

Larry R & Ellen M. Kramer
101 South College Street,
Myerstown, PA 17067
(717) 866-5425

November 27, 2017

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VIA E-FILING

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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

In Re: Larry R. Kramer & Ellen M. Kramer v. Metropolitan Edison Company
Docket No. C-2017-2630621

Dear Secretary Chiavetta:

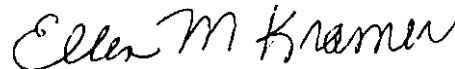
Attached is our Reply to Preliminary Objections in the above-referenced matter. This document has been served on the Respondent as shown in the Certificate of Service.

Please feel free to contact us with any questions.

Sincerely,



Larry R. Kramer



Ellen M. Kramer

cc Reply to Preliminary Objections
Certificate of Service

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Larry R. Kramer and
Ellen M. Kramer

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:
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v.

Docket No. C-2017-2630621

Metropolitan Edison Company

**Reply To Preliminary Objections Of
Metropolitan Edison Company**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

AND NOW, we, Larry R. Kramer and Ellen M. Kramer ("Complainants"), are responding to Metropolitan Edison Company's ("Met-Ed") Preliminary Objections as follows:

I. **Introduction**

1. Admitted.
2. We are not able to confirm or deny some of the allegations in Paragraph 2. By way of further answer, Act 129 does not require deployment of a meter which is harmful to medically vulnerable customers such as Complainants.
3. Agreed in part and denied in part.
 - a. Met-Ed's "pre-disconnection warning letter" dated August 29, 2017, stated that they "made several attempts to contact" us. We only received one phone call.
 - b. The September 13, 2017, 10-day Shut Off Notice, again stated that they "made several attempts to contact" us. We never had any contact between these letters. Following this letter, we sent a letter

dated September 28, 2017. Met-Ed claims to have received a letter from us on October 13, 2017.

c. In response to Met-Ed's second 10-day Shut Off Notice dated October 10, 2017, we did send a letter dated October 21, 2017, by certified mail/return receipt requested and was received by Met-Ed on October 24, 2017.

d. By way of further answer, Complainants hold Met-Ed's installation of an RF emitting, transient- and harmonic-producing smart meter on our home would be harmful to our health which would be in violation of 66 Pa.C.S. § 1501. In addition, Complainants allege that Met-Ed's current unsafe delivery of electricity to our property is harmful to our health in violation of 66 Pa.C.S. § 1501.

4. Denied. Complainants are filing contemporaneously with this Reply to Preliminary Objections an Amended Formal Complaint that Met-Ed's delivery of electric service to Complainants' residence is not safe. In addition, Met'Ed's forced deployment of an RF emitting, transient- and harmonic-producing smart meter would be harmful to the health of Complainants and would constitute an additional violation of 66 Pa.C.S. § 1501. Furthermore, Act 129 does not mandate that Met-Ed deploy RF emitting smart meters to medically vulnerable customers. Act 129 does not mandate RF emitting smart meters whatsoever. The Commission has the jurisdiction to hear allegations of violations of 66 Pa.C.S. § 1501. In

fact, the Commission must hear well pleaded cases of violations of 66 Pa.C.S. § 1501.

5. Denied. As a result, the Complainants request that the Preliminary Objections be denied and that the Commission:
 - a. Grant Complainants' requests for remediation for the unsafe electrical supply to their residence and an accommodation from the installation of an RF emitting, transient- and harmonic-producing smart meter;
 - b. Accept the Formal Complaint in its entirety as amended; and,
 - c. Grant Complainants such other relief as may be just and reasonable under the circumstances.

II. **Met-Ed's Background**

6. Admitted.
7. Denied. Please see the response to Paragraph 3 above. When the Wellington Energy contractor came to our door and Mrs. Kramer told him that our current meter was fine, he stated that we have a right to refuse the meter. We are not being granted that right. On October 20, 2017, Mrs. Kramer received a phone call from a Met-Ed representative stating in an tone that Met-Ed would shut off our electricity. The representative spoke to Mrs. Kramer as rudely and impatiently as if Met-Ed had absolutely lost patience with an habitually non-paying customers. For the record, we are paying customers.

