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March 13, 2018

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

**Re: Thomas McCarey v. PECO Energy Company**  
**Docket Nos. C-2017-2615597 & C-2017-2615980**

Dear Secretary Chiavetta:

*PECO Energy Company's Objection to Petition to Withdraw, Unless Material Conditions are Placed Upon the Withdrawal*, is attached for filing.

Very truly yours,



Ward L. Smith  
Counsel for PECO Energy Company

WS/adz  
Enclosures

c: Honorable Darlene D. Heep, ALJ  
Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>THOMAS MCCAREY</b>	:	
<b>Complainant</b>	:	
<b>v.</b>	:	<b>DOCKET NOs. C-2017-2615597</b>
	:	<b>and C-2017-2615980</b>
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

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**PECO ENERGY COMPANY’S OBJECTION TO PETITION TO WITHDRAW,  
UNLESS MATERIAL CONDITIONS ARE PLACED UPON THE WITHDRAWAL**

The evidentiary hearing in this matter was scheduled for March 12-13, 2018. On March 8, 2018, Complainant Thomas McCarey sent an email to Administrative Law Judge Darlene Heep in which he stated: “I wish to unequivocally state that I recall my complaint and wish the court not to be inconvenienced by my not appearing. Please do not call my case as scheduled. Thank you.” By reply email, ALJ Heep stated: “I will accept this as a Petition to Withdraw and cancel the scheduled hearing.”

The Commission’s regulations, 52 Pa. Code §5.94, provide that, once a Petition to Withdraw has been served, other parties to the proceeding may object to such Petition within 10 days. After receipt of such an objection, the presiding officer considers the Petition, the objection, and the public interest and determines whether the withdrawal will be permitted.

PECO Energy Company ("PECO") believes that the dispute between Mr. McCarey and itself must be fully and finally resolved at this time. Mr. McCarey’s withdrawal of his complaint is an important first step toward such final resolution. However, in order to ensure that Mr. McCarey’s withdrawal effects a final resolution of this matter, PECO believes that it is necessary to impose two material conditions on that withdrawal. First, in order to ensure that Mr.

McCarey does not later attempt to reinvigorate the instant complaints, the withdrawal must be with prejudice. Second, Mr. McCarey has a history of filing additional complaints to raise identical issues, even in the face of dismissals with prejudice. Thus, in order to ensure that Mr. McCarey does not attempt to open a similar docket notwithstanding dismissal with prejudice (thus indirectly reinvigorating the instant complaints), the grant of Mr. McCarey's Petition to Withdraw should include a condition that Mr. McCarey is not allowed to file any future complaints that attempt to block PECO's installation of an AMI meter(s) at his residence and that, if he does make such a filing, PECO is permitted to proceed with installation of an AMI meter(s) and/or termination of service, notwithstanding pendency of such a complaint. In support, thereof, PECO provides background of this controversy, and then establishes four arguments:

- Mr. McCarey has had a full and fair opportunity to be heard on this complaint, including the opportunity for an evidentiary hearing
- Although Mr. McCarey is appearing *pro se*, he is very knowledgeable about Commission process, and his decision to request permission to withdraw his complaint prior to the evidentiary hearing should thus be understood as being a fully informed decision
- It would be prejudicial to the Commission, PECO and the public interest to allow Mr. McCarey to withdraw this complaint and later revive it, and
- The instant complaint should be dismissed with prejudice and, given Mr. McCarey's history of filing complaints in the face of dismissals with prejudice, additional protections against the filing of future complaints are warranted.

## I. Background

**Mr. McCarey's 2013 Complaint:** Although the instant complaints were filed in 2017, Mr. McCarey has been using the Commission complaint process to fight installation of AMI meters for many years. Mr. McCarey filed his first complaint on March 4, 2013 at docket number C-2013-2354862 (the "2013 Complaint," attached as Exhibit A). In the 2013 Complaint and attachments to it, Mr. McCarey stated that he was concerned, among other things, about claimed adverse health effects and privacy/security issues. He further stated that:

- "I do not want a 'smart meter' electric meter on my property."
- "I do not appreciate faceless, nameless, bureaucrats imposing a compromise to my health without even asking me."
- "I expect to keep my analog electric meter for the foreseeable future."
- PECO is "denied consent for installation and use of any and all 'Smart Meters.'"
- "Be assured that no smart meter will ever be installed on my property."

On April 1, 2013, PECO filed Preliminary Objections to the 2013 complaint. On April 13, 2013, Administrative Law Judge Joel H. Cheskis granted PECO's Preliminary Objection and recommended dismissal of Mr. McCarey's complaint *with prejudice*.<sup>1</sup> On May 6, 2013, Mr. McCarey filed Exceptions to the Cheskis Initial Decision in which he reiterated his health concerns and, interestingly, stated: "I refuse a smart meter until 2017 at which time my present meter will be 15 years old," (emphasis added) and that "I am refusing permission for PECO to

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<sup>1</sup> ALJ Cheskis' Initial Decision was issued prior to the seminal *Kreider Order*, which was the first time that the Commission allowed AMI/health complaints to proceed to an evidentiary hearing. The *Kreider Order* was issued on January 28, 2016. See *Kreider v PECO*, P-2015-2495064, Opinion and Order issued January 28, 2016. Based on the state of law in 2013, ALJ Cheskis held that Mr. McCarey "would not be entitled to relief under any circumstances as a matter of law," and therefore recommended dismissal of his complaint *with prejudice*.

install” an AMI. On May 10, 2013, Mr. McCarey filed additional information regarding his health concerns and stated “I refuse installation of a smart meter on my house.” On June 26, 2013, Mr. McCarey filed additional materials that reiterated his concerns regarding health and privacy, and which raised a claim that smart meters cause fires. On September 26, 2013, the Commission issued its Opinion and Order in which it upheld ALJ Cheskis’ Initial Decision and dismissed Mr. McCarey’s Complaint *with prejudice*.

**Mr. McCarey’s 2015 Complaint:** Notwithstanding that his 2013 Complaint had been dismissed *with prejudice*, on September 8, 2015, Mr. McCarey filed his second complaint. *See McCarey v PECO*, C-2015-2503724 (the “2015 Complaint,” attached as Exhibit B). In the 2015 Complaint and its attachments, Mr. McCarey reiterated his health and privacy concerns, and stated that he “revoke[d] and den[ied] any all implied, expressed, and/or recorded consent, if any exists, for the placement and operation of a ‘Smart Meter.’” On October 7, 2015, PECO filed Preliminary Objections, arguing that these claims should be dismissed as *res judicata*. On October 14, 2015, Mr. McCarey filed an Answer to Preliminary Objection in which he stated that: “I am rejecting an AMI ‘smart meter’ from my home. . . .” and turned his ire on the Commission itself, alleging that “the PA PUC deliberately misinterpreted HB 2200 . . . I consider . . . the PA PUC’s actions as legislative overreach, breaching democratic principles of government . . . the PUC arbitrarily and capriciously decided to make the meters mandatory saying that it was the PUC’s ‘BELIEF’ that the legislators wanted the meters to be mandatory. In this way the PUC illegally neutralized HB 2200 and imposed their own regulation in its place.” On November 9, 2015, Administrative Law Judge David A. Salapa noted (Initial Decision, p. 9) that “The issues in the proceeding docketed at C-2013-2354862 and the complaint in this proceeding are identical,” and recommended that PECO’s Preliminary

Objection be granted and that the complaint be dismissed *with prejudice* on grounds of *res judicata*. On November 28, 2015, Mr. McCarey filed Exceptions, in which he provided additional information regarding his health, privacy, and fire claims and continued his attack on the Commission, stating that the Commission's administrative actions are "willful violations of the [federal and Pennsylvania] Constitutions" and "infringe upon the Nuremberg Code" -- and also declaring that he is an "indigenous person" entitled to protections under the United Nations "Rights of Indigenous People" *because he was born in Bryn Mawr, Pennsylvania*. On May 19, 2016, the Commission issued an Opinion and Order, upholding (p. 6) ALJ Salapa's Initial Decision and dismissing the 2015 Complaint *with prejudice* on grounds of *res judicata* because "[t]he issues raised by the Complainant in this case and the 2013 case are identical."<sup>2</sup> Mr. McCarey did not appeal this decision but he did make one further filing with the Commission in this docket. On June 6, 2016, he filed a single-sentence letter: "I request a hearing with the PA PUC in regards to my case. Thank you."

**Mr. McCarey's Participation in the Frompovich Hearing in November 2016:** On November 2-3, 2016, the evidentiary hearing was held in *Frompovich v PECO*, C-2015-2474602, which is also an AMI/health case. Mr. McCarey appeared and participated in that evidentiary hearing as Ms. Frompovich's "research assistant." Frompovich Transcript, p. 9. At the outset of the hearing, ALJ Heep inquired as to the potential length of the hearing, and Mr. McCarey replied (p. 9): "Your Honor, we have considerable material. I believe it's going to be two days." His projection was correct -- the hearing did take two days, and Mr. McCarey

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<sup>2</sup> This Opinion and Order was issued approximately four months after the *Kreider Order*. Thus, even though the Commission was granting hearings to AMI/complainants at the time it entered the Opinion in Order in Mr. McCarey's 2015 Complaint, it nonetheless denied him a hearing at that time and dismissed his complaint *with prejudice*.

participated for the full two days, sitting at counsel table and assisting in the presentation of Ms. Frompovich's case.

**Mr. McCarey's 2017 Complaints:** Notwithstanding that both his 2013 Complaint and his 2015 Complaint had been dismissed *with prejudice* (and over six months after he participated in the *Frompovich* hearings), on July 24, 2017, Mr. McCarey filed his third complaint. *See McCarey v PECO*, C-2017-2615597 (the "2017 Electric Complaint," attached as Exhibit C). In the 2017 Electric Complaint and attachments to it, Mr. McCarey reiterated that he is concerned, among other things, about health, privacy and fires. On July 26, 2017, Mr. McCarey filed his fourth complaint. *See McCarey v PECO*, C-2017-2615980 (the "2017 Gas Complaint," attached as Exhibit D). In the 2017 Gas Complaint and attachments to it, Mr. McCarey reiterated that he is concerned, among other things, about health, privacy and fires. On July 21, 2017, Mr. McCarey filed a letter with the PUC in which he reiterated his health concerns and identified himself as the contact person for an advocacy group known as Pennsylvania Smart Meter Awareness, or "PASMA." On August 9, 2017, PECO moved to consolidate the two open dockets. On August 25, 2017, Mr. McCarey responded to PECO's Motion to Consolidate (and to its Answer and New Matter), and reiterated his health, privacy, and fire concerns. On August 31, 2017, Administrative Law Judge Heep issued an Order consolidating the two matters. On September 1, 2017, the Commission issued a hearing notice setting this matter for hearing over six months later, on March 12-13, 2017. On September 7, 2017, ALJ Heep issued a Prehearing Order in which she set several interim dates for the exchange of information:

- a. **ON OR BEFORE January 16, 2018**, any party wishing to present expert testimony (medical, technical, etc.) must provide to the other party the name and business address of that expert and a written summary of the expected testimony of that expert.

**b. ON OR BEFORE January 16, 2018**, any party wishing to present factual testimony of any person other than the Complainant must provide to the other party the name and business address of that person and a written summary of the expected testimony of that person.

**d. ON OR BEFORE March 5, 2018**, Complainant and Counsel for PECO are directed to provide one another with copies of all exhibits and statements to be presented at the hearing.

On September 7, 2017, Mr. McCarey sent a letter to ALJ Heep acknowledging receipt of the Hearing Notice. On October 17, 2017, PECO served Mr. McCarey with its standard Set I discovery, comprised of three questions going to other sources of radio frequency exposure and requests for medical records. On November 2, 2017, Mr. McCarey answered PECO's discovery – but refused to provide any medical records, in part because: “I am experiencing no symptoms at this time.” (A copy of Mr. McCarey's discovery responses is attached as Exhibit E.) On January 16, 2018, PECO served witness reports for its four witnesses: Mr. Bryan Uber and Mr. Glenn Pritchard, who are PECO employees involved with PECO's AMI installation process, Dr. Christopher Davis, who is a Professor of Physics at the University of Maryland, and Dr. Mark Israel, who is a medical doctor, researcher, and Professor at Dartmouth Medical School. Mr. McCarey did not provide any witness reports by the designated exchange date or any time thereafter. On Monday, March 5, 2018, PECO served extensive hearing exhibits on behalf of the four above-named witnesses; Mr. McCarey did not provide any hearing exhibits.

On Sunday, March 4, 2018, Mr. McCarey sent an email (followed by an identical letter) to ALJ Heep, in which he stated:

Dear Judge Heep:

This is to inform you that I respectfully decline to appear in PA PUC's Administrative Law Court on March 12th and 13, 2018, due to my physical, mental, and emotional concerns. I witnessed and experienced how other complainants were treated in the Administrative Law Court.

