

Willard and Elsbeth Sunstein
860 Cupola Road
Honey Brook, PA 19344

May 10, 2018

VIA ELECTRONIC FILING

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

Regarding:

Willard and Elsbeth Sunstein v. PPL Electric Utilities Corporation C-2018-3000078

In Actuality contrasting with the above imposed formality :

Willard and Elsbeth Sunstein seeking Win-Win with PPL C-2018-3000078

Dear Secretary Chiavetta:

Herewith for filing are our Motions Gently, but Firmly Appealing for Justice, including

1. Reply to Motion of PPL lawyer Devin Ryan, which he filed with the PA PUC on April 23, 2018, for Pro Hac Vice admission of Curtis S. Renner, Esq.
2. Motion to rescind and quash Interim Order of Elizabeth Barnes on April 24, 2018, granting the Motion of the day before, April 23rd, 2018, Motion of PPL to admit Curtis S. Renner.

We certify here that we are serving copies of this complete filing via email to Judge Elizabeth Barnes and PPL attorneys Ryan, Hirakis and Lent.

This filing is to be posted publicly; please see note regarding non-confidentiality of this filing page 4

Thank you for your help in this filing,

Sincerely,

Willard Sunstein 10 May 2018 *Elsbeth Sunstein*
10, May 2018

Willard and Elsbeth Sunstein

cc complete with all enclosures including attachments, via email:

Judge Elizabeth Barnes and Attorney Devin Ryan, Attorney Hirakis, Attorney Lent

Motions Appealing for Justice Willard and Elsbeth Sunstein seeking Win-Win With PPL

CERTIFICATE OF SERVICE

In light of an horrific nit-picky legalese email from Secretary Chiavetta rejecting our pro se filing because she did not accept our very clear certifying of service on page 1 as a certificate of service, and further she states that we need additional further correspondence from PPL to prove that they will accept electronic email service from us, in spite of what we understand to be the case that they are immediately notified upon filings in cases they are involved with, we are hereby applying an additional form of certificate of service. And because none of the 3 PPL attorneys answer our email request sent with highest priority, we are filing this additional certificate of service in this way.

We do note that after writing the above, we decided to call Attorney Ryan, who kindly did deign to speak with us after we were originally told he "was on a conference call" which, based on our experience, in our estimation, may or may not have been the case. Mr Ryan did tell us that as attorney for PPL, we can serve PPL with a first class mailing to him at Post and Schell. However, Mr. Ryan told us in very clear terms he "has not yet heard from PPL if they will agree to be served by email." He seems to take the position that he, as their attorney, is not empowered to accept eservice on behalf of his client. We did not receive clarity if had even asked PPL, and we certainly have no clarity whom at PPL would answer such. If there would be such a person, it might make more sense for that person to receive service, instead of an attorney who cannot even say eservice is acceptable. This poor posture of the PA PUC and attorney Ryan necessitates for us an extra hour of driving today.

We hereby certify that a true and correct copy of the foregoing is being served and will have been served today (before doing our efilng with the PA PUC) upon the following persons in the manner indicated, in accordance with the requirements of 52 Pa Code 1.54 (relating to service by a participant)

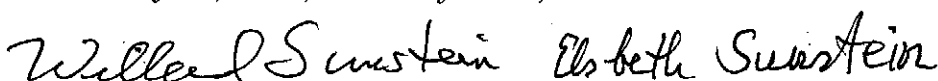
VIA FIRST CLASS MAIL:

PPL Electric Utilities

Devin Ryan attorney for PPL Electric Utilities, Post and Schell attorneys at law
17 North Second Street 12th Floor Harrisburg, PA 17101-1601

we also are serving via email: Judge Elizabeth Barnes and the following attorneys for PPL : Attorney Devin Ryan, Attorney Hirakis, Attorney Lent

Dated May 10, 2018, in Honeybrook, PA for both of us:



Willard Sunstein and Elsbeth Sunstein

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Willard and Elsbeth Sunstein :
v. : C-2018-3000078
PPL Electric Utilities Corporation :

Combined:

Reply to Motion of PPL lawyer Devin Ryan, which he filed with the PA PUC on April 23, 2018, for Pro Hac Vice admission of Curtis S. Renner, Esq.

and

Motion to rescind and quash Interim Order of Elizabeth Barnes on April 24, 2018, granting the Motion of the day before, April 23rd, 2018, Motion of PPL to admit Curtis S. Renner.

**In Actuality contrasting with the above imposed formality of us v. them:
Willard and Elsbeth Sunstein seeking Win-Win with PPL C-2018-3000078**

Efiled Date: May 10, 2018

Willard and Elsbeth Sunstein herein referred to as “we”, “us”, “our”
PPL Electric Utilities Corporation herein referred to as “PPL”

We are filing this ourselves without a lawyer, that is, pro se.

We are today filing this Reply to Motion of PPL lawyer Devin Ryan, which he filed with the PA PUC on April 23, 2018, and we are filing this Reply with the Secretary of the PA PUC with a copy to PPL lawyer Devin Ryan via email pursuant to 52 PA Code Section 5.61 (We do this even though attorney Ryan did not attach a Notice to Plead to his Motion he filed on April 23, 2018)

We are today filing included with this Reply to Motion, a Motion to rescind and quash the Interim Order of Judge Elizabeth Barnes on April 24, 2018. We request that the Interim Order be replaced with a permanent order quashing the admission pro hac vice of Mr. Renner in our case, for many reasons, which we will explain in detail.

Willard and Elsbeth Sunstein
Gently yet Firmly Appealing for JUSTICE

pursuant to myriad issues surfacing

in connection with pro hac vice request of PPL Attorney Devin Ryan on 23rd of April 2018
and the next day Interim Order of Judge Elizabeth Barnes immediately granting same

TO ADMINISTRATIVE LAW JUDGE ELIZABETH H. BARNES:

This is a public document efiled at the PA PUC. To help ensure wholesome understanding in the public's interest, we hereby request each and all who might wish to quote from this document to give with their quote full access to this document in its entirety.

The expression of truth is context dependent. $10 + 10 = 20$ in the context of base 10, but mathematicians know that in the context of base 2, $10 + 10 = 100$. The context here is far more nuanced than arithmetic, thus our request to have the context of all quotes honored.

We appreciate that Your Honor has filed a protective order in our case for confidential medical information; we feel that our medical information we talk about in this efiled is extremely minimal and serves to illustrate the need to grant our requests, not only for our benefit, but for the benefit of all medically vulnerable Pennsylvania residents who suffer from EHS and/or other medical issues. That is the reason we expressly wish only this document containing minimal medical information about us, to be posted on the PA PUC website under our case number.

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Dedication in Memory of Susan Kreider to all who are suffering from EHS

We are not lawyers. This legal situation imposed upon us by PPL turning away from all conversation we hoped for to seek win-win solutions together, is not a conventional situation for us. In the interest of bringing as much true humanness into these so very mechanical legal necessities imposed upon us, we cannot write conventional legal briefs. We exercise essential artistic license to honestly express the whole reality that needs addressing here legally. In our writings we seek to bear witness to the full truth of life, not compose for us disgustingly desiccated discourse void of humanity.

The PA PUC, clearly under a carefully hidden influence it has not disclosed to the public, has chosen to irregularly interpret PA Act 129 for the utilities against all interests of consumers as a no opt- out, universally mandatory Act. Please see Exhibit 1 Legislative History of PA Act 129, herein justifying this assertion.

The suffering that has resulted from this ongoing travesty of justice is just beginning to surface. To the best of our knowledge, the late Susan Kreider is the first most unfortunate canary in the critically dangerous coal mine the PA PUC and utilities have chosen to make of the entire state of Pennsylvania.

In deep empathy for the late Susan Kreider and her suffering from injustice in the face of treatment by Peco and the PA PUC, we dedicate this legal filing of our motions for justice to her.

Susan was a nurse who became incapacitated with Guillain-Barre Syndrome from a vaccine her career practice required at that time. With her ailing nervous system, she thus became also very electromagnetic hypersensitive, EHS.

When a smart meter was installed on her home, she had to go through an enormous struggle every night up the stairs to the farthest corner of her house to try and reduce the effects she suffered from the smart meter. However, her health continued to deteriorate until, in total desperation, she had someone replace her smart meter with an analog meter. At this point her health began to turn around. A friend encouraged her to file a formal complaint pro se to keep Peco from carrying through their threats to turn off her electric and/or put a smart meter back on. Mild mannered, incapacitated, Susan was evidently a horrific menace to the multi-billion dollar tyrannosaurus rex going under the name of Peco Energy Company, so they put a pack of eleven snarling lawyers on Susan's case doing their very best to make sure Susan would not get a hearing, not get her day in court. But for a series of two amicus briefs filed and paid for by her friend, Susan would not have had a hearing at all. On the basis of these two briefs, seeing a lawyer involved on the sidelines, the PA PUC, facing this mounting call for justice, was moved to permit

Susan's hearing and even others whose cases had been earlier dismissed by PA PUC judges.

Susan's hearing led, under the circumstances to somewhat mixed but ultimately unfortunate results against Susan, who could not afford a lawyer nor expert witnesses nor the personal energies to pursue her case effectively. She was simply bulldozed over by the bold face lies from the "expert" witnesses, read "shills", for Peco. As someone incapacitated by Guillain-Barre Syndrome, under all the enormous stress from this, her health and balance were affected and Susan had one of her worst fears happen. She slipped and fell, requiring hospitalization. She dreaded this, because in her practice as a nurse, when she became EHS she had come to know that hospitals were filled with very high electromagnetic fields that she could no longer tolerate. She had warned other EHS sufferers about this problem. In the hospital which had no accommodation for EHS patients, her blood pressure soared from the radiation, and her blood brain barrier was weakened when she suffered from a stroke. Cascading events and a second stroke led ultimately to life support systems. In the end, family members, faced with this heart rending situation, finally made the very difficult decision to stop the artificial life support systems and Susan passed on.

The horrific stress she was under from Peco's actions was clearly not a concern of the Peco T. Rex, which has plenty of money for all expenses so essential to feed packs of lawyers to intimidate customers like Susan and make an example of them, so no one else will dare speak up, ever. Not only does Peco T. Rex have plenty of money for intimidation tactics, it can pass on all expenses for intimidation as business necessities intrinsic to every heartless beast, pass these expenses on to all of its customers. Further still, because it is such a wonderful monopoly totally devoted to serving the public with an essential service, it is granted the right to make a profit on its so essential expenses for harassment and intimidation of disabled customers, like Susan. And surely Peco Rex wants to make as much profit as it can, it is obligated to do so for its investors, which include surely many pension funds for ordinary working people. Perhaps too, some of the executives who made the decisions to unleash the heartless lawyer horde upon Susan might have bonuses or options for which profits might come into consideration.

Is it too much to ask if something could be improved in how this is all arranged and done?

We remember Susan, dedicate this filing for justice to her, and wish others would have empathy for her and other vulnerable individuals and seek ways to amend society to lessen the likelihood of such travesties escalating.

We are aware of others brought literally to stand as we write this on the brink of extinction with extreme ailments created and/or enormously exacerbated by similar

actions of utilities in collusion with the PA PUC. We hope and pray that in future filings till our case be resolved, we will not have to add others to a list beginning with Susan. One in PA driven right over the brink is more than enough already.

We enjoin all to recognize that the American with Disabilities Act also protects people who are sensitive to electromagnetic pollution. See this link of the United States Access Board:

<https://www.access-board.gov/research/completed-research/indoor-environmental-quality/recommendations-for-accommodations> We quote from the link:

“According to the Americans with Disabilities Act (ADA) and other disability laws, public and commercial buildings are required to provide reasonable accommodations for those disabled by chemical and/or electromagnetic sensitivities. These accommodations are best achieved on a case-by-case basis. Reasonable accommodations for a chemically sensitive and/or electromagnetically sensitive individual can include providing a space or meeting area that addresses one or more of the Cleaner Air criteria, upon request, such as

.....
Require cell phones and computers be turned off
Provide incandescent lighting in lieu of fluorescent lighting
.....”

Yes, the PA PUC is required to provide the public with access to its buildings in such a way that if necessary on a case by case basis, they must provide a meeting area free of cell phones and fluorescent lighting, but the PA PUC and the utilities think they can blast vulnerable people, no exceptions allowed, with transmissions from a smart meter pulsing with peak levels enormously higher than any cellphone, day and night in their houses and bedrooms and on their streets, which are public places where they need access too.

The PA PUC and utilities in PA are not just conspiring to keep sensitive people from having safe access to their own homes and streets where they live, they are colluding to keep everyone from waking up to an understanding what is causing a number of and perhaps a great many of their ailments. The control they are feverishly working to exercise against acknowledging the growing body of peer reviewed scientific literature showing damage from thermally insignificant “low level” electromagnetic radiation is at the spiritual root of a massively destructive deception with no feeling, for those who have been hit by it, like a war upon vulnerable humanity. Because the PA utilities have been unsuccessful in their massive attacks to prevent any hearings from happening in the first place, they have dug up from the swamp an “expert” who habitually lies in court under oath about the exact specifications of the radiation from the meter “smarts”. And they

have conjoined with this morally degenerate monstrosity another “expert” who based on the lies of the first says medical harm is impossible. Knowing the truth is hard to knock out, and has the so terribly nasty tendency to resurrect again and again, the PA utilities have their attack beasts feverishly snarling, clawing, and biting in desperation to try and prevent those harmed from being permitted to have experts testify on their behalf in those cases where they somehow manage to gather the inner and outer resources to try do so.

The importance of knowing the truth is illustrated by an independently funded scientific study in Japan, published in a peer reviewed journal. Please see Exhibit 2 Health of Residents Improved with Antennae Removal. In this study, 107 condo residents were examined before and after removal of cell phone masts. Before removal, 49 of them suffered from various health problems including fatigue and loss of motivation, eye pain, deteriorated eyesight, insomnia, sleep problems, sleep disturbances, dizziness, jitteriness, tachycardia, palpitation, numbness, hypertension and other issues. However, 3 months after removal of the antennae, only 25 had health issues. We note that the official measurements made by the antennae company were significantly below what PA utility companies claim their smart meters radiate. They also were not believed to be honest measurements by the authors of the study. We also note that the measurements in the field by independent electrical engineer expert witnesses have been greater than what PA utilities claim their smart meters emit. There seems to be a pattern here.

If someone develops a health issue a few months after installation of a smart meter, how are they to find out if the smart meter is part of the problem when they are uninformed?

Shouldn't the PA PUC and the utilities warn people just like cigarette manufacturers are required to do?

Before there was an awareness of illness caused by intolerance to peanuts or gluten, a great many suffered needlessly because they had no idea where their suffering was from. Now, to enable informed decisions and to understand what might be causing problems or not, it is standard for foods to be labeled if they have been processed in facilities that handle nuts or peanuts that are not technically nuts.

We need awareness of possible problem sources if we are ever going to solve the problems.

In memory of Susan, we add here one more quick set of references of links from a single website showing she was in no way alone with EHS.”

Note here please, the mounting anecdotal evidence of issues the PA PUC and utilities need to give consideration. Here is a personal story of Jeromy Johnson, an engineer from silicon valley, who developed EHS when a smart meter was attached to his home.
<https://www.emfanalysis.com/about/>

Here, Jeromy has references to some others, from the owner of a billion dollar company, to a former Chief Technology Officer at Nokia and more who suffer from EHS
<https://www.emfanalysis.com/emf-refugee/>

However, this is not just a matter of anecdotal evidence, Jeromy has a fine list with links to some of the pertinent scientific research here: <https://www.emfanalysis.com/research>

Here is an article of his published in the magazine for the National Engineering Honor Society, a well received article that gives a concise introduction to EHS
<https://www.emfanalysis.com/new-paradigm-emf-science/>

If you are possibly suffering from EHS, he offers help with free info on his website, sale of his book, and with professional consulting. He also indicates he will try to help for free those whose EHS suffering has made them lose their income.
<https://www.emfanalysis.com/work-with-me/>

May the PA PUC and utilities and the Public learn quickly, so that the number of future casualties be minimized.

Please remember Susan and think of and feel what she went through. You may be in fine health now, and hopefully will never become a victim of EHS, but those who have become EHS never expected it to happen to them either.

Introducing our artistic approach

Opening the vista inspiring us in our wishes for all to make steps together towards beautiful aims and hopes for civilization

To us, whatever the mix of intentions have been in bringing it forth, the legal machinery of statute proliferation in what is called civilization is generally more cruelly crushing than how Charlie Chaplan depicted the machines of industrial madness in his film "Modern Times".

For example, we have a tax code and interpretation precedent that is so incredibly complex and unwieldy, it has been reported that no two accountants will come up with the same filing for a typical situation.

This is in stark contrast to Estonia where we have been given to understand they have their entire tax code well under a hundred pages and it typically takes fifteen minutes to fill out the form. We direct attention to Estonia, because the Estonian people freed themselves from outside subjugation not through armed revolution but through song, the “singing revolution”.

We do not engage in politics; that is not a field for us; we do not seek any kind of revolution, not even a singing one, to change the world, however greatly it has fallen into corruption. We note how the Count of Saint Germain is quoted to have warned those planning the French Revolution, “Whoever sows wind, will harvest storm.”

Instead of revolution, we seek cultural evolution, and foremost seek this evolution in ourselves, principally through artistic endeavor.

More than anything else, we are artists. Here we amply apply alliteration to help alleviate the weight of prose. Our most intensive studies have been in music and painting, but we have a heart for all the arts. To us, creating art is embracing the impressions we find when we step into the world whole-heartedly and lifting these impressions into a new context to live as ideals manifesting as beauty. This is art in the sense of the Goethean aesthetic. And like all passionate artists we know, no results of our artistic striving are ever felt to be the perfection we ever strive for. All achievements are stepping stones, occasions for learning, revealing the need to work more.

Also, like all passionate artists we know, we find, when we examine these stepping stones, so very much of the accomplishments, the very best aspects of them, we cannot ascribe to ourselves. It feels to us as though there has been a Divine intervention to lift us beyond ourselves and bestow a grace of beauty transcending our so limited abilities unto the results of our humble prayer filled strivings.

To us, the Queen and King of the arts are the social arts which require all the other arts as a prerequisite. We are most humbled by our inadequacies in this regard. How very difficult is it to do artistic justice to ones self and others in a beautiful wise balance in the challenges of everyday life! Like any performance, each day is soon over, and life flows on however imperfectly or grace filled the day went by.

Yet, sometimes the occasions take on a momentous import for ourselves. This filing is one of them. We are painfully aware of artistic inadequacies, artistic imperfections in this filing which must be completed and submitted in a very tight time-frame for our limited abilities. We do so wish, in spite of all artistic failings here, that something of beauty would sound through this writing to inspire each and all concerned to lift themselves to make themselves and the world a more beautiful place.

