install a meter.

Some clients, and even some entire towns, are refusing to let Hydro-Quebec install the smart meters on their property.

Source article: <http://www.torontosun.com/2015/02/03/hydro-quebec-rocked-by-resignations-amid-smart-meter-flap>

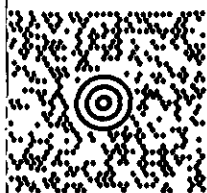
MC

JANCY COLBERT
610) 917-1116
42 PENNSYLVANIA AVE
HOENIXVILLE PA 19460

0.1 LBS LTR 1 OF
SHP WT: LTR
DATE: 18 JAN 2016

SHIP ROSEMARIE CHIAVETTA, SECRETARY
TO: PA- PUC
FL 2
400 NORTH ST

HARRISBURG PA 17120-0093



PA 171 9-20



UPS NEXT DAY AIR SAVER

1P

TRACKING #: 1Z 1X5 76Y 13 5598 2156



REF #2: BS

ISH 13.00N E2844 69.5V 10/2015



SEE NOTICE ON REVERSE regarding UPS Terms, and notice of limitation of liability. Where allowed by law, shipper authorizes UPS to act as forwarding agent for export control and customs purposes. If exported from the US, shipper certifies that the commodities, technology or software were exported from the US in accordance with the Export Administration Regulations. Diversion contrary to law is prohibited.

600 10 1115