

Answers to Preliminary Objections

1. Admitted
2. Admitted in part, denied in part
By way of further answer, West Penn Power/First Energy has violated Section 1501 of the PA PUC law, as stated in my complaint. In fact, there is no requirement in Act 129 for West Penn/First Energy to deploy meters harmful to me. This would be a direct violation of Section 1501 of the PA PUC law and is therefore not in accordance with PUC law as applied to me and my family.
3. Admitted in part, denied in part
Complainant sent many letters and emails to West Penn Power/First Energy concerning her and her daughter's fragile health conditions as affected by RF emitting and transient producing metering devices, and had requested of West Penn/First Energy many times that no transmitting devices be installed within 300 ft. of her home, this being the radius of transmitting meters. Complainant believes some of the dates West Penn/First Energy stated in #3 are incorrect as I will testify to in my hearing.
4. Denied
5. Complainant requests that West Penn Power/First Energy grant my request for accommodations based on the severe health consequences that her and her daughter's exposure to RF emitting meters create. West Penn Power's recent deployment of AMI meters on my immediate neighbors' properties, which I contend are not required by Act 129, resulted in RF transmissions entering my home and property and transients and harmonics entering my home on the whole house wiring. I ask the Commission not to dismiss my formal complaint with prejudice, and that the Commission allow my case to proceed as an action against West Penn/First Energy as to violations of Section 1501 as to myself and my daughter in furnishing electricity
6. Admitted
7. Admitted in part, denied in part
Complainant sent many letters and emails to West Penn Power/First Energy concerning her and her daughter's fragile health conditions as affected by RF emitting and transient producing metering devices, and had requested of West Penn/First Energy many times that no transmitting devices be installed within 300 ft. of her home, this being the radius

of transmitting meters. Complainant believes some of the dates West Penn/First Energy stated in #7 are incorrect as I will testify to in my hearing.

8. Admitted, although Complainant has no knowledge regarding electronic service to West Penn Power.

9. Contains a conclusion of law, Complainant does not need to answer

10. Contains a conclusion of law, Complainant does not need to answer

11. Contains a conclusion of law, Complainant does not need to answer

12. Contains a conclusion of law, Complainant does not need to answer

13. Admitted – 1st sentence

Denied – 2nd sentence

Denied – 3rd sentence

By way of further answer, West Penn Power/First Energy has violated Section 1501 of the PA PUC law, as stated in my formal complaint. In fact, there is no requirement in Act 129 for West Penn/First Energy to deploy meters harmful to me. This would be a direct violation of Section 1501 of the PA PUC law.

14. Admitted

By way of further answer, I allege in my complaint serious health complaints as well as those of my daughter caused by exposure to electromagnetic energy produced by AMI meters deployed by West Penn Power/First Energy. . Therefore, preliminary objections must be denied and I must be permitted to present my case.

15. Complainant is without sufficient knowledge to deny or admit the first 3 sentences.

Complainant denies the 4th sentence.

Because West Penn Power's deployment of AMI meters on my immediate neighbors' properties caused severe bodily harm, and continues to cause harm to me and my daughter, and because of West Penn Power's choice to me to do without electricity or

endure a meter which is admittedly harmful to myself and my daughter, none of which is required by Act 129, I have alleged sufficient violations of Section 1501 by West Penn Power in my formal complaint to reject these preliminary objections of West Penn Power. By way of further answer, Complainant alleges that West Penn Power's AMI metering of her immediate neighbor's homes resulted in RF transmissions entering my home and property and, additionally, to unprecedented amounts of transients and harmonics entering my home on the whole house wiring which is harmful due to my electrohypersensitivity medical condition.

16. Denied

Complainant is not asking for an opt-out, just reasonable accommodations for her electro-hypersensitivity, a recognized functional disability which has been amplified by further exposure to RF from neighbors' smart meters and which would significantly contribute to a deterioration on her and her daughter's health if West Penn were permitted to install a smart meter on their home.

17. Denied

Complainant is not asking for an opt-out, just reasonable accommodations for her electro-hypersensitivity, a recognized functional disability which has caused her and her daughter even more bodily harm whenever she is home just from further exposure to RF from neighbors' smart meters and additional transients and harmonics on her household wiring from the smart meters on the neighbors' homes which share the same transformer with Complainant. The installation of a smart meter on her home is medically contraindicated by Complainant's physician.

18. Denied

Complainant is not asking for an opt-out, just reasonable accommodations for her electro-hypersensitivity, a recognized functional disability which has already caused her and her daughter even more bodily harm whenever they are home because of from exposure to RF from neighbors smart meters . Forced installation of a smart meter on her home would result in far greater bodily harm to Complainant and her daughter. First Energy says it doesn't have access to wired meters (non-RF emitting meters) as requested by Complainant. However, First Energy (the parent company of West Penn Power) does provide an option of non-transmitting meters to its customers in Maryland, just 5 miles from Complainants' home. First Energy is violating Section 1501 of the PA PUC law in forcing Complainant, a disabled customer, to accept a smart meter on her home or face disconnection from electrical supply.