To us, all criminality, all moral failings stem from a lack of beauty in our lives. So many people are suffering from lives where beauty is so hard to find, lives with precious little beauty apparent. We owe it to each other to bring more beauty into the world. We are all artists at heart.

We believe exploration of comparative religion studies can reveal that all religions, even the most outwardly patriarchal, have an appreciation for the Divine feminine. We understand the ancient Hebrews and modern day Jews teach that the whole purpose of creation is the Sabbath Bride. The devout Christian, Dante wrote love poems to Sophia, the Goddess of Wisdom so loved by the ancient Greek philosophers that they chose the name philosophy to bear witness to their love. Early Christian esoteric schools of thought identified the Goddess of Wisdom as the new Jerusalem.

We are artists, to us, beauty is the divine feminine, the soul filled rainbow bringing justice to a world mired in conflict between contrasting dynamics of unresolved thinking mired in frozen black-white polarities. Look to nature's rainbow and you will see how it spans the breath of space between light filled and darkness covered skies. We do not fall for the polarized thinking that light is good and dark is bad. There are good true lights lovingly penetrating and illuminating darkness and disturbing malevolent lights enhancing and spreading darkness. There is ugly darkness rejecting and smothering light, and beautiful rich black earth or deep magnificent sky darkness wisely receptive and responding to light.

We see our present civilization is in the death throes of agony under a patriarchal inheritance that has fallen into decadence. However, we see a new civilization emerging where people in all walks of life seek to join hands in the grace of beauty, harmony of the divine feminine: joining hands for a cooperative capitalism, with an associative economy, a restorative justice based upon freely built social contract beyond compulsion, and a spiritual cultural life awakening to living truth inspiring freely independent responsibility assuming individuality. We hold the dream that as this new emerging civilization is built, in each and every earthly person regardless of earthly gender roles, divine patriarchal power will be restored to its moral integrity inspired by the beauty beyond power of the divine feminine.

Each and everyone of us has a part to play on the world stage of life. But we are not just actors condemned to playing some script doled out under direction of the authority of our all too unconscious natures. Each of us can, step by step, wake up ever more greatly and start writing our own roles anew in ways that we find more fitting for us and the world as we wish us and the world to be.

We do not know how people came to be how they have become, what temptations they had to deal with, what challenges they faced, what troubled waters they have had to navigate, and so we do our very best to refrain from judging anyone. We certainly do not mean to judge the genuine core of any human being, ever. This core is hidden in everyday human interaction and is only revealed in very special moments of life. We do hold faith in this genuine core being in everyone. We understand each genuine human core is the source of all morality in action. We understand each genuine human core has access to unlimited resources for the good. We understand morality not as something bestowed in finite measure, but as the quintessence of virtue each and all of us can strive for to be ever firmer in gentleness, ever wiser in love, ever deeper in subtleness. In contradistinction to judging people themselves, while striving to further our own morality, we must acknowledge and aesthetically judge behavior, and not just our own behavior. We do not seek here to take anyone down for their past behavior however repulsive or unjust.

Only because we have been forced by the injustice thrown upon us, do we in our defense seek to bring those who would be our adversaries into the light in which we stand.

We seek to help shine the light of truth for everyone to be lifted up in this light. Whether an individual chooses to seize the moment of truth when life offers it as an ennobling moment of deeper reflection, inner transformation going through catharsis as necessary to become more genuinely joined with humanity, or whether they choose another path is up to them.

We look towards your light and your inspiration from your genuine core identity with ours. May we all find ways to join hands together in active peace.

Our Purely Defensive Peaceful Position, Offer, and Motion

We reaffirm that we are a peace loving couple seeking to live in harmony with God, humanity, and nature. We do our very best to limit exposure to utterly unnatural EMF transmissions because of our sensitivities. We have visitors shut down their cell phones. If a smart meter were imposed upon us it would become the first wireless transmitter regularly operating on our property. We are very keen on learning and have found extensive peer reviewed scientific literature fully supporting our views regarding our experiences and our life needs. (For convenience, we repeat here the above given link on Jeromy's site to help any interested reader begin to research for themselves: <https://www.emfanalysis.com/research>)

We have been appreciative of PPL supplying our electric service since late 2004. Without exception, even in earlier austere years when we could not afford to heat our home above

50 degrees in winter, we have always paid our electric bill (and other bills) in full and on time.

We have been forced to file our complaint because PPL refused to have a conversation to seek a mutual understanding and win-win solution; instead they indicated the only avenue to ensure our safety was to file a formal complaint with the PA PUC. While we have been forced into this outwardly adversarial position, we point out that this adversarial position between us and PPL would not have been necessitated had the PA PUC not implemented smart meter regulations in a manner against PA Act 129. (Please see Exhibit 1 Legislative History of PA Act 129.) In spite of the imposed adversarial formality, we strive to ever maintain and intensify our inner stance for a win-win solution. We seek artistically creative ways to turn the fundamentally adversarial nature of the court system into a productive forum for win-win solutions, not just in terms of the outer formal conclusions of this process building a peaceful settlement making all parties happy including civil society as a whole, but also in terms of the inner results of the process. We seek that we and all parties involved can find through this process truly life satisfying occasion for inner growth, creating and strengthening of moral stature.

A couple years ago, in our ongoing studies of cultural evolution, we learned something of the truth of the legend that Rome was founded by thieves. In early Rome, stealing and seizing possession was so dominantly ingrained that there was no legal means to give away or bequeath anything. They found a work-around by having the bequeather affirm the right of the beneficiary to take and possess what was being given. The historian quoted the Latin for this, but we glossed over the terms which never interested us. Inspired by this snippet of history, we seek here creative ways, work-arounds to achieve together win-win solutions in spite of being forced into what is formally an adversarial position.

We passionately love learning in the sense of the ancient Greeks who saw scholarship as the path to realize the highest ideals of being human. While humbled by experience of human weakness, we firmly believe in Socrates's teaching that virtue can be learned, and we thus strive to learn ever more virtue step by step in life. We are very keen on learning in general, science, art, history, and cultural evolution interests us greatly; our home is full of books overflowing into our attic; but we are not lost in book learning, we appreciate the philosopher Ralph Waldo Emerson's warnings regarding the danger of books. In earlier years living in Appalachia, a very rustic life close to nature, not unlike the great philosopher, Thoreau, we very warmly appreciated the life wisdom and nature reading abilities of a neighbor "hillbilly" who had never learned to write or read in the conventional sense. Yet there are realms that are an exception to our deep passion for learning. To learn legal technicalities is for us a most unpleasant task to put it very mildly. We were never interested in Latin, nor legal technicalities. We did not even know

the term “pro se” meant to represent ourselves without a lawyer, but were forced under circumstances which include financial limitations and health needs to jump in and begin learning as quickly as possible.

Keenly motivated by the fundamental need for survival, we are doing our utmost to win, but the win we seek is also a win for PPL and the PA PUC and all utilities in PA. In spite of how we have been mistreated and abused by PPL, we strive to ever maintain and, as needed, re-establish and deepen, our understanding embrace of PPL.

Instead of seeking solutions with us, PPL has so far chosen to hire professional adversaries, prize fighters paid for how extensively they can prolong the fight. They are fighters who utilize every possible technicality of legal procedures to trample on justice wherever they can. We do not make that claim idly, but believe we can prove it on the basis of actions already done in our case and in what is evident from PPL’s behavior we are aware of in Alan Schmuckler’s hearing with PPL, docket number C-2017-2621285. We note here with pleasure that we believe Your Honor in various moments stood clearly to uphold justice against such tactics to trample justice.

This situation of utilities ramrodding smart meters upon residents of PA who are sensitive to the effects of smart meters is now common place with numerous PA residents filing complaints in spite of everything being done by the PA PUC to discourage this from being done, and even initially refusing to hear at least one complaint (Romeo v PECO) until a higher court reprimanded the PA PUC to do so. There is already one complainant literally martyred in the process, others are working overtime under imposed heightened stressful circumstances to avoid the same fate. The PA PUC has also made it difficult to find cases involving smart meters on their website and has informed us after 5 days that they need another 35 business days to give us a list of smart meter cases we have requested through “Right to Know”. We received as yet, no response to our request to have partial fulfillment as possible, such as simply a list of smart meter cases. (*correction*: we have received today, may 9th, a final answer denying such a list is possible to supply: we have yet to study the answer) We have also made other right to know requests to help further our work for justice in our case. Please see Exhibit 3 Right to know Requests.

Motion:

We reaffirm our offer and request for PPL, to accept our requested accommodation which we are sure will save them money, and to join hands with us in a petition with us to the PA PUC to abide by act 129 and accept our requested accommodation instead of imposing a smart meter upon us and those of our neighbors presently sharing the transformer with us. We hope that PPL would notice that the adversarial positioning we have been pushed

into would not have happened were it not for the PA PUC's implementation of rules contrary to the explicit intent of Act 129. (Please see Exhibit 1 Legislative History of PA Act 129.)

One task of the PA PUC is stated as balancing the needs of the utilities and their customers. Our offer answers both those needs. There is nothing needing balance against each other here.

This would help bring justice for all concerned and be a win win for everyone including PPL and the PA PUC. Let's have peace and celebrate together!

This would be an important step on the path towards restorative justice and inner transformation of the PA PUC towards becoming an agency with uncompromised integrity.

We fervently pray and hold forth faith that the PA PUC would look favorably upon such a utility and customer joint petition.

We would encourage other PA utilities and other vulnerable customers to join us to expand this petition.

The only parties who stand to have what would appear to be an immediate loss with our win-win Motion/Offer being granted and accepted, are the outside hired professional fighters, the lawyers who are not in house with PPL. Yet this loss is not a loss of property held, only a loss of income potential potentially acquired through inner and outer destructive engagement.

Further, the way we are pursuing our needs for survival here is also offering to the prize fighters involved an eternally precious lesson of inner values. We do not berate their talents, we appreciate their talents with longing to see such impressive capabilities employed in more productive ways for themselves and humanity. We pray and hold forth faith that ultimately, while perhaps not so quickly, they too find redeeming valuable life transformation in the course of events unfolding.

We seek a future where everyone involved with us here will be to be able to look back at this saga with deep satisfaction.

Our country really enjoys the song "Amazing Grace". We believe this song is so appealing not just for its pleasing melody, but for the story of redemption it brings. Not only Christianity, all religions teach us to cherish with tenderness how we humans can recover from an ugly fall out of decadence back into grace with the Divine. We don't

think anyone is perfect. Perfection is God's not ours. We can each look around in our lives and see others who are morally more significant than us, and others who have slipped lower. We especially appreciate others who have been through a great transformation for the better. Such individuals can be more inspiring and helpful to those in need than if they had never gone through what they later learned to regret, yet accept and carry as part of their legacy to have deeper empathy and understanding for the momentarily morally misfortunate while helping to keep themselves humble and ever striving.

We wish the universally appealing story of "Amazing Grace" inspire all of us involved here to find each other's hearts and minds in tender appreciation.

We may be labeled naive, but we are fast moving towards the end of our 7th decade of life and middle of our 8th decade of life where painful life experience has brought us quite far from the naivete of youth. We work to face the challenging vicissitudes of reality with deeply rooted practical optimism. We join hands here with those many in civil society who seek to peacefully innovate towards a more morally resilient humanity.

Innovators in every field of endeavor are typically looked upon as fools until their innovations become established as the norm. We do our best to help build the new norm we feel worth living for.

Ploughing Through Highlights of Myriad Nitty-Gritty Issues Surfacing

Reply to Motion of PPL lawyer Devin Ryan, which he filed with the PA PUC on April 23, 2018, for Pro Hac Vice admission of Curtis S. Renner, Esq.

and

Motion to rescind and quash Interim Order of Elizabeth Barnes on April 24, 2018, granting the Motion of the day before, April 23rd, 2018, Motion of PPL to admit Curtis S. Renner.

Your Honor, you have issued, it appears rather hastily, an Interim Order on the 24th of April, 2018, granting an attorney, Curtis S. Renner, from DC the right to fight against us, we who only seek win-win peaceful solutions.

We detail here reasons why we believe Your Honor should now withdraw, rescind and annul the mistakenly made order.

As noted in our journal, before the "off the record" conference call of Tuesday 24th of April, 2018, we did not have any notice of a request on Monday 23rd of April 2018 to admit an out of state attorney, Curtis S. Renner, pro hac vice for PPL.

This discussion is our reply to the Motion by Devin T Ryan, on April 23, 2018

Devin T. Ryan, Post & Schell, who had our email, had strangely ignored our request for E-serve which we clearly signed up for. He went to the trouble to specify with a certificate of service that we were to be served with a paper copy sent first class mail. We understand that this made it unnecessary for Secretary Rosemary Chiavetta to notify us per eserve. So we could have no idea of any of this before the conference. As noted in our journal, we do appreciate that attorney Ryan did apologize for his error in not notifying us with eserve. However, it also speaks volumes, that, again strangely, attorney Ryan failed to attach the standard courtesy Notice to Plead to his Motion he filed on April 23, 2018. He appeared to count on our ignorance continuing and that without a lawyer, we would not have time and resources to learn our rights and be able to counter his motion in a legally effective manner.

The order from Your Honor, Elizabeth H. Barnes, admitting Curtis S. Renner as such was filed the VERY NEXT day clearly to justify the presence of Renner on the “off the record” conference call. This order, granting the request of the day before, not only before the required 20 day response time from us, it was entered before we had even known of the existence of the request, let alone look at the request and respond.

The timing was so terribly tight, that the e-serve notice of this order only arrived in our email inbox after the conference, including Curtis S. Renner, had begun. We had to concentrate on the conference while it proceeded and could not read emails. Only after the conference had ended were we able to access the email notification of Your Honor’s interim order. Looking back through earlier emails, We have found that Your Honor had cc’d Renner on the 4th of April on Your Honor’s very first email with us proposing an “off the record” conference call.

Thus we have good reason to believe that Your Honor entered into one-sided party biased discussions, that is ex parte discussions with PPL Pennsylvania attorneys and Mr. Renner at least as early as April 4, 2018, without our knowledge or participation.

We also have good reason to believe that the reason for Attorney Ryan's pro hac vice motion to introduce Attorney Renner into our case, is for Mr. Renner to put on two purported expert witnesses to testify, in a “dog and pony show” they have practiced, and for no other purpose. Those witnesses, who have testified falsely in many smart meter harm PA PUC cases before ours are Christopher Davis, and Mark Israel.

We have good reason to believe that PA PUC Judges have admitted Mr. Renner and his partner Mr. Watson, pro hac vice, in many other smart meter harm formal complaint cases, in violation of the Pennsylvania pro hac vice rules and regulations.

We believe that Mr. Renner and Mr. Watson participated in previous PA PUC smart meter harm cases illegally.

We have good reason to believe that numerous other activities of the PA PUC, and in turn, PA PUC judges in formal complaint proceedings relating to smart meter harm, violate the mission of the PA PUC to act as an impartial liaison between the utilities and the consumers, and deny sensitive Pennsylvania utility customers their rights under Section 1501 of the PA PUC Code. In engaging in prejudicial actions on behalf of the utilities and against the best interests of the health and other interests of its most vulnerable consumers of utility usage, the PA PUC and its Judges endanger the health and other concerns of many complainants, including us.

We will go through all numbers in the Motion of attorney Ryan and reply our consent or disagreement with them.

1. Accepted.

2. Accepted.

3. We accept this provisionally, because we have not had time to investigate these assertions as facts.

4. We partially accept this list as being cases where attorney from D.C., Renner has been appearing in the capacity of an attorney in court in PA. We are not in a position to accept this list as complete because we have no way of knowing to what extent it is complete. We have requested through the Right to Know act a list of smart meter cases before the PA PUC. We have yet to receive the answer. We have attached as in Exhibit 3 our Right to Know requests and the PA PUC's answer. After we receive the requested smart meter harm case list, we would need then to examine each and every case and we need to await also answer to our newer requests which include getting all public hearing transcripts by email as part of due diligence to ascertain completeness of this list in regards to smart meter cases. Please see Exhibit 3 Right to know Requests.

In addition, on the basis of the perhaps partial list of already 14 cases Mr. Renner has appeared or is scheduled to appear in, on the basis of these numerous cases, attorney Renner is already guilty, in fact, of practicing law without a Pennsylvania license in the Commonwealth of Pennsylvania. This is clearly prohibited by the laws of the Pennsylvania Supreme Court, and his entry into our PA PUC case pro hac vice should be denied.

As to the “Verified Statement” of attorney Ryan, we comment regarding each of his “verified statements”:

Regarding “Verified Statement” 1: We firmly believe that Mr. Renner is, most unfortunately, not a reputable attorney.

Please kindly take notice that Mr. Renner has appeared in other PA PUC cases in which he was not even moved to be admitted pro hac vice; this alone shows beyond any reasonable doubt that he is definitely not a reputable attorney.

It pains us that there is yet more.

Mr. Renner practices law with Thomas Watson in the District of Columbia, Washington, DC. Neither Mr. Renner nor Mr. Watson is or were ever admitted to the Pennsylvania Bar, so far as we know. Mr. Renner's partner, Mr. Watson, was moved to be admitted pro hac vice in numerous customer PA PUC smart meter health formal complaints against PECO.

We direct Your Honor's attention to the record of some of the PA PUC cases before Judges Heep and Pell, which were heard with many days of expert and lay testimony, including September 15, 2017.

A review of three of the PECO smart meter harm case dockets which went to a hearing stage, show that even though Judges Heep and Pell and attorney Ward Smith alleged that two of the pro hac vice motions were granted, none of the three alleged orders granting these motions were posted on the PA PUC dockets of these formal complaints, nor were the complainants in the three formal complaints listed below notified of the granting of these pro hac vice motions, by any PA PUC Judge.

Ms. Povacz C-2015-2475023, the Randall-Albrechts C-2016-2537666, and Ms. Murphy C-2015-2475726 were not notified by the PA PUC of any Judge granting PECO's motions to admit Mr. Watson to their cases.

No order which granted any of the three pro hac motions which were filed by Ward Smith in their cases on February 25, 2016, May 11, 2016 and February 25, 2016, respectively, appears on any of these case Daily View or other dockets.

However, Ward Smith alleged in his Frompovich and Randall-Albrecht pro hac vice motions filed on May 11, 2016, that his pro hac vice motions in the Povacz and Murphy cases had been granted (look on page 2 of both these motions). In a later Order filed in the Povacz case, the Judges say in their history of the Povacz case that they, contrary to

the actual history of record, had granted Mr. Smith's pro hac vice order to admit attorney Watson into her case.