Apparently, the PUC's mind has been made up with regard to microwave/EMF/RF emissions and "ICNIRP-like" science and is not open to hearing or accepting valid contradictory science, so what is the use of my even showing up?<sup>3</sup>

Very truly yours,  
Thomas A. McCarey

An email colloquy followed (the email exchange is attached as Exhibit F):

Commission Staff (March 6, 2018): Do you wish to withdraw your complaint? If not, the matter will be called as scheduled.

Mr. McCarey (March 6): I do wish to withdraw my complaint. Thank you.

ALJ Heep (March 6): Mr. McCarey, given that your letter is not unequivocal, this matter will be called for hearing on Monday as scheduled. If you choose not to appear, as stated in the Pre-hearing Order, the matter can be dismissed.

Mr. McCarey (March 8): I do wish to unequivocally state that I recall my complaint and wish the court not to be inconvenienced by my not appearing. Please do not call my case as scheduled. Thank you.

ALJ Heep (March 8): I will accept this as a Petition to Withdraw and cancel the scheduled hearing.

Mr. McCarey (March 8): Thank you very much for your assistance.

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<sup>3</sup> This phrasing parallels the question asked by Ms. Frompovich within minutes of the start of her evidentiary hearing (Frompovich Transcript, p. 17): "I presume and assume wholeheartedly and honestly and candidly that this case is going to be manufactured against anybody who is an opponent to Smart Meters. So why don't I just go home now?"

## II. Argument

### 1. Mr. McCarey has had a full and fair opportunity to be heard on this complaint, including the opportunity for an evidentiary hearing

Although Mr. McCarey's 2013 and 2015 Complaints were dismissed without the opportunity for hearing, his 2017 Complaints were set for hearing. Moreover, the 2017 Complaints were set for hearing more than seven months after his complaints were filed. This provided him with ample opportunity to prepare for hearing – especially given the fact that, six months prior to filing his complaint, Mr. McCarey had participated in the two-day evidentiary hearing on AMI/health issues in *Frompovich*, and thus had a full body of research and preparation from that proceeding on which to build for his own hearing. Per the Prehearing Order, PECO provided witness reports approximately 10 weeks prior to the hearing, which gave Mr. McCarey every opportunity to focus his preparation directly on PECO's positions. And, notwithstanding Mr. McCarey's withdrawal, PECO provided its hearing exhibits one week prior to the scheduled hearing, which was ample time for Mr. McCarey to review those exhibits and prepare responses and/or cross-examination questions regarding them.

Due process requirements are satisfied when the parties are provided notice and the opportunity to appear and be heard. *See Brown v. PECO Energy Co.*, no. C-2008-2060121, Initial Decision at 7 (Pa. P.U.C. May 18, 2009) (Chestnut, J.) (citing *Schneider v. Pa. P.U.C.*, 479 A.2d 10 (Pa. Cmwlth. 1984)). Given the above, there can be no doubt that Mr. McCarey was given notice of a hearing and a full and fair opportunity to present evidence to support his case in an evidentiary hearing.

**2. Although Mr. McCarey is appearing *pro se*, he is very knowledgeable about Commission process, and his decision to request permission to withdraw his complaint prior to the evidentiary hearing should thus be understood as being a fully informed decision**

The 2017 Complaints are Mr. McCarey's third and fourth forays into the Commission's formal complaint process with respect to his own residence, and he participated at length in the *Frompovich* hearing. Collectively, during those experiences, Mr. McCarey was fully engaged with and fully utilized Commission process, filing or serving complaints, Answers to Preliminary Objections, Exceptions, letters, discovery answers and Petitions, and attending and participating in a multi-day evidentiary hearing. He has thus demonstrated a full awareness of the Commission's procedures as a whole. Moreover, with respect to the instant Petition to Withdraw, Your Honor ascertained that Mr. McCarey's withdrawal was unequivocal. Given Mr. McCarey's extensive experience with Commission procedure and his clear and articulate statement that he unequivocally wished to withdraw his complaint and that *he understood that by doing so he would not have a hearing*, his withdrawal must be understood as being a fully informed decision.

**3. It would be prejudicial to the Commission, PECO and the public interest to allow Mr. McCarey to withdraw this complaint and later revive it**

PECO prepared extensively for this hearing. Four witnesses – two PECO employees, and two outside experts from cities other than Philadelphia – reviewed Mr. McCarey's filings, reviewed scientific and medical research related to his claims, prepared written witness reports and hearing exhibits, and spent time preparing for direct and cross-examination. Three attorneys – two in-house attorneys and one outside counsel from a city other than Philadelphia – spent substantial time assisting in those efforts, as well as preparing pleadings and preparing both

direct and cross questions for witnesses. Each of the witnesses and lawyers managed their calendar to meet the various interim service deadlines of the Prehearing Order, and to make themselves available in Philadelphia at the time and date of the scheduled hearing. This required a significant expenditure of PECO resources to prepare for the scheduled hearing.

Moreover, if Mr. McCarey were to be allowed to have an evidentiary hearing at some future date, much of that preparation work would have become stale, and would need to be repeated. The PECO team would need to review any future claims by Mr. McCarey and respond to them through such filings as required by the Commission; its experts would need to refresh their review of the scientific and medical research; new or updated witness reports and hearing exhibits would need to be created; new discovery questions would need to be crafted; calendars would need to again be managed, and dates be held. Such a second preparation period would also be substantial, even building upon the recent effort.

Moreover, Your Honor has scheduled evidentiary hearings in all of the remaining AMI/health cases by May 1, 2018 – a schedule that will allow both the Commission’s resources and PECO’s resources to be devoted to careful and focused examination of AMI/health issues for a defined period of time, creating judicial efficiencies in the resolution of these matters. Any future proceeding involving Mr. McCarey would fall outside of that efficient period, and would thus impose additional and unwarranted costs on both the Commission and PECO.

Finally, PECO has been engaged in litigation of AMI/health issues since 2012, and in evidentiary hearings for more than two years since the *Kreider Order* was issued. *See Kreider v PECO*, P-2015-2495064, Opinion and Order issued January 28, 2016.) While the Commission decided in *Kreider* that it would allow evidentiary hearings on AMI/health issues, the public interest requires that those who wish such a hearing must actively participate in those hearings so

that the proceedings may be brought to a close. Any later revival of the McCarey complaints would violate that public interest concern.

**4. The instant complaint should be dismissed with prejudice and, given Mr. McCarey's history of filing complaints in the face of dismissals with prejudice, additional protections against the filing of future complaints are warranted**

Once the PUC meets its due process obligations by scheduling a requested hearing, the burden falls upon the parties to appear and participate in the hearing. Section 332 of the Pennsylvania Public Utility Code states:

*Any party who shall fail to be represented at a scheduled conference or hearing after being duly notified thereof, shall be deemed to have waived the opportunity to participate in such conference or hearing, and shall not be permitted thereafter to reopen the disposition of any matter accomplished thereat, or to recall for further examination of witnesses who were excused, unless the presiding officer shall determine that failure to be represented was unavoidable and that the interests of the other parties and the public would not be prejudiced by permitting such reopening or further examination.*

This statutory framework is implemented in the Commission's regulations. 52 Pa. Code § 5.245(a)(1) states that "(a) after being notified, a party who fails to be represented at a scheduled conference or hearing in a proceeding will: (1) Be deemed to have waived the opportunity to participate in the conference or hearing." *See also Mumma v. PPL Elec. Util. Corp.*, No. C-00014869 (Jan. 24, 2002) ("It is well-established law that once timely notice of a hearing and the opportunity to be heard have been provided, it is the responsibility of the parties to be present and participate in the hearing.")

Mr. McCarey did not appear for his scheduled hearing. When a prior AMI complainant failed to appear for scheduled evidentiary hearings, Your Honor dismissed her complaint with prejudice and the Commission adopted Your Honor's Initial Decision. *See, e.g., Walsh v PECO,*

C-2016-2538015, Initial Decision issued July 19, 2017; Final Order entered January 5, 2018. In the instant proceeding, it is even more appropriate to dismiss with prejudice, given Mr. McCarey's extensive knowledge and experience with Commission procedure and his informed withdrawal of his complaint.

However, Mr. McCarey's history shows that dismissal with prejudice will not be sufficiently protective because, as both the 2015 and 2017 Complaints demonstrate, he is willing to file complaints that articulate identical claims even after prior complaints are dismissed with prejudice. At some point in the future – shortly after resolution of the instant proceeding – PECO will move to install an AMI meter at the McCarey residence. If he refuses access to allow AMI installation, PECO will send termination notice(s) and, if he does not comply, PECO will terminate his service until he provides such access. PECO is concerned that, when it follows that path, Mr. McCarey will again attempt to block installation by filing yet another complaint or complaints with the PUC. And, pursuant to 52 Pa. Code §56.92, once a complaint is filed PECO cannot send a termination notice or terminate service “if the subject matter of the dispute forms the grounds for the proposed termination.” Unless PECO is granted future protections against this potential iterative use of the complaint process, Mr. McCarey could conceivably file a series of complaints over time, each of which would, until resolved, make it impossible for PECO to pursue installation of an AMI meter (a process that relies upon the possibility of termination for failure to provide access to install an AMI meter as an integral part of the installation process).

Of course, in the event that Mr. McCarey files a future complaint, PECO can file a Preliminary Objection for *res judicata* (as it did in 2015). But that does not solve PECO's concern. In the 2015 Complaint proceeding, the complaint was filed on September 9, 2015; PECO filed a *res judicata* preliminary objection immediately; and the final Commission Order

was issued on May 19, 2016 – more than seven months after the Complaint was filed. If additional protections are not put in place, Mr. McCarey could indefinitely keep complaints open by the expedient of filing identical complaints every six months or so, thus perpetually restarting a never-ending Commission review of his identical claims, each ending months later in a dismissal of his complaint for *res judicata*. In the absence of further protections, each such complaint would make it impossible for PECO to terminate his service for failure to provide access to allow his meter to be exchanged. He should not be allowed to do this.

The Commission has the power to implement special procedures to protect against abuses and potential abuses of the Complaint process. *See, Agnes Manu, et al v. AT&T Communications of Pennsylvania, Inc.; the Bell Telephone Company of Pennsylvania, Inc. & Philadelphia, Electric Company, Inc.* Docket Numbers F-09020141, C-00935014, C-00934970, (Opinion and Order entered May 9, 2004), *Albert Dinion v. Duquesne Light Company*, 91 Pa. PUC 550 (1998), *Sherry Seidenstricker v. Metropolitan Edison Company*, F-2008-2019388, (Final Order entered July 28, 2009).

Specifically, when the Commission seeks to address the potential of iterative filings that could constitute an abuse of process, the Commission may preclude a party from filing further informal and formal complaints. In a recent PECO case, the Commission prohibited a customer from filing additional informal and formal complaints where the customer had filed the complaint to avoid collection activity. In *Julie McCrey v. PECO Energy Company*, Docket No. C-2015-2501451 (Initial Decision entered January 2, 2018), Administrative Law Judge Eranda Vero ruled that Ms. McCrey was “precluded from filing further informal and formal complaints pertaining to her account with PECO” because she had “abused the system by using its

provisions to prevent termination of service.” The Commission issued a Final Order on March 1, 2018, adopting ALJ Vero’s Initial Decision.

In the instant proceeding, PECO respectfully submits that the Commission should dismiss Mr. McCarey’s complaint with prejudice and also enter an order that he is prohibited from filing additional informal or formal complaints arising from PECO’s attempt to install an AMI electric meter or gas module at his residence, or to prevent service termination for failure to give access to install the meter.

Moreover, PECO submits that, even if such an order is entered, there remains a material possibility that Mr. McCarey will file a complaint in violation of *that* order. PECO therefore respectfully requests that the Commission grant it a waiver of 52 Pa. Code §56.92 so that, in the event Mr. McCarey files another complaint, PECO may nonetheless send termination notices and/or terminate service during the pendency of such a complaint.

WHEREFORE, PECO Energy respectfully requests that this Honorable Commission dismiss Mr. McCarey's formal complaint with prejudice for failure to prosecute and enter an Order that:

- prohibits Mr. McCarey from filing additional informal or formal complaints to halt installation of the AMI meter or threatened service termination for failure to give access to install the meter; and
- grants PECO a waiver of 52 Pa. Code §56.92 so that, if Mr. McCarey does file such a complaint, PECO may nonetheless proceed with termination notices, termination, and/or installation of an AMI meter notwithstanding such a complaint.

Respectfully Submitted,



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Shawane L. Lee  
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March 13, 2018

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>THOMAS MCCAREY</b>	:	
<b>Complainant</b>	:	
<b>v.</b>	:	<b>DOCKET NOS. C-2017-2615597</b>
	:	<b>and C-2017-2615980</b>
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

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**VERIFICATION**

I, Ward Smith, hereby declare that I am counsel for PECO Energy Company; that as such I am authorized to make this verification on its behalf; that the facts set forth in the foregoing Pleading are true to the best of my knowledge, information and belief, and that I make this verification subject to the penalties of 18 Pa. C.S. § 4904 pertaining to false statements to authorities.

