

Norbert Sliwinski 856 Cottonwood Dr Monroeville, PA 15146

February 6, 2017

Pennsylvania Public Utility Commission
POB 32656
Harrisburg, PA 17105-3265

Delivered by email as dated

Re: C-2016-2559985

TO ALL PARTIES

Am herewith filing my OFFICIAL EXEPTIONS the PUC's INITIAL DECISION SUSTAINING MOTION FOR JUDGEMENT ON PLEADINGS dated Jan 17 2017

According to your prior letter dated 10/7/2016 where you dismissed the formal DLC complaint when you stated that the context of my complaint would deserve a hearing, see page 4 § 3 where it states: *Here, Complainant has raised material questions of fact and has provided an explanation for the boxes checked on his formal complaint form. Based upon the averments set forth in the formal complaint, it appears that Complainant has raised a question of fact that would be best addressed at a hearing, affording the parties an opportunity to be heard in this proceeding, which would be in the public interest.*

According to **law**, a **hearing** is a proceeding before a court or other decision-making body or officer, such as a government agency or a Parliamentary committee. A **hearing** is generally distinguished from a trial in that it is usually shorter and often less formal. See also: Title 66 PUC Code Chp 7 §703, a , b & c.

I have not heard anything from you (PUC) regarding a hearing date, I had contacted Judge Watson directly, but never received and answer until the above letter dated 1/17/2017 arrived whose reasoning for dismissal I do not understand.

Not being a lawyer, I do not understand the dismissal clause ***“the utility is not in violation of any relevant Commission statutes, regulation and orders.”*** Would you please elaborate on what Commission statutes, regulation and orders are.

I since have researched the PUC and discovered that none of the commissioners nor the administrative law judges have ANY technical background which would qualify them to judge or determine the design or function of the Smart Meter (SM). With all due respect, pray tell, how can any administrative law judge like Judge Watson arrive at any decision about the SM regarding safety, health and privacy intrusion without having seen one, tested and tried it? Also having looked at and read the **The Office of Administrative Law Judge Operating Procedures Manual** , I did not see any qualification requirements for an administrative law judge to pass judgment on whether the operation of a (SM) - which is a very sophisticated piece of electronic equipment – is qualified to pass judgment on issues such as safety, privacy and security.

I did not see a University or Technical education background in any of the present

commissioners, which incidentally, are politically appointed positions by the Governor, who in turn, is an elected official paid for by Pennsylvania taxpayers, and as such responsible for the peoples safety, privacy and security – which this EXEPTION is all about.

In the meantime it should be quite obvious by now to each reader, that the issue of the Smart Meter is a “hot” topic which has, is - and still will be discussed for a long time. You all heard, seen or read all and any argument made by Physicist, Scientist, Ph.Ds’ et al debunking the wonderful time and moneysaving virtues of the SM. It is no secret that people all over this nation and - even the world, are complaining about health issues, increasing utility rates, safety - and privacy issues. There is also plenty of evidence that the Smart Meters have caught fire and set houses and businesses ablaze. It is also an established fact the Smart Meter technology is a money making scheme which was cooked up in response to the so called Global Warming Alarm, which was than used as a scapegoat declaring an “Energy Crisis” - and whole world believes it! It has to be so, even Leonard diCaprio said so ? Viola, the Smart Meter (SM) was born! You all have been privy to my previous correspondence in which I highlighted some of the problems and concerns I have with the SM. But whether you like it or not - all of you are subject and are being exposed to the High Frequency Radiation (HFR) and the constant streaming of your personal data, of the privacy invading SM. The company OPOWER ^[ii] which you (DLC) cited and told your consumers to contact if you wanted to be exempt from making your usage data available to them? Really ? First of all that company does not exist anymore - it has been purchased by Oracle ^[iii] for the paltry sum of \$ 532.3 Million.

And do you really believe that over 500 computer nerds worked all that time on software just to read your Kilowatt consumption on your electrical meter?

Do you really believe that 190,000 pulses a day are required to send just that signal? Please wake up and use your common sense. You may have heard of a device called RFID ^[iv]?

I urge you also to think of your children and grandchildren which have no knowledge of this hideous conspiracy. So, I am not going to regurgitating the evidence against the SM but will try to appeal to your intellect and common sense. There are much bigger forces in play than you ever knew. The entire World is being changed now. Check for your self and Google it: NOW or Agenda21.