Mr. Watson was moved to be admitted pro hac vice by Ward Smith, lawyer for PECO, in the Povacz v. PECO case: C-2015-2475023 on February 24, 2016. This motion is listed on the Povacz docket. However, the docket on the PA PUC website for this case, every time we checked, including while drafting this, does not include any entry for any PA PUC Judge granting that pro hac vice motion. Neither in the Daily Actions view nor in the case view. Ms. Povacz never received notice that the pro hac motion was granted any time before or after May 2016. She was surprised, however, to note that an Interim Order dated May 26, 2016, (Included herewith as Exhibit 4 Interim Order Povacz Case.) states in the history, that Mr. Watson's pro hac vice admission was granted on April 6, 2016. This is highly irregular. Taken by itself as an isolated incident, it would not be so concerning. But combined with other irregularities of the PA PUC in smart meter harm cases, it takes on very substantial significance.

Here is the pertinent excerpt from the middle of page 4 of the Interim Order in our Exhibit 4 Interim Order Povacz Case :

“On February 24, 2016, PECO filed a Motion to admit Thomas Carl Watson, Esq. Pro Hac Vice.

On April 6, 2016, an Order was issued admitting Mr. Watson *Pro Hac Vice* and setting forth procedural matters for this action.”

The Povacz case was combined in a joint defense arrangement with Randall-Albrechts, C-2016-253766 and Murphy C-2015-2475726. Ward Smith also moved to admit attorney Watson pro hac vice in the Randall-Albrecht case and the Murphy case.

Astonishingly, in our very thorough searches done redundantly by various concerned parties, none of us could find any docket entries in either the Randall-Albrecht case nor in the Murphy case ordering that PECO's pro hac vice motion had been granted. Just as in the Povacz case, none of the other complainants Randall, Albrecht and Murphy were notified that Mr. Smith's pro hac vice motion for the admission of attorney Watson to their case had been granted. Very strangely, however, attorney Smith did state in his pro hac vice motions he filed on May 11, 2016 in both the Frompovich case and the Randall Albrecht case, on page 2, that his motions for admission of Mr. Watson in the Povacz case and the Murphy case had already been granted.

Again, this is highly irregular. This is additional evidence that there were ex parte communications between the Judges and PECO attorneys in three smart meter harm

cases which were not shared with the Complainants, and which indicate collusion between the PA PUC Judges and the utilities and their counsel against the customers who complain of health effects from smart meters.

If the PA PUC did not publish any motions in any formal complaints to grant attorney Smith's pro hac vice motions to admit attorney Watson to represent PECO in smart meter harm cases, that would be one thing to look at. But the PA PUC did post Orders, in the Paul and Frompovich cases, granting Attorney Smith's motions to admit Mr. Watson pro hac vice on June 21, 2016 and June 22, 2016 respectively. If the Judges in the PECO smart meter harm cases were informing PECO attorneys of essential elements of cases they were hearing, without informing attorneys for the Complainants and without posting these matters on the web, if, indeed, these Judges did in fact rule on these pro hac vice motions, that would be illegal ex parte discussions and rulings. We think they did not. If they had ruled, then the rulings would be routinely posted on the PA PUC website and the complainants would have been informed of those rulings.

If the Judges did not rule to admit attorney Watson pro hac vice in the three smart meter cases of, Povacz, Murphy and Randall Albrecht, and Watson appeared in these cases and presented the very same expert witnesses that Mr. Renner has proposed to testify in my case, that is also illegal, because attorney Watson was not admitted to appear in these three PECO smart meter cases.

Ward Smith did not move to admit Mr. Renner in any of the PECO cases that we could find.

However, both Mr. Watson **and Mr. Renner participated** in the joint defense hearings of Povacz, Randall-Albrecht and Murphy in the testimony dated September 15, 2016.

Mr. Watson appeared throughout, **and Mr. Renner** made an appearance as counsel to PECO, **even though he was never moved to be admitted pro hac vice** in any of these combined defense PECO smart meter harm cases. **Mr. Renner interacted officially with the Judges as counsel to PECO**, on the transcript marked as Povacz case C-2015-2475023 transcript (but admitted into evidence in all three joint defense cases) p. 559, line 20; p. 560, lines 7-14, and p 598, lines 1-5.

There are other days of testimony in those joint defense cases where Mr. Renner made his appearance as counsel for PECO even though Ward Smith, PECO attorney, never even filed a motion to admit Mr. Renner pro hac vice, and **Mr. Renner's appearance as a lawyer for PECO was illegal** under Pennsylvania law.

All of these illegal activities point to Mr. Renner as not being a reputable lawyer, and one who should not be admitted pro hac vice in our formal complaint case.

Here we have even more glaring evidence of Mr. Renner's lack of regard to honor the rules of the Pennsylvania Bar. We have an even more glaring showing of illegal collusion of the PA PUC Judges with an electric utility to present the utility's side of evidence to the detriment of the disabled Pennsylvania customers.

Regarding "Verified Statement" 2: Attorney Ryan's currently acting as sponsor for the admission pro hac vice of Mr. Renner in all of the following PPL smart meter harm cases, should convince any Pennsylvania lawyer and judge that Mr. Renner is attempting to practice law in Pennsylvania without first obtaining a Pennsylvania Bar license: Bervinchak v PPL C-2016-257284, and 2577527; Chapman C-2017-2617625; Kline C-2017-2621072; Millan C-2017-2623236; Myers C-2017-2620710; Schmukler C-2017-2621285; Zimmerman C-2017-2615038, coupled with Attorney Ryan's previously sponsoring Mr. Renner's admittance pro hac vice in the Elam C-2017-2630795; Forney: C-2017-2614957; Hicks: C-2017-2628778; and Peters: F-2017-2612900 cases. This must be some sort of record of pro hac vice motions, which the presiding Judges should never have granted, because they are illegal under Pennsylvania law as we will explain in this filing.

Regarding "Verified Statement" 3: We presume it is true when attorney Ryan claims to not be sponsoring any other lawyer pro hac vice in any other court, but we cannot verify this at present and obviously erroneous claims such as made in statement 1, make it reasonable to question everything attorney Ryan claims.

Regarding "Verified Statement" 4: To the best of our knowledge, the PA PUC affords no way for financially compensating those many customers with health issues triggered by smart meters, and who therefore have been forced by PA PUC policy to file complaints against their utilities to survive. Thus we agree with statement 4, since there are no proceeds to be obtained by us either in this case before the PA PUC. Apart from various hardships, from a purely monetary perspective, this filing alone would cost a lot of money to have a lawyer produce something in its direction.

Regarding "Verified Statement" 5: We very generously accept at this point that attorney Ryan remains the attorney of record, in spite of his motion requesting an illegal pro hac vice, the irregular way it was served, and the fact that clearly attorney Ryan is not reputable as per logical consequences explicated below regarding "verified statement" 6.

At this point, we will pray and hold faith in attorney Ryan to search his conscience and mend his ways. A very good step toward redeeming attorney Ryan's honor in our eyes would be made were attorney Ryan to urgently recommend PPL to join together with us in a joint petition to the PA PUC and do all he could to help this come to pass. We and, we believe, civil society in general, would so very welcome such a transformative move. We hope and pray Ryan be inwardly freely moved further to seek win-win solutions in all other cases he is dealing with on the behalf of utilities. With such new found striving on the part of attorney Ryan, all could only wish attorney Ryan much success with his career and life unfolding in a new more wholesome and fulfilling way.

Regarding "Verified Statement" 6: We believe that Attorney Ryan may not have all the facts necessary to verify that the claims set forth are true and correct, on the date he filed the Motion to admit Mr. Renner pro hac vice.

In particular, we must question how attorney Ryan could possibly in good honor claim that attorney Renner was reputable. We ask Your Honor to take notice that, unlike ourselves, who had no idea what was happening on the 4th of April, attorney Renner knew full well what was happening when an email coming to us from Your Honor also included not only Ryan but Renner a full 19 days before Ryan's filing of a pro hac vice motion for Renner.

Through our present readings of the law, this indicates ex parte collusion with Your Honor clearly done by and highly likely, if not certainly, initiated by Ryan and Renner. How could this fact have escaped attorney Ryan? From this fact alone, attorney Ryan should have concluded Renner to be less than a reputable attorney. And had Ryan been moved to look in the mirror of his conscience at his own self, he would have seen that he too was not a reputable attorney at this point in time.

Regarding "Verified Statement" 7: So far as we can tell, with a quick look at the PA PUC dockets of many of these 12 cases in which Attorney Ryan sponsored Attorney Renner pro hac vice, some of them have settled without a hearing, for one reason or another, but some of them did not.

It pains us greatly to read, how Ms. Hicks C-2017-2628778 stated in her letter to withdraw that she was forced by her health to withdraw her formal complaint and not go to a hearing, because she had neither the time nor energy to pursue her formal complaint further. Does attorney Ryan want to have responsibility for contributing to destroying the health of Ms. Hicks on his conscience? We pray and hope that attorney Ryan help restore his honor by seeking pro bono out of court in a most friendly manner, a win-win solution for Ms Hicks and the utility.

We are aware that Mr. Schmuckler C-2017-2621285 did go to a hearing, and Attorney Renner did participate fully in that hearing introducing expert witnesses Davis and Israel, just as Mr. Renner's partner, attorney Watson, did participate in PECO hearings against complainants who had health issues with AMI smart meter deployment on their homes, introducing Davis and Israel in all those cases: Kreider: C-2015-2469655; Frompovich: C-2015-2474602; Paul: C-2015-2475355; Povacz: C-2015-2475023; Randall-Albrecht: C-2016-2537666; Murphy: C-2015-2475726; McKnight: C-2017-2621057; and Bachman: C-2017-26223504.

The last two PECO smart meter harm cases in which Davis and Israel testified as expert witnesses against pro se disabled PECO customers, were ones in which no PECO Pennsylvania attorney even made a motion to admit Watson or Renner pro hac vice. And yet, Davis and Israel were introduced by Attorney Watson, and Attorney Watson did perform extensive cross examination of the complainants' expert witnesses as well, with hearing dates of April 10 -April 13, 2018.

All of these pro hac vice motions, some of which were granted, and some not granted, and participation of Mr. Renner and Watson with or without being admitted to the PA Bar pro hac vice in many of these smart meter harm cases in Pennsylvania, in order to present perjured testimony, show that Mr. Renner is not a reputable attorney (and neither is Mr. Watson) and they show a perversion of the PA PUC formal complaint process in favor of the utilities PPL and PECO, against the customers who are sensitive to the smart meters and who experience negative health effects when exposed to smart meter emissions.

According Pennsylvania law, pro hac vice motions should be denied if there is good cause shown to deny them (Please see Exhibit 5 Rule 1012.1 Admission Pro Hac Vice)

We noticed in our research on pro hac vice admissions, that expensive attorneys from DC have been and are brought in to PA PUC hearings to do dirty work against poor disabled people, and that the rules are yet regrettably such that these attorneys don't ever pay have to pay a dime to help IOLTA, which is here in Pennsylvania with limited resources to try and help Pennsylvania residents who cannot afford to pay for legal services.

The Honorable Board Members of IOLTA serve with zero compensation. In our personal estimation, it would be only fitting if Watson and Renner would contribute voluntarily from their personal deep and hungry pockets, the diddly small standard fee of \$375 to IOLTA for each of the cases where either a pro hac vice motion was made on their behalf, or where the motion was not made and they appeared in court anyway. Such a decision on their parts would be admittedly a small step, yet a significant one, towards making

amends and rejoining humanity. Every little step counts in whatever direction it is taken.

We most sincerely hope that this writing helps spur changes to gather better support for IOLTA's noble mission.

The admission of Mr. Renner pro hac vice to our formal complaint process will most assuredly be detrimental to our legitimate interests; we have been forced by PPL's actions to file a formal complaint: This is good cause to deny Mr. Ryan's motion:

“ (2) the admission may be detrimental to legitimate interests of the parties to the proceedings other than the client whom the candidate proposes to represent”.

While it is possible that a Pennsylvania utility might find a Pennsylvania admitted attorney who is willing to offer the same perjured testimony of Davis and Israel in our PA PUC formal complaint, that event has not happened so far, in any of the PPL and PECO smart meter harm cases to date. The PA PUC judges have so far allowed this testimony to proceed, and Mr. Renner and Mr. Watson are the only attorneys who have offered testimony from Davis and Israel in the PA PUC smart meter harm cases of disabled customers. The blatantly untruthful testimony of Davis and Israel in the context of a truly fair hearing would not such a big issue. However, in the context of present reality, the evident collusion of the PA PUC Judges with the PA utilities has led them to not only admit this false testimony but also give it ridiculously undue enormous weight to the extent that they ignore truly expert testimony of disabled customer's truly expert witnesses. All this injustice, stemming from the “expert” testimony of Davis and Israel has been enormously detrimental to the disabled customers, and has caused all the disabled Pennsylvania complainants in smart meter harm cases to suffer as well as those who are discouraged from or totally unable to file cases or who have been forced to move out of state or go off grid. We write this with respect for the truth supporting the best in each and all of us, including Davis and Israel. Human weakness towards moral lapses must be recognized in this truth. We see in earlier smart meter harm cases and PA PUC Judge's orders, and the just posted PA PUC final order in the Frompovich case, a slipping into moral infirmities. In contrast to those earlier Judge's orders, it appears to us personally that the only expertise Davis and Israel can honestly lay claim to is an expertise in lying polished through perseverant practice. We imagine they must have been earning significant sums of money at the expense of utility customers on the basis of such frequently practiced expertise.

Former, high caliber thieves, after they have reformed their lives, can become the very best help to law enforcement and the healing of others who are yet criminally inclined.

We wish only the very best to Davis and Israel, Watson and Renner and those Judges who have earlier fallen for them to some extent.

As noted in our journal, Mr. Renner participated in the April 24, 2018 telephone conference with the us, Your Honor and Mr. Ryan. We must assume, in hindsight, that Mr. Renner's participation in the conference was only because Your Honor had rather hastily granted Mr. Ryan's pro hac vice motion he filed the day before in such a crafted manner that we would not know of it before the call. Mr. Renner stated in that conference, that he intended to offer testimony from Davis and Israel in our hearing, the same team of "expert" witnesses that the Renner/Watson team have presented over and over and over in these PA PUC smart meter formal hearings. We have excellent reasons to believe that the testimony offered by Davis and Israel proposed to be presented by Mr. Renner in our case will continue to be false and perjured testimony, as it was in all the other smart meter harm cases we have reviewed so far.

PA PUC Judges who have ruled on smart meter harm cases that we have reviewed, with testimony of Davis and Israel having been presented through attorney Watson, Mr. Renner's partner, have judged that the evidence of Davis and Israel outweighed evidence of harm from smart meters presented by Kreider, Frompovich, Paul, Randall Albrecht and Murphy in their respective cases.

Judges Heep and Pell sensibly ruled that Ms. Kreider had presented a prima facie case that she was harmed by the PECO smart meter. They ruled, however, that the testimony of Davis and Israel outweighed Ms. Kreider's evidence. It may be somewhat understandable from a legal perspective, perhaps, because Ms. Kreider did not present any expert evidence or physician testimony to counter testimony from Davis and Israel, that the Judges might rule against a highly disabled complainant who had gone pro se and did not present any medical or expert testimony, nor did she have the legal wherewithal to demonstrate any of the highly questionable issues with the testimony from Davis and Israel. While understandable from a formal technical legal perspective, this is horribly unfair to a Pennsylvania customer such as Ms. Kreider, who was later killed by effects of microwaves in the hospital after unavoidable prolonged exposure following a slip and fall accident. This accident, which she feared due to Guillain-Barre Syndrome affecting her ability to walk, occurred when she was under tremendous stress from Peco's utter intractability. It is self evident to us that everyone is more prone to accidents in life, when we are under more stress.

Ms. Paul, docket no: C-20152475355, did testify, as did Ms. Kreider, that she suffers from electro-hypersensitivity (EHS), and she provided testimony from her physician that she suffers from EHS, and that her house and her neighbors' houses should be fitted with analog meters instead of smart meters. Even Ms. Paul's own and her physician's

testimony did not override Davis' and Israel's perjured testimony, in the PA PUC Judges' minds.

In the Randall Albrecht and Murphy cases, unlike the pro se formal complaints described already, the complainants were represented by lawyers, and those lawyers presented many days of expert testimony in direct opposition to the testimony of Davis and Israel, from two world famous scientific experts on EMF and RF (such as that emitted by the PECO smart meters): Dr. Martin Pall and Dr. Andrew Marino. Dr. Pall and Dr. Marino also testified about the medical condition of EHS, and published peer reviewed literature showing harm from microwaves such as that emitted by smart meters to those who have EHS and cancer. Dr. Pall and Dr. Marino backed up their testimony with scores of peer reviewed scientific literature articles that they had either written or reviewed thoroughly. Dr. Marino himself had spent over 30 years conducting research into ways that radiofrequency radiation could cause harm to living creatures. Dr. Marino was also a co-author on the McCarty study which was a double blind placebo study which proved that EHS existed. Personal physicians of those three complainants also testified about their patients' EHS and cancer, and that the electromagnetic energy from the PECO smart meters would harm the complainants, which underscored the complainants' own testimony about their medical conditions, and their personal medical needs to avoid exposure to electromagnetic energy emitted from smart meters at all possible times. The lawyers for those complainants also engaged in extensive cross examination of Davis and Israel, showing that their testimony was false. Yet, Judge Heep was moved to rule that the testimony of Davis and Israel outweighed the testimony of the complainants, their personal physicians, Dr. Marino and Dr. Pall, in two of those cases.

Even in the Povacz case, where Judge Heep ruled that Ms. Povacz had shown harm from the PECO AMI meters, her ruling was not one of accommodation at all. She ruled that Ms. Povacz could move the meter socket away from her house, and PECO would have to attach (a harmful to her) AMI meter on the moved socket.

Regarding such a strange ruling from Judge Heep, which to us in the full context of events points towards collusion with the utilities, we point to something similar in our situation. As noted in our journal, when Your Honor shocked us by suggesting in our telephonic conference that we could move our meter socket away from our house as an accommodation from PPL, we recovered our composure to reply that this was no accommodation at all. This "accommodation" was required under the PA PUC law already; the utility is always required to attach the meter where the customer chooses to locate the meter socket. Additionally, moving our meter socket away from our house would not accommodate our medical needs if PPL attached a microwave emitting and dirty electricity generating smart meter to that socket, as we stated in our telephone conference. Your Honor presided over a hearing more than a month before our conference

call, on March 9th, 2018 in Alan Schmukler v. PPL Docket No. C-2017-2621285. On pages 66 and following, expert William Bathgate testified that the smart meters being installed by PPL only have UL approval for safety in normal conditions, not emergencies when safety measures are most needed, like when trees fall on lines or lightning strikes. The “smart” meters are far less safe than older analog meters which can handle emergency situations better. Furthermore, he testified that the meters do not meet FCC class B standards, the FCC regulations for Conducted emissions standards, they only meet FCC radio frequency emissions standards (which Your Honor should know by now are not health regulation standards). The failure to meet the conductive emission standards present not just a direct hazard in the long term to appliances, but an immediate hazard to the safety of anyone whose health is sensitive to the effects of dirty electricity, that is electricity that is not a pure 60 steady hertz sine wave, but is polluted with all sorts of transients and harmonics. In light of this hearing which Your Honor presided over before our conference call, Your Honor should have known that the suggested relocation of the meter would not help us.