  
Ward L. Smith

Date: March 13, 2018

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>THOMAS MCCAREY</b>	:	
<b>Complainant</b>	:	
<b>v.</b>	:	<b>DOCKET NOs. C-2017-2615597</b>
	:	<b>and C-2017-2615980</b>
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

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**CERTIFICATE OF SERVICE**

I, Ward Smith, hereby certify that I have this day served a copy of PECO Energy Company's Motion to Dismiss in the above matter upon all interested parties by email and overnight mail to:

Thomas McCarey  
285 Dayleview Road  
Berwyn, PA 19312  
[tom\\_mccarey@yahoo.com](mailto:tom_mccarey@yahoo.com)



Ward L. Smith  
Counsel for PECO Energy Company  
2301 Market Street, S23-1  
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Fax: 215.568.3389  
[Ward.smith@exeloncorp.com](mailto:Ward.smith@exeloncorp.com)

**Exhibit A**  
**2013 Complaint**  
**McCarey v PECO**  
**C-2013-2354862**

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

RECEIVED

Please print in ink or type.

MAR 4 2013

1. CUSTOMER (COMPLAINANT) INFORMATION

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Your name, mailing address, county, telephone number, utility account number and service address:

Name THOMAS A. MCCAREY / MARGERY H. MCCAREY

Street/P.O. Box 285 DAYLE VIEW APT #

City BERWYN State PA Zip 19312-1201

County CHESTER

Daytime Telephone Number Where We Can Contact You: (610) 644-7947

E-mail Address (optional): tom\_mccarey@yahoo.com

Utility Account Number 69633-00206  
(from your bill)

If your complaint involves utility service provided to a different address than your mailing address, please list this information below.

Name N.A.

Street/P.O. Box \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

2. FULL NAME OF UTILITY COMPANY (RESPONDENT):

PECO ENERGY / EXELON

RECEIVED

FEB 11 2013

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

3. TYPE OF UTILITY (check one)

ELECTRIC

STEAM HEAT

GAS

WASTE WATER

WATER

MOTOR CARRIER

- TELEPHONE (e.g., taxi, moving company, limousine)  
(local, long distance)

4. COMPLAINT (check one)

A. In general, what is your complaint?

- I want to oppose the company's proposed rate increase.
- There are incorrect charges on my bill.
- There is a reliability, safety or quality problem with my utility service.
- I received a notice that my utility service is being terminated.
- I would like a payment agreement.

Other (explain).

B. State the facts of your complaint.

*Include any specific dates, times or places that may be important. If the complaint is about a bill, tell us about any charges that you believe are not correct. Use additional paper if you need more space. Provide copies of all relevant documents you believe will support your complaint.*

SEE ATTACHED

RECEIVED

MAR 4 2013

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

id [http://www.electricaljournal.com/documents/public\\_health](http://www.electricaljournal.com/documents/public_health)

Sheet - sum.pdf

Make copies for PUC

5. RELIEF

How do you want your complaint to be resolved? Use additional paper if you need more space.

SEE ATTACHED

RECEIVED

MAR 4 2013

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SECRETARY'S BUREAU

6. PROTECTION FROM ABUSE

Answer the following question if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility AND your complaint is about a billing problem, a request to receive service, a security deposit request, termination of service or a request for a payment agreement.

Has a court granted a "Protection from Abuse" order for your personal safety or welfare?

YES

NO

7. PRIOR UTILITY CONTACT

Answer the following question only if you are a residential customer and your complaint is against an electric distribution utility, natural gas distribution utility or a water distribution utility.

Have you spoken to a utility company representative about this complaint?

YES (includes appeals of BCS determinations)

NO

If you tried to, but could not speak to a utility company representative about your complaint, please explain why.

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8. LEGAL REPRESENTATION (IF ANY)

If you are represented by a lawyer in this matter you must provide your lawyer's name, address, telephone number, and e-mail address, if known.

Lawyer's Name \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Area Code/Phone Number \_\_\_\_\_

E-mail Address (If Known) \_\_\_\_\_

**9. VERIFICATION AND SIGNATURE**

You must print or type your name below on the line provided for the verification paragraph, and you must sign and date (in ink) this form on the lines provided.

Verification:

I THOMAS A. MCCAREY, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Thomas A. McCarey  
(Signature)

02/11/2013  
(Date)

\_\_\_\_\_  
Title of authorized employee or officer

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**10. FILING**

Please return the completed form to one of the addresses listed below: PA PUBLIC UTILITY COMMISSION SECRETARY'S BUREAU

If using U.S. Postal Service:

If using overnight delivery service:

Secretary Pennsylvania Public Utility Commission P.O. Box 3265 Harrisburg, PA 17105-3265	Secretary Pennsylvania Public Utility Commission 400 North Street Commonwealth Keystone Building, 2 <sup>nd</sup> Floor Harrisburg, Pennsylvania 17120
---	--

Facsimiles and/or electronic filings of the complaint will not be accepted.

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

**Keep a copy of your complaint for your records.**

Thomas A. McCarey/Margery H. McCarey  
285 Dayleview Road  
Berwyn, Pennsylvania 19312-1201  
Chester County  
(610) 644-7947  
[tom\\_mccarey@yahoo.com](mailto:tom_mccarey@yahoo.com)  
PECO Account #69633-00206  
PECO Energy  
Utility Type: Electric  
Dear Commissioners:

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SECRETARY'S BUREAU

**I do not want a "smart meter" electric meter on my property.**

There is an illusion that installing a wireless smart grid is more cost effective than wiring smart meters. In Connecticut:  
' "The pilot results [of installing "smart meters"] showed no beneficial impact on total energy usage," Attorney General George Jepsen said. "And, the savings that were seen in the pilot were limited to certain types of customers and would be far outweighed by the cost of installing the new meter systems," he said. ' The results will be the same in Pennsylvania.

It is far more energy efficient to transmit data over fiberoptic cables, or even copper wires than to transmit it wirelessly, according to a Swiss study wireless transmission takes 3 times as much energy. It is essential that the PUC and others pushing transmitting meters see this information. <http://www.lowtechmagazine.com/2009/06/embodied-energy-of-digital-technology.html#more>

The wireless goal is to blanket the state, and it creates a complexity of problems with literally everything the wireless frequencies touch. These RF EMFs go through walls, roofs, people, infrastructure, everything in ecosystems and will bring unrealized consequences including liabilities. The meter program is well intended but will not address Pennsylvania's energy problems. Pennsylvania building exposure to solar EMFs will cause the buildings to generate extreme heat and the utilities are responding to the symptoms with massive energy waste reacting to the symptoms.

Pennsylvania is dealing with their building solar exposure with paints, finishes or shade and will immediately knock massive energy waste off the challenged electrical grids without re-inventing the wheel. Air conditioning is really refrigeration being used because the building has become a source of extreme heat, and the "smart meter" radiation will make the situation much worse.

**I do not appreciate faceless, nameless bureaucrats imposing a compromise to my**

health without even asking me. There has been a virtual media blackout on the dangers of "smart meters."

It is very important for the Pennsylvania Public Utility Commission (PUC) to understand that even though safety standards on wireless exposure are based on decades of scientific literature, science was missing linking the frequencies to adverse health effects.

The FCC and other international governing bodies adopted the Specific Absorption Rate(SAR) for limits of human exposure. The SAR test didn't consider the smart meter routers, relays, collectors, antennas or that humans are bio electric.

As a result of the missing science in the SAR test, the PUC only addressed the smart meter as an end use device and state in their safety sheet that a short distance from the meter keeps you safe. The average coverage area of the smart meter router is 5 sq. miles and one collector 125 sq. miles. If you are in the coverage area, a short distance from the meter is irrelevant.

To revise safety standards a draft bill was introduced by a U.S. Member of Congress to update the Specific Absorption Rate. As soon as they add the errors or omissions in the SAR test, the frequencies will be illegal as applied.

Wireless "smart" meters emit radio-frequency microwave radiation (called "RF"), similar to that used by cell phones and wifi routers. The transmissions from "smart" meters go on day and night, and are not directly related to the amount or time of household usage. This frequency is part of the range of frequencies recently placed in the category "possible human carcinogen" by the World Health Organization (May 2011).

Public health professionals and scientists have been concerned about human exposure to this type of low-level radiation for some time now. But a "smart" meter is an RF emitter that I have no control over. There is no "off" switch, nor can I move it to a different location in my home. Recent information confirms suspicions that at least 90% of the RF emitted by the "smart" meters is NOT transmitting electrical usage data, but is part of the "mesh network" talking to itself, and includes a lot of redundant "chatter" between my meter and other meters. This is for the convenience of PECO, and its effects on me (and other living things) apparently were not even considered when they were designing the mesh network.

Funding and deployment of the "smart grid gold rush" has vastly outstripped the federal government's ability to develop meaningful privacy and security standards and regulations within one of the nation's most critical infrastructures. The Federal mandate was only to offer each individual residents the option of having a "smart"

meter. Where is the letter from PECO asking me if I want a "smart meter?" PECO's easement clause allows them access to their equipment, for meter-reading and maintenance. But I call into question whether installation of the "smart" meter—which includes telecommunications equipment and marks an unprecedented change in metering, blanketing my home in a class 2B carcinogen—actually qualifies as "maintenance"!

I expect to keep my analog electric meter for the foreseeable future. I further expect the PUC to inform and protect the people of Pennsylvania. Thank you.

Sincerely yours,



Thomas A. McCarey

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SECRETARY'S BUREAU

Thomas A. McCarey  
285 Dayleview Road  
Berwyn, Pennsylvania 19312

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

To:  
PECO  
Pennsylvania Public Utility Commission  
Tredyffrin Township Supervisors  
Chester County Commissioners  
Warren Kampf  
Andrew Dinniman  
Governor Corbett

**NOTICE OF NO CONSENT TO TRESPASS AND SURVEILLANCE, NOTICE OF LIABILITY**

Be advised, you and all other parties are hereby denied consent for installation and use of any and all "Smart Meters" or any other surveillance and activity monitoring device, or devices, at the above property. Installation and use of any surveillance and activity monitoring device that sends and receives communications technology is hereby refused and prohibited. Informed consent is legally required for installation of any surveillance device and any device that will collect and transmit private and personal data to undisclosed and unauthorized parties for undisclosed and unauthorized purposes. Authorization for sharing of personal and private information may only be given by the originator and subject of that information. That authorization is hereby denied and refused with regard to the above property and all its occupants. "Smart Meters" violate the law and cause endangerment to residents by the following factors:

1. They individually identify electrical devices inside the home and record when they are operated causing invasion of privacy.
2. They monitor household activity and occupancy in violation of rights and domestic security.
3. They transmit wireless signals which may be intercepted by unauthorized and unknown parties. Those signals can be used to monitor behavior and occupancy and they can be used by criminals to aid criminal activity against the occupants.
4. Data about occupant's daily habits and activities are collected, recorded and stored in permanent databases which are accessed by parties not authorized or invited to know and share that private data by those whose activities were recorded.
5. Those with access to the smart meter databases can review a permanent history of household activities complete with calendar and time-of-day metrics to gain a highly invasive and detailed view of the lives of the occupants.
6. Those databases may be shared with, or fall into the hands of criminals, blackmailers, corrupt law enforcement, private hackers of wireless transmissions, power company employees, and other unidentified parties who may act against the interests of the occupants under metered surveillance.

- 7: "Smart Meters" are, by definition, surveillance devices which violate Federal and State wiretapping laws by recording and storing databases of private and personal activities and behaviors without the consent or knowledge of those people who are monitored.
- 8: It is possible for example, with analysis of certain "Smart Meter" data, for unauthorized and distant parties to determine medical conditions, sexual activities, and physical locations of persons within the home, vacancy patterns and personal information and habits of the occupants.
9. Your company has not adequately disclosed the particular recording and transmission capabilities of the smart meter, or the extent of the data that will be recorded, stored and shared, or the purposes to which the data will and will not be put.
10. Electromagnetic and Radio Frequency energy contamination from smart meters exceeds allowable safe and healthful limits for domestic environments as determined by the EPA and other scientific programs.
11. Smart meters can be hacked and will be hacked. The small CPU in these meters cannot protect itself as good as a home PC can, and home PCs are well known for being compromised. By deploying these in the millions with the same exact software and hardware they become a huge target and will endanger the community if an attacker can switch the power on and off from remote in mass. This makes these Smart Meters dangerous and a liability to the ratepayers who would have to ultimately pay for any damage.
12. Smart meters are not protected from EMP attacks, large EMPs or localized EMPs as simple as a kid with a battery and a coil (Electro Magnetic Pulse).
13. Disabling the receiver will not prevent other forms of "hacks". For example a malicious attacker could confuse the internal CPU, reset it, change random memory locations, change the KWH reading, force a power disconnect, or completely disable a smart meter with a simple coil of wire and a small battery. This can't happen with a mechanical meter. It is well known that a wide EMP can take out car computers; smart meters will now make that possible on the city wide electric infrastructure.
14. A thief or burglar could use the same EMP or hacking methods to turn off the house power even if the electrical switch box is locked.
15. Encryption of data is irrelevant due to well known "Tempest" attacks; see [en.wikipedia.org/wiki/TEMPEST](http://en.wikipedia.org/wiki/TEMPEST) where an attacker monitors internal electrical switching signals of a CPU or other internal components from a distance. Governments have developed standards covering this. Compromising emanations are defined as unintentional intelligence-bearing signals which, if intercepted and analyzed, may disclose the information transmitted, received, handled, or otherwise processed by any information-processing equipment, like in Smart Meters. This would violate customers' privacy and any privacy policy the power company has at this time.
16. Turning off the RF transmitter is irrelevant due to the well-known "Tempest" attacks, the RF wireless transmitter is not needed in these attacks and disabling the RF transmitter completely negates any advantages of these Smart Meters or their costs anyway.
17. Data about an occupant's daily habits and activities are collected, recorded and stored in permanent databases which can be accessed by parties not authorized or invited to know and share that private data by those whose activities were recorded. This can be done by cyber-attacks or disgruntled employees and has been done before where the attacked company may not know of the intrusion for months.