19. Denied

Alleging a violation of West Penn Power's duties and responsibilities under PA 66 Section 1501, as Complainant has alleged in her formal complaint, at Numbers 1, 14 and 16, does set forth a matter which the PUC has jurisdiction to hear, and which, in fact, mandates the PUC to hear this formal complaint, taking all my allegations as true. West Penn argues aptly in preliminary objections number 14, that the moving party may not rely on its own factual assertions, but must accept for the purposes of disposition of the preliminary objection, all well-pleaded, material facts of the other party, as well as every inference fairly deducible from those facts. *County of Allegheny v. Commw. Of Pa.*, 490 A.2d 402 (Pa. 1985). Therefore, in ruling on a preliminary objection, the Commission must assume, for decisional purposes only, that the factual allegations of the Formal Complaint are true. *Id.* Complainant believes some of the dates stated by West Penn Power are incorrect, as will be testified to at her hearing.

20. Admitted in part.

By way of further answer, I am a customer of West Penn Power. I, like several utility customers, suffer from electro-hypersensitivity, a recognized functional disability. The proceeding is in the public interest. See for example:

Kreider vs PECO – C-2015-2469655 (hearing held on March 9, 2016)

Murphy vs PECO – C-2015-2475726 (hearings held on several dates in 2016, 2017).

Paul vs PECO – C-2015-2475355 (hearing held in the fall 2016)

Povacz vs PECO – C-2015-2475023 (hearings held on several dates in 2016, 2017).

McKnight vs PECO – C-2017-2621057 (hearing scheduled to be held spring 2018)

Bachman vs PECO – C-2017-2623504 (will proceed to a hearing)

Hriadal vs Duquesne Light – C-2016-2571726 (will proceed to a hearing)

21. Admitted in part, denied in part

Sentence #2 is denied.

The Commission heard complainants who were affected by electro-hypersensitivity and who asked for accommodations, because they were medically vulnerable. In such cases, the install of a smart meter violated Section 1501 of the PA PUC law. Complainants listed above have alleged in their complaints and have testified as to negative health effects both at their home and in their neighborhoods. Although Ms. Kreider did have an AMI meter installed on her property, and although Dr. McKnight did have an AMI meter

briefly installed on her property, none of the other Complainants listed above had an AMI meter installed on their properties and yet, the PUC allowed these cases plus at least two others: ***Romeo vs PECO, appealed to Commonwealth Court, Romeo v. Pa. PUC, 154 A.3d. 422 (Pa. Commw. 2017)*** and ***Randall Albrecht vs. PECO C-2016-253766***, to proceed to a hearing (although in the *Romeo* case, it was the Commonwealth Court which reversed the Commission ruling which had denied Romeo a hearing.

Sentence # 6 – denied.

By way of further answer, The Commonwealth Court’s *Romeo* decision supports my contention that my complaint not be dismissed:

Romeo v. Pa. PUC, 154 A.3d. 422 (Pa. Commw. 2017) which stated, in pertinent part:

“Romeo claimed that the smart meters *cause* safety and fire hazards and have a negative Health impact. Just because he cannot personally testify as to health and safety effects does not mean that his complaint is legally insufficient. He could make out his claim through the testimony of others as well as other evidence that goes to that issue.”

Just because I do not have a smart meter on my home, does not mean that West Penn Power gets to expose me and my daughter, against my wishes and against my physician’s direct orders because of our past medical histories, to an RF emitting, transient producing meter on our residence.

I will also cite as supporting my stated position:

Murphy vs PECO – C-2015-2475726

Paul vs PECO – C-2015-2475355

Povacz vs PECO – C-2015-2475023

McKnight vs PECO – C-2017-2621057

Bachman vs PECO – C-2017-2623504

Hriadal vs Duquesne Light – C-2016-2571726

Randall-Albrecht vs PECO – C-2016-253766

Sentence #7 – Denied.

I have alleged not “speculatively alleged” any health effects. I have experienced severe health effects when exposed to electromagnetically energy emitted by West Penn Power’s smart meters. I have stated some of these health effects in my formal complaint: These include headache, heart palpitations, digestive problems, pain at the base of the skull, pressure in the chest, all over body rash, brain fog, sleeplessness, pain between shoulder blades. This is not speculation. This is fact. Furthermore, my correspondence with First Energy/West Penn Power includes over 100 emails and letters showing my specific health effects from electro-hypersensitivity which was

brought on by my exposure to electromagnetically energy caused by RF from smart meters and other sources of transients and harmonics on the household wiring,, primarily at the hands of West Penn Power/First Energy's AMI metering of all the houses on the same transformer as mine, which is unsafe for me. I am happy to amend my complaint and allege even more health complaints suffered at the hands of First Energy. But I thought that in the interest of being concise, I would be developing a full record of my negative health affects at my hearing.

