

**BEFORE THE PENNSYLVANIA  
PUBLIC UTILITY COMMISSION**

Barbara and Charles Tucker,

Complainants,

v.

Docket No. C-2015-2515592

PECO Energy Company

Respondent

**AMENDED FORMAL COMPLAINT**

**I. INTRODUCTION**

Pursuant to Section 701 of the Public Utility Code, 66 Pa. C.S. § 701 and Sections 5.21, 5.22 and 1.81 of the Commission's Regulations, 52 Pa. Code §§ 5.21, 5.22 & 1.81, the Complainant in the above-captioned matter respectfully submits this Amended Complaint. This submittal amends the Formal Complaint filed with the Pennsylvania Public Utility Commission ("PUC" or "Commission") on or about November 21, 2015 and docketed at the Commission on December 1, 2015. In support of their Amended Formal Complaint, the Complainant sets forth the following.

1. The Complainants are:

Barbara & Charles Tucker  
900 Summit Lane  
Oreland, PA 19075-2526  
(215) 836-1169

2. Complainants' Counsel is:

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

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

4. Complainants are electric customers of PECO receiving residential service at the address above under account number 70034-01306.

## **II. REASON FOR COMPLAINT**

5. On or about November 11, 2015, PECO sent a letter to Complainants advising them that the Company intended to install a smart meter in the Complainants’ premises.

6. On or about November 18, 2015, Complainants sent a letter to PECO advising the Company that Complainants *did not wish to have a smart meter installed on their premises* because of Mrs. Barbara Tucker’s health issues, including, but not limited to, nervous system disease, a history of cancer, sensitivity to microwave emissions and electromagnetic radiation and other electro-sensitivity issues. The November 18, 2015 letter is attached as Exhibit A.

7. The November 18, 2015 letter to PECO included a note from Terry Heiman-Patterson, MD, Mrs. Tucker’s neurologist, expressing concern that the installation of a smart meter at Complainants’ home might prove dangerous to Mrs. Tucker’s health and requesting that PECO refrain from installing the smart meter at Complainants’ premises. Dr. Heiman-Patterson’s letter is attached as Exhibit B.

8. On or about November 19, 2015, Complainants received from PECO a 10-day shut-off notice threatening to cut off service to Complainants’ residence on or after December 3, 2015. The shut-off notice is attached as Exhibit C.

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

10. Complainants are senior customers and have a number of serious medical conditions that require them to have uninterrupted electric service to their home.

11. *Mrs. Tucker's medical conditions include Motor and Sensory Peripheral Neuropathy and Electro-sensitivity, among other ailments, which make Mrs. Tucker uniquely susceptible to Electro Magnetic Field (EMF) and Radio Frequency (RF) radiation. See, Exhibit B.*

12. Exposure to EMF and RF radiation is known to exacerbate certain medical conditions, including the rare ailments suffered by Mrs. Tucker.

13. Wireless smart meters are known to emit indeterminate amounts of EMF and/or RF emissions.

14. Complainants requested that PECO abstain from installing a wireless smart meter at their residence because the device would adversely affect Mrs. Tucker's fragile health.

15. PECO ignored Complainants' requests regarding the installation of a wireless smart meter at their premises and did not accept Mrs. Tucker's doctor's recommendation to PECO to abstain from installing a smart meter at the residence.

16. Complainants believe, and therefore aver, that installation of a wireless smart meter at their home would create an unsafe and unhealthy condition at the premises.

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

18. The Public Utility Code and the Commission's regulations further require that PECO make all "repairs, changes, alterations, substitutions, extensions, and improvements in or to such service and facilities as shall be necessary or proper for the accommodation,

convenience, and *safety* of its patrons, employees, and the public.” 66 Pa. C.S. § 1501; 52 Pa. Code § 57.194 (emphasis added).

19. PECO’s installation of a wireless smart meter in Complainants’ home would constitute a violation of Section 1501 of the Public Utility Code and Section 57.194 of the Commission’s regulations because it would create unsafe and unreasonable service for Complainants, who are PECO customers.

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

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

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

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

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

25. PECO's forced installation of a wireless smart meter at Complainants' residence under threat of termination would prevent Complainants from having access to safe and reasonable electrical services.

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

27. PECO's threatened termination, if permitted, would constitute a denial of essential electric service to a medically vulnerable customer who needs electricity to maintain a reasonable level of health and well-being.

28. PECO has presented Complainants with the unacceptable choice of having their service terminated or accepting the installation of a device that is exceedingly harmful to the health and well-being of Complainants.