18. The power company has not adequately disclosed the encryption or security methods to the public. The source code to any data encryption must be open source and peer reviewed by the security community at large in order to be as secure as is currently possible. **Security by obscurity is no security at all.**

19. Previously it was "fair" that the power company had to go to a lot of trouble to adjust the mechanical meter to read more than it should since they had to come out to do it manually. People can't modify the mechanical meter because it's locked up; the power company probably won't do it because it's just too costly, and so that was "fair enough". Now with the smart meters they can change it anytime they wish by remote and with little risk that the customer will know. **Why should customers trust a company that only has profits and stock price in mind? With possible modification of computer code or measurement values / ratios from remote, who will overlook them? Who will ever know? This is an unfair practice and a liability to the ratepayers.**

20. The power company has misled the public and the Public Utility Commission by leaving out publicly available facts and information regarding smart meters. There are many downsides to this new technology that the power company has not presented to the general public or the Public Utility Commission. Information is slanted and doesn't address the negative issues fully.

21. Smart meter installation is not mandatory. The Public Utilities Commission only gave permission to install the meters. There is no forced mandate. The PUC has no such delegated authority from the People to make a forced mandate. If they did make a forced mandate, it's clearly null and void on its face. The Energy Policy Act of 2005 really only covers Federal areas within the limited jurisdiction of the **CONSTITUTIONALLY LIMITED** United States Government, even if it did apply, it also only mandates that a power company "offer" smart meters to the public, upon customer request. Any suggestion by the power company to customers that smart meters are mandatory is a false statement, fraudulent, and false commercial speech which is punishable by law and also opens the power company to liability via lawsuit.

22. The power company has no delegated authority from the People to install a security risking, privacy invading, health threatening, hackable, unfair billing, or wide power grid security threatening device on anyone's property.

23. Smart meters by default are not programmed to "run backwards", like the current mechanical meters do now. Making it harder for people to go "green" with solar panels or wind turbines using a low cost Grid Tie Inverter. The PUC has shown the intent over and over of encouraging the public to go "green", the power company's website and public disclosures show intent in this direction. The PUC allows the power company to charge an extra fee for "green projects". Smart meters go against the PUC's intent and the public interest by making it more difficult for people to install small solar or "green power" installations and gain KWH "credits" in power that they can use at a later time.

24. It is well known to electronic and computer engineers that a high voltage spike, such as a nearby lightning strike, or EMP can change memory bits in normal memory or EEPROM memory (Electronically Programmable Memory that is non-volatile) by adding extra electrons to the small memory cells. This can change internal smart meter settings like the KWH calibration data or other settings that may change the rate of power charged without the customer or power company ever knowing about it. This can't happen with a mechanical meter.

25. Installation of a smart meter will lower this property's value due to all the stated

issues and controversy. This could subject ALL the ratepayers to higher rates due to lawsuit claims for value lost. The power company has no delegated authority from the People to use its easement or install equipment in a way that will lower property values or make a property less desirable to a buyer.

I demand an immediate stop to the installation of all Smart Meters until all issues are resolved, the Smart Meters to be removed at customers request with no extra charge, an opt-in only for customers who are properly and fully informed and that must have this technology for their own specific need. This is in the public's best interest.

I demand an immediate investigation into these issues by the Public Utilities Commission.

I demand that the Public Utilities Commission immediately order the power company to fully inform all customers of ALL the known facts, including complaints and downsides of this technology within 30 days.

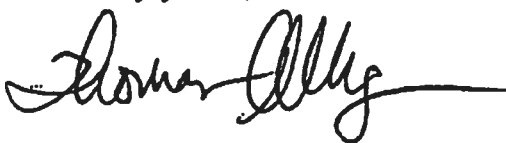
I reserve the right to amend this notice and complaint at any time, this is not a complete list of concerns since this technology is new and new information is being found every day. Concerns listed here are not in any particular order.

I forbid, refuse and deny consent of any installation and use of any monitoring, eavesdropping, and surveillance devices on my property, my place of residence and my place of occupancy. That applies to and includes "Smart Meters" and surveillance and activity monitoring devices of any and all kinds. Any attempt to install any such device directed at me, other occupants, my property or residence will constitute trespass, stalking, wiretapping and unlawful surveillance and endangerment of health and safety, all prohibited and punishable by law through criminal and civil complaints. All persons, government agencies and private organizations responsible for installing or operating monitoring devices directed at or recording my activities, which I have not specifically authorized in writing, will be fully liable for any violations, intrusions, harm or negative consequences caused or made possible by those devices whether those negative consequences are justified by "law" or not..

This is legal notice. After this delivery the liabilities listed above may not be denied or avoided by parties named and implied in this notice. Civil Servant immunities and protections do not apply to the installation of smart meters due to the criminal violations they represent.

Notice to principal is notice to agent and notice to agent is notice to principal. All rights reserved.

Sincerely yours,



Thomas A. McCarey

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SECRETARY'S BUREAU

STATE OF CONNECTICUT ~ OFFICE OF THE ATTORNEY GENERAL ATTORNEY  
GENERAL GEORGE JEPSEN

JEPSEN URGES STATE REGULATORS TO REJECT  
CL&P'S PLAN TO REPLACE ELECTRIC METERS

*For Immediate Release* TUESDAY FEB. 8, 2011

HARTFORD – Connecticut Light & Power Co.'s plan to replace existing electric meters with advanced technology would be very expensive and would not save enough electricity for its 1.2 million customers to justify the expense, Attorney General George Jepsen said Tuesday.

Jepsen made the comments in a brief filed Tuesday with the state Department of Public Utility Control, which is reviewing CL&P's request to replace all existing meters with "advanced meter infrastructure." The company also asked regulators to guarantee that the company will be allowed to recover its full cost of installation before the department actually evaluates what the costs actually were and whether those costs were reasonable.

"CL&P's proposal would force the company's ratepayers to spend at least \$500 million on new meters that are likely to provide few benefits in return," Jepsen said. He urged the regulators to "continue to evaluate emerging meter system technologies as well as other conservation programs" and only approve installation of the advanced meters when they are cost effective.

To evaluate the technical capabilities and reliability of the advanced metering system, state regulators previously approved a limited study of 10,000 meters. Between June 1 and Aug. 31, 2009, CL&P tested the meters on 1,251 residential and 1,186 small commercial and industrial customers, who volunteered and were paid for their participation in the study. The company reported its results to the DPUC on Feb. 25, 2010.

"The pilot results showed no beneficial impact on total energy usage," Jepsen said. "And, the savings that were seen in the pilot were limited to certain types of customers and would be far outweighed by the cost of installing the new meter systems," he said. Also, the existing meters, installed between 1994 and 2005, have a useful life of 20 years and replacing them early would incur additional costs for customers, Jepsen said. Assistant Attorneys General Michael C. Wertheimer and John S. Wright are representing Jepsen before the DPUC.

###

CONTACT: *Susan E. Kinsman*, [susan.kinsman@ct.gov](mailto:susan.kinsman@ct.gov); 860-808-5324; 860-478-9581 (cell)

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S OFFICE

## **Public Health Threatened By Rapidly Increasing Exposure To High Frequency Electromagnetic Radiation**

### **The Issues:**

#### **1) Radically increasing everyday exposure to radiofrequency radiation, including the very high frequency radiowaves known as microwaves.**

- **The increased exposure comes from two unrelated sources.**
  - One: transmitted radiofrequency radiation from devices such as WiFi, cellphones, wireless baby monitors, DECT cordless phones, and cell towers, none of which were present in the 1970's and are unavoidable today.
  - Two: high frequencies, or electrical pollution, into the radiofrequency range present on building wiring from poorly engineered electronics and energy efficient lighting which only began widespread use in the late 1970's.

#### **2) Lack of adequate safety standards.**

- **EPA does not protect the public health.(1,2) There is no true safety standard due to political pressure from an industry group in the 1990's.**
  - Radiofrequency radiation threatens human health and our bee, bat and bird populations and the EPA does nothing. (3,4,5,6,7,8,9,10,11,12,13,14,15,16,17)
- **There are no comprehensive conservative safety standards designed to safeguard the public health during the continuous exposures to radiofrequency radiation experienced in daily life. (1,2)**
  - Our current FCC "safety" standards are designed solely to protect a 6 ft 185 lb man from tissue heating during a short (6 minute) exposure.
  - Our current FCC "safety" standards are not designed to protect even a 6 ft man from biological effects during a continuous exposure.
  - None of the transmitter technology has been subjected to rigorous health studies as is required for drugs, in spite of its use resulting in involuntary exposure for an uninformed non-consenting population.
  - Nor has any post-marketing public health surveillance been implemented.
- **There are NO safety standards to safeguard the public health from exposure to high frequencies on building wiring, resulting in widespread availability of dangerous consumer products including:**
  - Compact fluorescent light bulbs and other fluorescent lights with electronic ballasts.
  - Dimmer switches, variable speed motors, etc.
  - Inverters, including those on wind turbines and solar systems.
- **Safe electrical devices could be engineered if the proper standards were in place.**

#### **3) Everyday exposures to radiofrequency radiation threaten our public health.**

- **Since the 1970's many disease rates have skyrocketed, including rates of Alzheimer's Disease, multiple sclerosis, asthma, diabetes, and autism. Studies show a relationship to radiofrequency exposures.(6,11,12,13,14)**
- **Overexposure to radiofrequency radiation can cause radiofrequency sickness (aka radiowave or microwave sickness) in susceptible people. It has very real and disabling health effects.(3,4,5)**

- Information about radiofrequency sickness can be found at [www.electricalpollution.com](http://www.electricalpollution.com).
- **Exposure to radiofrequency radiation has very real and threatening health effects in the long-term for a majority of the population.**
  - More information can be found at [www.bioinitiative.org](http://www.bioinitiative.org), a report by leading researchers.
  - Detrimental biological effects, distinct from tissue heating effects, have been extensively documented in studies at a range of different frequencies and at levels far below the current United States safety standard and provide a mechanistic basis for health effects.(6)
  - A recent Swedish public health study suggests a link between the decline in public health and cellphones.(7)
- **High frequency signals on power lines also cause illness. See [www.electricalpollution.com](http://www.electricalpollution.com).**
  - *Milham and Morgan found a dose-response relationship between high frequencies present on building wiring and cancer.(9) Recent analysis of historical epidemiological data indicates a relationship to cancer, diabetes, heart disease, and suicide.(10)*
  - Removing high frequencies on building wiring has improved MS symptoms, blood sugar levels, asthma, sleep quality, teacher health, headaches, ADD, and numerous other health problems.(11,12,13)
  - Technical papers provide a solid electrical and biomolecular basis for these effects. (18,19)
    - Transients and communications signals on wires induce much stronger current density levels in the human body than does the powerline 60Hz signal.
    - The induced currents disturb normal intercellular communications, causing harmful long-term and short-term effects.
  - Technical information necessary to properly measure the electrical pollution levels on building wiring can be found on the Technical page at [www.electricalpollution.com](http://www.electricalpollution.com).
    - A simple meter is also available that can provide accurate measurements in most situations.