We return now to other pro hac vice issues from the above pertinent interlude regarding bias against disabled utility customers associated with Renner and Watson and their “experts” in rulings of “accommodation” and suggestions of “accommodation” that are no accommodation at all.

The sheer volume of Attorney Ryan's pro hac vice motions to admit Mr. Renner to these smart meter harm cases, (Thirteen cases, within a short period of time, according to Mr. Renner's number 3, plus nine more cases, including ours, according to Mr. Ryan's number 8, means that Mr. Renner is attempting to practice law in Pennsylvania without seeking a full formal Pennsylvania Bar admission on his own, which is good cause to deny the motion, if:

“5) the candidate is, in effect, practicing as a Pennsylvania attorney, in light of the nature and extent of the activities of the candidate in the Commonwealth, without complying with the Pennsylvania requirements for the admission to the bar. The court may weigh the number of other admissions to practice sought and/or obtained by the candidate from Pennsylvania courts, the question of whether or not the candidate maintains an office in Pennsylvania although the candidate is not admitted to practice in Pennsylvania courts, and other relevant factors.” Please see Exhibit 5 Rule 1012.1 Admission Pro Hac Vice Rule 1012.1. (e) (5)

Additional good cause which might possibly be relevant is the volume of cases that Mr. Ryan has moved to admit Mr. Renner in pro hac vice may preclude Mr. Ryan from proper supervision of Mr. Renner, if:

"(6) the number of cases in all courts of record in this Commonwealth in which the Pennsylvania attorney is acting as the sponsor prohibits the adequate supervision of the candidate", Please see Exhibit 5 Rule 1012.1 Admission Pro Hac Vice Rule 1012.1. (e) (6)

We would think that, even if it were such, and as shown above, it isn't, that Renner were a reputable attorney, even in that circumstance, supervising Mr. Renner in 22 PA PUC cases might preclude Mr. Ryan from proper supervision of Mr. Renner. Further, because, as we have shown above, Mr. Ryan is himself presently not a reputable attorney as to:

1. moving to admit Renner in so many Pro Hac Vice cases and
2. colluding with Renner and the Judge ex parte and
3. presumably moving to admit Renner Pro Hac Vice knowing Renner will present perjured testimony by Davis and Israel.

...because of the above, he is in no way capable of properly supervising this pro hac vice attorney for even a single case.

There are other highly important reasons to deny Mr. Ryan's motion to admit Mr. Renner pro hac vice in our formal complaint proceedings.

Mr. Renner has already shown that he does not comply with Pennsylvania rules and procedures, or by the Pennsylvania Rules of Professional Conduct, by entering his appearance and interacting with the Judges for PECO in several cases, when his admission pro hac vice was not even applied for by a PECO lawyer motion. Because of the extreme extent of irregularities we have encountered so far, we also are pleased to note that in these cases no additional strange irregularity occurred to the effect that attorney Renner was admitted pro hac vice without this having been applied for. We cannot imagine that the Pennsylvania Rules for Professional Conduct or the PA PUC regulations permit a person who is not admitted to the Pennsylvania Bar to appear in any formal complaint proceeding as attorney of record for a utility.

The rules for being admitted pro hac vice require that "A candidate shall submit a verified statement..." :

- "(3) stating that he or she shall comply with and be bound by the applicable statutes, case law and procedural rules of the Commonwealth of Pennsylvania, including the Pennsylvania Rules of Professional Conduct,
- (4) stating that he or she shall submit to the jurisdiction of the Pennsylvania courts and the Pennsylvania Disciplinary Board with respect to acts and omissions occurring during the appearance in the matter for which admission pro hac vice is

being sought," (Please see Exhibit 5 Rule 1012.1 Admission Pro Hac Vice , Rule 1012.1(c) (3 and 4))

The Pennsylvania Rules of Professional Conduct say that a lawyer may not allow his witness to offer false testimony, and if the witness does offer false testimony despite this, the lawyer is required to report that to the judge. (We insert italics on particularly relevant wording.)

“Rule 3.3. Candor Toward the Tribunal.

(a) A lawyer shall not knowingly:

(1) make a false statement of material fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer;

(2) fail to disclose to the tribunal legal authority in the controlling jurisdiction known to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel; or

(3) *offer evidence that the lawyer knows to be false. If a lawyer, the lawyer’s client, or a witness called by the lawyer, has offered material evidence before a tribunal or in an ancillary proceeding conducted pursuant to a tribunal’s adjudicative authority, such as a deposition, and the lawyer comes to know of its falsity, the lawyer shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal. A lawyer may refuse to offer evidence, other than the testimony of a defendant in a criminal matter, that the lawyer reasonably believes is false.*

(b) *A lawyer who represents a client in an adjudicative proceeding and who knows that a person intends to engage, is engaging or has engaged in criminal or fraudulent conduct related to the proceeding shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal.*

(c) *The duties stated in paragraphs (a) and (b) continue to the conclusion of the proceeding, and apply even if compliance requires disclosure of information otherwise protected by Rule 1.6.*

(d) In an ex parte proceeding, a lawyer shall inform the tribunal of all material facts known to the lawyer that will enable the tribunal to make an informed decision, whether or not the facts are adverse.” (As noted above, we added the italics here to show the especial importance of those portions of the Rules.)

Mr. Renner (and his partner, Mr. Watson) must surely know by now, with all their experience in the field of electromagnetic energy, and after seeing their witnesses cross examined and after hearing extensive testimony by real expert witnesses for vulnerable utility customers, that the evidence offered by Davis is patently false. Davis offered testimony in every single PECO smart meter harm case that we have heard of, that the

PECO smart meters do not “pulse”, and that, meeting FCC wireless exposure limits (which have not been based on assessment of health effects but only thermal effects) assures the utility that no person can ever be harmed by smart meters. Davis also offers testimony with wildly fluctuating supposed “calculations” from case to case, comparing cell phone exposure to smart meter exposure. Davis has offered testimony to refute all testimony put forth by complainants who do not use wireless devices in their homes, regarding exposures from RF they “must be exposed to” on their properties.

Measurements by the complainants and their experts prove otherwise, as does testimony of their experts. Davis recently offered false testimony to refute a meter expert who had testified in the McKnight and Bachman cases, that the FCC requirements for Part B device compliance do not apply to smart meters. The biggest problem for us, with the false testimony offered by Mr. Renner and Mr. Watson through Davis and Israel is that the PA PUC judges believe it, and give it undue overriding weight, to the detriment of disabled Pennsylvania utility customers like ourselves.

In addition, the pro hac vice candidate must be ethically fit to practice law. Good cause to deny his admission in the Sunstein case would be met if

“(4) the candidate is not competent or ethically fit to practice law,” (Please see Exhibit 5 Rule 1012.1 Admission Pro Hac Vice Rule 1012.1. (e) (4))

Mr. Renner and his partner Mr. Watson have been engaged in every smart meter case that they have appeared in the PA PUC courts, in offering perjured testimony from their expert witness Davis. Mr. Renner has the expertise to know that his offered testimony from Davis is not truthful. Yet, both Mr. Renner and his partner Mr. Watson continue to be put forth the testimony of Davis in each and every one of the PA PUC smart meter harm cases, to the detriment of each of the disabled customer complainants, and the PA PUC Judges have permitted the appearances of Mr. Renner and Mr. Watson and their expert witnesses Davis and Israel.

We request all relevant decision makers of the PA PUC to take notice of these past and yet ongoing flagrant violations of justice as indicated in the totality and every part of this documentation.

A Pennsylvania lawyer cannot knowingly allow an expert witness to testify if the lawyer knows that the testimony will be false. Mr. Renner must know that the testimony of Davis is false. And the testimony of Israel is based on the testimony of Davis, so it, too, is false.

As much as the testimony of Davis and Israel may try to make it appear otherwise, these formal complaints from disabled or otherwise vulnerable PA utility customers and their

ensuing Proceeding, are not a collection of dog and pony shows, but matters where peoples' health and their very lives are at stake.

As noted in our journal, in the telephone conference on April 24, 2018, with Your Honor, ourselves and Mr. Ryan, and Mr. Renner, DC attorney Renner stated that PPL would supply expert witnesses Davis and Israel. In previous formal complaint proceedings, Israel has stated on the record, that he relies on the technical information supplied by Davis to come up with his medical comments on the health and safety of the utility smart meters as to the disabled complainants. The Davis and Israel expert witness team are always supplied by Mr. Renner and Mr. Watson, with the complicity and full cooperation of the PA PUC Judges. Once Mr. Renner or Mr. Watson is admitted pro hac vice, or even if they are not admitted pro hac vice, and even if there was not even a motion to admit both of them, the DC lawyers put their expert witnesses Davis and Israel on the stand to offer their perjured testimony. If there was no cause for harm, but it were merely an entertainment show, their taking the stand would be fine stand up comedy. But this is no entertainment show. This is real life with lives at stake.

Your Honor's rush to hastily grant the pro hac vice motion of Attorney Ryan before our conference together (but too late to have us eserved with your filing before the telephone conference) is against Pennsylvania law in numerous respects.

1. Your Honor had emailed us as early as April 4, 2018, regarding case issues with additional emails to this string sent April 9 and April 11, 2018, including Mr. Renner in each of Your Honor's emails to us and PPL counsel.

Please see Exhibit 6 Revealing Emails

Your Honor included Mr. Renner's email address in all of these emails you exchanged with us.

Your Honor included, along with the email address of Mr. Ryan, Mr. Renner's email address in the April 4, 2018 email we received, explicitly addressing this email not only to us and Mr. Ryan, but also to Mr. Renner, when Your Honor discussed issuing a protective order regarding confidential medical issues and scheduling issues.

We responded to Your Honor's email of April 4, 2018 on April 9, 2018 at 10:34 AM, addressing the email: "Your Honor Elizabeth H. Barnes, and lawyers for PPL," we included all of Your Honor's cc's without any understanding at the time of who Mr. Renner was. We naturally assumed Your Honor would not address anyone nor cc anyone who was not supposed to be involved.

Your Honor replied to us, including Mr. Ryan and Mr. Renner on April 9, 2018 at 3:28 PM, regarding scheduling of a telephonic prehearing conference over the next two weeks. We got a reply from Mr. Ryan to the Judge, dated April 10, 2018 at 10:40 AM, stating he would be available the following Tuesday, Wednesday or Thursday. This reply cc'd us and Mr. Renner and Ms. Hirakis and Mr. Lent.

We replied to Judge Barnes on April 10, 2018 at 10:11 PM including the email addresses of Mr. Ryan and Mr. Renner, whom Judge Barnes had addressed directly in her previous emails of April 4, 2018 and April 9, 2014. Naturally, unsuspecting the strange irregularity regarding Mr. Renner's inclusion in this email conversation, we cc'd all now included by the other party here: Mr. Renner, Ms. Hirakis, and Mr. Lent. Ms. Hirakis and Mr. Lent had been previously identified as PPL counsel, along with Mr. Ryan, but we didn't notice that Mr. Renner was not so identified, because he was implicitly so presented in the previous emails of Your Honor and Mr. Ryan.

In our April 10, 2018 email, we thanked Your Honor for Your willingness to make the hearing in person rather than on the telephone, and stated dates and times within the next two weeks that we could be available.

On April 11, 2018 at 8:46 AM, Your Honor emailed us, Mr. Ryan and Mr. Renner, with cc's to Ms. Hirakis and Mr. Lent asking the availability of PPL on April 24, 2018 at 2:00 pm.

Mr. Ryan responded on April 11, 2018 at 9:25 AM to Your Honor and us, and Mr. Renner, with cc's to Ms. Hirakis and Mr. Lent, that PPL would be available at that time.

Your Honor replied to all (including Mr. Renner) by email on April 11, 2018 at 3:35 PM regarding the conference and to "be prepared to discuss amendment of the complaint, procedural schedule, witnesses, settlement, etc."

With all due respect, it is our opinion it was highly improper for Your Honor to include attorney Renner in any discussions, written or oral, of our formal complaint issues, before he was formally and properly admitted pro hac vice for PPL, and before he was introduced to us as counsel for PPL. It was also highly improper for attorney Ryan to include attorney Renner in these emails.

Your Honor's inclusion of Mr. Renner on emails as early as April 4, 2018 is significantly prejudicial to our case. Your Honor's early collusion with the PPL lawyers Ryan and Renner, behind our backs shows us, that it would be difficult for Your Honor as a PA PUC Judge to be impartial, and Your Honor may not have the requisite impartial view to give us a fair hearing as to our health concerns with the PPL smart meters. Because of

widespread irregularities in all these smart meter cases, and the irregularity of the implementation order itself, we question if any of the Administrative Law Judges at the PA PUC have the requisite impartial view to give us a fair hearing.

2. The scheduled telephone "off the record" call was scheduled via this email exchange on April 11, 2018, to be held among Your Honor, Attorney Ryan, us, and obviously Mr. Renner, at 2:00 PM on April 24, 2018.

3. There was not ample time on April 11, 2018 when the timing of the April 24, 2018 telephone conference was arrived at via email, for attorney Ryan to file a motion pro hac vice for Mr. Renner, which would give us the required 20 days under PA PUC law, 52 PA Code Section 5.61(a)(1) to respond to this motion, before the agreed upon April 24, 2018 scheduled telephone call with the Judge.

4. Nevertheless, Attorney Ryan did file a pro hac vice motion to admit Mr. Renner in our formal complaint procedure on April 23, 2018, the very day before the scheduled telephone conference with Your Honor. When we asked during the telephone conference, why we had not received the motion or a notice from the PA PUC, via efile, Mr. Ryan admitted that he had mailed the motion to us, rather than efilng the notice. At that point, Your Honor stated that you had granted the motion that morning, in advance of the conference, and expressed surprise that we did not yet have eserve notice. We did not, and could not see any efile notification from the PA PUC that Your Honor had granted the motion until later, after the telephone conference had ended. We learned only after the conference that the eserve was completed during the conference, which precluded our knowing of it before or during the conference.

This type of activity, the late and last minute filed motion by Mr. Ryan to admit Mr. Renner pro hac vice in our formal complaint proceeding, the day before the scheduled telephonic hearing, coupled with Your Honor's early emails to us including Mr. Renner, then Your Honor's granting the pro hac vice motion the very next morning before our scheduled telephone conference, is not only suspicious of collusion, it is proof of collusion between a PA PUC Judge and a PA utility, to the detriment of disabled utility customers concerned about health effects from smart meters.

As noted in our journal, Your Honor informed us during the telephonic conference of an even more horrific, possibly fatal PA PUC policy (change in policy? or personal position of Your Honor?) which affects all disabled Pennsylvanians who cannot physically tolerate the RF and other electromagnetic radiation put forth by smart meters.

As noted in our journal, Your Honor informed us that, even during the pendency of our formal complaint proceedings, PPL could legally attach a smart meter to our house. This

was contrary to what had been told to all the other disabled smart meter complainants in the past by their utilities and by the PA PUC. We countered that we were sure such actions would be against the law and that in response to our earlier email inquiry, we received assurance from PPL that they would abide by this law. Fortunately, on hearing our counter claim during the conference, attorney Ryan reconfirmed that PPL would refrain from fielding a smart meter on our home while our formal complaint proceeded.

This incident reminds us of an earlier one recorded in detail in our journal on 2018. 2.16 Friday at 8:35 when PA PUC Secretary and attorney Rosemary Chiavetta returned our call and told us among other things that there was no way to stay installation of a smart meter, not even a formal complaint would suffice. When we countered that a lawyer told us a formal complaint would stay installation of a smart meter, she did not reply to that directly, but told us we can file a formal complaint, but will need a lawyer and it will be expensive and we will lose. This was not very encouraging to say the least.

We are suffering enough as it is from EHS without a newfangled smart meter and without any wireless devices in our home or on our property. We both have life limiting sensitivities to RF and other electromagnetic energy. We suffer from cardiac irregularities and other health ailments already from the PPL smart metering activities in our neighborhood. We are concerned that other health ailments have evolved because of issues caused by PPL's present older generation remote read meter that has been on our house since we moved in years ago.

If the PA PUC could successfully persist in ramming smart meters onto every Pennsylvanian's house and apartment, with no exception, unlike every state in the union which has considered the health effects of smart meters and has offered opt outs, it will force others who are sensitive to RF and other electromagnetic energy emitted by smart meters to (1) immediately flee the state, abandoning their homes, (2) file a state or federal court temporary restraining order against their utility, (3) suffer possibly severe ill health effects which may prove fatal, or (4) do without electricity.

In our initial attempt at conversation that PPL rejected, we showed them a simple calculation based on numbers they provided proving the meters could be making up to 15 million transmissions day and night which was a far cry from the technically impossible average of 7 they publicly claimed. I can prove this to anyone who understands junior high mathematics. The expert testimony of William Bathgate referred to above confirms with actual field measurements that such calculation is not far from the mark in actual service even when literally no electricity is being used by the residents.

Does the PA PUC want us and others who are sensitive to these radiations to die in our homes from sustained effects without pause from a PPL smart meter, which would blast

us with RF? This is what happened to Ms. Kreider from a prolonged stay in the hospital, where the high EMF to which she was sensitive raised her blood pressure, and caused strokes resulting in her death. If the PA PUC decides that filing a formal complaint will not stop a utility from fielding a smart meter on any complainant's home, then the PA PUC is further abandoning its responsibilities to protect customers from harm under the PA PUC regulations Section 1501. Your Honor need only look at the West Penn Power liability to the Goretzka family to see that the PA PUC and the utilities have a responsibility to all utility customers to provide safe power. Safe provision of power includes safe metering that is safe for the individual customer's unique needs under Section 1501 and 1502.

We have no intention with this filing of taking down PPL's or Pennsylvania's smart grid. We only want to remain safe in our own home and on our own property, to retreat there and recover from any RF exposure we receive when we have to venture off our property to shop or see health professionals.

5. There is absolutely no reason that PPL should be permitted to admit Mr. Renner, or even his partner, Mr. Watson, to our PA PUC formal complaint hearings regarding smart meter harm to them.

Attorney Ryan who represents PPL, states that he is an associate in Post and Schell law firm in his motion to admit Mr. Renner pro hac vice in number 1. Please see Exhibit 7 Motion to admit Renner pro hac vice. We counted on their website that Post and Schell have 35 Pennsylvania licensed attorneys in their energy practice division alone, 12 Pennsylvania licensed attorneys in their energy compliance division, and a total of over 100 lawyers licensed in Pennsylvania. Surely, one of these able Pennsylvania licensed attorneys at Post and Schell can handle our formal complaint hearings without having to resort to pro hac vice admissions of Mr. Renner or Mr. Watson, Mr. Renner's partner who was admitted to many of the PECO smart meter harm cases.

