

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Stephen and Diane Van Schoyck	:	
	:	
v.	:	Docket No. C-2015-2478239
	:	
PECO Energy Company	:	

**COMPLAINANTS' PETITION
FOR LEAVE TO WITHDRAW FORMAL COMPLAINT**

Pursuant to Section 5.94 of the rules and regulations of the Pennsylvania Public Utility Commission (“Commission”), 52 Pa. Code § 5.94, Complainants Stephen and Diane Van Schoyck (“Complainants”), through undersigned counsel, hereby submit this Petition for Leave to Withdraw their Formal Complaint filed at the above-captioned docket. The Formal Complaint in this matter alleged violations of Section 1501 of the Public Utility Code, 66 Pa. C.S. § 1501, arising from health issues experienced by Complainants following PECO’s installation of a wireless digital meter at Complainants’ premises. In support of their withdrawal request, Complainants respectfully submit the following.

I. HISTORY OF THE PROCEEDING

1. On April 14, 2015, Complainants filed a formal complaint against PECO objecting to the Company’s installation of a wireless digital meter (“smart meter”) because they were concerned with the adverse effects the device had on their health. Complainants sought to have the Commission order PECO to remove the smart meter, and instead, install an analog meter to measure electric usage at the premises.

2. On May 6, 2015, PECO filed an answer and new matter to the complaint denying all material allegations and claiming they were legally obligated to install smart meters for all its electric distribution customers pursuant to Pennsylvania’s Act 129 of 2008 (“Act 129”).

3. Also on May 6, 2015, PECO filed preliminary objections seeking dismissal of the complaint for legal insufficiency. PECO claimed that Complainants did not allege a violation of any law, regulation or Commission order that could support a finding against the Company.

4. On May 23, 2015, the Van Schoycks filed an answer to PECO's preliminary objections. In their answer, the Van Schoycks continued to object to PECO's installation of a smart meter on their home due, in large part, to health concerns.

5. In an Initial Decision issued June 19, 2015, Administrative Law Judge Steven K. Hass sustained PECO's preliminary objections and dismissed the complaint.

6. On July 22, 2015, Complainants filed Exceptions to Judge Hass' decision asserting, among other things, that since the smart meter was installed at their premises in February 2015, they experienced health problems that included chest pain, difficulty sleeping and other symptoms.

7. On August 6, 2015, PECO filed Reply Exceptions arguing that Judge Hass' decision should be upheld in spite of Complainants' averments of health issues resulting from PECO's smart meter.

8. On February 25, 2016, the Commission reversed Judge Hass' decision dismissing the complaint and referred the matter to the Office of Administrative Law Judge for hearing.

9. The Commission found that the Complainants had made sufficient factual averments to point to a potential violation of Section 1501 of the Public Utility Code and that they were entitled to an opportunity to prove their health and safety claims at a hearing.

10. Administrative Law Judges Darlene Heep and Christopher Pell were assigned to hear the case and a hearing was scheduled for July 26-27, 2016.

11. The hearing in this matter was later continued to October 24-28, 2016.

12. In the course of proceedings in other similar cases before Judges Heep and Pell, undersigned counsel informed PECO counsel and the Judges that Complainants' intended to seek leave to withdraw from this case.

13. Complainants are requesting that the litigation schedule in this matter be suspended pending the Presiding Officers' decision on this petition.

II. REASONS FOR WITHDRAWAL

14. Complainants have spent considerable time and resources attempting to prevent PECO from installing an unsafe and harmful smart meter device on their property.

15. In addition to filing this case, Complainants have written many letters and made many phone calls to PECO, the Commission, legislators and others in an effort to secure some sort of relief or accommodation for their health concerns related to smart meters.

16. To date, Complainants have spent countless hours and significant sums of money to protect their health and the integrity of their home from a utility that is unwilling to provide any sort of reasonable accommodation.

17. Because Complainants' efforts have not yielded the desired results, they have decided to abandon the costly, time-consuming and stressful legal fight and disconnect their home from PECO's electric distribution system. Complainants have decided to go "off the grid."

18. Complainants have developed a transition plan to go off the grid, which includes the installation of solar system to generate electricity for their home and a whole-house battery for energy storage.

19. Currently, Complainants are engaged in the process of securing the necessary permits to complete the installation work and are taking a number of additional steps to ensure a safe and effective transition to solar power off the grid.

20. Once the project is completed, Complainants will have no need to be connected to PECO's electric distribution system, and therefore, will not need to have a smart meter installed at their home.

21. Complainants expect to go off the grid sometime in November of this year.

22. A full transition to an off-grid electrical system for their home will eliminate the Complainants' need to continue to litigate in order to prevent PECO's installation of a harmful wireless meter device at their home.

23. The planned conversion to a solar system for the Complainants' home also will put an end to PECO's threats of termination against Complainants for their purported failure to allow access to PECO's meter.

24. Granting this petition for leave to withdraw will conclude this matter and resolve the issues in this case in lieu of incurring the time, expense and uncertainty of litigation.

III. CONCLUSION

WHEREFORE, Complainants respectfully requests that the Commission suspend the litigation schedule in this matter, grant this Petition for Leave to Withdraw the Formal Complaint and mark this docket closed.

Respectfully submitted,



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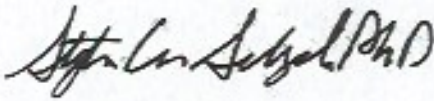
Date: October 17, 2016

Counsel for Complainant

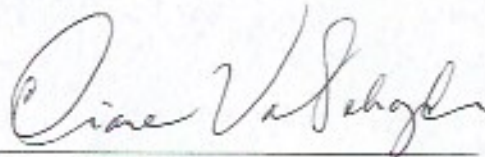
VERIFICATION

We, Stephen Van Schoyck and Diane Van Schoyck, hereby state that the facts above set forth are true and correct to the best of our knowledge, information and belief and that we expect to be able to prove the same if necessary.

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



Stephen Van Schoyck
Complainant



Diane Van Schoyck
Complainant

Date: October 17, 2016

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CERTIFICATE OF SERVICE

I hereby certify that this day I served a copy of the foregoing Petition to Withdraw Formal Complaint upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code § 1.54.

Via Electronic Mail

Hon. Darlene Heep
Hon. Christopher Pell
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Date: October 17, 2016



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