#### 4) Our civil rights trampled

- **For the last 13 years, sensitive people like ourselves have had no protection in public places, essentially restricting us to our homes, even forcing us to move from them in a quest for a safe haven, and preventing us from using public libraries, public schools, and attending public events. Those concerned about long-term health effects have also had no recourse.**
- **The 1996 Telecommunications Act preempts the right to free speech and has stopped all consideration of the safety and environmental consequences of exposure to transmitted radiofrequency radiation, including the pulsed microwave radiation used in modern communications, in siting transmitting towers and in the court of law. Therefore, the silence outside of and inside of court is not a measure of the safety of the technology, but rather the tightness of the gag. Ecology House is a perfect example of how this law has unfairly restricted the right to free speech time after time, resulting in involuntary exposure to a dangerous pollutant for millions. [http://www.marinij.com/marinnews/cj\\_12880530](http://www.marinij.com/marinnews/cj_12880530)**
- **Increasing involuntary exposure. Transmitting utility meters will soon be installed on all homes nationwide and wireless broadband will be everywhere, in spite of the risks.**
  - Most transmitting meters and wireless broadband transmit continuously.
  - This will cause great disability for the increasing population of individuals with radiofrequency sickness. The long-term threat to the public health is nationwide.
    - Utilities refuse to offer meaningful alternatives to having a transmitting meter for those with radiofrequency sickness.

- And utilities refuse to remove transmitting meters for those being made ill.
  - And communities are not protecting those with radiofrequency sickness from wireless broadband.
- **There is no more basic civil right than the right to health and safety in our homes. Without that, what is there?**

### The Solutions

- **Briefing of congressional committees with jurisdiction by Norbert Hankin of the Radiation Division of the EPA on the history of the development of current US radiofrequency radiation safety policy that has resulted in the inadequacy of current safety standards to protect public health of the general population during continuous exposures.**
- **Hearing on the public health threat posed to the general public by exposure to transmitted radiofrequency radiation and high frequency electrical pollution on all electrical wiring.**
  - Consult The EMR Policy Institute (802-426-3035) to ensure that all relevant researchers are invited to testify.
- **Require fiber optic and other wired infrastructure for the "National Broadband Plan for Our Future."**
- **Reverse Section 704 of the 1996 Telecommunications Act [found at 47 U.S.C. Section 332 Subsection (7)(B)] which has deprived citizens of their First Amendment Rights by preventing discussion of health and environmental threats posed by wireless technologies.**
- **Reverse the ban on incandescent light bulbs until safe alternatives exist. (New Zealand has already done this.)**
- **Reform procedures at the EPA to limit industry influence.**
- **Require the EPA to write a conservative standard to establish safe levels of exposure for the general population during the continuous daily exposures we now experience.**
  - See NAS report: **Identification of Research Needs Relating to Potential Biological or Adverse Health Effects of Wireless Communication (2008) pp.13-18.**
  - The non-ionizing radiation standard should be protective from the non-thermal effects of exposure to radiofrequency radiation, both transmitted and on building wiring.
  - Radiation emitting and electrically polluting devices should require rigorous health testing prior to approval.
  - Rigorous surveillance must be required to document whether the new standard is sufficiently protective.
  - Continuously transmitting devices should be banned. (The Israeli Environmental Ministry has done this, citing the precautionary principle.)
  - Compliance with the new safety standard should be required for all consumer products and all other governmental agencies.
- **Require the Children's Health Study to include assessment of both transmitted radiofrequency radiation exposure levels and electrical pollution levels in its study design.**
- **Ban cellphone use, including texting, while driving.**

- Collection and tracking of data from cellphone providers should be required as part of accident reports, including whether the phone was on, off, texting, or calling.
- **Require a warning label on cellphones and cordless phones.**
  - It should state "Due to significantly increased health risks pregnant women and children under 21 should strictly limit use. Others should use sparingly." (8.14,15)
- **Require the Surgeon General to educate the public about wireless radiation exposure health risks, e.g. the increased cancer risk for children, the risks to unborn children – (ADHD, heart abnormalities) and the increased risks for adults – (brain tumors, other health risks such as neurodegenerative diseases, compromise of immune function, negative effects on sleep and cognitive function). (3,4,5,6,7,8,9,10,11,12,13,14,15)**

### Congress Must Act Now

**Dangerously high exposures to high frequencies, both transmitted and on building wiring, are contributing to deteriorating public health, causing healthcare costs to skyrocket.**

**Remember, X-rays were once regarded as harmless and used as entertainment at garden parties and to size children's shoes.**

#### References:

- 1) A letter from Norbert Hunkin, Center for Science and Risk Assessment, Radiation Protection Division, EPA, regarding the limitations and purpose of the FCC exposure standards. [http://www.emrnatl.org/litigation/case\\_law/docs/001\\_epra\\_response.pdf](http://www.emrnatl.org/litigation/case_law/docs/001_epra_response.pdf)
- 2) Identification of Research Needs Relating to Potential Biological or Adverse Health Effects of Wireless Communication, 2008, National Academy of Science.
- 3) Johnson Liakouris AG. Radiofrequency (RF) sickness in the Lilienfeld study: An effect of modulated microwaves Archives of Environmental Health: May/June 1998; 53, 3.
- 4) Santinelli R, Santini P, Le Ruz P, Danze JM, and Seignel M. Survey Study of People Living in the Vicinity of Cellular Phone Base Stations. Electromagnetic Biology and Medicine Vol. 22, No. 1, pp. 41-49, 2003
- 5) Hyland GJ. Physics and biology of mobile telephony. THE LANCET • Vol 356 • November 25, 2000
- 6) Cherry, N. 2000 Criticism of the Health Assessment in the ICNIRP Guidelines for Radiofrequency and Microwave Radiation (100 kHz-300 GHz)
- 7) O. Hallberg, O. Johansson, Apparent decreases in Swedish public health indicators after 1997 – Are they due to improved diagnostics or to environmental factors? Pathophysiology (2009)
- 8) Sage C, Carpenter DO. 2009. Public health implications of wireless technologies. Pathophysiology Aug;16(2-3):233-46
- 9) Milham S, Morgan L. 2008 A New Electromagnetic Exposure Metric: High Frequency Voltage Transients Associated With Increased Cancer Incidence in Teachers in a California School. American Journal of Industrial Medicine
- 10) Milham S. Historical evidence that electrification caused the 20th century epidemic of "diseases of civilization". Medical Hypotheses DOI: 10.1016/j.mehy.2009.08.032
- 11) Havas M, Ohstad A. 2008. Power quality affects teacher wellbeing and student behavior in three Minnesota Schools. Science of the Total Environment, July.
- 12) Havas M. 2006. Electromagnetic hypersensitivity: biological effects of dirty electricity with emphasis on diabetes and multiple sclerosis. Electromagnetic Biology Medicine 25(4):259-68.
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Thomas A. McCarey  
285 Dayleview Road  
Berwyn, Pennsylvania 19312

Shawane L. Lee  
Assistant General Council  
Exelon BSC  
2301 Market Street/S23-1  
Philadelphia, Pennsylvania 19103

Re: Your letter of 02/26/2013

Dear Mrs. Lee:

Thank you for your letter. My attorney, J. Michael Considine, Jr., may have spoken to you about my concerns.

Act 129 is in violation of the federal rules for "smart meters." There is no federal security mandate for "smart meters," according to George W. Arnold the national coordinator for smart-grid interoperability at the National Institute of Standards and Technology. This agency of the U.S. Department of Commerce is said not to be involved in regulations but is only tasked with promoting standards among industries. While both the 2005 and 2007 faux energy bills were codified into public laws, NO part of them creates a federal law pertaining to individual consumers or dictating that the public must be forced to comply with provisions of SMART Grid.

Contrary to the bleating of manufacturers and utility talking heads, who claim there is no "opt out", the fact is I, the consumer must be offered the meter, or request a meter and "OPT IN". I can not be forced to comply with an unrevealed contract between private corporations, and to which I was never a party and had no knowledge of.

But legalities are just an annoyance to Pennsylvania politicians, aren't they?

Be assured that no smart meter will ever be installed on my property. Thank you.

Sincerely,

Thomas A. McCarey

RECEIVED

MAR 4 2013

PA PUBLIC UTILITIES COMMISSION  
SECRETARY'S OFFICE

**YOU ARE HEREBY PUT ON NOTICE THAT NEITHER PECO, NOR ANY OF ITS EMPLOYEES, AGENTS OR CONTRACTORS, HAS PERMISSION TO INSTALL, OR ATTEMPT TO INSTALL, ANY "SMARTMETER™" AT THE FOLLOWING ADDRESS:**

**285 Dayleview Road, Berwyn, PA 19312**

Any attempt to install a SmartMeter at said location shall be deemed actionable under relevant state and federal laws, and in violation of the Constitutions of the Commonwealth of Pennsylvania and the United States of America. Please be aware that under federal law, "If

two or more persons conspire to injure, oppress, threaten or intimidate any citizen in free exercise or enjoyment of any right or privilege secured to him by the constitution or laws of the United States, or because of his having exercised the same, or if two or more persons go on the premises of another with the intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured – they shall be fined not more than \$10,000 or imprisoned not more than ten years or both."

Please be advised that the land use fee for the above address is hereby declared to be \$5,000.00 per person per day, or any portion thereof. Installation of a SmartMeter™ at the aforesaid location will result in the initiation of a claim for damages for trespass, wrongful burdening of a utility easement, invasion of privacy and violation of other constitutionally protected rights, intentional infliction of emotional distress, and for such other personal injuries and torts as the facts may warrant. Please be aware that activity at this location may be under surveillance. Kindly advise the undersigned of the name, address, policy number and phone number of PECO's insurer or surety.

Please accept delivery of this letter by certified mail as a good faith effort by the undersigned to exhaust all applicable administrative remedies and claims procedures that may be a precondition to legal action in relation to the installation, or attempted installation, of SmartMeters.

Thomas A. McCarey

285 DAYLEVIEW ROAD  
BERWYN PA 19312



7021 3500 0000 7295 6736



1800



17120

U.S. POSTAL SERVICE  
PERMIT NO. 1931  
BERWYN, PA

\$7  
90065

MAR 4 2013 PA 18312

MAR - 4 2013

USPS

RETURN RECEIPT  
REQUESTED

RECEIVED

MAR 4 2013

PA PUBLIC UTILITIES  
SECRETARY'S OFFICE

ROSEMARY CHIAVETTA  
PUC COMMISSION  
COMMONWEALTH KEYSTONE BLDG.  
400 NORTH STREET  
2ND FLOOR  
HSRG PA 17120



3/4/2013 8:19:38 AM

External Carrier: CERTIFIED

Floor:

Agency: PUC

TO: CHIAVETTA, R. PUC (CHIAVETTA)



701330000072598738



RETURN RECEIPT  
REQUESTED

**Exhibit B**

**2015 Complaint**

**McCarey v PECO**

**C-2015-2503724**

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint

Filing this form begins a legal proceeding and you will be a party to the case. If you do not wish to be a party to the case, consider filing an Informal complaint.

To complete this form, please type or print legibly in ink.

1. Customer (Complainant) Information

Provide your name, mailing address, county, telephone number(s), e-mail address and utility account number. It is your responsibility to update the Commission with any changes to your address and to where you want documents mailed to you.

Name THOMAS MCCAREY

Street/P.O. Box 285 DAYLEVIEW ROAD Apt #

City BERWYN State PA Zip 19312

County CHESTER

Telephone Number(s) Where We Can Contact You During the Day:

(610) 687 7607 (home) (610) 687 7607 (mobile)

E-mail Address (optional):

Utility Account Number (from your bill) 69633-00206

If your complaint involves utility service provided to a different address or in a different name than your mailing address, please list this information below.

Name

Street/P.O. Box

City State Zip PA PUBLIC UTILITY COMMISSION SECRETARY'S BUREAU

RECEIVED

SEP 8 2015

2. Name of Utility or Company (Respondent)

Provide the full name of the utility or company about which you are complaining. The name of your utility or company is on your bill.

PECO

3. **Type of Utility Service**

Check the box listing the type of utility service that is the subject of your complaint (check only one):

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> ELECTRIC | <input type="checkbox"/> WASTEWATER/SEWER                                     |
| <input type="checkbox"/> GAS                 | <input type="checkbox"/> TELEPHONE/TELECOMMUNICATIONS (local, long distance)  |
| <input type="checkbox"/> WATER               | <input type="checkbox"/> MOTOR CARRIER (e.g. taxi, moving company, limousine) |
| <input type="checkbox"/> STEAM HEAT          |   |

4. **Reason for Complaint**

What kind of problem are you having with the utility or company? Check all boxes below that apply and state the reason for your complaint. Explain specifically what you believe the utility or company has done wrong. Provide relevant details including dates, times and places and any other information that may be important. If the complaint is about billing, tell us the amount you believe is not correct. Use additional paper if you need more space. Your complaint may be dismissed without a hearing if you do not provide specific information.

- The utility is threatening to shut off my service or has already shut off my service.
  
- I would like a payment agreement.
  
- Incorrect charges are on my bill. Provide dates that are important and an explanation about any amounts or charges that you believe are not correct. Attach a copy of the bill(s) in question if you have it/them.
  
- I am having a reliability, safety or quality problem with my utility service. Explain the problem, including dates, times or places and any other relevant details that may be important.
  
- Other (explain). **SEE ENCLOSED LETTER**

**Note:** If your complaint is only about removing or modifying a municipal lien filed by the City of Philadelphia, the Public Utility Commission (PUC) cannot address it. Only local courts in Philadelphia County can address this type of complaint. The PUC can address a complaint about service or incorrect billing even if that amount is subject to a lien.