8. Admitted. First sentence is admitted. Complainants can neither confirm nor deny the second sentence.
9. Admitted. By way of further answer, Complainants are timely filing their Amended Formal Complaint contemporaneously with this Reply to the Preliminary Objections.

III. Met-Ed's Argument

10. This requires a legal conclusion.
11. This requires a legal conclusion.
12. Admitted.
13. Admitted in part and denied in part.

First sentence is admitted. Second and third sentence are denied. In fact, Met-Ed has violated 66 Pa.C.S. § 1501 of the Public Utility Code as alleged in our Amended Formal Complaint, and their actions and threats are in violation of 66 Pa.C.S. § 1501 of the Public Utility Code in offering Complainant the unreasonable choice of either doing without electricity or accepting a metering device which is harmful to their delicate states of health.

14. Admitted.
15. Admitted in part and denied in part. Complainants deny the allegations of the last sentence in its entirety. Complainants' Amended Formal Complaint challenges the provision of Met-Ed's service that is harmful to them. Complainants believe that Met-Ed's furnishing of electrical service to the Kramer household in the past has led to a deterioration of the health

of Complainants and their daughter. And additionally, the deployment of an RF emitting smart meter is not required by Act 129.

16. Denied. All of the cited cases in the footnotes were heard before the Susan Kreider decision in January of 2016 where the Commission held that Ms. Kreider had a right to a hearing on the harmful effects of the AMI meter under 66 Pa.C.S. § 1501. By way of further answer, Complainants are not asking for an opt out. Complainants are asking for an accommodation due to their families' medical conditions.
17. Denied. Complainants' amended Complaint alleges violations of 66 Pa.C.S. § 1501 which is a violation of the Commission's statutes.
18. Denied. Complainants are not asking for an opt out. Complainants are asking for an accommodation based upon their medical conditions to not have an RF emitting, and transient- and harmonic-producing device installed on the property in violation of Met-Ed's responsibilities under 66 Pa.C.S. § 1501, in addition to requesting remediation of the unsafe delivery of electricity to their property, also in violation of 66 Pa.C.S. § 1501. Therefore, Complainants' Complaint as amended must not be dismissed. As a matter of law, Met-Ed must furnish electricity which is safe for Complainants, and Met-Ed is not permitted to install a smart meter on a Complainants' residence which would be harmful to their health. As such, the Commission must find Met-Ed to be in violation of 66 Pa.C.S. § 1501 for delivering unsafe service to begin with and for attempting to

strong arm Complainants into accepting a meter that would bring further harm to their health or do without electricity.

19. Denied. The Formal Complaint as amended states a violation of 66

Pa.C.S. § 1501 upon which the Commission can grant relief.

20. Admitted in part. By way of further answer, we are customers of Met-Ed.

We, like some other utility customers, suffer from electro-hypersensitivity, a recognized functional disability. 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)

This proceeding is in the public interest. In fact, on page 5 of Met-Ed's Answer and New Matter, Met-Ed states, "It is specifically denied that the smart meter the Company seeks to install emits "100 times greater radiation than cell phones" and proof thereof is required at hearing."

(Emphasis ours.)

21. Admitted in part and denied in part. The *Kreider* case was heard on March 9, 2016. Steven and Diane Van Schoyck withdrew their Complaint because they decided to go off grid. By way of further answer, we are customers of Met-Ed. We, like some other utility customers, suffer from electro-hypersensitivity, a recognized functional disability. Complainants have alleged specific health effects in their Amended Formal Complaint which is incorporated herein by reference.

a. See for example: *Randall-Albrecht vs PECO* – C-2016-253766.

See also the following cases where the customers allege that they suffer from electro-hypersensitivity and were granted hearings.

