

Christopher L. Macey
201 Highland Ave. S
Oakdale, PA 15071

November 18, 2017

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

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**Re: Christopher L. Macey v. West Penn Power Co.
Docket no. C-2017-2628021**

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Dear Secretary Chiavetta:

Enclosed please find my response to West Penn Power Company's Preliminary Objections and my reply to their Answer and New Matter. These documents have been mailed to West Penn Power's attorney as shown in the Certificates of Mailings.

Very truly yours,



Christopher L. Macey

Enclosures

cc: Lauren M. Lepkoski, as per Certificate of Mailing

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

CHRISTOPHER L. MACEY

v.

WEST PENN POWER COMPANY

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Docket No. C-2017-2628021

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SECRETARY'S BUREAU

RESPONSE TO PRELIMINARY OBJECTIONS

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

AND NOW, Christopher L. Macey, pro se, responds to the Preliminary Objections as follows:

I. Introduction

1. Admitted. Complainant **"requests the judge compel West Penn Power/First Energy to delay installation of the Smart Meter to 4th Quarter 2022 for my residence at 201 Highland Avenue S, Oakdale, PA 15071."**
2. Admitted.
3. Denied. Complainant has no record of the July 19, 2016 communication with the Company. Company alleges that Complainant received a "detailed response" from the Company on July 10, 2017. Complainant has no record of the Company's July 10, 2017 "detailed response to the Complainant. Complainant demands that the Company produce a written copy of the alleged "detailed response." By denying receipt of the July 10, 2017 "detailed response, Complainant denies receiving notice that denial of the smart meter could ultimate lead to disconnection of electrical service. On September 15, 2017 Complainant stated that a person attempting to install a smart meter at his residence **prior to resolution of this complaint matter** would be treated as an intruder.
4. Denied. Relief to the Complainant can be granted by the Commission.

5. Denied. (1) Complainant requests that the Commission order the Company to defer installation of the smart meter at Complainant's residence to the 4th Quarter of 2022. Complainant is not requesting an exemption from the installation of the smart meter. Respondent's request denies Complainant's right to due process. (2) Respondent's request does not address relief which is simply deferment of the smart meter installation. (3) Respondent's request to dismiss the Formal Complaint denies Complainant's right to due process. (4) Objection denies Complainant due process.

II. Background

6. Admitted.
7. Denied. Complainant has no record of the July 19, 2016 contact with the company. Complainant has no record of the Company's July 10, 2017 "detailed response to the Complainant.
8. Admitted.
9. Denied. Respondent served the Complainant with the Preliminary Objections and Answer and New Matter by regular mail with insufficient time for the Complainant to respond.

III. Argument

10. Denied. Complainant has standing to participate in the proceeding. Relief is specific and clearly stated in the Formal Complaint.
11. Denied.
12. Denied. Complainant's specific request for relief is not addressed in the Preliminary Objections, therefore, the Formal Complaint must not be dismissed.
13. Denied. The Formal Complaint is consistent with Act 129 of 2008 and the June 5 order.

14. Admitted. Complainant is asserting that the operation of a smart meter is physically and/or mentally harmful to occupants of buildings which have installed smart meters.
15. Denied. Complainant is not denying the installation of the smart meter by 2023, but is seeking relief for the Commission to issue an order to delay the installation to 4th Quarter 2022 at Complainant's residence at 201 Highland Avenue S, Oakdale, PA. The Respondent has in its Smart Meter Plan to continue installing Smart Meters through December 31, 2022. The Commission's own internet website admits that installation of Smart Meters by 2023 complies with the law (PA Act 129 of 2008).¹
16. Denied. Complainant is not denying the installation of the smart meter by 2023, but is seeking relief for the Commission to issue an order to delay the installation to 4th Quarter 2022 at Complainant's residence at 201 Highland Avenue S, Oakdale, PA. The Respondent has in its Smart Meter Plan to continue installing Smart Meters through December 31, 2022. The Commission's own internet website admits that installation of Smart Meters by 2023 complies with the law (PA Act 129 of 2008). Respondent has offered no precedent ordered by the Commission that prevents the Commission from delaying the installation of a smart meter, particularly when the Company's Smart Meter Plan (SMP) admits the Company will be installing smart meters through December 31, 2022.
17. Denied. Complainant alleges that the Company's actions of installing a smart meter will inflict physical and/or mental pain and harm on occupants of buildings where smart meters have been installed.

¹*Joint Petition of West Penn Power Company et al, The Full Scale Deployment, page 42.*

18. Denied. Respondent's claims do not address the specific relief that the Complainant requests, that is, delaying the installation of the smart meter within the range of dates published by the Company in its SMP and ordered by the Commission entered June 5, 2014.
19. Denied. Formal Complaint is legally sufficient because the Commission has the power to grant the requested relief of the deferment of the installation date.
20. Denied. Formal Complaint is necessarily in the general public's relief, due to the number of requests by the persons requesting relief from the installation of smart meters.
21. Denied. Respondent asserts that it is proper and legal that the Company's actions to install smart meters that inflict harm, pain, and suffering on its customers, and that this assertion justifies dismissal of the Formal Complaint without due process. This assertion is reckless, capricious, and disregards the welfare and health of the Company's subscribers and the Complainant. Further, the assertion's implication is to deny that harm, pain, and suffering has been inflicted on occupants of buildings where smart meters have been installed. The literature is replete with anecdotal information, including testimony in the Respondent's cited cases, that human beings can be sensitive to electromagnetic fields. Even a search of US Letters Patent yields several patents establishing this concept.
22. Denied. Complainant is not requesting exemption from the smart meter plans, just specific deferment of the installation of the smart meter to the 4th Quarter of 2022 at his residence.
23. Denied. Complainant is requesting deferment of the charges relating to the installation of the smart meter.

IV. Conclusion

Respondent's conclusions are denied. (1) Respondent's request to strike the Formal Complaint and grant the Preliminary Objections is invalid in that the Complainant is not seeking exemption from the installation of a smart meter. (2) Dismissal of the Formal Complaint is denying Complainant's right to due process for a hearing on the issue of deferment of the date of installation of the smart meter. Complainant's specific request for relief is consistent with PA Act 129 and the June 5 order.

WHEREFORE, for the foregoing reasons, the Complainant respectfully requests denial of Respondent's Preliminary Objections and requested other relief. Complainant respectfully requests that the Commission order the West Penn Power Company to defer installation of the Smart Meter at Complainant's residence of 201 Highland Avenue S, Oakdale, PA 15071 to the 4th Quarter of 2022 (i.e., no sooner than the October 1, 2022).

Dated this 18th day of November, 2017


Christopher L. Macey *pro se*

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Docket No. C-2017-2628021

CERTIFICATE OF MAILING

I hereby certify that I have this day mailed a correct and true copy of the Response to Preliminary Objections upon the individuals listed below.

Service by First Class Mail, postage prepaid, as follows:


Lauren M. Lepkoski
First Energy Services Company
2800 Pottsville Pike
P.O. Box 16001
Reading, Pennsylvania 19612-6001

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SECRETARY'S BUREAU

Dated: November 18, 2017


Christopher L. Macey pro se
201 Highland Avenue S
Oakdale, PA 15071 - 1125
724-255-7408

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