In addition, the PUC generally does not handle complaints about cell phone or Internet service, but may be able to resolve a dispute regarding voice communications over the Internet (including the inability to make voice 911/E911 emergency calls) or concerns about high-speed access to Internet service.

**5. Requested Relief**

**How do you want your complaint to be resolved?** Explain what you want the PUC to order the utility or company to do. Use additional paper if you need more space.

SEE ENCLOSED LETTER

**Note:** The PUC can decide that a customer was not billed correctly and can order billing refunds. The PUC can also fine a utility or company for not following rules and can order a utility or company to correct a problem with your service. Under state law, the PUC cannot decide whether a utility or company should pay customers for loss or damages. Damage claims may be sought in an appropriate civil court.

6. **Protection From Abuse (PFA)**

Has a court granted a "Protection From Abuse" order that is currently in effect for your personal safety or welfare? The PUC needs this information to properly process your complaint so that your identity is not made public.

**Note:** You must answer this question if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility AND your complaint is about a problem involving billing, a request to receive service, a security deposit request, termination of service or a request for a payment agreement.

Has a court granted a "Protection From Abuse" order for your personal safety or welfare?

YES

NO

If your answer to the above question is "yes," attach a copy of the current Protection From Abuse order to this Formal Complaint form.

7. **Prior Utility Contact**

a. Is this an appeal from a decision of the PUC's Bureau of Consumer Services (BCS)?

YES

NO

**Note:** If you answered yes, move to Section 8. No further contact with the utility or company is required. If you answered no, answer the question in Section 7 b. and answer the question in Section 7 c. if relevant.

b. If this is not an appeal from a BCS decision, have you spoken to a utility or company representative about this complaint?

YES

NO

**Note:** You must contact the utility first if (1) you are a residential customer, (2) your complaint is against a natural gas distribution utility, an electric distribution utility or a water utility AND (3) your complaint is about a billing problem, a service problem, a termination of service problem, or a request for a payment agreement.

- c. If you tried to speak to a utility company representative about your complaint but were not able to do so, please explain why.

**Note:** Even if you are not required to contact the utility or company, you should always try to speak to a utility or company representative about your problem before you file a Formal Complaint with the PUC.

8. Legal Representation

If you are filing a Formal Complaint as an individual on your own behalf, you are not required to have a lawyer. You may represent yourself at the hearing.

If you are already represented by a lawyer in this matter, provide your lawyer's name, address, telephone number, and e-mail address, if known. Please make sure your lawyer is aware of your complaint. If represented by a lawyer, both you and your lawyer must be present at your hearing.

Lawyer's Name   *n/a*  

Street/P.O. Box \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Area Code/Phone Number \_\_\_\_\_

E-mail Address (if known) \_\_\_\_\_

**Note:** Corporations, associations, partnerships, limited liability companies and political subdivisions are required to have a lawyer represent them at a hearing and to file any motions, answers, briefs or other legal pleadings.

9. **Verification and Signature**

**You must sign your complaint.** Individuals filing a Formal Complaint **must** print or type their name on the line provided in the verification paragraph below and **must** sign and date this form in **ink**. If you do not sign the Formal Complaint, the PUC **will not accept it**.

**Verification:**

I THOMAS MCCARREY, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

  
(Signature of Complainant)

09/08/2015  
(Date)

\_\_\_\_\_  
Title of authorized employee or officer (only applicable to corporations, associations, partnerships, limited liability companies or political subdivisions)

**Note:** If the Complainant is a corporation, association, partnership, limited liability company or political subdivision, the verification **must** be signed by an authorized officer or authorized employee. If the Formal Complaint is **not signed** by one of these individuals, the PUC **will not accept it**.

10. **Two Ways to File Your Formal Complaint**

**Electronically.** You must create an account on the PUC's eFiling system, which may be accessed at <http://www.puc.pa.gov/efiling/default.aspx>.

**Note:** If you are appealing your Bureau of Consumer Services (BCS) decision, you must file your formal complaint by mail.

**Mail.** Mail the completed form with your original signature and any attachments, by certified mail, first class mail, or overnight delivery to this address:

Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, Pennsylvania 17120

**Note:** Formal Complaints sent by fax or e-mail will **not** be accepted.

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

Keep a copy of your Formal Complaint for your records.

Thomas McCarey  
285 Dayleview Road  
Berwyn, PA 19312  
PECO Account #69633-00206

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, Pennsylvania 17120

**RECEIVED**

SEP 8 2015

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Re: Formal Complaint

Dear Secretary Chiavetta:

- 1) This Notice and Demand pertains and applies to PECO and it's electric service provided to the address 285 Dayleview Road, Berwyn, PA 19312.
- 2) It has come to my attention that a digital electric meter, possibly a "Smart Meter" or a similar device is to be installed on my property without full disclosure to me, without my informed consent and without compliance with various laws.
- 3) I hereby revoke and deny any and all implied, expressed and/or recorded consent, if any exists, for the placement and operation of a "Smart Meter" and all other utility metering devices which emit electromagnetic radiation (herein "EMR") by either transmission or "dirty electricity", or which "monitor" or conduct surveillance, or make recordings of any events and activities within private property that I occupy, or that may be upgraded to do those things.
- 4) "Smart Meters" and digital utility meters meet the statutory definition of unlawful surveillance devices put forth as "Wiretapping" in United States Code (USC) Title 18, Part 1, Chapter 119, Sec 2511 and other State and Federal laws, and those meters are designed and intended to record personal and private events and activities within private structures and properties which constitutes violation of the United States Constitution, Bill of Rights, 4th Amendment guaranteeing all people to be "...secure in their persons, houses..."

and to be free of "search". Also, because electromagnetic radiation is known to cause cancer and other diseases and injuries, installation of any meter with either an EMR transmitter, a switching mode power supply, a transformer or similar devices on a private residence without consent of the occupants and property owner constitutes Assault under United States Code Title 18, Section 113.

Sincerely,

A handwritten signature in cursive script that reads "Thomas McCarey". The signature is fluid and somewhat stylized, with the first and last letters of each word being capitalized and prominent.

Thomas McCarey  
enc

**CERTIFIED MAIL**

Thomas McCarey  
285 Dayview Rd.  
Berwyn, PA 19312-1201



U.S. POSTAGE  
PAID  
BERWYN PA  
19312  
SEP 26 2015  
PA PA AMOUNT  
\$6.96  
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7015 1520 0000 1652 9064 1000

ROSEMARY CHAVETTA, SECRETARY  
-PA. P.U.C.  
400 NORTH STREET  
HARRISBURG, PA 17120

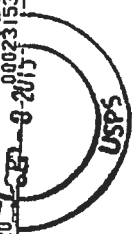
RETURN RECEIPT  
REQUESTED

**RECEIVED**

SEP 8 2015

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

1712000211



**Exhibit C**

**2017 Electric Complaint**

**McCarey v PECO**

**C-2017-2615597**

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint

Filing this form begins a legal proceeding and you will be a party to the case. If you do not wish to be a party to the case, consider filing an informal complaint.

To complete this form, please type or print legibly in ink.

1. Customer (Complainant) Information

Provide your name, mailing address, county, telephone number(s), e-mail address and utility account number. It is your responsibility to update the Commission with any changes to your address and to where you want documents mailed to you.

Name THOMAS A. MCCAREY

Street/P.O. Box 285 DAYLEVIEW ROAD Apt #

City BERWYN State PA Zip 19312

County CHESTER

Telephone Number(s) Where We Can Contact You During the Day:

(610) 644-7947 (home) (484) 318-9781 (mobile)

E-mail Address (optional): tom\_mccarey@yahoo.com

Utility Account Number (from your bill) 69633 00206

If your complaint involves utility service provided to a different address or in a different name than your mailing address, please list this information below.

Name

Street/P.O. Box

RECEIVED

City State Zip

JUL 19 2017

2. Name of Utility or Company (Respondant)

PA PUBLIC UTILITY COMMISSION

Provide the full name of the utility or company about which you are complaining. The name of your utility or company is on your bill.

PECO AN EXELON COMPANY

3. **Type of Utility Service**

Check the box listing the type of utility service that is the subject of your complaint (check only one):

- ELECTRIC                       WASTEWATER/SEWER  
 GAS                                       TELEPHONE/TELECOMMUNICATIONS (local, long distance)  
 WATER                                       MOTOR CARRIER (e.g. taxi, moving company, limousine)  
 STEAM HEAT

4. **Reason for Complaint**

What kind of problem are you having with the utility or company? Check all boxes below that apply and state the reason for your complaint. Explain specifically what you believe the utility or company has done wrong. Provide relevant details including dates, times and places and any other information that may be important. If the complaint is about billing, tell us the amount you believe is not correct. Use additional paper if you need more space. Your complaint may be dismissed without a hearing if you do not provide specific information.

- The utility is threatening to shut off my service or has already shut off my service.
- I would like a payment agreement.
- Incorrect charges are on my bill. Provide dates that are important and an explanation about any amounts or charges that you believe are not correct. Attach a copy of the bill(s) in question if you have it/them.
- I am having a reliability, safety or quality problem with my utility service. Explain the problem, including dates, times or places and any other relevant details that may be important.
- Other (explain).  
**SEE ENCLOSED**

**Note:** If your complaint is only about removing or modifying a municipal lien filed by the City of Philadelphia, the Public Utility Commission (PUC) cannot address it. Only local courts in Philadelphia County can address this type of complaint. The PUC can address a complaint about service or incorrect billing even if that amount is subject to a lien.

In addition, the PUC generally does not handle complaints about cell phone or Internet service, but may be able to resolve a dispute regarding voice communications over the Internet (including the inability to make voice 911/E911 emergency calls) or concerns about high-speed access to Internet service.

5. **Requested Relief**

How do you want your complaint to be resolved? Explain what you want the PUC to order the utility or company to do. Use additional paper if you need more space.

I WANT TO KEEP THE ANALOG METER THAT IS ON MY HOUSE TO ENFORCE AND GUARANTEE MY US AND PA STATE CONSTITUTIONAL RIGHTS TO LIVE IN SAFETY AND TO PROTECT MY LIFE, MY HEALTH, AND MY PROPERTY.

**Note:** The PUC can decide that a customer was not billed correctly and can order billing refunds. The PUC can also fine a utility or company for not following rules and can order a utility or company to correct a problem with your service. Under state law, the PUC cannot decide whether a utility or company should pay customers for loss or damages. Damage claims may be sought in an appropriate civil court.

6. **Protection From Abuse (PFA)**

Has a court granted a "Protection From Abuse" order that is currently in effect for your personal safety or welfare? The PUC needs this information to properly process your complaint so that your identity is not made public.

**Note:** You must answer this question if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility AND your complaint is about a problem involving billing, a request to receive service, a security deposit request, termination of service or a request for a payment agreement.

Has a court granted a "Protection From Abuse" order for your personal safety or welfare?

YES

NO

If your answer to the above question is "yes," attach a copy of the current Protection From Abuse order to this Formal Complaint form.

7. **Prior Utility Contact**

a. Is this an appeal from a decision of the PUC's Bureau of Consumer Services (BCS)?

YES

NO

**Note:** If you answered yes, move to Section 8. No further contact with the utility or company is required. If you answered no, answer the question in Section 7 b. and answer the question in Section 7 c. if relevant.

b. If this is not an appeal from a BCS decision, have you spoken to a utility or company representative about this complaint?

YES

NO

**Note:** You must contact the utility first if (1) you are a residential customer, (2) your complaint is against a natural gas distribution utility, an electric distribution utility or a water utility AND (3) your complaint is about a billing problem, a service problem, a termination of service problem, or a request for a payment agreement.

c. If you tried to speak to a utility company representative about your complaint but were not able to do so, please explain why.

N/A

**Note:** Even if you are not required to contact the utility or company, you should always try to speak to a utility or company representative about your problem before you file a Formal Complaint with the PUC.

8. Legal Representation

If you are filing a Formal Complaint as an individual on your own behalf, you are not required to have a lawyer. You may represent yourself at the hearing.

If you are already represented by a lawyer in this matter, provide your lawyer's name, address, telephone number, and e-mail address, if known. Please make sure your lawyer is aware of your complaint. If represented by a lawyer, both you and your lawyer must be present at your hearing.

Lawyer's Name N/A

Street/P.O. Box \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Area Code/Phone Number \_\_\_\_\_

E-mail Address (if known) \_\_\_\_\_

**Note:** Corporations, associations, partnerships, limited liability companies and political subdivisions are required to have a lawyer represent them at a hearing and to file any motions, answers, briefs or other legal pleadings.

9. Verification and Signature

**You must sign your complaint.** Individuals filing a Formal Complaint **must** print or type their name on the line provided in the verification paragraph below and **must** sign and date this form in **ink**. If you do not sign the Formal Complaint, the PUC **will not accept** it.