Or have all the "horses in their stable" suddenly gotten too lame to run anymore? We think otherwise. We have been led to understand that Post and Schell is looked upon as a top notch firm.

Even if attorney Ryan did not want to use any Pennsylvania licensed attorneys within his own firm, surely the more than 46,000 licensed Pennsylvania attorneys must have at least one of them capable of handling for PPL our PA PUC formal complaint proceedings.

If Mr. Renner had only been proposed to be admitted to one or two of these PA PUC smart meter harm cases, and he were a reputable lawyer, that would have been potentially permissible under Pennsylvania law. However, Mr. Ryan, according to Mr.

Ryan's Motion Verified Statement number (2), is currently acting as a sponsor of Mr. Renner for admission pro hac vice in 8 smart meter harm cases, and in number (7), Mr. Ryan states that had sponsored Mr. Renner's admission pro hac vice in 4 more smart meter harm cases, and he was sponsoring Mr. Renner's pro hac vice admission to an additional 9 smart meter harm cases, including ours. This massive list of admissions and motions to admit Mr. Renner in 21 cases in a short period time is not permissible under any stretch of the imagination in Pennsylvania, because it constitutes the practice of law in Pennsylvania without a Pennsylvania attorney license. And the undue influence of the utilities with the PA PUC which we described in this filing, has allowed this to happen, to the detriment of the very people whom the PA PUC is supposed to protect from harmful practices by utilities when they are supplying power to the customers, that is, all disabled or otherwise at risk customers such as ourselves.

It is our belief, that if Mr. Renner (or his partner Mr. Watson through later filings) is admitted to our formal complaint proceedings, PPL would violate its requirements to be represented by a Pennsylvania attorney when Mr. Renner (or Mr. Watson) participates at all in any of these proceedings without being formally admitted to the Pennsylvania Bar with a Pennsylvania attorney license. We do not see how they could properly be admitted to the PA bar after their egregious irregular behavior in what should be legal proceedings, including, but not limited to, failure to report an expert witness who lies.

If there is any improper influence between the PA PUC and Pennsylvania utilities to permit either of or both of the same two non Pennsylvania barred lawyers to enter appearances in cases where their admission pro hac vice was never obtained, or was obtained without following the PA pro hac admission rules, or whose admission was never formally ruled on, this shows that we and other disabled Pennsylvania complainants who were or would be harmed by smart meters cannot obtain any reasonable and just accommodations for our medical issues regarding smart meters on our homes or properties until a major transformation of the PA PUC is effected.

We believe that if Your Honor does not withdraw, rescind and annul the Interim Order granting Mr. Ryan's motion to admit Mr. Renner pro hac vice on April 24, 2018, it will cause irreparable harm to us.

In our eyes, Your Honor granted Mr. Ryan's motion in haste, just one day after Mr. Ryan filed the motion, the morning of the scheduled telephone conference with Your Honor, Mr. Ryan, us and Mr. Renner, and before we had even received notice of the motion, but 20 days after Your Honor had first included Mr. Renner in emails to us regarding our formal complaint proceedings. Your Honor granted this motion 19 days short of the 20 days that are required to allow us to object to the motion under the PA PUC rules for objection to Motions by the other party.

The Pennsylvania pro hac vice rules allow a Judge to revoke an admission pro hac vice :

"(f) The court may revoke an admission pro hac vice sua sponte or upon the motion of a party, if it determines, after a hearing or other meaningful opportunity to respond, the continued admission pro hac vice is inappropriate or inadvisable."
Please see Exhibit 5 Rule 1012.1 Admission Pro Hac Vice Rule 1012.1. (f)

If there ever were any good cause to revoke an admission pro hac vice, certainly this is the case now as we have detailed it here responding to Mr. Ryan's motion in this filing.

Summary of Issues:

All the above reveal evident modi operandi firmly in place at the PA PUC to ensure with virtual certainty the complete trampling all rights of anyone who has any issues with the PA PUC's illegal interpretation of Act 129 in contradiction to the explicit intent with which it was passed in the PA Legislature as an opt-in act for residential customers in existing construction. (Please see Exhibit 1 Legislative History of PA Act 129.) Medically vulnerable PA utility customers are being hounded and harnessed, discouraged from filing complaints, initially being even refused a hearing, constantly being harangued and pursued with high powered lawyers (Peco unleashed a pack of 11 lawyers against poor Susan Kreider to try and keep her case from being heard, when Susan Kreider did not even have enough money to hire one lawyer for herself), constantly using lawyers proven here to be obviously not reputable, fielding "expert" witnesses repeatedly making the same bold faced lies, with both lawyers and judges using irregular procedures; these customers are further discriminated against with ex parte collusion and prejudiced rulings and further assaulted by, what is, for these innocent disabled EHS customers, intolerable radiation exposure imposed upon them in certain cases by forced installation of smart meters.

The above are the evident modi operandi making ripples on the surface, what treacherous currents are working below have yet to be revealed.

It is our prayer and hope that this filing move the hearts and minds of those who are in a position to affect positive change at the PA PUC.

Motion Regarding Interim Order:

We hereby formally request Your Honor to withdraw, rescind, revoke and annul Your Interim Order granting Mr. Ryan's motion to admit Mr. Renner pro hac vice on April 24, 2018, that it not cause more irreparable harm to us and for all the numerous above reasons.

We understand from reading other filings, that in the proposed language for what we want Your Honor to order in reply to this, it is a good idea to include:

- 1. The Motion of Attorney Ryan to admit Attorney Renner pro hac vice in the Sunstein formal complaint is DENIED.**
- 2. The premature Granting by Judge Barnes of Attorney Ryan's pro hac vice motion to admit Attorney Renner is rescinded and quashed,**

In all earnestness and with deepest gratitude for any and all signs of moral conscience and action therefrom this writing may help engender,

Willard Sunstein 10.V.18 Elsbeth Sunstein 10.V.18

Willard and Elsbeth Sunstein

cc: Judge Elizabeth Barnes, Attorney Devin Ryan, Attorney Hirakis, Attorney Lent

P.S. Your Honor,

We have filed this solely in self defense. It has been utterly exhausting, with very significant negative health impacts, to do the necessary research and present this under further threat of the deadline which we, totally unversed in legal technicalities, fortunately discovered in spite of having been denied decent courtesy of a Notice to Plead.

We must have time to rest and recuperate and look after our health. We must have time to look after other demands of life that have piled up, including doing what work we can do to make monetary ends meet.

We will file our amended "complaint" as soon as we are able. We use the quotes, because we are not complaining, we are merely mirroring an assault upon us, that it may dissolve in the light sufficiently for our utility finally to be moved to join hands with us towards a mutually beneficial solution.

We most sincerely hope all parties involved will be inspired by what we have tried to bring regarding the transformational potential of beauty for each and all of us.

Verifications

I, Willard Sunstein, hereby state that the facts above set forth 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).

Date: 10 May 2018

Willard Sunstein

Willard Sunstein
Complainant

I, Elsbeth Sunstein, hereby state that the facts above set forth 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).

Date: 10, May 2018

Elsbeth Sunstein

Elsbeth Sunstein
Complainant

**Exhibit 1 Legislative History of PA Act 129
and
Its Irregular Implementation
Plus an Artistic Appreciation**

We note that there are two extremely different ways to understand a public utility.

One way sees the public utility as for the public, to provide power to the public, and work with the public. The other way sees the public utility as against the public, to amass power from the public, and wield power over the public.

It can be questioned in what way each party involved in the legislative and implementation story below is seeing public utilities.

We present this as a relatively quick but clear overview of the PA smart meter legislation and how it came into being and how it was intended, so it becomes properly implemented as it was actually intended.

The entire legislative history of HB 2200 can be found at the following link:

[http://www.legis.state.pa.us/cfdocs/billinfo/bill_history.cfm?
syear=2007&sind=0&body=H&type=B&bn=2200](http://www.legis.state.pa.us/cfdocs/billinfo/bill_history.cfm?syear=2007&sind=0&body=H&type=B&bn=2200)

Bold type is used for here particularly pertinent aspects of this history.

PA Act 129 Legislative History

Link to entire legislative history of Act 129 in the House and Senate:

[http://www.legis.state.pa.us/cfdocs/billinfo/bill_history.cfm?
syear=2007&sind=0&body=H&type=B&bn=2200](http://www.legis.state.pa.us/cfdocs/billinfo/bill_history.cfm?syear=2007&sind=0&body=H&type=B&bn=2200)

Relevant Excerpts of Legislative History of Act 129

House Bill 2200 History

Each Printer Number, ie. PN # here is a clickable link showing the form of the bill at each stage of the process in the House of Representatives. We also give the spelled out links for anyone who has a copy of this that has lost the embedded links.

(Remarks see House Journal Page 386-403), Feb. 11, 2008

PN 3218 <http://www.legis.state.pa.us/cfdocs/legis/PN/Public/btCheck.cfm?txtType=HTM&sessYr=2007&sessInd=0&billBody=H&billTyp=B&billNbr=2200&pn=3218>

Please note that the House Bill only acquired at one point a form with mandatory smart meter roll-out and at that point it was cause for significant oppositional discussion:

(ii) Electric distribution companies shall furnish smart meter technology to:

(A) Customers responsible for 40% of the distribution company's annual peak demand within four years after the effective date of this paragraph.

(B) Customers responsible for 75% of the distribution company's annual peak demand within six years after the effective date of this paragraph.

(C) One hundred percent of its customers within ten years after the effective date of this paragraph.

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Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, **this amendment would require that all public utilities, electric utilities, install smart meters for residential and business customers across the Commonwealth.** Smart meters are a very important technology which is available to us, which would save both customers and utilities a considerable amount of money by allowing the customer to be able to opt in – and it is optional – in to a purchasing process where they could purchase their electricity at off-peak hours, thereby saving on cost.

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Mr. HUTCHINSON. Thank you, Mr. Speaker **I rise in opposition to this amendment.** Mr. Speaker, I think that this amendment makes absolutely no common sense at this time. The consumers of Pennsylvania are about to experience an increase in the electricity costs over the next couple of years because rate caps will be phasing out in various areas over the next 2 or 3 years, and with that, consumers are going to see their electric rates increased. By passing this

amendment, we are going to be piling on the consumers because they will be mandated, although in an indirect way, they will be mandated to pay for these new meters to be installed in their home whether they save on their electric costs or not.

It only makes sense to say smart meters should go to consumers who can save money by installing them. Those who can save by having a smart meter, it would make sense for them to have smart meters in their home. Mandating it across the board mandates that everybody pays whether they save or not, and that just does not make sense.

I am very concerned that we continue to ignore the consumers by making more mandates and increasing their costs, whether it is through mandating the meters, through trying to have some kind of a surcharge, all these things at a time when their electric costs are going up anyways. **So although on a case-by-case basis, smart meters might be a good thing to do, making a 100-percent mandate does not make sense. So I am opposing this amendment.**

Mr. GODSHALL. In this case are we not taking the choice away from the consumer by saying you have to put this in service in your district rather than you may or you have a choice? Are we not saying that you must do it? We are taking that choice away from the consumer, I believe, and I would have no problem with this if we do it on a choice basis, as you used the word "choice" before. We are taking that choice away.

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Mr. FREEMAN. Well, I would only point out, Mr. Speaker, that we are requiring the utility company to install the meter, not the customer, and it is the utility company. If we are going to see the kind of cost savings that will reduce the price of electricity for consumers throughout the State, it has got to be done on a statewide basis by the utility companies.

Mr. GODSHALL. In looking at this, I totally agree with the gentleman that we need to conserve energy, we need to save energy. I totally agree that smart meters are a big step in doing this. **What I am not in full agreement on in any way is that everyone is mandated to, whether they intend to use it or not, whether they know how to use it or not, everyone is mandated, under this legislation, to go ahead with the smart meter technology.**

And again, the gentleman mentioned there were polls taken. If there is a poll taken and said, do you believe in the use of smart meters, my answer to that would be yes. I would have absolutely no problem in answering yes, **but then if there was a question at the bottom that says you are going to be paying \$300 for the installation through your utility bill for this meter and the software that goes with it, I am not sure what the answer would be.**

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Mr. McCALL. Thank you, Mr. Speaker.

...and they are costs that our consumers are going to have to pay unless we start giving them the tools to manage, and the Freeman amendment does precisely that. It gives people the ability to, **voluntarily, by the way – and I think that is the key to this whole debate, is voluntarily** – we are going to allow them to decide whether they want time-of-use pricing.

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The SPEAKER. The Chair recognizes the minority leader, Representative Smith.

If we really want to encourage people to use it, I think we ought to allow them to engage it themselves as opposed to forcing them to pay for something they may not use, and that is really the difference, Mr. Speaker, in what I think is right or wrong with this amendment. While I certainly appreciate the direction it is trying to go, I think the fact that it forces the cost of the meters onto every consumer of electricity in Pennsylvania, I think that is the wrong direction to go and would ask for a vote against the amendment

Mr. SAYLOR. Mr. Speaker, I want to make it clear to everybody, this is a mandate. **This is not voluntary; it is a mandate required to use smart meters in Pennsylvania. And while I agree, again, with my colleague on the other side of the aisle that this is all great, the Adams Electric, the Rural**

Cooperatives of Pennsylvania, have been very effective in using smart meter technology to help lower consumers' bills, the choice is up to the consumer to use that technology and whether they want that smart meter installed on their house. The key is, should we in the General Assembly mandate something on consumers that is going to cost them more dollars in their electric bill?

This issue in particular should be a choice by consumers, not a mandate by the General Assembly onto an additional cost to electric bills in Pennsylvania. So remember, voting for this amendment, while I think it has great goals and where the gentleman wants to get to is very admirable and where we need to get to at some point in time, it still needs to be a consumer choice, not a General Assembly mandate onto consumers that is going to cost them more in their electric bill

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Mr. VITALI

Mr. Speaker, finally, smart metering helps consumers who do not opt for the time-of-use rates in a number of ways. One, even if you do not opt in, the power goes out, if you have a smart meter in your home, even though you did not opt in to the time-of-use rates, your utility company knows that; it can get your power up much more quickly. So even if you do not use the time-of-use rating, having a smart meter in your home will help you. Also, Mr. Speaker, another reason why it is necessary to do this in a comprehensive way, as the Freeman bill does, is you can capture the economies of scale if all these meters are installed in a systematic program instead of having an installer go out one by one as people volunteer for this. Mr. Speaker, for all these reasons I urge the adoption of the Freeman amendment. Thank you.

p 395

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

And again I thank the maker of the amendment for his time in answering those questions. **I guess my reservation, obviously, is do we want a statewide**

mandate? Do we want the government telling you that you have to have a meter put in your property? I think the majority of us appreciate the fact that we want to be more energy conscious, have more efficient appliances, and I think a lot of us are moving that way. I just struggle with the fact that there is no other State in the Commonwealth that has done this in the past, although I would like to see Pennsylvania obviously be a leader. It gives me some reservations that if this technology is so accurate and so helpful and such a cost reduction savings for the consumer, why is it not being used unilaterally across this great nation? I would ask the members to keep that in mind.

I think it is important that we are smart about our energy use, but I also think we have to think about what government's role is in mandating such a thing.

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Mr. GABIG

And so what I am wondering, is each person that lives in an apartment going to be mandated under this Freeman amendment to get a meter or not? Or if there is an apartment building or a townhouse that has many different units in it that has one meter currently, will each individual apartment dweller in such a situation be required to get one of these meters?

Mr. GABIG. The problem I am having with the amendment is I think if I were called on the telephone and asked, are you for a smart legislator or a dumb legislator, are you for a smart card or a dumb card, are you for a smart meter or a dumb meter, I would probably answer, I am for the smart legislator, the smart card, the smart meter. **But if they start saying, well, for the smart legislator you are going to pay five times more money and for the dumb legislator you are going to pay five times less money, for the smart card you are going to pay five times more money and for the dumb card you are going to pay five times less money, for the smart meter you are going to pay we do not knowhow much more money because we will not tell you, but it is not going to be the utilities that pay for it because we took care of them in our amendment; they are taken care of in this Freeman amendment. The big utility companies and corporations, they are all right with it; they support**

this, but the customer, well, you are going to pay the freight for this mandate, this State mandate.

I think that the gentleman from York, Stan Saylor, mentioned that Adams Electric Co-op has a similar program, **but it is not forced on people; it is a voluntary program, and they can use the market to decide whether they want to do it or not.**

PN 3233 <http://www.legis.state.pa.us/cfdocs/legis/PN/Public/btCheck.cfm?txtType=HTM&sessYr=2007&sessInd=0&billBody=H&billTyp=B&billNbr=2200&pn=3233>

see top of page 16:

- 2 (ii) Electric distribution companies shall furnish
3 smart meter technology to:
- 4 (A) Customers responsible for 40% of the
5 distribution company's annual peak demand within four
6 years after the effective date of this paragraph.
- 7 (B) Customers responsible for 75% of the
8 distribution company's annual peak demand within six
9 years after the effective date of this paragraph.
- 10 (C) One hundred percent of its customers within
11 ten years after the effective date of this paragraph.

(Remarks see House Journal Page 430-432), Feb. 12, 2008

p 431

Mr. HUTCHINSON. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to passage of HB 2200, and let me tell you why.

I believe that in its original, unamended form, before it came to the House floor,

there were a lot of redeeming qualities in the bill. It did promote conservation, and that is a laudable goal for Pennsylvania, to try to conserve energy use. **However, by the amendments passed yesterday, which mandated universal smart meters across Pennsylvania, that is a fatal flaw that makes this bill a bad idea for Pennsylvania. It is bad for the consumers of Pennsylvania who will have to pay for those smart meters, whether they save on their electric bills or not. It makes no sense whatsoever to force people to pay for those smart meters and then, in addition, still pay higher and higher utility bills. It was said yesterday that if only 1 percent of the people used smart meters, we would have huge savings in energy use in Pennsylvania, and, Mr. Speaker, I agree with that statement. But my idea is, let us get the smart meters only to those 1 percent of the people and get this same savings in energy use. That is the smart way to move forward to promote energy conservation, to use technology like smart meters in a targeted and commonsense way instead of a mandated, across-the-board consumer tax – that is what it is, a couple hundred dollars per person – that will have to be paid to pay for these smart meters.**

So after adding that fatal flaw to this bill, I think it is incumbent upon everyone in this chamber to vote against HB 2200, and I ask them to join me in that vote. Thank you, Mr. Speaker.

.....