You soon will find out that the wealthiest of the wealthy are seeking to bring about a One World Government run by the UN (to which our previous president in his last act before leaving office “awarded” 92 Billion dollars of US taxpayers money). They already control all the banks, oil, gas and electric (energy) industry, the health care, the agricultural industry, the transportation and and most western governments banks including our Federal Reserve Bank. The only thing they do not control yet is YOU. By taking control and regulating your energy consumption with the SM they would have it ALL. Make no mistake, unless -we the people- will do something about that, it will happen!

Since in all your responses are citing all kinds of “laws” with § by § as examples for dismissals of complaints, I am not going to try arguing with you. I am not a lawyer so it would be useless since all of you are “hiding” behind those laws and statues, which again after all have been drafted and enacted by men. May I remind of the Obama Health Care Act. It was touted as the savior for all – but you know the rest of the story. Another law made be man.

So here we why I reject the Smart Meter:

1) There is NO Federal Mandate!

The Energy Policy Act of 2005, Title XII, Subtitle E, Section 1252, (a), (14), (C):

Which reads: “Each electric utility subject to subparagraph (A) shall provide each customer requesting a time-based rate with a time-based ^[i] meter capable of enabling the utility and customer to offer and receive such rate, respectively.”

- 2) **SMART METERS ARE NOT SAFE!** they do pose a fire hazard.
- 3) **SMART METERS INVADE OUR PRIVACY!** they spy on you
- 4) **SMART METERS CASE RATE INCREASES** all documented!

REFERENCES:

[i] Time of day metering

Time of Day metering (TOD), also known as Time of Usage (TOU) or Seasonal Time of Day (SToD), metering involves dividing the day, month and year into tariff slots and with higher rates at peak load periods and low tariff rates at off-peak load periods. While this can be used to automatically control usage on the part of the customer (resulting in automatic load control), it is often simply the customer's responsibility to control his own usage, or pay accordingly (voluntary load control). This also allows the utilities to plan their transmission infrastructure appropriately.

TOD metering normally splits rates into an arrangement of multiple segments including on-peak, off-peak, mid-peak or shoulder, and critical peak. A typical arrangement is a peak occurring during the day (non-holiday days only), such as from 1 pm to 9 pm Monday through Friday during the summer and from 6:30 am to 12 noon and 5 pm to 9 pm during the winter. More complex arrangements include the use of critical peaks which occur during high demand periods. The times of peak demand/cost will vary in different markets around the world.

[ii] Opower

Opower is a publicly held [Software-as-a-Service](#) company that provides cloud-based software to the utility industry and their customers. Working with 95+ utilities and serving 50+ million homes in 9 countries, Opower's customer engagement platform positions utilities as trusted energy advisors to the customers they serve. Opower's software provides customers with better information about their energy consumption, along with personalized ways to save energy and money. Opower's technology platform analyzes more than 300 billion meter reads to deliver its services, and has created enough energy savings through behavior change to power all the homes in a city of 1 million people for a year.

Founded in 2007 by long-time friends Dan Yates and [Alex Laskey](#), Opower is headquartered in [Arlington](#), Virginia. As of February 2014, it employed more than 500 people. In November 2010, the company announced its third round of venture capital funding, a \$50 million investment led by [Accel Partners](#) and [Kleiner Perkins Caufield & Byers](#), to accelerate its expansion.

During a visit to Opower headquarters in Arlington in 2010, [President Obama](#) said the company's growth is "a model of what we want to be seeing all across the country".

In May 2013, Opower was named to the Inaugural CNBC Disruptors 50 List.

In November 2013, Opower was named the #1 fastest growing tech company in the DC region, and #20 in the US, by Deloitte.

Opower held its [initial public offering](#) on April 4, 2014.

On May 2, 2016, Opower announced that it was being acquired by [Oracle](#).

Opower's software uses statistical [algorithms](#) to perform [pattern recognition](#) analysis from data in order to derive actionable insights for utility customers. Without any devices installed in the home, the platform can perform usage-disaggregation analysis, presenting end users information such as heating or cooling usage apart from overall usage, and thus allowing them to spot additional opportunities to save money. The reports include targeted tips that seek to motivate customers to lower their energy consumption to the "normal" neighborhood rate. The reports also feature [smiley-face emoticons](#) for the most energy-efficient homes, a feature that Opower added after research showed that some consumers who used less energy than average started using more once they knew the norm. The reports also compare energy usage among neighbors with similarly sized houses. The company mails the reports to consumers, but also offers the information in other formats, including internet portals, [text messages](#), email and in-home energy displays. Opower's software enables customers to input more information to generate recommendations about specific types of energy use, such as [air-conditioning](#) and heating.