Verification:

I, THOMAS A. MCCREY, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Thomas A. McCrey \_\_\_\_\_ 18 JULY 2017  
(Signature of Complainant) (Date)

\_\_\_\_\_  
Title of authorized employee or officer (only applicable to corporations, associations, partnerships, limited liability companies or political subdivisions)

Note: If the Complainant is a corporation, association, partnership, limited liability company or political subdivision, the verification **must** be signed by an authorized officer or authorized employee. If the Formal Complaint is **not signed** by one of these individuals, the PUC **will not accept** it.

10. Two Ways to File Your Formal Complaint

**Electronically.** You must create an account on the PUC's eFiling system, which may be accessed at <http://www.puc.pa.gov/eFiling/default.aspx>.

Note: If you are appealing your Bureau of Consumer Services (BCS) decision, you must file your formal complaint by mail.

**Mail.** Mail the completed form with your original signature and any attachments, by certified mail, first class mail, or overnight delivery to this address:

Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, Pennsylvania 17120

Note: Formal Complaints sent by fax or e-mail will **not** be accepted.

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

Keep a copy of your Formal Complaint for your records.

**Thomas A. McCarey**  
**285 Dayleview Road**  
**Berwyn, PA 193121**  
**PECO Account Number 6963300206**

**Rosemary Chiavetta, Secretary**  
**Public Utility Commission**  
**400 North Street**  
**Keystone Bldg.**  
**Harrisburg, PA 17120**

**To The Pennsylvania Public Utilities Commission:**

**I am filing this Formal Complaint against an AMI Smart Meter as per Rosmarie Chiavetta's telephone recommendation to me to do so at 9:55 AM on July 18, 2017.**

**I oppose the installation of an AMI smart meter on my home because of health, safety, and privacy concerns.**

**1.I have experienced two TIAs (transient ischemic attacks) and cannot be exposed to EMFs/RFs affecting my brain and CNS (central nervous system).**

**2.I request that an AMI smart meter not be installed on my property because HB2200/Act 129 was written and passed into law as an Opt-In Bill/legislation. [HB2200/Act 129 (2008) §2807(f)7(2)(i)] "Upon request from a customer that agrees to pay the cost of the smart meter at the time of the request." I never requested nor agreed to pay for a PECO AMI Smart Meter and, furthermore, I sending you notice of my right and intent to not accept it, as guaranteed by §2807(f)7(2)(i) of Act 129 (2008) (see entire text).**

**3.I should not be forced to have an AMI smart meter because the federal government never made Smart Meters mandatory: Energy Policy Act of 2005, Title XII, Subtitle E, Section 1252, (a), (14), (C):"Each electric utility subject to subparagraph (A) shall provide each customer requesting a time-based rate with a time-based meter capable of enabling the utility and**

customer to offer and receive such rate, respectively.” I have not requested an AMI smart meter.

4. Citing Federal Law, “No public utility shall prejudice, disadvantage, or require different rates or deposit amounts from a person because of ancestry, medical condition, marital status or change in marital status, occupation, or any characteristic listed or defined in Section 11135 of the Government Code.”

5. AMI smart meters violate my 4<sup>th</sup> Amendment right to privacy. Smart meters relay detailed information about times and amounts of electrical power usage. Energy usage data allows the reconstruction of a household’s activities, including when residents are home or away. Even in the absence of “smart”/wi-fi transmitting appliances and Zigbee chips, the specific appliances consuming power and their time of consumption can be determined through analysis by special software developed at MIT. (This is for the sole benefit of the utilities; the statement that consumers will make use of an ability to see a running analysis of their consumption is propaganda – most customers are not interested.)

One cannot rely on a utility’s claim that they will not release or sell information to other parties. Smart meters are an open portal into every home – an unacceptable intrusion into customers’ privacy. A very slippery slope. A related invasion of rights is the plan for the utilities to eventually be able to control major household appliances. This will be a serious infringement on freedom within one’s own home; the freedom to use such devices whenever they are needed. It will impose forced limitations on when one can wash dishes, wash or dry clothes, take a hot bath, or run the A/C. Another very slippery slope.

6. The World Health Organization’s International Agency for Research on Cancer (IARC) has classified microwave radiation, specifically including that emitted by smart meters, as a possible human carcinogen. This means that in order to continue to receive electrical power, people are being forced to live with a device on their homes that emits possibly carcinogenic microwaves 24/7. The results of thousands of studies strongly suggest that microwaves are not safe for humans.

At least with cell phones a person has a choice whether or not to use them. If the smart meter roll-out plan had been submitted as a proposal for an experiment on human beings, which it undeniably is, any Institutional Review Board, including the division of the NIH that supervises such experiments on humans, would have rejected it outright. Millions of persons world-wide are being used as guinea pigs without their permission. The smart meter roll-out violates Nuremberg principles.

7. Low level microwave radiation is not innocuous. Thousands of peer-reviewed research publications (Bioinitiative 2012; January 16, 2014) show adverse biological effects from pulsed microwave frequency radiation at exposure levels well below FCC limits; often lower by orders

of magnitude and in the range of emissions from smart meters. (For non-thermal biological effects, peak intensity is more important than averaged power. 24/7 exposure to smart meter pulses is actually an exposure of the same order of magnitude as using a cell phone for a much shorter time.)

Studies have shown detrimental effects of low-level microwave exposure on animals, birds and bees. In animals: reduced fertility and sperm viability, disturbance of immune function, increased numbers of breaks in DNA, breaching of the blood-brain barrier making it more porous to toxins, increased oxidative stress, increased cancer rates and many other effects. See "Important letters from experts" in References and Notes section.

In humans, alterations in brain waves, sleep patterns and heart rates; increased cancer rates. There would be much more known about health effects in humans but funds have been withdrawn for research on non-thermal effects, and non-thermal findings by the EPA have been kept under cover.

8.AMI smart meters introduce harmful electromagnetic microwave energy into household wiring, called "dirty electricity," creating an unsafe and unhealthy environment in which to live.

9.AMI smart meters are made of flammable materials, are not properly grounded, and have no surge arrestors making them a serious fire hazard. AMI smart meters are not UL Approved, indicating that they are an unsafe appliance.

For these reasons, I should be allowed to keep my safe analog meter to enforce and guarantee my U.S. and PA state constitutional rights to live in safety and to protect my life/health and property.

Sincerely,

A handwritten signature in black ink that reads "Thomas A. McCarey". The signature is written in a cursive style with a large, sweeping initial 'T'.

Thomas A. McCarey

Thomas McCarey  
285 Duplew RD  
Berwyn PA 19312

GENERIC MAIL



7016 1370 0001 9273 6124



1000



17120

U.S. POSTAGE  
BERWYN, PA  
JUL 1982

\$2.60

RC0205149487-00

POST OFFICE  
BERWYN PA 17120

SECRETARY

SECRETARY  
PA PUC  
400 N. PINE ST  
KEystone BLDG.  
HARTSBURG, PA 17120

SECRETARY  
PA PUC  
400 N. PINE ST  
KEystone BLDG.  
HARTSBURG, PA 17120

**Exhibit D**

**2017 Gas Complaint**

**McCarey v PECO**

**C-2017-2615980**

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint

Filing this form begins a legal proceeding and you will be a party to the case. If you do not wish to be a party to the case, consider filing an informal complaint.

To complete this form, please type or print legibly in ink.

1. Customer (Complainant) Information

Provide your name, mailing address, county, telephone number(s), e-mail address and utility account number. It is your responsibility to update the Commission with any changes to your address and to where you want documents mailed to you.

Name THOMAS A. MCCREY

Street/P.O. Box 285 DAYLEVIEW ROAD Apt #

City BERWYN State PA Zip 19312

County CHESTER

Telephone Number(s) Where We Can Contact You During the Day:

(610) 644-7947 (home) (484) 318 9781 (mobile)

E-mail Address (optional): tom\_mccrey@yahoo.com

Utility Account Number (from your bill) 6963300206

If your complaint involves utility service provided to a different address or in a different name than your mailing address, please list this information below.

Name

Street/P.O. Box

City State Zip PA

RECEIVED

JUL 20 2017

PUBLIC UTILITY COMMISSION SECRETARY'S BUREAU

2. Name of Utility or Company (Respondent)

Provide the full name of the utility or company about which you are complaining. The name of your utility or company is on your bill.

PECO AN EVELON COMPANY

3. Type of Utility Service

Check the box listing the type of utility service that is the subject of your complaint (check only one):

- ELECTRIC
- GAS
- WATER
- STEAM HEAT
- WASTEWATER/SEWER
- TELEPHONE/TELECOMMUNICATIONS (local, long distance)
- MOTOR CARRIER (e.g. taxi, moving company, limousine)

4. Reason for Complaint

What kind of problem are you having with the utility or company? Check all boxes below that apply and state the reason for your complaint. Explain specifically what you believe the utility or company has done wrong. Provide relevant details including dates, times and places and any other information that may be important. If the complaint is about billing, tell us the amount you believe is not correct. Use additional paper if you need more space. Your complaint may be dismissed without a hearing if you do not provide specific information.

- The utility is threatening to shut off my service or has already shut off my service.
- I would like a payment agreement.
- Incorrect charges are on my bill. Provide dates that are important and an explanation about any amounts or charges that you believe are not correct. Attach a copy of the bill(s) in question if you have it/them.
- I am having a reliability, safety or quality problem with my utility service. Explain the problem, including dates, times or places and any other relevant details that may be important.

Other (explain).

SEE ENCLOSED

**Note:** If your complaint is only about removing or modifying a municipal lien filed by the City of Philadelphia, the Public Utility Commission (PUC) cannot address it. Only local courts in Philadelphia County can address this type of complaint. The PUC can address a complaint about service or incorrect billing even if that amount is subject to a lien.

In addition, the PUC generally does not handle complaints about cell phone or internet service, but may be able to resolve a dispute regarding voice communications over the internet (including the inability to make voice 911/E911 emergency calls) or concerns about high-speed access to internet service.

**5. Requested Relief**

How do you want your complaint to be resolved? Explain what you want the PUC to order the utility or company to do. Use additional paper if you need more space.

I WANT NO SMART METER TO BE INSTALLED ON MY GAS SERVICE TO ENFORCE AND GUARANTEE MY U.S. AND PA STATE CONSTITUTIONAL RIGHTS TO LIVE IN SAFETY AND TO PROTECT MY LIFE, MY HEALTH, AND MY PROPERTY.

**Note:** The PUC can decide that a customer was not billed correctly and can order billing refunds. The PUC can also fine a utility or company for not following rules and can order a utility or company to correct a problem with your service. Under state law, the PUC cannot decide whether a utility or company should pay customers for loss or damages. Damage claims may be sought in an appropriate civil court.

6. **Protection From Abuse (PFA)**

Has a court granted a "Protection From Abuse" order that is currently in effect for your personal safety or welfare? The PUC needs this information to properly process your complaint so that your identity is not made public.

**Note:** You must answer this question if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility AND your complaint is about a problem involving billing, a request to receive service, a security deposit request, termination of service or a request for a payment agreement.

Has a court granted a "Protection From Abuse" order for your personal safety or welfare?

YES

NO

If your answer to the above question is "yes," attach a copy of the current Protection From Abuse order to this Formal Complaint form.

7. **Prior Utility Contact**

a. Is this an appeal from a decision of the PUC's Bureau of Consumer Services (BCS)?

YES

NO

**Note:** If you answered yes, move to Section 8. No further contact with the utility or company is required. If you answered no, answer the question in Section 7 b. and answer the question in Section 7 c. if relevant.

b. If this is not an appeal from a BCS decision, have you spoken to a utility or company representative about this complaint?

YES

NO

**Note:** You must contact the utility first if (1) you are a residential customer, (2) your complaint is against a natural gas distribution utility, an electric distribution utility or a water utility AND (3) your complaint is about a billing problem, a service problem, a termination of service problem, or a request for a payment agreement.

c. If you tried to speak to a utility company representative about your complaint but were not able to do so, please explain why.

N/A

**Note:** Even if you are not required to contact the utility or company, you should always try to speak to a utility or company representative about your problem before you file a Formal Complaint with the PUC.

8. Legal Representation

If you are filing a Formal Complaint as an individual on your own behalf, you are not required to have a lawyer. You may represent yourself at the hearing.

If you are already represented by a lawyer in this matter, provide your lawyer's name, address, telephone number, and e-mail address, if known. Please make sure your lawyer is aware of your complaint. If represented by a lawyer, both you and your lawyer must be present at your hearing.

Lawyer's Name N/A

Street/P.O. Box \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Area Code/Phone Number \_\_\_\_\_

E-mail Address (if known) \_\_\_\_\_

**Note:** Corporations, associations, partnerships, limited liability companies and political subdivisions are required to have a lawyer represent them at a hearing and to file any motions, answers, briefs or other legal pleadings.