### **III. RELIEF SOUGHT**

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

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

31. The Commission should compel PECO to make an accommodation for Complainants based on Mrs. Tucker's medical conditions and desist from any attempts to install any equipment that would exacerbate Mrs. Tucker's medical conditions.

32. PECO should be compelled by the Commission to install only an analog meter or a similar device that does not produce EMF or RF emissions at or near Complainants' residence.

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

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

**IV. CONCLUSION**

Based on the foregoing, Complainants respectfully request that the Commission sustain their Formal Complaint and issue an Order granting the relief requested and any other remedy that the Commission deems just and proper.

Respectfully submitted,



Edward G. Lanza, Esq.  
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February 3, 2016

Counsel for Complainants


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**VERIFICATION**

I, Barbara Tucker, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter.

I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Date: February 2, 2016



Barbara Tucker  
Complainant

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**VERIFICATION**

I, Charles Tucker, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter.

I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Date: February 2, 2016

  
Charles Tucker  
Complainant

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Dr. & Mrs. Charles Tucker  
900 Summit Lane  
Oreland, PA 19075

November 18, 2015

Ms. Brenda Eison  
PECO  
AMI Deployment  
2301 Market Street,  
First Floor  
Philadelphia, PA, 19103

In Re: Account # 60034-01306 - Your Letter Re Installing A Smart Meter At 900 Summit Lane, Oreland, PA 19075-2526


Dear Ms. Eison,

As per your recent letter, (undated), but postmarked November 11, 2015, notifying us of PECO's intention of installing a Smart Meter at our premises, 900 Summit Lane, Oreland, PA 19075, this is to inform you that we do not wish to have this meter installed at our premises, as Mrs. Tucker has many health issues that preclude its installation. She has an ongoing nervous system disease and is a Cancer survivor, to name a few.

However, we would be pleased to "opt-out" of its installation, or to arrange to have our general contractor install the meter at a different location, at our expense, which is not directly under our Master Bedroom window, (the mounting place of your current Analog Meter), the location of which we feel would be harmful to Mrs. Tucker's health due to its Microwave emissions, her sensitivity to electromagnetic radiation and her other electro-sensitivity issues.

Enclosed is a copy of her Neurologist's letter averring to her health issues and all of the above.

Cordially yours,

  
DR. CHARLES TUCKER  
900 Summit Lane  
Oreland, PA 19076-2526

CMT:JB

Encl: 1



DREXEL UNIVERSITY  
College of  
Medicine

Department of Neurology

November 10, 2015

PECO Customer Service Center  
2301 Market Street  
PO Box 8699  
Philadelphia, PA 19101

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

**RE: Charles and Barbara Tucker**  
900 Summit Lane, Oreland, PA 19075  
PECO Acct : 70034-01306

To Whom it May Concern:

I am Mrs. Barbara Tucker's Neurologist and I am writing to request that you DO NOT install one of your new Smart Electric Meters directly under her bedroom, the location of the current meter.

Mrs. Tucker has a particular and unique health and nervous system disease called Motor and Sensory Peripheral Neuropathy that requires her to be cautious of every safety risk, and she has been diagnosed with Electro-sensitivity. She is also on the Pennsylvania State Hypersensitivity List, as she is very sensitive to all chemical exposures. Installing your Smart Meter would expose her to electro-magnetic radiation, which would further tax her immune system and leave her vulnerable to other diseases.

In addition, there is also the exposure to the fires about which there is documented evidence in Pennsylvania and other states, and cancer-causing risks, including dangers from spikes in the electrical system at her home. Mrs. Tucker is a Colon Cancer survivor, and is very concerned about the effects that your smart meter may cause to her health, as am I.

It is my understanding that Mr. and Mrs. Tucker are willing to pay the monthly fee for not installing the Smart Meter and leaving the analog meter in place. I request that you leave the analog meter in place as changing to the Smart Meter might prove dangerous to Mrs. Tucker's overall health and welfare.

Thank you.

Terry Heiman-Patterson, MD  
Professor and Vice Chairman, Department of Neurology  
Director, Neuromuscular Division  
Drexel Neurosciences Institute

cc: I. Popowsky, Consumer Advocate State of PA. Pennsylvania Office of Consumer Advocate, 555 Walnut Street – 5<sup>th</sup> floor, Forum Place. Harrisburg PA 17101-1923

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**CERTIFICATE OF SERVICE**

I hereby certify that this day I served a copy of the foregoing document upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.


Via Email and/or First Class Mail

Shawane Lee, Esq.  
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Hon. Christopher P. Pell  
Administrative Law Judge  
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Philadelphia, PA 19107  
[cpell@pa.gov](mailto:cpell@pa.gov)

Barbara & Charles Tucker  
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Date: February 3, 2016

  
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