



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

ISSUED: April 8, 2004

C-20039944
C-20030069
C-20030150

JOSEPH G BLACK
2500 SANDY LANE
EASTON PA 18045-2132

Joseph Black
Nora J. Kraeuter
Larry C. Rappa
V.
Metropolitan Edison Company

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TO WHOM IT MAY CONCERN:

Enclosed is a copy of the Initial Decision of Administrative Law Judge Ky Van Nguyen. This decision is being issued and mailed to all parties on the above specified date.

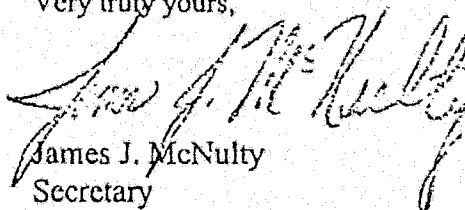
If you do not agree with any part of this decision, you may send written comments (called Exceptions) to the Commission. Specifically, an original and nine (9) copies of your signed exceptions **MUST BE FILED WITH THE SECRETARY OF THE COMMISSION 2ND FLOOR, KEYSTONE BUILDING, 400 NORTH STREET, HARRISBURG, PA OR MAILED TO P.O. BOX 3265, HARRISBURG, PA 17105-3265**, within twenty (20) days of the issuance date of this letter. The signed exceptions will be deemed filed on the date actually received by the Secretary of the Commission or on the date deposited in the mail as shown on U.S. Postal Service Form 3817 certificate of mailing attached to the cover of the original document (52 Pa. Code §1.11(a)) or on the date deposited with an overnight express package delivery service (52 Pa. Code 1.11(a)(2), (b)). If your exceptions are sent by mail, please use the address shown at the top of this letter. A copy of your exceptions must also be served on each party of record. 52 Pa. Code §1.56(b) cannot be used to extend the prescribed period for the filing of exceptions/reply exceptions. A certificate of service shall be attached to the filed exceptions.

If you receive exceptions from other parties, you may submit written replies to those exceptions in the manner described above within ten (10) days of the date that the exceptions are due.

Exceptions and reply exceptions shall obey 52 Pa. Code 5.533 and 5.535 particularly the 40-page limit for exceptions and the 25-page limit for replies to exceptions. Exceptions should clearly be labeled as "EXCEPTIONS OF (name of party) - (protestant, complainant, staff, etc.)".

If no exceptions are received within twenty (20) days, the decision of the Administrative Law Judge may become final without further Commission action. You will receive written notification if this occurs.

Very truly yours,


James J. McNulty
Secretary

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Encls.
Certified Mail
Receipt Requested
MK

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EASTON PA 18045

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joseph Black	:	
	:	
v.	:	C-20039944
	:	
Metropolitan Edison Company	:	
	:	
Nora J. Kraeuter	:	
	:	
v.	:	C-20030069
	:	
Metropolitan Edison Company	:	
	:	
Larry C. Rappa	:	
	:	
v.	:	C-20030150
	:	
Metropolitan Edison Company	:	

SECRET
APR 12 2004

INITIAL DECISION

Before
Ky Van Nguyen
Administrative Law Judge

HISTORY OF THE PROCEEDINGS

On March 31, April 16 and 25, 2003, Joseph Black, Nora J. Kraeuter and Larry C. Rappa (the Complainants) filed complaints with the Pennsylvania Public Utility Commission (the Commission) against Metropolitan Edison Company (the Respondent). Essentially, the Complainants alleged that the Respondent's Northwood substation had doubled in size and kept expanding, and that the noise and the electromagnetic field from the substation would expose them to a health risk and subject their property to a decline in value. They asked the

4. The Respondent's Northwood substation has noises from humming sound from transformers and fans which are used to cool the transformers when they are hot. Since the early 1990's, the Respondent has planted trees on the south and west side of the substation to reduce the amount of operating sound. It has conducted monthly safety inspection and maintenance schedule at the substation. It has also done noise level studies and these studies indicate the sound level coming from the substation is within the tolerance of the township ordinance (N.T. 19-21, 25-27).

5. The Northampton County area has grown, but the growth of the area has not increased the operation of the Northwood substation. If the growth reaches to the point where the load is approaching the capacity of the substation, the Respondent would have to take a look at either increasing the capacity of the substation's capacity or building another substation. Basically, the lines at the substation have not changed since 1950 (N T. 21-23).

6. On June 9, 2003, the Respondent hired a firm called Ostergaar Associates to measure the noise at the substation. The firm conducted the measurement of noise at 12 locations around the substation and found the noise levels to be within the township's ordinance (N T. 28-37, MetEd Exhibit 2).

7. Electromagnetic field (EMF) is a field of force that is produced by electrical voltage and a flow of electricity. An EMF associated with power lines that operate at a frequency of 60 cycles per second is characterized as an extremely low EMF. The operation of a radio, a television or the use of x-rays, which operate in the million or the trillion of cycles per second, may also create an EMF. The higher the frequency, the higher the energy is associated with the field (N.T. 41, 42).

8. Electric and magnetic fields are two different things that are produced by power. Electric fields are created by voltage and magnetic fields by a flow of electricity. Most of the researchers have focused on magnetic fields. Some studies show a weak correlation between a magnetic field and a human disease; others none at all. The five-year study by the

The Complainant complained that the magnetic fields generated from the substation and the power lines are harmful to his family's health and that those harms are documented in literature, such as newspapers and scientific studies. He also stated that the humming noise from the substation is likely to cause his home to decline in value (N.T. 5-7). It appears that the Complainant did not produce any competent evidence, testimonial or documentary, in support of his position. His testimony was of a general nature, and contained only assertions. No matter how honest and strong his assertions are, they cannot form a basis for a finding in his favor. "Mere bald assertions, personal opinions or perceptions do not constitute evidence." Pennsylvania Bureau of Corrections v. City of Pittsburgh, 516 Pa. 75, 532 A.2d 12 (1987).

For the reasons above, I conclude that the Complainant has not carried his burden of proof. It becomes unnecessary to discuss whether the Respondent has produced sufficient evidence to rebut the Complainant's case.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties and the subject matter of this dispute.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the complaints of Joseph Black and Nora J. Kraeuter against Metropolitan Edison Company at Docket Nos. C-20039944 and C-20030069 are dismissed with prejudice.

DATE: June 22, 2004

SUBJECT: C-20039944
C-20030069
C-20030150

TO: Cheryl W. Davis, Director
Office of Special Assistants

FROM: James J. McNulty
Secretary
nvl

DOCKETED
JUN 23 2004

JOSEPH BLACK
NORA J. KRAEUTER
LARRY C. RAPP
VS
METROPOLITAN EDISON COMPANY

Copies of the Initial Decision have been served upon all parties of interest.

Exceptions have been filed by:

LARRY C. RAPP

Reply Exceptions have been received from:

METROPOLITAN EDISON COMPANY

**DOCUMENT
FOLDER**

cc: Susan Hoffner