Thomas A. McCarey  
285 Dayleview Road  
Berwyn, PA 193121  
PECO Account Number 6963300206

Rosemary Chiavetta, Secretary  
Public Utility Commission  
400 North Street  
Keystone Building  
Harrisburg, PA 17120

**RECEIVED**

**JUL 20 2017**

**PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU**

**To The Pennsylvania Public Utilities Commission:**

**I oppose the installation of an AMI smart meter on my home gas service because of health, safety, and privacy concerns.**

**1. I have experienced two TIAs (transient ischemic attacks) and cannot be exposed to EMFs/RFs affecting my brain and CNS (central nervous system).**

**2. I request that an AMI smart meter not be installed on my property because HB2200/Act 129 was written and passed into law as an Opt-In Bill/legislation. [HB2200/Act 129 (2008) §2807(f)7(2)(i)] "Upon request from a customer that agrees to pay the cost of the smart meter at the time of the request." I never requested nor agreed to pay for a PECO AMI Smart Meter and, furthermore, I sending you notice of my right and intent to not accept it, as guaranteed by §2807(f)7(2)(i) of Act 129 (2008) (see entire text).**

**3. I should not be forced to have an AMI smart meter because the federal government never made Smart Meters mandatory: Energy Policy Act of 2005, Title XII, Subtitle E, Section 1252, (a), (14), (C): "Each electric utility subject to subparagraph (A) shall provide each customer requesting a time-based rate with a time-based meter capable of enabling the utility and customer to offer and receive such rate, respectively." I have not requested an AMI smart meter.**

**4. Citing Federal Law, "No public utility shall prejudice, disadvantage, or require different rates or deposit amounts from a person because of ancestry, medical condition, marital status or change in marital status, occupation, or any characteristic listed or defined in Section 11135 of the Government Code."**

**5. AMI smart meters violate my 4th Amendment right to privacy. Smart meters relay detailed information about times and amounts of electrical power usage. Energy usage data allows the reconstruction of a household's activities, including when residents are home or away. Even in the absence of "smart"/wi-fi transmitting appliances and Zigbee chips, the specific appliances consuming power and their time of consumption can be determined through analysis by special software developed at MIT. (This is for the sole benefit of the utilities; the statement that consumers will make use of an ability to see a running analysis of their consumption is propaganda – most customers are not interested.)**

**One cannot rely on a utility's claim that they will not release or sell information to other parties. Smart meters are an open portal into every home – an unacceptable intrusion into customers' privacy. A very slippery slope. A related invasion of rights is the plan for the utilities to eventually be able to control major household appliances. This will be a serious infringement on freedom within one's own home; the freedom to use such devices whenever they are needed. It will impose forced limitations on when one can wash dishes, wash or dry clothes, take a hot bath, or run the A/C. Another very slippery slope.**

**6. The World Health Organization's International Agency for Research on Cancer (IARC) has classified microwave radiation, specifically including that emitted by smart meters, as a possible human carcinogen. This means that in order to continue to receive electrical power, people are being forced to live with a device on their homes that emits possibly carcinogenic microwaves 24/7. The results of thousands of studies strongly suggest that microwaves are not safe for humans.**

**At least with cell phones a person has a choice whether or not to use them. If the smart meter roll-out plan had been submitted as a proposal for an experiment on human beings, which it undeniably is, any Institutional Review Board, including the division of the NIH that supervises such experiments on humans, would have rejected it outright. Millions of persons world-wide are being used as guinea pigs without their permission. The smart meter roll-out violates Nuremberg principles.**

**7. Low level microwave radiation is not innocuous. Thousands of peer-reviewed research publications (Bioinitiative 2012; January 16, 2014) show adverse biological effects from pulsed microwave frequency radiation at exposure levels well below FCC limits; often lower by orders of magnitude and in the range of emissions from smart meters. (For non-thermal biological effects, peak intensity is more important than averaged power. 24/7 exposure to smart meter pulses is actually an exposure of the same order of magnitude as using a cell phone for a much shorter time.)**

Studies have shown detrimental effects of low-level microwave exposure on animals, birds and bees. In animals: reduced fertility and sperm viability, disturbance of immune function, increased numbers of breaks in DNA, breaching of the blood-brain barrier making it more porous to toxins, increased oxidative stress, increased cancer rates and many other effects. See "Important letters from experts" in References and Notes section.

In humans, alterations in brain waves, sleep patterns and heart rates; increased cancer rates. There would be much more known about health effects in humans but funds have been withdrawn for research on non-thermal effects, and non-thermal findings by the EPA have been kept under cover.

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For these reasons, I should be allowed to keep my safe analog meter to enforce and guarantee my U.S. and PA state constitutional rights to live in safety and to protect my life/health and property.

Sincerely,

A handwritten signature in black ink, reading "Thomas A. McCarey". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Thomas A. McCarey

James McCarty  
85 Dunbar Rd  
Croydon PA 19012

CERTIFIED MAIL



7016 1370 0001 9273 6144 GB



1000

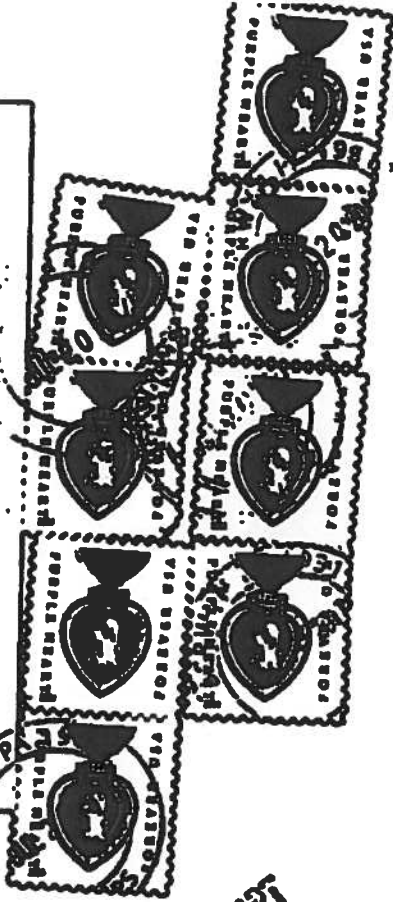


17100

U.S. POSTAGE  
McGraw-Hill, PA  
JUL 19 1987  
7288/MT

\$2.60

POSTAGE WILL BE PAID BY ADDRESSEE



TURN RECEIPT  
REQUESTED

SECRETARY  
PAT GWC  
400 N. PINE ST.  
HARRISBURG, PA 17120

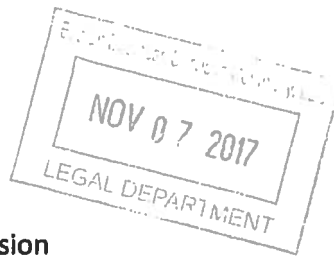
TURN RECEIPT  
REQUESTED

**Exhibit E**

**Mr. McCarey's Discovery Responses**

**2017 Complaints**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utilities Commission  
Commonwealth Keystone Building  
400 North Street, Second Floor  
Harrisburg, PA 17120

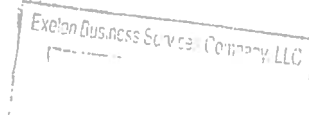


November 2, 2017

Thomas A. McCarey  
285 Dayleview Road  
Berwyn, PA 19312

Docket: C-2017-2615597

Docket: C-2017-2615980



Dear Mrs. Chiavetta:

Below are my answers to PECO's Interrogatories.

Interrogatory 1-1

- RCA 9" cathode ray tube TV
- DS signal converter with remote
- Hotpoint electric stove
- Bunn coffee maker
- Black & Decker toaster oven
- GE refrigerator/freezer
- Bose Wave radio with remote
- 2 Radio Shack amplified TV antennas
- Samsung 24" LCD TV with remote
- Sony clock radio
- Memorex VCR/DVD player with remote
- Sylvania DVD player with remote
- Samsung 15" LCD TV with remote

Magnaxov VCR/DVD player with remote

50 gallon Bradford White water heater

GE Heavy Duty Super Capacity dryer

GE 7 Cycle 2 Speed clothes washer

LG Virgin mobile phone

Interrogatory 1-2

1 LG Virgin mobile phone purchased 8 years ago. This is a very primitive cell phone, and I do not have the expertise or capability to provide six months of phone bills or other usage records. I pay for time at \$20.00 every three months and use up almost all the time at \$0.25 per minute.

Interrogatory 1-2

- A. My medical records are personal and private and protected by HIPPA laws, and I will not release them.
- B. I am experiencing no symptoms at this time.

Sincerely,

A handwritten signature in blue ink that reads "Thomas A. McCarey". The signature is written in a cursive style with a large, stylized 'T' and 'M'.

Thomas A. McCarey

Cc Shawane L. Lee

**Exhibit F**

**March 2018 email exchange between Mr. McCarey and the Commission**

**Smith, Ward L:(PECO)**

---

**From:** Thomas McCarey <tom\_mccarey@runbox.com>  
**Sent:** Tuesday, March 06, 2018 3:32 PM  
**To:** Smith, Ward L:(PECO)  
**Subject:** [EXTERNAL] Fwd: Re: March 12, 13 PUC hearing

----- Start Forwarded Message -----  
Sent: Tue, 06 Mar 2018 15:11:31 -0500 (EST)  
From: "Thomas McCarey" <tom\_mccarey@runbox.com>  
To: "Harvell, Diane" <DHARVELL@pa.gov>  
Subject: Re: March 12, 13 PUC hearing

Dear Ms. Harvell:  
I do wish to withdraw my complaint. Thank you.  
Tom McCarey

On Tue, 6 Mar 2018 14:17:59 +0000, "Harvell, Diane" <DHARVELL@pa.gov> wrote:

> Good Morning Mr. McCarey,  
>  
> Do you wish to withdraw your complaint? If not, the matter will be called as scheduled.  
>  
>  
> Diane Harvell ,Legal Assistant  
> Office of Administrative Law Judge  
> PA Public Utility Commission  
> 801 Market Street  
> Philadelphia, PA  
> (215) 560-1300  
>  
>  
> Dear Ms. Harvell:  
> Please forward this letter to Judge Heep. Thank you.  
> Sincerely,  
> Thomas A. McCarey  
> -----  
> Thomas A. McCarey  
> 285 Dayleview Road  
> Berwyn, PA 19312  
>  
> The Honorable Darlene Heep  
> Office of Administrative Law Judge  
> Pennsylvania Public Utility Commission  
> 801 Market Street  
> Philadelphia PA 19107  
>  
> Re: C-2017-2615597

> C-2017-2615980

>

> Dear Judge Heep:

>

> This is to inform you that I respectfully decline to appear in PA PUC's Administrative Law Court on March 12th and 13, 2018, due to my physical, mental, and emotional concerns. I witnessed and experienced how other complainants were treated in the Administrative Law Court.

>

> Apparently, the PUC's mind has been made up with regard to microwave/EMF/RF emissions and "ICNIRP-like" science and is not open to hearing or accepting valid contradictory science, so what is the use of my even showing up?

>

> Very truly yours,

> Thomas A. McCarey

>

> A copy of this letter was sent by first class mail.

>

----- End Forwarded Message -----

**Smith, Ward L:(PECO)**

---

**From:** Thomas McCarey <tom\_mccarey@runbox.com>  
**Sent:** Thursday, March 08, 2018 11:24 AM  
**To:** Heep, Darlene  
**Cc:** Smith, Ward L:(PECO)  
**Subject:** [EXTERNAL] Re: C-2017-2615597, C-2017-2615980, THOMAS MCCAREY v PECO ~March 12, 13 PUC hearing

Dear Judge Heep:  
Thank you very much for you assistance.  
Thomas A. McCarey

On Thu, 8 Mar 2018 16:19:42 +0000, "Heep, Darlene" <[dheep@pa.gov](mailto:dheep@pa.gov)> wrote:

> I will accept this as a Petition to Withdraw and cancel the scheduled hearing.  
> Thank you.

>

> -----Original Message-----

> From: Thomas McCarey <[tom\\_mccarey@runbox.com](mailto:tom_mccarey@runbox.com)>

> Sent: Thursday, March 08, 2018 10:47 AM

> To: Heep, Darlene <[dheep@pa.gov](mailto:dheep@pa.gov)>

> Subject: Re: C-2017-2615597, C-2017-2615980, THOMAS MCCAREY v PECO ~March 12, 13 PUC hearing

>

> Dear Judge Heep,

> I wish to unequivocally state that I recall my complaint and wish the court to not be inconvenienced by my not appearing. Please do not call my case as scheduled. Thank you.

> Sincerely,

> Thomas A. McCarey

>

>

> On Tue, 6 Mar 2018 21:55:10 +0000, "Heep, Darlene" <[dheep@pa.gov](mailto:dheep@pa.gov)> wrote:

>

>> Mr. McCarey:

>>

>> Given that your letter is not unequivocal, this matter will be called for hearing on Monday as scheduled.

>> If you choose not to appear, as stated in the Pre-hearing Order, the matter can be dismissed.

>>

>>

>

>