In spite of the significant opposition to the mandatory aspect of the bill, the bill as a whole managed to make it through the House, and now goes to the Senate for their consideration and more amending to explicitly remove the mandatory aspect. Here is the relevant portion of the bill showing it to be an opt-in bill upon request of the customer to opt in:

[PN 4429 http://www.legis.state.pa.us/cfdocs/legis/PN/Public/btCheck.cfm?txtType=HTM&sessYr=2007&sessInd=0&billBody=H&billTyp=B&billNbr=2200&pn=4429](http://www.legis.state.pa.us/cfdocs/legis/PN/Public/btCheck.cfm?txtType=HTM&sessYr=2007&sessInd=0&billBody=H&billTyp=B&billNbr=2200&pn=4429)

(2) ELECTRIC DISTRIBUTION COMPANIES SHALL FURNISH SMART

28 METER TECHNOLOGY AS FOLLOWS:

29 (I) UPON REQUEST TO A CUSTOMER THAT AGREES TO PAY

30 THE COST OF THE SMART METER.

1 (II) IN THE CONSTRUCTION OF A NEW RESIDENCE OR NEW
2 BUILDING TO BE USED BY A COMMERCIAL CUSTOMER.

3 (III) IN ACCORDANCE WITH A SCHEDULE OF REPLACEMENT
4 OF FULL DEPRECIATION OF EXISTING METERS.

PN 4526 [http://www.legis.state.pa.us/cfdocs/legis/PN/Public/btCheck.cfm?
txtType=HTM&sessYr=2007&sessInd=0&billBody=H&billTyp=B&billNbr=2200&pn=4526](http://www.legis.state.pa.us/cfdocs/legis/PN/Public/btCheck.cfm?txtType=HTM&sessYr=2007&sessInd=0&billBody=H&billTyp=B&billNbr=2200&pn=4526)

(2) ELECTRIC DISTRIBUTION COMPANIES SHALL FURNISH SMART
23 METER TECHNOLOGY AS FOLLOWS:

24 (I) UPON REQUEST FROM A CUSTOMER THAT AGREES TO PAY
25 THE COST OF THE SMART METER AT THE TIME OF THE REQUEST.

26 (II) IN NEW BUILDING CONSTRUCTION.

27 (III) IN ACCORDANCE WITH A DEPRECIATION SCHEDULE NOT
28 TO EXCEED 15 YEARS.

Here is how this amended bill, amended to make it an opt-in bill, is very explicitly repeatedly affirmed to be a voluntary opt-in bill and in this manner, as an opt-in bill, meets with its final approval in the Senate:

(Remarks see Senate Journal Page 2626-2631), Oct. 8, 2008

p 2626

Senator TOMLINSON. Mr. President, I rise to ask for support for House Bill No. 2200 as amended by the Senate. I think this is very, very important legislation for our consumers today who consume power and energy in Pennsylvania. House Bill

No. 2200 is, I think, a large step forward. The Governor of the State of Pennsylvania, Ed Rendell, has been a leader in a new energy policy, and this legislation contains many of those items in there. It includes demand-side reduction, conservation, that I think is going to help the consumer, in the long run, to reduce the demand on power. We are requiring a reduction of 3 percent by the year 2013 and 4 1/2 percent for peak power, and I think that is extremely important as we go forward with an energy policy, Mr. President. **It also contains language in there that we will have smart meters. It is not mandated, but it allows for the deployment of smart meters through a depreciation process, through new home construction process, and through the depreciation of 15 years, and for anyone who wants to purchase a smart meter which they feel will help them manage their electric load better.**

Senator BOSCOLA.

So-called smart meters by themselves are not magically -- anyone's monthly electric bill is not going to go down just because you are getting a smart meter. That will not happen. But this new technology will reward customers who are smart enough to realize that they can use electricity when it is cheapest during off-peak hours and pay a lower rate. **We also made sure that smart meters would not be mandated for every single ratepayer. Not only is that a smarter approach to smart meter deployment, but it will also save electric customers hundreds of millions of dollars paying for something that will not provide a real benefit in their own households.**

Senator FUMO

In addition, we did not mandate smart meters, but we made them optional. We did say in new construction, where they really are practical, they will be put in.

It goes back to the House. **The discussion does not mention anything about whether the meters are mandated or not, so we haven't posted any excerpts here.** The journal is [at this link](#) if you want to read them yourself. (Remarks see House Journal Page [2323-2328](#)), Oct. 8, 2008

The House concurred with the Senate amendments with 186 yeas and only 4 nays.

The House passed the bill with the Senate wording regarding smart meter deployment intact. The same wording clearly amended by the Senate to explicitly eliminate mandatory smart-meter deployment in all existing residential construction, While it is theoretically possible that not all members of the House knew exactly what they were voting for when they passed House Bill 2200, we note that a quick look at the Senate Bill history clearly confirms the intent of what became law as Act 129.

This is the form of HB 2200, legislation with opt-in wording from the Senate kept in the house, which was signed into law as Act 129 by Governor EDWARD G. RENDELL on October 15th, 2008.

An extremely irregular Implementation Order is then devised by the PA PUC.

We ask, how can anyone reading the above see the Implementation Order below for universal, without exception, mandatory roll-out to all PA residents serviced by a utility with more than 100,000 customers in any other way then as an undoubtedly deviously devised deception promulgated without any hearings on the safety for medically vulnerable individuals?

Smart Meter Procurement and Installation Implementation Order – Adopted at June 18, 2009, Public Meeting. Entered June 24, 2009. Docket No. M-2009-209655.

Here's the part that interprets the 'mandate' aspect of the law:

“The Commission believes that it was the intent of the General Assembly to require all covered EDCs to deploy smart meters system-wide when it included a requirement for smart meter deployment “in accordance with a depreciation schedule not to exceed 15 years.”

Here is the common definition of depreciation as it was meant in the act :

What Is Depreciation? (a link at Investopedia.com)

“Depreciation is the process by which a company allocates an asset's cost over the duration of its useful life. Each time a company prepares its financial statements, it records a depreciation expense to allocate a portion of the cost of the buildings, machines or equipment it has purchased to the current fiscal year. The purpose of recording depreciation as an expense is to spread the

initial price of the asset over its useful life.”

We note that depreciation schedules have to do with how the costs of *newly purchased assets* are carried in company books. When a business buys equipment, it is permitted to utilize a depreciation schedule to lower its taxes on its income. The IRS limits how many years the business is permitted to take its depreciation on its *newly purchased* assets. This is exactly what the House Bill as amended by the Senate bill, and passed, does for the utilities regarding their smart meters, which are to be newly purchased assets.

In the bill as passed, the House is simply limiting how many years the utility can take to fully depreciate the proposed *new* meters. The old meters already had their depreciation schedule assigned. And the depreciation in the bill can have nothing to do with a PA PUC supposed universal deployment of smart meters.

The depreciation schedule is simply an accounting regulation and has absolutely nothing to do, can have absolutely nothing to do with scheduling purchase and any aspect of deployment of smart meters, including universal if the bill had specified universal deployment, which it hadn't, or otherwise. The depreciation schedule has to do simply with how the meters are depreciated after each one is purchased and installed.

Quite explicitly, when we examine the Senate amendments regarding smart meter deployment, amendments which were incorporated in full in the House Bill 2200 which was passed and became law, when we examine how these amendments were explicitly highlighted for the amendments to pass; the bill, as amended, clearly calls for a totally voluntary smart meter program for all existing PA residential construction.

The older inexpensive analog meters, models of efficiency and simplicity, were perfected through many decades to be very accurate, safe, reliable and have a very very long life. We expect that the vast majority, if not all of them, in service had long completed their depreciation schedule. Assets are not destroyed because their depreciation schedules have run their course. When a business has purchased equipment and comes to the end of the allotted years in the IRS permitted depreciation schedule, the business is not mandated to throw away the equipment. The business simply

cannot take any more deductions for depreciation on its tax returns. The are used up. We wish to make it perfectly clear to those who are unfamiliar with such accounting terms that depreciation has absolutely nothing to do with replacement of assets, equipment assets or other assets.

Depreciation has to do with accounting procedures affecting tax and funding consequences for *newly* purchased equipment, depreciation is not affected for earlier purchased equipment, nor is depreciation in any way somehow a schedule for future deployment of equipment in the field.

The depreciation schedule in the bill has to do with permitted depreciation for the new smart meters utilities are to make available for those seeking them.

There is absolutely no way the term depreciation schedule in the bill could have to do with old meters and their replacement.

The PA PUC Commission professes very strange beliefs in the quote from their implementation order above. If the PA PUC would profess that $2+2 = 10$, doesn't make it true, nor does it justify doing whatever they darn well please.

Perhaps some of the Commissioners were in the dark about this; maybe all of them were, but someone, some party was leading events to produce, contrary to the explicit intentions of the PA legislature, an outcome that increases revenue and expenses of the utilities by saddling over a billion dollars of unnecessary roll out costs upon customers. Costs for a technology that is clearly harming the vulnerable segments of the population and causing enormous expenses for legal proceedings by the general population and the PA PUC, all costs to finances and health which are ultimately borne by the customers themselves.

If it were the case that the PA PUC Commissioners were in the dark about this, we ask why did the PA PUC do all they could to prevent disabled vulnerable individuals from even having a hearing on the issues harming them? Why was the PA PUC so recalcitrant that it had to be reversed by the Commonwealth Court when Romeo appealed to them the PA PUC's decision to dismiss without a hearing

his case about the safety of smart meters.?

At least one highly vulnerable disabled person has already died while under the enormous stress this has created.

Before more waste and carnage is created, we feel it high time to immediately realign the PA PUC with the explicit intent of the law as it was clearly written, discussed, passed, and signed into law.

To help the PA PUC and public wake up to what is happening here we write an artistic picture of what we can only imagine is really happening behind the scenes.

A Possible Parable for Pennsylvanians

With a wicked wave of a wand, which the PA PUC continues yet to wave, the PA PUC says:

“Look here, you utilities, poor starving critters that you are with not enough excuses to bill consumers for more, we have created a whole new way to understand and utilize “depreciation”. After all, you are utilities and so should be able to utilize anything the way you want, including us and our rulings at the PA PUC.

Beginning immediately, all your old meters are now not only permitted, but required to begin a new kind of depreciation schedule no matter if they have been depreciated completely, or partially. But this isn't a depreciation schedule for taxes, it is a newfangled depreciation schedule for removal and replacement of equipment.... We are clever bastards aren't we?..., and furthermore, before your perfectly fine trusted and reliable meters that your customers have long paid for have even finished this new magically allotted 15 year newfangled depreciation schedule, they must go in the trash because we require you to spend billions replacing them with newfangled contraptions hardly anybody is asking for. We call this 'conservation, saving consumers money.' So let's get on with it, hurry up now! Have fun at it!

And don't worry, if any of your customers find the new meters burn down their homes, overcharge them, lower the life of their appliances because the meters don't meet FCC class B regulations for conductive emissions, we will defend you. We will help you. Even if the smallest percentage of your customers claim their health is vulnerable to effects from your meters that you have not tested for safety, don't worry. We will tell them a formal complaint cant stop

you from doing your duty to spend their money. When they call up, we will tell them you are required by law to do this and you have to assault them with your meters. It is your duty. After all, it is what we believe the legislature intended. We are the God given regulators, we spell out the dogma, your customers have to believe just like we believe, your customers have to worship our religion, that is us and you....If those damn heretics who refuse our religion get so nasty that they do file a complaint in spite of us laying it down hard on them every chance we get, don't worry, we won't even let them have their day in court. We will refuse them a hearing. Simple as that. No problem. You can always count on us. And if any of them are such bitches that they appeal to the Commonwealth Court and force us to let them have a hearing, don't worry, we will make sure you get the final say. We know your rights to charge billions for unneeded equipment are essential to you, and we will effectively balance those rights of yours against the few who are so despicable to threaten you by having their doctors and expert witnesses testify against your unassailable right to harm them by forcing a meter on their house and home.

After all, you have the right to spend their money as you wish and no-one can be an exception here to your rights to bloat your budget by billions. Don't worry, we have your back; your right of eminent domain over each and every vulnerable customer's rights to health and livelihood and life itself is paramount. No problem, you can hire eleven lawyers against a disabled customer struggling to work and survive, a lady who has no money for a lawyer. Then you can charge all your legal expenses to your customers and, in addition, charge for your right to make a profit in doing so. That is only fair, because the poor lady wouldn't be able to pay you all the money you need to utterly crush her and her needs, her life, ... so we have all her neighbors, the whole lot of all your customers over the state bear this burden for you, and your need to make a profit while doing this public service of getting rid of the disturbingly disaffected heretics who think we should care a hoot about their damn health needs. This way, spread out nice and fairly on all the customers, your costs and profits in doing such a valuable public service to intimidate the few terrible miscreants won't be too hard to bear. The public is only happy to pay for that. And, don't you worry, of course, you won't have to itemize that on their bills, you know, the line showing your cost to intimidate customers and make a profit in the process. We all need to keep things looking decent, we understand. No sense in getting the public needlessly upset. See how nicely we care about how they feel? Why, just like you..

And don't worry, don't worry at all. If some of those whose vulnerabilities caused them harm from your meters don't want to leave Pennsylvania for some safe haven, but perversely want to keep not just their health but also their homes they are attached to and somehow manage to stretch to get lawyers, expert witnesses, and their doctors to testify, we will have them overruled by testimony from your expert skills. We'll just ignore their experts' and doctors' testimony when we make decisions. And, don't worry if your expert skills have to lie again and again to prove their points, it's all for your good and that is important to us, after all, we are paid with a percentage from your revenue. So we will cheer your skills on, and their testimony will just have to override anyone else's. We believe in science by the company, for the company, and of the company. The highest paid science wins; it doesn't matter if it is massively outnumbered by independent science research worldwide. We support you.

And if it is inconvenient to find a Pennsylvania lawyer who is corrupt enough to directly thrust your skills on residents here, if you need to hire a team of lawyers from DC to thrust your skills on residents here, no problem. We will let them practice law in PA without a license. You want them to put on their dog and pony show in our hearings ten times, no problem, no license needed. Twenty times, no problem, no license needed. Whatever it takes, the sky is the limit. And you want them to show up and do their best to intimidate the experts for your customers, experts who are real scientists with significant amounts of peer reviewed published research showing the biological mechanisms through which your meters are harming a vulnerable customer, real scientists who are not experienced in how to handle intimidation in court, no problem... go right ahead; intimidate them and waste their time and your customer's money, we are all for you. Our fees come from you, you must be right.

Sure, we will give a few token rights occasionally to customers, toss them a few already chewed bones, and you can publicly bitch about how cruel we are to industry or it wouldn't look too good would it? We know how to put on a good show with you when needed.... But, when it comes to the smart meters, your billions baby, token rights to the customers go too far... Give them a millimeter and they'll take an inch, we say! Can't have that, you need the whole mile. Miles, and miles of miles, you need. We understand your needs and will balance them with the needs of your customers very well indeed. That's our job, of course, to balance needs between you and your customers.

If you need out of state attorneys to intimidate your customers and those

attorneys haven't been admitted to our courts cause you forgot to request it, or we forgot to rule on it, we will let it stand, no problem.. just let them roll, baby, fast and hard, we are all for you, go, go, go...

*Yes, we're in the right, cause we have the might
we're infallible, the people are trusting and malleable
we chant the chorus, 'the public is for us' so screw them!*

Harangue and Harass the heretics

Our headquarters have heaps of hell to heave ho..

keep the public deluded, from our club excluded

they'll never ever know what's behind the show

in our dungeon of darkly damp dreams

..... oh no!!! a little girl with gumption just now starts pulling .

.....the curtain away!

Our long Ozing and Ozing is in horrific display...

Oh horror of horrors... the people are waking up...

They'll cut off our heads... the worst of worst we dread...

But no, wait a minute.. they have no blood-lust like us..

They simply want peace, they show us pure reason

now we can slowly find our heads; we had lost them to treason...

We can live in the light, become worthy to keep positions we have...

Let's really learn from the people...

we all together now, blossom, and prosper in peace..."

That medical doctors and world renowned scientific experts testifying with and for health compromised customers of risk and harm from smart meters to them in their vulnerabilities are totally dismissed, is such an incredibly harsh reality that those vulnerable customers who have been hit by it, have been, so to speak, slammed to the ground, knocked out of breath in amazement and left for dead with no signs of any regret from the PA PUC or the PA utilities that the PA PUC supposedly regulates. Those hard hit had never expected to be facing such utterly extensive collusion against any and all genuine human understanding.

We must give truthful artistic expression to the harsh reality we are faced with. It is time the PA PUC wakes up to the reality it has created and makes amends.

We call upon the PA PUC to lay down the "wicked wand" and wave a "good graceful wand" of justice.

We reaffirm here our most peaceful intentions directed towards inner cultural evolution as the sustainable solution:

We do not wish anyone lose their jobs or positions. We wish no outer upheavals. We wish everyone well. But for everyone including all in the public to be well, those in positions of power need to establish and maintain moral integrity in wielding power. For this, we seek peaceful inner transformation. We seek hand in hand inner acknowledgment of the errors and outer amending of rules. We seek a restoring of moral integrity in individuals and in the institution of the PA PUC.

However ugly the fall, restoration of moral integrity is inherently beautiful. It will be so very, very beautiful in our eyes to see the PA PUC moving forward in this way.

This is also being at peace with PA PUC's return to favor and grace in the eyes of those customers requiring accommodation for their health needs, part of the public you are called upon to serve. This is being at peace in grace with God who holds ultimate sway in reality even when that reality seems hidden in our circumstances. This manifold grace is beautiful. We wish this for all.

With this writing, we are simply sharing something of the most difficult position industry and the PA PUC has externalized upon vulnerable residents of PA.

A really good spring cleaning can be done with grace so everyone will be better off for it.

May our society begin to beautifully blossom in such grace this spring!

The flowers of newly found activated conscience blossoming for all here, these flowers waving in the sun-lit breeze of wakeful public participation are the wonderfully graceful good "magic wands" for justice we wish to see!

Electromagnetic Fields

Original scientific publication

Significant Decrease of Clinical Symptoms after Mobile Phone Base Station Removal – An Intervention Study

Tetsuharu Shinjyo and Akemi Shinjyo

This research was undertaken to investigate the validity of concerns about whether chronic exposure to radiofrequency electromagnetic fields (RF-EMFs) emitted from mobile phone base station antennas could cause adverse health effects. The aim of this study was to identify possible adverse health effects among the residents of a condominium on which a mobile phone base station with sets of antennas operating at two different frequencies had been mounted. This research was conducted without outside funds in order to maintain neutrality and avoid pressures from external sources.

Methods: We investigated possible adverse effects on the health of condominium inhabitants who were exposed from 1998 to 2009 to the radiation from mobile phone base station antennas installed on top of their condominium. To accomplish this, in January and November 2009, 107 of 122 inhabitants were interviewed and underwent medical examinations. The first examination was carried out while the base station was in operation, the second examination three months after the base station antennas were removed once and for all. Based on the health examination results, the residents' health and its changes during the operation of the antennas and after their removal were compared.

Results: In several cases, significant effects on the inhabitants' health could be proven. The health of these inhabitants was shown to improve after the removal of the antennas, and the researchers could identify no other factors that could explain this health improvement. These examinations and interviews suggest that there are possible adverse health effects related to RF-EMF exposure among people living under mobile phone base stations.

