

Answers to New Matter

11. Complainant does not need to respond to this number.

12. Complainant is without sufficient knowledge at this time to confirm or deny the allegations in this number.

13 Complainant is without sufficient knowledge at this time to confirm or deny the allegations in the first sentence of this number. Complainant specifically denies that Act 129 requires the deployment of radio frequency ("RF") emitting and harmonic producing and transient producing and other electric quality disturbing meters on Complainant's and her neighbors' properties.

14. Complainant is without sufficient knowledge to admit or deny this number.

15. Admitted in part, denied in part.

The first sentence is admitted. The second sentence is denied: Complainant has complained numerous times to West Penn Power, both orally and in writing, regarding her electro-hypersensitivity and that of her daughter, and her request not to have an RF emitting smart meter attached to her property, all of which shall be detailed in her hearing. In fact, West Penn Power submitted a long list of dates in its answers to Complainant's formal complaint, dates on which it alleges Complainant had complained to West Penn power that she could not tolerate RF or transients from a smart meter.

16. Denied.

17. 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 in this number are incorrect.

18. Denied. There is nothing in Act 129 which mandates RF emitting and harmonic transient producing meters, especially those that are harmful to electro-hypersensitive utility customers such as Complainant.

19. Denied insofar as West Penn Power has omitted many relevant Commission precedents from January 2016 and beyond which have held that the Commission must grant hearings to complainants who are similarly situated to Complainant, and those PUC hearings have been either held or are scheduled to be held next year. Complainant will detail some of those docket numbers which she is aware of in her answers to the Preliminary Objections to be filed under separate cover, which answers are incorporated in their entirety in this Answer to New Matter by reference.

wherefore, Complainant asks that her formal complaint NOT be dismissed with prejudice, but be permitted to go to hearing in the future, and that the Commission grant Complainant such other relief as is just and reasonable under the circumstances. In fact, West Penn Power requests that I be permitted a hearing in its answers to my formal complaint, page 7, after admitting that I pay my bills on time, West Penn Power states "After reasonable investigation, the Company is without information or knowledge sufficient to form a belief regarding the remaining allegations above and demands proof thereof, if relevant, at hearing..."

Respectfully submitted,

Ann V. Sheehan