Sentence #8 – Denied.

West Penn cites *Fugo v. PECO*, Docket No. C-2015-2519763 for the proposition of dismissal of my complaint due to vague unstated potential health concerns. *Fugo* is distinguishable from my complaint because *Fugo* did not allege specific health concerns and electro-hypersensitivity as I did; *Fugo's* complaint was one or two sentences at best; Dr. Fugo was not informed of his initial hearing, and he therefore did not attend his initial hearing, and Dr. Fugo was given leave by the ALJ to amend their complaint at the conclusion of the ALJ holding on whether the Fugos could proceed to a full hearing.

Sentence #9 – Denied.

I wish to cite:

Romeo v. Pa. PUC, 154 A.3d. 422 (Pa. Commw. 2017), as well as:

Kreider vs PECO – C-2015-2469655

Murphy vs PECO – C-2015-2475726

Paul vs PECO – C-2015-2475355

Povacz vs PECO – C-2015-2475023

McKnight vs PECO – C-2017-2621057

Bachman vs PECO – C-2017-2623504

Hriadal vs Duquesne Light – C-2016-2571726

Randall-Albrecht vs PECO – C-2016-253766

Except for Kreider and Dr. McKnight, none of these complainants listed above had an AMI smart meter on their residence when they were forced to file their formal complaints, get a smart meter on their homes, or do without electricity.

22. Denied

Cases cited by West Penn Power are irrelevant to my case.

However, complainant notes that every single case: *Richard Negley v. Metropolitan Edison Company*, Docket No. C-2010-2205305 (initial decision issued January 3, 2011; *Dennis Lutherschmidt v. Metropolitan Edison Company*, Docket No. C-2010-2200353 (order issued March 25, 2011); *Gloria Corbett v Pennsylvania Power Company*, Docket

No. C-2011-2219898 (order entered May 27, 2011); *Edward Jones v. Metropolitan Edison Company*, Docket No. C-2011-2224380 (order entered June 28, 2011); *Gerald Griffin v Metropolitan Edison Company*, Docket No. C-2012-2300172 (order entered July 31, 2012); *Michael Balogh v. West Penn Power Company*, Docket No. C-2012-2329713 (order entered January 4, 2013) was 3 or more years older than *Kreider*, which was decided in January 2016 as to whether Ms. Kreider could proceed to a hearing as to the ill health effects of PECO's AMI meter on her, a disabled PECO customer. Complainant does not have time or resources to investigate the complaints cited by West Penn Power in its number 22, to distinguish the West Penn Power cited cases from my complaint of health effects of RF transmitting smart meter and whether the listed complaints actually stated violations of Section 1501 of the PA PUC law. Because of a Commission interlocutory decision in her favor, which survived a utility motion for reconsideration, Ms. Kreider was permitted a hearing by the Commission and allowed to explain the negative health effects she suffered because of her electro-hypersensitivity, which negative health effects occurred when she was exposed to an AMI meter, which was in violation of Section 1501 of the PA PUC law.

23. Admitted in part – denied in part

The Commission has never upheld a decision that a utility has a right to deny accommodation for a disabled person where the installation of a transmitting smart meter is harmful to their health. The case of *Art Larson v PECO Energy Company*, Docket No. C-2014-2451754 (opinion and order entered June 11, 2015) was about whether the utility had a right to terminate service for a customer who simply refuses a smart meter, and in any case, Larson was heard a year and a half before *Kreider*, which was decided in January 2016. In fact, the January 2016 Commission *Kreider* decision on motion for reconsideration cites Larson, and other cases, to distinguish them from *Kreider*.

24. Denied

In my formal complaint, I have set forth violations of Section 1501 of the PA PUC law, which is a statute.

It is surprising to Complainant that West Penn Power does not seem to recognize well pled complaints regarding violations of Section 1501 against it. *PUC vs West Penn Power (6-2-2009)* shows that the utility must be familiar with the consequences of its violations of Section 1501 and the PA PUC law. In this case, the Commission, citing section 3301 of the Public Utility Code, 66 Pa. CS 3301, imposed civil penalties of \$86,000 against West Penn Power for violations of Section 1501, for the horrific and untimely death of Carrie Goretzka. Ms. Goretzka was electrocuted and burned over 85 percent of her body when a power line that had been improperly spliced fell in her yard.

This was witnessed by her children and her mother, who was injured when trying to save her daughter's life.

Conclusion:

Denied

For reasons stated in my responses.

I respectfully request denial of West Penn Power's preliminary objections and ask that you grant my request for accommodation by upholding the legality and validity of my complaint and allow me to proceed to a hearing on the merits of my complaint.

Please grant me relief that is just and reasonable under the circumstances.

Respectfully submitted,

Ann V. Sheehan

November 26, 2017