Conclusions and recommendations: The results of these examinations and interviews indicate a connection between adverse health effects and electromagnetic radiation from mobile phone base stations. Further research and studies are recommended regarding the possible adverse health effects of RF-EMFs. These results lead us to question the construction of mobile phone base stations on top of buildings such as condominiums or houses.

Key words: mobile phone, base station, radiofrequency (RF), electromagnetic field (EMF), health problems, residents.

Exhsbst 2.
page 1

Signifikanter Rückgang klinischer Symptome nach Senderabbau – eine Interventionsstudie

Tetsuharu Shinjyo and Akemi Shinjyo

Hintergrund der vorliegenden Arbeit waren Befürchtungen, dass die chronische Exposition hochfrequenter elektromagnetischer Strahlung (HFS -EMF), die von den Sendeantennen von Mobilfunkbasisstationen ausgehen, negative Auswirkungen auf die Gesundheit haben könnte.

Ziel war es, die möglichen negativen Auswirkungen auf die Gesundheit der Bewohner einer Wohnanlage festzustellen, auf deren Dach zwei Mobilfunkbasisstationen montiert worden waren.

Aus Gründen der Neutralität und um äußeren Druck zu vermeiden, wurde diese Studie ohne Drittmittel durchgeführt.

Methode: Untersucht wurden mögliche negative Auswirkungen auf die Gesundheit der Bewohner einer Wohnanlage, die von 1998 bis 2009 der Strahlung zweier auf dem Dach befindlichen Mobilfunksendeantennen ausgesetzt waren. Dazu wurden 107 der 122 Bewohner im Januar und November 2009 befragt und ärztlich untersucht, wobei die erste Untersuchung während des Sendebetriebs und die zweite Untersuchung drei Monate nach dem endgültigen Abbau der Sendeantennen stattfand. Basierend auf den Ergebnissen der Gesundheitsuntersuchung wurden der Gesundheitszustand der Bewohner und dessen Änderungen während und nach dem Sendebetrieb verglichen.

Ergebnis: In mehreren Fällen konnten signifikante gesundheitliche Auswirkungen nachgewiesen werden. Der Gesundheitszustand dieser Bewohner besserte sich nach Senderabbau, wobei von den Untersuchern keine anderen Faktoren erkannt werden konnten, die diese Verbesserung hatte erklären können. Diese Untersuchungen mit Interviews legen den Schluss nahe, dass auf HFS- EMF zurückzuführende Auswirkungen auf die Gesundheit bei Menschen möglich sind, die unter Mobilfunkbasisstationen wohnen.

Schlussfolgerungen und Empfehlungen: Die Ergebnisse dieser Untersuchungen mit Interviews legen den Schluss nahe, dass es einen Zusammenhang gibt zwischen einer Verschlechterung des Gesundheitszustandes und Mobilfunkbasisstationen. Es wird empfohlen, weitere Forschungen und Studien bezüglich negativer Auswirkungen von HFS-EMF auf die Gesundheit durchzuführen. Diese Ergebnisse lassen uns die Installation von Mobilfunkbasisstationen auf Wohnhäusern in Frage stellen.

Schlüsselwörter: Mobilfunk, Basisstation, Hochfrequenzstrahlung (HFS), elektromagnetisches Feld (EMF), gesundheitliche Probleme, Bewohner, Anwohner.

Exh. bit 2

Introduction

In 2011, the International Agency for Research on Cancer (IARC), a subsidiary body of the World Health Organization (WHO), officially declared radiofrequency electromagnetic fields (RF-EMFs) as possibly carcinogenic and a potential risk factor for gliomas and acoustic neuromas (IARC 2011). Moreover, it recommended taking precautionary measures to reduce exposure during mobile phone use, such as texting and the use of hands-free devices instead of holding the mobile phone next to the ear when talking.

However, the WHO has not issued any recommendation yet regarding adverse health effects of RF-EMFs emitted from mobile phone base stations. If there are health problems related to RF-EMF emitted from mobile phones, would the RF-EMFs from a mobile phone base station have the same effect? Mobile phone base stations constantly send signals to many mobile phones. Because of that, people living near base stations can be exposed to RF-EMFs 24 hours a day all the year (Khurana 2009). Today, there are a number of published studies concerning the impact of RF-EMFs emitted by base stations (Berg-Beckhoff et al. 2009, Blettner et al. 2009, Abdel-Rassoul 2007, Hutter et al. 2006, Eger et al. 2004, Wolf & Wolf 2004, Navarro et al. 2003, Santini et al. 2003). Some of these studies indicate possible health hazard to those living close to base stations (Berg-Beckhoff 2009, Blettner et al. 2009, Navarro et al. 2003, Santini et al. 2003). Some show a higher incidence of cancer (Eger et al. 2004, Wolf & Wolf 2004) or a higher cancer mortality (Dode et al. 2011). Hutter et al. (2006) reported that the stronger the RF-EMFs are, the higher the incidence of headaches and attention deficit disorders. Reduced cognition has also been documented (Abdel-Rassoul et al. 2007).

However, when studies like these are conducted on base stations, biases such as low frequency radiation (LF-EMF) and RF-EMF from the domestic living environment arise. Therefore, the more meticulous the research methodology is, the less significant the results indicated by the research. To get more precise results, it is necessary to eliminate biases as much as possible and to use double-blind procedures. However, conducting such research is difficult in reality.

The Situation in Japan

In Japan, there is presently little concern about the possibility of adverse health effects from mobile phones and mobile phone base stations. With the exception of a small number of cases, existing worries about mobile phones and mobile phone base stations have been ignored there (Sato et al. 2011). The reasons for this lack of attention are:

In Japan, the Ministry of Internal Affairs and Communications does not recognise any non-thermal effects from non-ionising radiation.

Furthermore, the possibility of adverse health effects is not accepted by that Ministry when power densities are below $1000 \mu\text{W}/\text{cm}^2$ (1.8-5 GHz) (MIC 2011).

There are no official reports on the possible adverse health effects of RF-EMF emitted from mobile phone base stations in Japan. Risks and hazardous effects associated with these stations are not officially recognised in Japan. Reports about the risks of mobile phone base stations are seldom in the Japanese print and

broadcast media. A reason for this could be the mobile phone companies' media sponsorship.

Materials and Method

In 1998, a mobile phone base station was installed for the first time on the roof of the condominium in Naha City, Okinawa, Japan that is being investigated. Its antennas had an 800 MHz operational frequency [800 MHz code division multiple access (CDMA One)]. At the end of 2007, a further set of antennas with an operational frequency of 2 GHz (CDMA 2000) was installed. These were activated in March 2008. Figures 1A-D show the antenna installations on the condominium roof from different perspectives.

After the company owning the condominium withdrew its consent, the base station had to be removed. In June 2009, the 800 MHz installation was deactivated. It had been in operation for 11 years. The 2 GHz (CDMA 2000) antennas were deactivated in February 2009. They had an RF-EMF emission period of 11 months. The final removal of both the 0.8 and the 2 GHz antennas took place in August 2009. So there are two comparable time periods for comparing the symptoms before and after the residents' exposure to the 2 GHz radiation.

Figure 2 shows the chronological sequence from the erection of the base station to the removal of both sets of antennas and the timings of the medical examinations.

In January 2009, the first medical examinations and interviews with the inhabitants were carried out whilst the base station was fully operational. A second set of examinations was conducted in August 2009 after the removal of the base station. These examinations and interviews compared the health of 107 residents during the base station's operation and after its removal. The residents had no prior knowledge about possible adverse health effects of RF-EMFs.

Exhibit 2

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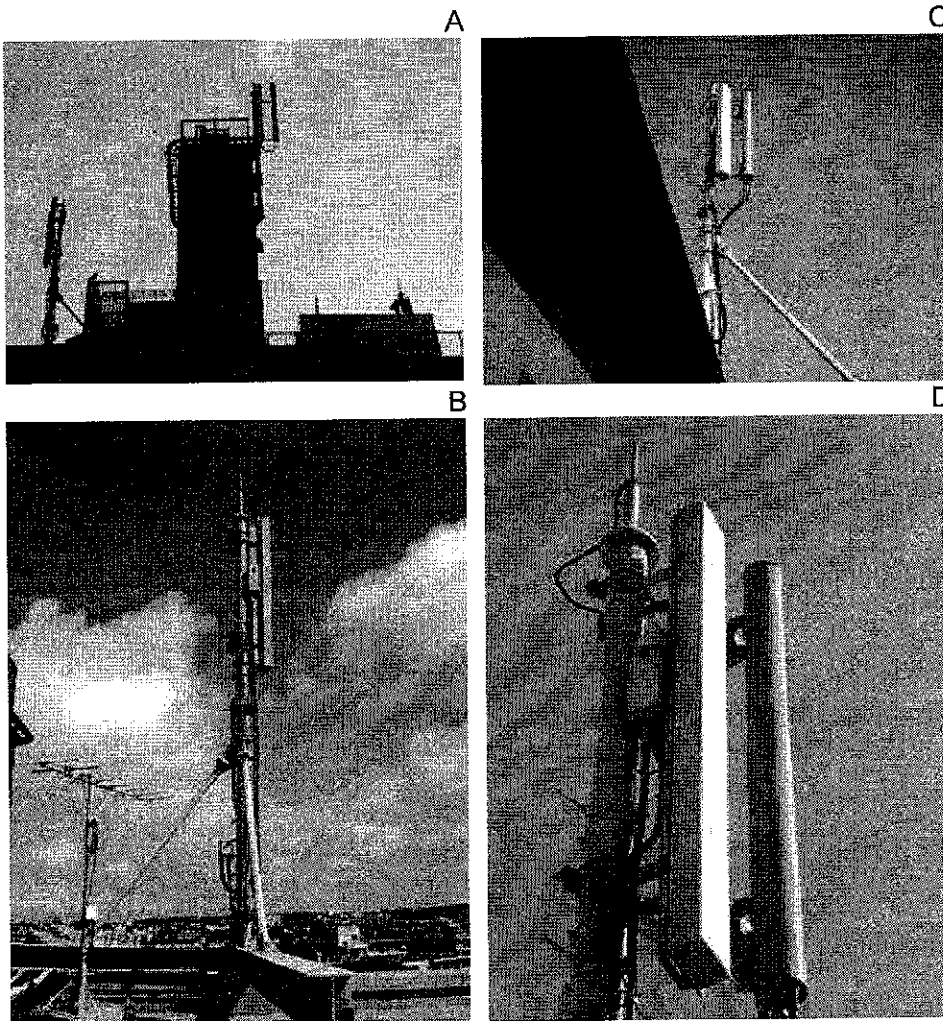


Figure 1: Close-up and overview photographs of the three transmitter masts on the roof of the condominium in Naha City, Okinawa, Japan. Each mast had an 800 MHz antenna and a 2 GHz antenna.

- (A) Overview shot of all antennas, with corresponding housing for the base station's ancillary operational equipment.
- (B) Antenna on the highest point of the building.
- (C) View of the base stations from the balcony.
- (D) Close-up of the 800 MHz (CDMA One) antennas and the 2 GHz (CDMA2000) antennas. The cylindrical antennas emit 2 GHz radiation, whereas the rectangular antennas emit 800 MHz radiation.

Exhibit 2

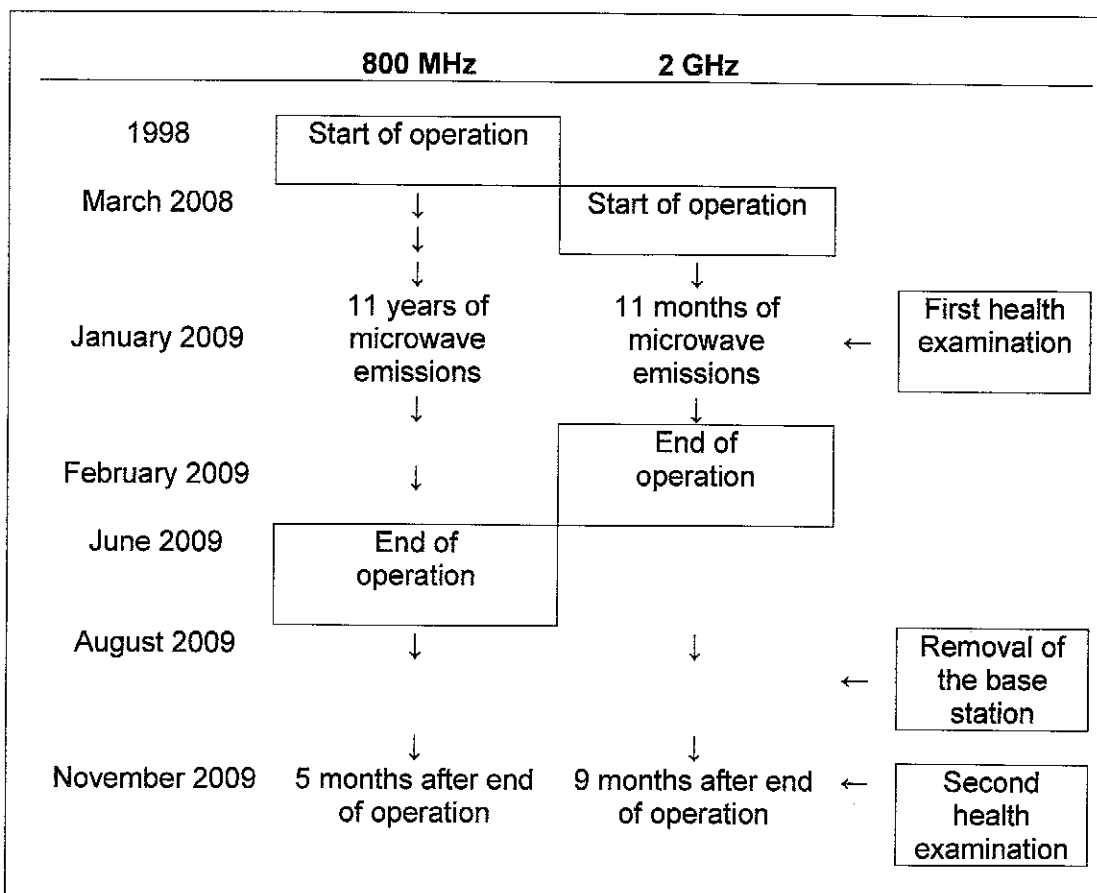


Fig. 2: Chronological overview of erection, activation, deactivation and removal of the 800 MHz and 2 GHz antennas together with the time of the health examinations.

Examination of the Condominium Residents' Health Problems

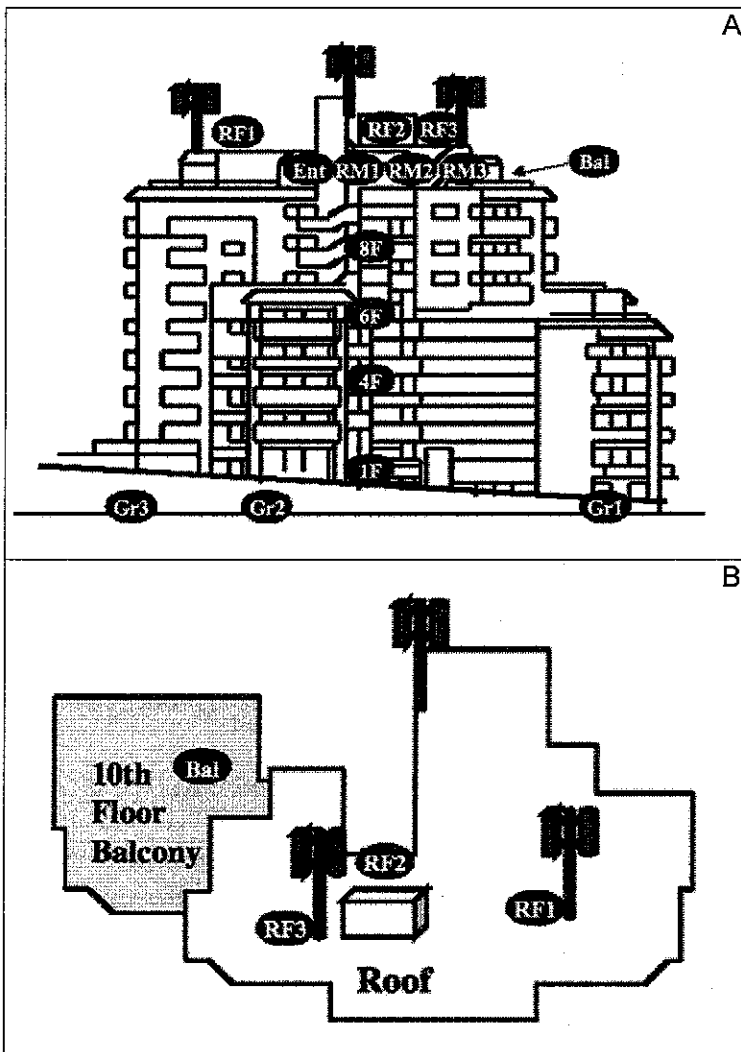
A physician and a nurse, who had both more than 20 years of clinical experience, conducted face-to-face health examinations. Before the interviews, the residents had filled out health questionnaires distributed by the physician. Inhabitants of 39 out of 47 apartments participated. Vacant apartments and inhabitants who refused to participate were excluded from the study. 107 out of the 122 individuals who answered the questionnaires were interviewed. When interviewing the inhabitants about symptoms, the time of the first appearance of symptoms was taken into account. Health problems appearing between 1998 and March 2008, shortly before the installation of the 2 GHz antennas, were recorded as symptoms associated with radiation emitted from the 800 MHz antennas. Health problems appearing after the activation of the 2 GHz antennas, i.e. after March 2008 until the first examination in January 2009, were recorded as symptoms possibly affected by radiation emitted from the 2 GHz antennas.

Measurement of the Mobile Phone Base Station Power Density

After receiving a request from the condominium association board members, the mobile phone company operating the antennas undertook power density

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measurements of the RF-EMFs emitted by the mobile phone base station. Two technicians employed by the mobile phone company conducted the measurements. The measuring device was an SRM-3000 (Narda Safety Test Solutions GmbH, Sandwiesenstrasse, Pfullingen, Germany). The technicians did not explain in detail to the residents how the measurements were taken. Figure 3 shows the 15 places where power density was measured. Three locations were assessed on the roof of the condominium and one on the balcony of the top (tenth) floor. Three rooms and the entrance area on that floor were also assessed, as were the entrance areas of rooms on the 8th, 6th, 4th, and 1st floor, the ground floor entrance area of the condominium and two locations within the parking lot. Before each measurement, the technicians called the operation centre. A few days later, the results of the measurements were sent to the board members of the condominium association.



Figures 3A and 3B: Measurement points used to assess the RF-EMFs emitted from the base station on 24th December 2008; elevation view (A) and plan view (B). For an explanation of the abbreviations used refer to Table 1.

