

Joanne M. Fiorito  
173 Brookside Road  
Tunkhannock, PA 18657  
Phone: 570.836.1734

July 19, 2017

Rosemary Chiavetta, Esquire  
Secretary  
PA Public Utility Commission  
Commonwealth Keystone Building, 2 North  
P.O. Box 3265  
Harrisburg, PA 17105-3265

RECEIVED

JUL 19 2017

Re: Docket No. C-2017-<sup>2610125</sup>~~2510125~~  
Joanne M. Fiorito v. Pennsylvania Electric Company  
Preliminary Objection of Penelec's rebuttal

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Dear Secretary Chiavetta:

Attached for filing is a rebuttal to Pennsylvania Electric Company (Penelec's) claims in response to my original Preliminary Objection. Complainant under Account No. 100009227362.

A copy of this rebuttal has been mailed to Penelec and my Senator Lisa Baker.

If there are any questions regarding this matter, please contact me.

Respectfully Yours,

  
Joanne M. Fiorito

Attachment/Pg. 1 Doc. No. C-2017-2610125

cc: Margaret A. Morris, Esquire, counsel for Pennsylvania Electric Company, Reger Rizzo & Darnall  
LLP

Senator Lisa Baker

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

In support of my preliminary objections to Penelec's rebuttal are as follows:

1. Page 1 of Penelec's rebuttal clearly states in bold lettering another person's name, that of KERRI ELLEN WILDER (see attachment 1). Clearly their rebuttal has a technical error which should nullify their response, since this is not the complainant's name.

2. I request a court of record, which I know that the PA Public Utility Commission is not.

3. Oct. 7, 2008 the PA Senate had passed a Smart Meter bill which is now called Act 129. Then, 8 days later the Senate issued what is known as Act of Oct. 15, 2008, P.L. 1529, No. 129 Cl. 66 - PUBLIC UTILITY CODE (66 PA.C.S.) - OMNIBUS AMENDMENTS. See:

§2807 (f) (2) (i) which is located at this link:

<http://www.legis.state.pa.us/WU01/LI/LI/US/HTM/2008/0/0129..HTM>

(View the link above for its content.)

4. Act 129 does permit the Complainant to "opt out" of the installation of a "Smart Meter Installation" as per the following decrees noted inside of PA's Legislative Journal --- Senate FY2008. I found decrees made by at least three Senators stating that the "Smart Meters are not mandated" Senator Tomlinson, Senator Boscola and Senator Fumo made this point very clear within the Legislative Journal - Senators dated Oct. 08, 2008

Senator Fumo stated:

"In addition, we did not mandate smart meters, but we made them optional. We did say in new construction, where they really are practical, they will be put in." (ref: page 11 of 32 in pdf, or, page 2629 of the actual Legislative Journal)

<http://www.legis.state.pa.us/WU01/LI/SJ/2008/0/Sj20081008.pdf>

(View the link above for its content.)

5. Penelec fails to hold itself to the same 10 day response time that it mandates over its complainants, this must change. My initial submittal met their 10 day requirement; however, it took Penelec's counsel approximately 30 days to reply. There is a great disparity here, or a notice of fault.

6. Here is where the Electric Companies jumped over the Senate's head and had the Public Utilities Commission (PUC) disregard what was voted upon. The Electric Companies simply submitted a Smart Meter Deployment Plan (SMDP) and used a section titled ASSUMPTIONS (see page 6 in the following link) when filing with the PUC, who then rubber stamped this document and adopted the NO-OPT OUT verbiage, which overrode the Senators vote. How is that possible, that a Commission can create law? RE:

<http://www.puc.pa.gov/pcdocs/1292199.pdf>

13.2

*Assumptions:*

*The development of this Deployment Plan was based on the following assumptions:*

*1. Act 129 calls for 100% customer deployment of smart meters with an implementation timeline of up to 15 years from the date of approval of the SMP Plan. There will be no opt-out for customers.*

My response to this blatant disregard of our state's own Senators ruling: as reckless and a violation of human rights, which are guaranteed under PA's State Constitution. Furthermore, the definition of the word ASSUMPTIONS means: that the industry is making statements without proof and claiming them as fact, when they are indeed fiction.

7. In a landmark ruling, President Judge Debbie O'Dell-Seneca of the Washington County Court of Common Pleas denied the corporation's request on the basis that the Pennsylvania Constitution only protects the rights of people, not business entities.

In the ruling, Judge O'Dell-Seneca declared that "in the absence of state law, business entities are nothing." If corporations could claim rights independent from people, she asserted, then "the chattel would become the co-equal to its owners, the servant on par with its masters, the agent the peer of its principals, and the legal fabrication superior to the law that created and sustains it."