President [Barack Obama](#) visited Opower headquarters in [Arlington](#) on March 5, 2010. He touted the company as an economic "success story" amid a troubled economy and as a "great emblem" for clean-energy jobs. He made the visit two months after announcing a "\$2.3 billion program of tax credits for [green jobs](#)." "The work you do here...is making homes more energy efficient, it's saving people money, it's generating jobs, and it's putting America on the path to a clean energy future", Obama said at Opower.

[iii] <https://www.oracle.com/index.html>

[iv] * **Duquesne Light Company**

a privately held company incorporated as LLC or Limited Liability Corporation.

In May 2007, Duquesne was acquired by a consortium of private equity investors. The consortium consists of several institutional investors which own all of the common equity of our parent company, DQE Holdings LLC.

Below are the members of the consortium and their ownership interests in DQE Holdings LLC:

Epsom Investment Pte. Ltd. is an affiliate of GIC Pte. Ltd. (GIC). GIC is a global investment management company established in 1981 to manage Singapore's foreign reserves. GIC invests internationally in equities, fixed [income](#), foreign exchange, commodities, money markets, alternative investments, real estate, private equity, and infrastructure. GIC manages well over \$100 billion in assets and is among the world's largest fund [management companies](#). GIC's infrastructure portfolio is focused on minority equity stakes in infrastructure assets across various subsectors including transportation, energy and utilities, and communications.

Codan Trust Company (Cayman) Limited is the trustee of IFM Global Infrastructure Fund, which is advised by IFM Investors Pty Ltd (IFM Investors), an investment management company with over \$44 billion [funds](#) under management. IFM Investors advises/manages portfolios across listed equities, infrastructure, debt, and private capital via a global team based in Australia, North America, Europe and Asia.

Three Rivers [Utility](#) Holdings, LLC (Three Rivers) is a [limited liability company](#) formed under the laws of the State of Delaware. Its members are John Hancock Entities and PGGM Infrastructure Fund 2016. The John Hancock Entities collectively hold 33.33% of Three Rivers. The John Hancock Entities are wholly owned, indirect subsidiaries of Manulife Financial Corporation ("Manulife"). Manulife is a Canadian, publicly traded financial services company with operations in Asia, Canada, and the United States. PGGM Infrastructure Fund 2016 (PGGM Fund 2016) is an asset-class pooled investment vehicle and is the economic beneficiary of the remaining 66.67% of the membership interests in Three Rivers. The legal title to those membership interests is held by Stichting Depositary PGGM Infrastructure Funds, which is a foundation organized under the laws of the Netherlands. Various Dutch pension funds participate in PGGM managed funds, including in PGGM Fund 2016.

First State Super is one of Australia's largest superannuation funds with more than AUD52 billion in funds under management and over 750,000 members. First State Super is a not-for-profit fund, run for the benefit of its members.

STC Funds Nominee Pty Limited is affiliated with SAS Trustee Corporation (STC), the trustee of the defined contribution superannuation (pension) [scheme](#) for New South Wales Government employees and their families. STC is one of the largest superannuation funds in Australia.

GIC/Epsom Investment Pte. Ltd.	with 31%	since 2011
Three Rivers Holdings LLC	with 30.4%	since 2016
IFM/Codan Trust Co Ltd (Cayman Islands)	with 25.2%	since 2007
State Super	with 6.8%	since 2007
First State Super	with 6.6%	since 2007

[v] <http://www.technovelgy.com/ct/Technology-Article.asp?ArtNum=2>

[v] ***Made-in-China home appliances contain spy chips***

Those cheap made-in-China home appliances you bought from Walmart, like electric irons and tea kettles, may contain computer chips that will infect your computer with viruses.

The [BBC News](#) reports that Rossiya 24, the Russian state-owned TV channel, showed footage of a technician opening up an iron included in a batch of Chinese imports to find a “spy chip” with “a little microphone”.

The hidden spy chips are mostly being used to spread viruses, by connecting to any computer within a 656 ft radius which uses unprotected Wi-Fi networks. Other products found to have rogue components reportedly included **mobile phones and car dashboard cameras**.

The TV report quoted one customs brokerage professional as saying the hidden chips had been used to infiltrate company networks, sending out spam without administrators’ knowledge.

Erik Sherman reports for [CBS News](#), Nov.1, 2013, that according to tech blog The Register, spy [chips were also found in kettles](#).

