

Before the  
Pennsylvania Public Utility Commission

Patti Lynn Caesar

Complainants

Response in Opposition to Respondents'

Motion to Dismiss

v.

DOCKET NO. C-2017-2605462

Peco Energy Company

Respondent

RECEIVED

JUN 19 2017

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

On June 1, 2017 PECO Energy Company (PECO Energy also known as Respondent) served Patti Lynn Caesar (Complainant) an answer to her Complaint to the PUC dated May 22, 2017. In this answer to Complainant, the Respondent requested that the Honorable Commission dismiss the instant complaint.

A. The Court Must Consider the Complaint in Its Entirety when Evaluating a Motion to Dismiss for Failure to State a Claim.

It is well established that "[c]ourts must consider the complaint in its entirety, as well as other sources courts ordinarily examine when ruling on Rule 12(b)(6) motions to dismiss[.]" *Dunn v. Castro*, 621 F.3d 1196, 1205 n.6 (quoting *Tellabs, Inc. v. Makor Issues & Rights, Ltd.*, 551 U.S. 308, 322 (2007)); *Magulta v. Samples*, 375 F.3d 1269, 1274-75 (11th Cir. 2004) (when reviewing a motion to dismiss for failure to state a claim, courts should read the complaint in its entirety); 5 *Wright & Miller, Federal Practice and Procedure* § 1286 (3d ed. 2004); 5B *Wright & Miller, Federal Practice and Procedure* § 1357 (3d ed. 2004). The Court must consider the Complaint as a whole.

B. Patti Lynn Caesar, suffers from Environmental Sensitivities including Electro Magnetic Frequencies (EMF). She has sufficient data that supports smart meters are detrimental to her health. Her EMF is considered a disability (letter from physician forthcoming). Complainant is requesting that the PUC and PECO make accommodations for Ms. Caesar to continue having her analog meter (and not be exposed to a smart meter).

Respectfully Submitted,



Patti Lynn Caesar

Patti Lynn Caesar, pro se

212 Williamsburg Road

Ardmore, PA 19003

610-809-1079

June 19, 2017

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212 W. WALKER ST. BURG PA  
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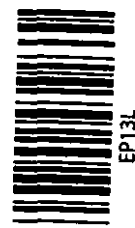


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