Re: <https://celdf.org/2013/03/celdf-statement-a-new-civil-rights-movement-liberating-our-communities-from-corporate-control-2/> (rebuttal #7 is the actual wording from this article and it is there that you shall find the court case paperwork *Hallowich v. Range Resources, et al.* [03-20-2013] [http://celdf.org/wp-content/uploads/2015/09/Wash\\_Co\\_PA\\_Opinion\\_032013.pdf](http://celdf.org/wp-content/uploads/2015/09/Wash_Co_PA_Opinion_032013.pdf)).

My choice is to opt-out of this program altogether, since I am aware that these types of meters present the possibility of health and safety issues.

8. For all practical purposes these meters that are being deployed throughout Wyoming County are not stamped with the Underwriters Labs (UL) symbol, nor are these meters grounded. The old analog meters are grounded to prevent shocks. As I stated in our phone conversations, a meter change out on my neighbor's home started melting her main fuse box, which had she ignored would have set her house on fire. She received no notice of when they were coming to change out her meter, nor did they knock on her door when she was inside of the house at the time as they changed the meter. She just noticed that she had lost power for a few minutes, and later noticed an odor of burning plastic and metal, and called an electrician to come fix it, as an out of pocket expense. This should never happen. Having read many manuals on the replacement of these meters the industry itself recommends that the main power switch be turned off to prevent a major surge when replacing the unit. To make matters worse the PUC has a little notice on their formal complaint form that states, should any damage occur by any utility - the issue is not a matter that PUC handles, which forces people to seek restitution through the civil courts.

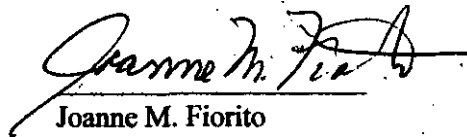
Here's UL's own website on the subject of Smart Meters:

<http://www.ul.com/newsroom/pressreleases/ul-announces-new-safety-programs-to-facilitate-adoption-of-smart-meters/>

In conclusion, I am declaring my right to opt-out, which will be clearly violated should I be forced to submit to this program that is riddled with inconsistencies and a twisting of facts that are stipulated in our state's rules and regulations regarding this matter.

Respectfully Submitted,

Date: July 19, 2017

  
Joanne M. Fiorito

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

JOANNE M. FIORITO

v.

PENNSYLVANIA ELECTRIC COMPANY

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:  
:  
:

Docket No. C-2017-2610125

**PRELIMINARY OBJECTIONS OF PENNSYLVANIA ELECTRIC COMPANY  
TO THE FORMAL COMPLAINT OF KERRI ELLEN WILDER**

Pennsylvania Electric Company (Penelec or Company), by and through its attorneys, Reger Rizzo & Darnall LLP, pursuant to 52 Pa. Code § 5.101, hereby files its Preliminary Objection to the Formal Complaint of Joanne M. Fiorito (Complainant) filed in the above-captioned proceeding. Penelec avers the subject of the Formal Complaint is beyond the subject matter jurisdiction of the Pennsylvania Public Utility Commission (Commission) which is without authorization to grant the Complainant's request to "opt out" of the mandatory installation of a smart meter. The Formal Complaint includes impertinent matter in its requested relief. Therefore, Penelec moves to have the Formal Complaint dismissed in its entirety or in the alternative to strike the Complainant's request to "opt out" and retain her analog meter.

In support of its preliminary objections, Penelec states as follows:

**I. Procedural Background**

1. Penelec is an electric distribution company certificated as a public utility permitted to operate within the Commonwealth in Pennsylvania and provides service to the Complainant under Account No. 100009227362.



JOANNE M FIORITO

173 BROOKSIDE RD

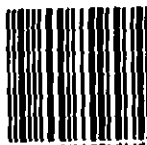
TUNKHANNOCK PA 18657-6828

Rosemary Chiavetta, Esquire  
Secretary  
PA PUBLIC Utility Commission  
Commonwealth Keystone Bldg, 2 North  
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TO: (PLEASE PRINT) PHONE ( )  
ROSEMARY CHIVETTA, Esq.  
PA PUBLIC UTIL. COMM.  
COMMONWEALTH KEYSTONE BLDG. North  
PO BOX 326  
HARRISBURG PA  
17105-3265

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Time Accepted 3:24 <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	10:30 AM Delivery Fee \$ -	Return Receipt Fee \$ -	Live Animal Transportation Fee \$ -				
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