Bachman vs PECO – C-2017-2623504

Hriadal vs Duquesne Light – C-2016-2571726

Kreider vs PECO – C-2015-2469655

McKnight vs PECO – C-2017-2621057

Murphy vs PECO – C-2015-2475726

Paul vs PECO – C-2015-2475355

Povacz vs PECO – C-2015-2475023

b. Sentences 6 and 7 are denied. In our Amended Formal Complaint, we do allege specific factual averments regarding health or other effects in which an RF emitting smart meter would promote further harm. We do not allege only generic concerns. We allege specific health affects due to our vulnerable medical conditions. In fact, because of the Romeo case, it is not necessary for the Complainants to have an AMI meter on their residence before

proceeding to a hearing. See *Romeo v. PA PUC* 154 Atlantic 3rd 22 (PA Commonwealth 2017). "*Romeo* claimed that the smart meters *cause* safety and fire hazards and have a negative health impact. Just because he could not 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."

- c. And, the following are a few of the people who had hearings before having an AMI meter on their home before their hearing:

Murphy vs PECO – C-2015-24775726 heard in 2017

Paul vs PECO – C-2015-2475355 hearing held in 2017

Povacz vs PECO – C-2015-2475023 heard in 2017

Randall-Albrecht vs PECO – C-2016-253766 hearing held in 2017.

Bachman vs PECO – C-2017-2623504 hearing to be scheduled in the future

Hriadal vs Duquesne Light – C-2016-2571726 hearing to be scheduled in the future

22. In footnote 8, Met-Ed cites *Fugo v. PECO*, Docket No. C-2015-2519763 for the proposition that merely alleging only generalized potential health concerns about a smart meter would cause a complaint to be dismissed on the pleadings. *Fugo* is distinguishable from our Amended Formal Complaint because *Fugo* did not allege specific health concerns and electro-hypersensitivity, as we do in our Amended Formal Complaint, The *Fugo* complaint was a very short one, (one or two sentences), and Dr. and

Mrs. Fugo were given leave to amend their Complaint pursuant to the directive of the Commission. All cases cited by Met-Ed in this paragraph of their Preliminary Objections and in footnote 6 were decided before the Kreider case in January of 2016. Besides, Complainants do not even have copies of these cases to comment on their legal insufficiency and why they were dismissed.

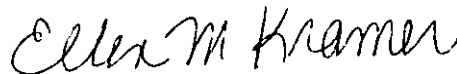
IV. Conclusion

WHEREFORE, for the foregoing reasons, Complainants respectfully request that the Commission deny Met-Ed's Preliminary Objections and 1) grant Complainants' request for remediation of unsafe delivery of electricity to our residence and an accommodation from the installation of an RF emitting, transient- and harmonic-producing smart meter; 2) allow the Formal Complaint in its entirety as amended to proceed; and, 3) grant such other relief as may be just and reasonable under the circumstances. In this case, we believe that a fair and impartial hearing should be granted.

Dated: November 27, 2017



Larry R. Kramer



Ellen M. Kramer

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SECRETARY'S BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Larry R. Kramer and
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v.

Metropolitan Edison Company

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Docket No. C-2017-2630621

Certificate Of Service

I hereby certify that I have this day served a true copy of the Reply of Larry R. Kramer and Ellen M. Kramer to Preliminary Objections of Metropolitan Edison Company upon the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54.

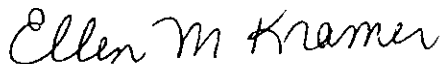
Service by First Class Mail, postage prepaid, as follows:

Lauren M. Lepkoski
Tori L. Giesler
FirstEnergy Service Company
2800 Pottsville Pike
P.O. Box 16001
Reading, PA 19612-6001

Dated: November 27, 2017



Larry R. Kramer



Ellen M. Kramer

101 South College Street
Myerstown, PA 17067
(717) 866-5425
kramer501@comcast.net
kramer101@comcast.net

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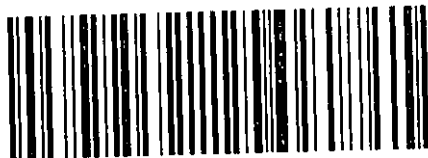
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Mr. & Mrs. Larry Kramer
101 S College St
Myerstown, PA 17067-1212

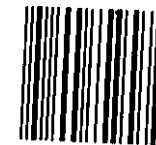
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*Rosemary Chiavetta, Secretary
PA Public Utility Commission
P O Box 3265
Harrisburg PA 17105-3265*