Sherman writes: [...] this is hardly the first time Chinese products were reported infested with ways for someone to break into systems. There was the report last year that a researcher found a so-called back door in a military-grade computer chip, meaning that someone could, from anywhere, get ready access to the chip and, through it, connected systems. If military-grade products can be compromised, consumer products can be as well.

Former U.S. counter-terrorism head Richard Clarke says that [any electronics product made in China is potentially vulnerable](#). Many parts are counterfeits with no control by manufacturers over how they’re designed and built, and Clarke wonders whether “real” parts from China could also be compromised. ([Other security researchers disputed](#) whether the backdoors were added by China or even intentionally malicious. Backdoors are sometimes added by manufacturers as mechanisms for testing and support, although they still add vulnerability.) There have been **cases where suspected hacking from China paralleled Chinese military interests**, again **raising suspicion that the government is either directly or indirectly involved with both military and industrial espionage**. But given the vast number of products made in China and the increasing percentage of items that included chips of some sort, the potential for problems could be disturbing. One step, as CBS MoneyWatch’s Dave Johnson recently noted, is to **turn encryption on for all your wireless networks. That locks out any device that doesn’t know the password**. Of course, that wouldn’t necessarily help block a new computer “[super virus](#)” that **seems to infect computers even without a network connection**, according to an Ars Technica report. The original discovery was by a highly-respected security researcher and no one is sure how it works, other than possibly using high-frequency sound emitted by the speaker of an infected computer and received by the microphone of the target. Could an infected household appliance include a tiny speaker that might broadcast such a sound? Certainly.

Below are some live examples of what the SM does and how it is designed.

RF radiation: <https://www.youtube.com/watch?v=vNrRIFkiHKM> <https://www.youtube.com/watch?v=rC-NI8gGWQk>

What the inside looks like, notice the motor which is remotely controlled to CUT of the electricity to your home: <https://www.youtube.com/watch?v=yQdeLQqaStA&t=355s>

Causing nerve damage: <https://www.youtube.com/watch?v=4NTSejgsjTc&t=21s>

SM emitting CONSTANT radiation, this one is from Australia: <https://www.youtube.com/watch?v=hTLCgwDQliY>

Retards the growth of plants: <https://www.youtube.com/watch?v=KaWLNr6-rAU>

Pulsing radiation: <https://www.youtube.com/watch?v=aOabFJlenz4>

EMF RF radiation test results from a smart meter: www.youtube.com/watch?v=MQ_t39kAdi8&t=17s

Same states have an OPT-OUT alternative: Here some info about "Opt-Out" states and cities : [SMART METERS ARE OPTIONAL.doc](#)

As a reminder to all readers, here is an excerpt from the PA Constitution as it relates to my rights in the Commonwealth of Pennsylvania, and as a citizen of this state, I demand that my constitutional rights as set forth herein, must not be refused or denied see § 1 and § 8.

CONSTITUTION of the COMMONWEALTH OF PENNSYLVANIA

Article

Preamble

I. Declaration of Rights

PREAMBLE

WE, the people of the Commonwealth of Pennsylvania, grateful to Almighty God for the blessings of civil and religious liberty, and humbly invoking His guidance, do ordain and establish this Constitution.

ARTICLE I

DECLARATION OF RIGHTS

Sec.

1. Inherent rights of mankind.
8. Security from searches and seizures.

Adoption. Unless otherwise noted, the provisions of Article I were adopted December 16, 1873, 1874 P.L.3, effective January 1, 1874.

That the general, great and essential principles of liberty and free government may be recognized and unalterably established, WE DECLARE THAT--

§ 1. Inherent rights of mankind.

All men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.

§ 8. Security from searches and seizures.

The people shall be secure in their persons, houses, papers and possessions from unreasonable searches and seizures, and no warrant to search any place or to seize any person or things shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation subscribed to by the affiant.

THEREFORE,

I, Norbert Sliwinski, again, in the strongest terms do not consent to the installation of a Smart Meter by DCL or any other electricity supplier at any time on my premises citing § 1501 66 Pa C.S.A which states:

Every public utility shall furnish and maintain adequate, efficient, safe, and reasonable service and facilities, and shall make all such 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.

and because:

Smart Meters are NOT safe, do invade my privacy and pose a dangerous health hazard.

Smart Meters have never undergone any documented long term test by either the manufacturers - the PUC or the Utility companies to determine their safety.

Smart Meters are not approved according to UL 2375 standard, still causing a fire a hazard.

and: I am claiming my constitutional rights as set forth in the Constitution of the Commonwealth of Pennsylvania.

Signed

Norbert A Sliwinski

Norbert Sliwinski