Results of power density measurements taken to assess the RF-EMFs emitted by the base station

Place of measurement		Power density ($\mu\text{W}/\text{cm}^2$)	
		2 GHz	800 MHz
Roof 1	(RF1)	0.01520	0.00336
Roof 2	(RF2)	0.00278	0.00029
Roof 3	(RF3)	0.02086	0.00258
Room 1 – 10 th floor	(RM1)	0.00055	0.00028
Room 2 – 10 th floor	(RM2)	0.00036	0.00031
Room 3 – 10 th floor	(RM3)	0.00010	0.00060
Balcony – 10 th floor	(Bal)	0.00316	0.00025
Entrance – 10 th floor	(Ent)	0.00051	0.00016
8 th floor	(8F)	0.00030	0.00060
6 th floor	(6F)	0.00043	0.00051
4 th floor	(4F)	0.00014	0.00093
1 st floor	(1F)	0.00050	0.00014
Ground floor 1	(Gr1)	0.00074	0.00057
Ground floor 2	(Gr2)	0.00111	0.00011
Ground floor 3	(Gr3)	0.00246	0.00007

Table 1: Measurements taken at the locations shown in Figures 3A and 3B.

Results

Measurement of RF-EMF Emissions from the Mobile Phone Base Station

Two technicians from the mobile phone company measured the power densities at 15 different locations around the condominium to assess RF-EMF emissions from the mobile phone station on 24th December 2008 (Figures 3A and 3B). The RF-EMFs from the 800 MHz and 2 GHz antennas were measured and recorded separately. Table 1 shows the results of the measurements, which were between 0.0001 and 0.0286 $\mu\text{W}/\text{cm}^2$ (equivalent to 0.02 to 0.28 V/m).

The measurements taken at RF1 and RF3 indicated a relatively high power density. Interestingly, the power density measurements for the 2 GHz antennas showed lower values on the roof (RF2: 0.00278 $\mu\text{W}/\text{cm}^2$) than on the balcony (Bal: 0.00316 $\mu\text{W}/\text{cm}^2$). The distance between balcony and antenna was only slightly greater than the distance between RF2 and antenna. This result could be attributed to the fact that RF2 was behind the location of the base station's ancillary operational equipment.

	Frequency	Male	Female	Total
Number of residents		65	57	122
Number of respondents		56	51	107
Mean age of respondents (standard deviation)		37.2 (22.7)	38.6 (20.9)	
Mean exposure period (standard deviation)	800 MHz	5.60 (3.10)	6.64 (2.92)	years
	2 GHz	11	11	months

Table 2: Overview of the residents' age and gender distribution, as well as exposure time period.

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Symptoms	Removal of the 800 MHz antennas		
	Before	After	P value
Tinnitus	13	4	<0.05
Myodesopsia	7	2	>0.05
Arthralgia, shoulder stiffness	7	1	<0.05
Headache	5	1	>0.05
Hypertension	4	1	>0.05
Nasal bleeding	4	0	>0.05
Tumours (lymphoma, tongue cancer, bladder cancer)	3	1	>0.05
Insomnia, sleep problems, sleep disturbances	3	1	>0.05
Dizziness, vertigo	3	1	>0.05
Eye pain, ocular infection, dry eyes	3	0	>0.05
Astigmatism, deteriorated eyesight	2	0	>0.05
Palpitation (tachycardia), arrhythmia	2	0	>0.05
Tremor	1	1	>0.05
Glaucoma	1	0	>0.05
Hearing loss	1	0	>0.05
Rhinitis (nasal discharge)	1	0	>0.05
Otitis media	1	0	>0.05
Invertebral disc hernia	1	0	>0.05
Numbness	1	0	>0.05
Skin problems	1	0	>0.05
Angina pectoris	1	0	>0.05
Complex regional pain syndrome (CRPS)	1	0	>0.05
Total	66	13	

Table 3: Health comparison before and after the removal of the 800 MHz antennas. The statistical evaluation was carried out using Fisher's exact test and the chi-square test. Symptoms appearing during the operation of both the 800 MHz antennas and the 2 GHz antennas are printed in bold letters.

Symptoms	Removal of the 2 GHz antennas		
	Before	After	P value
Fatigue, loss of motivation	21	0	<0.01
Eye pain, ocular infection, dry eyes	14	0	<0.01
Insomnia, sleep problems, sleep disturbances	11	2	<0.01
Dizziness, vertigo, Menière's disease	11	0	<0.01
Jitteriness	11	0	<0.01
Astigmatism, deteriorated eyesight	10	6	>0.05
Headache	9	1	<0.01
Impaired consciousness	8	0	<0.01
Arthralgia, shoulder stiffness	7	3	>0.05
Tinnitus	7	1	<0.05
Nasal bleeding	6	0	<0.05
Palpitation (tachycardia), arrhythmia	5	2	>0.05
Numbness	5	0	<0.05
Dyspnoea, shortness of breath	3	1	>0.05
Tumours (colon polyp, vocal chord polyp)	3	0	>0.05
Skin problems	3	0	>0.05
Memory loss	3	0	>0.05
Hyperthyroidism and hypothyroidism	2	2	>0.05
Lack of concentration	2	0	>0.05
Hypertension	2	0	>0.05
Mental confusion	2	0	>0.05
Rhinitis (nasal discharge)	2	0	>0.05
Gastritis	2	0	>0.05
Cataract	1	0	>0.05
Angina pectoris	1	0	>0.05
Facial nerve palsy	1	0	>0.05
Facial flushing	1	0	>0.05
Sweating	1	0	>0.05
Taste disorder	1	0	>0.05
Hearing loss	1	0	>0.05
Slurred speech	1	0	>0.05
Drowsiness	1	0	>0.05
Total	158	18	

Table 4: Comparison of the symptoms appearing during and after operation of the 2 GHz antennas. The statistical evaluation was carried out using Fisher's exact test and the chi-square test. Symptoms appearing during the operation of both the 800 MHz antennas and the 2 GHz antennas are printed in bold letters.

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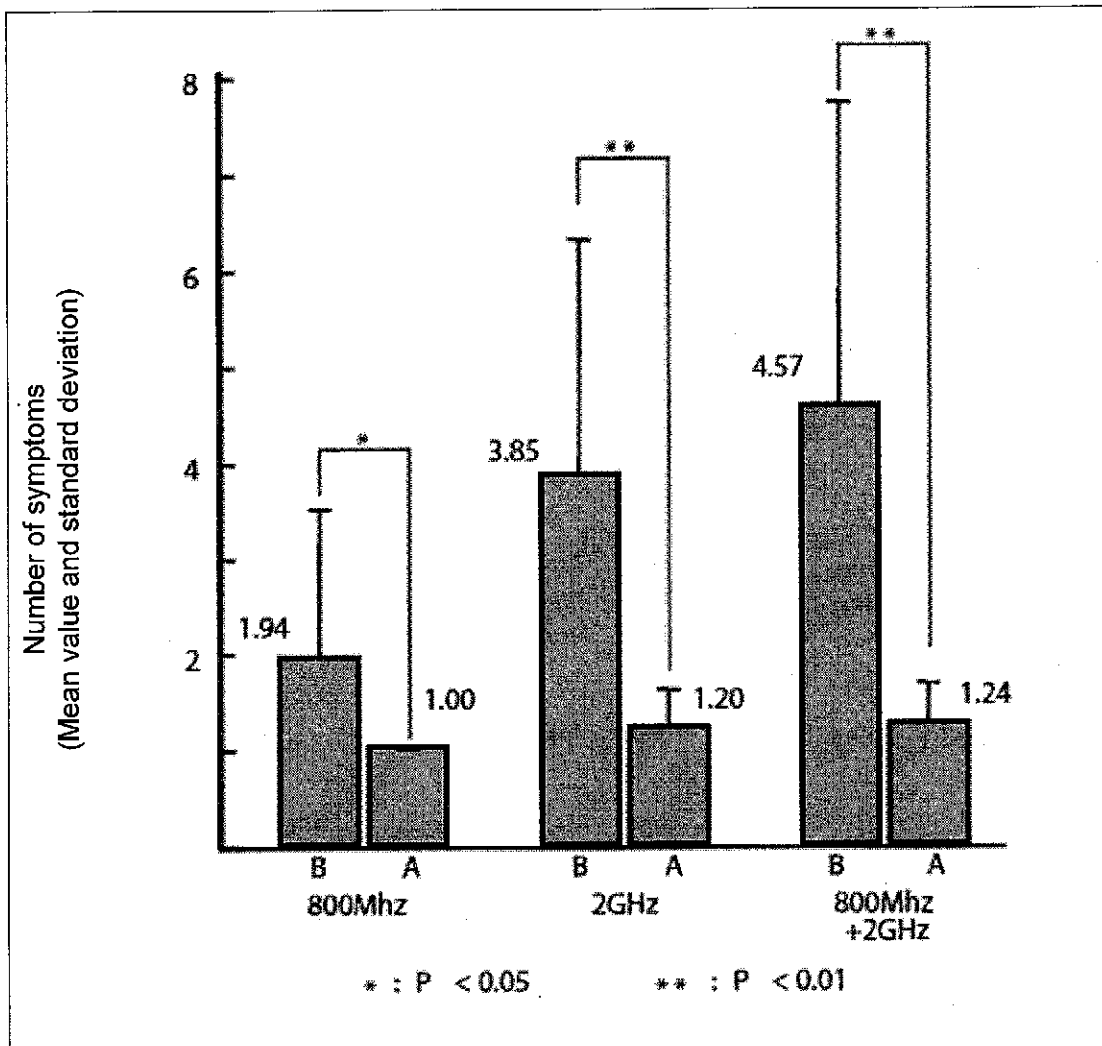


Figure 4: Comparison of symptoms before (B) and after (A) removal of the base station. The first examination (B) was conducted in January 2009 during antenna operation, the second (A) in November 2009 after removal of the base station. The Figure shows the average number of symptoms per inhabitant.

The pair of bars on the left refers to the symptoms appearing only during the operation of the 800 MHz antennas. The pair of bars in the centre refers to the time period from March 2008 to January 2009, when the 2 GHz base antennas were activated. The pair of bars on the right is the sum of both of those pairs of bars. The statistical evaluation was carried out using Student's t-test and analysis of covariance (ANCOVA).

* = P < 0.05, ** = P < 0.01.

Frequency	Base station removal Before	After	X	P-Value	OR [95%CI]
	N=107 (%)	N=107 (%)			
800 MHz	34 (31.8)	13 (12.1)	10.9	< 0.001	3.37 [1.67-6.78]
2 GHz	41 (38.3)	15 (14.0)	15.1	< 0.001	3.81 [1.96-7.40]
800 MHz + 2 GHz	49 (45.8)	25 (23.4)	10.9	< 0.001	2.77 [1.54-4.97]

Table 5: Statistical comparison of the number of inhabitants with health problems before and after base station removal using the chi-square test.

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Subjects of the Health Examination

The health examinations were conducted twice – in January 2009 and in November 2009 – among 107 out of 122 residents. This represented a participation rate of 87.7 %. 56 participants were male and 51 female. The average age was 37.2 years for male and 38.6 years for female participants. The average time period of RF-EMF exposure from the 800 MHz antennas was 5.60 years for the males and 6.64 years for the females. Regarding the 2 GHz RF-EMF exposure, the average exposure period was 11 months for both male and female residents. Table 2 provides an overview of the residents' age and gender distributions, as well as the periods of exposure time.

Health problems of the residents after installation of the 800 MHz antennas

34 residents said they had health problems after the 800 MHz antennas had been installed. They mentioned 66 individual symptoms, which are listed in Table 3. The health problem symptoms included: tinnitus, myodesopsia, arthralgia, shoulder stiffness, headache, and nasal bleeding. For tinnitus and arthralgia, the difference was shown to be statistically significant.

Health problems of the residents after installation of the 2 GHz antennas

After installation of the 2 GHz antennas, 41 individuals showed symptoms. 26 of these 41 participants had already exhibited symptoms after installation of the 800 MHz antennas. The subjects mentioned a total of 158 cases of symptoms. These are documented in Table 4. The most frequent symptoms were fatigue and loss of motivation, eye pain, astigmatism, deteriorated eyesight, insomnia, sleep problems, sleep disturbances, dizziness, jitteriness, tachycardia, palpitation, numbness and others. The number of these symptoms – except for astigmatism, deteriorated eyesight, tachycardia, and palpitations – decreased significantly after the removal of the mobile phone station. The symptoms that were recognised during the operation of both the 800 MHz and the 2 GHz antennas are printed in bold font. Health problems that appeared after the installation of the 2 GHz antennas were greater in number than those appearing after installation of the 800 MHz antennas. A comparison of the number of symptoms before and after removal of the mobile phone base station shows significant differences.

Comparison of the number of residents with health problems before and after removal of the mobile phone base station

A total of 34 residents suffered from health problems after installation of the 800 MHz antennas. Three months after their removal this number decreased to 13. There were 41 residents who had health problems after installation of the 2 GHz antennas, and this number decreased to 15 after removal of the 2 GHz antennas. In total 49 residents suffered from health problems during operation of both the 800 MHz and the 2 GHz antennas. However, this number decreased to 25 after removal of both sets of antennas.

These results showed significant differences using the chi-square test (Table 5).

Discussion

The power density values read by the mobile phone company are extremely low, suspiciously low, compared with measurements taken near other base stations (Abdel-Rassoul et al. 2006). Furthermore, the power density was measured only once by the mobile phone company, whereas this kind of measurement should be conducted several times. Although the power density, as measured by the mobile phone company, was too low to be considered relevant in aggravating the health problems experienced by residents, we have used these measurements as reference levels in this case study.

The RF-EMF values were highest at RF1 and RF3, two locations adjacent to the antennas. The RF-EMF power density values at RF2 were lower. It is possible that RF2's location behind the shelter accounts for these lower values. The power density of Bal, the balcony on the 10th floor, was higher than the power density at RF2. Theoretically, the RF-EMFs emitted from the antennas are not directed vertically downwards. However, it is likely that RF-EMFs were emitted downwards in the form of a side lobe. The power density measurement values clearly indicated that the 2 GHz antennas gave off more energy than the 800 MHz antennas. The number of individual health problems the residents suffered from after installation of the 800 MHz antennas was 66, and rose to 158 after installation of the 2 GHz antennas. It is possible that the health problems the residents suffered from after installation of the 2 GHz antennas were related to their high power output.

This health investigation diagnosed 34 residents with health problems appearing during operation of the 800 MHz antennas; out of these residents, 26 suffered even worse health problems after the installation of the 2 GHz antennas. Considering the fact that these residents had already recognised their health problems as related to the 800 MHz antennas, they could possibly have become more sensitive to RF-EMFs emitted from the 2 GHz antennas. Hypersensitisation could have occurred among these residents. The incidence of health problems among 26 residents out of 34 is apparently more frequent than that of electromagnetic hypersensitivity (EHS) patients (Hillert et al. 2002, Johansson 2006, Kato & Johansson 2012, Levallois et al. 2002, Schreier et al. 2006, Schröttner & Leitgeb 2008).

Moreover, it is considered that the acute symptoms could have occurred whilst those residents were exposed to the higher energy of RF-EMFs emitted by the 2 GHz antennas.

Recent studies suggest that the pattern and angle of radiation emission, the effects of modulation and the power density all need to be taken into account. An experiment using baboons revealed that the melatonin concentration in the pineal gland decreased significantly while the baboons were exposed to different modulations of EMF in a sudden onset/offset environment (Rogers et al. 1995). Furthermore, a report examining the stress hormone levels of residents living close to a mobile phone base station showed that an abnormal amount of stress hormones was secreted over the period of one year (Buchner & Eger 2011). Because of such findings, it is important to conduct longitudinal studies on stress hormone secretion under the influence of RF-EMFs. Our research examines symptoms from the

installation of the 800 MHz RF-EMF emitting antennas up to the period after their removal, a total time of 11 years. Examining long-term changes of the residents' health problems has enabled us to prove that the residents' health showed significant differences before and after the removal of the mobile phone base station.

In 2000, the European Commission decided to adopt a precautionary approach as a basic principle in environmental issues. In this decision, the EU pledged to take precautionary measures to deal with environmental issues, so that irreversible consequences could be anticipated even if the risk was not scientifically proven European Union (2010). However, the Japanese Government has issued an Electromagnetic Wave Protection Guidance which states that RF-EMFs do not affect health if they are below $1000 \mu\text{W}/\text{cm}^2$ in the 1800 MHz to 5 GHz frequency range. (MIC 2011). The value 800 MHz range permitted by the Japanese Government is $530 \mu\text{W}/\text{cm}^2$ calculated by the following formula: $f \text{ (MHz)}/1500$ (between the frequency is 800 to 1500 MHz) (MIC 2000). As a result, an increasing number of mobile phone towers and base stations have been erected, without any regulation, on the roofs of condominium buildings. Moreover, media coverage of non-ionising radiation is in Japan much rarer than in Europe and the USA. Because of this, it is difficult for this issue to be recognised by the Japanese general public.

Summary

Our intention was to examine whether there were health impacts on residents from RF-EMFs emitted by the mobile phone base station erected on the roof of their condominium building. We conducted thorough research on whether there were any other factors to account for the improvements of the residents' health other than the removal of the base station.

The results of this case report indicate that health problems of the residents were associated with the operation of the mobile phone base station and that these problems improved after its removal. Although this report is not a double-blind study, it can be used as an example indicating the potential effects of RF-EMFs emitted from mobile phone base stations erected on the roofs of condominium buildings on human health. It is imperative that further detailed research is conducted regarding the impact of RF-EMFs on human health.

Note

This research and the corresponding data collection were conducted without outside funds in order to maintain neutrality and avoid pressures from external sources.

The original translation into the German language was made possible by a donation from the registered association "Netzwerk Risiko Mobilfunk Oberfranken e.V. (NRMO)" (= "Network Risk of Mobile Telephony in Upper Franconia") (for further information please refer to: www.mobilfunk-oberfranken.de).

Editor's Note

This article is marked as an **original scientific publication** and has been subject to a special peer-review procedure by the Scientific Advisory Board of Umwelt-Medizin-Gesellschaft.

The Editor

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First Right to Know Request:

Subject: RTK request

Date: Sat, 21 Apr 2018 18:32:05 -0400

From: Will <***>

To: RA-PUCRightToKnow@pa.gov

Hello Helpers for transparency ,

Please provide per email links to all public info, or the electronic info itself that pertains to complaints, both attempts at informal complaints and attempts toward formal complaints regarding smartmeters.

of course, this includes actual filed formal complaints regarding smartmetners. i was not able to successfully search for such on the PUC website.

please include statistics regarding inquires with concerns or outright issues regarding smartmeters.

please have the info you provide ordered so i can look at all formal complaints separately. also the statistic of how many people have contacted the PUC regarding smartmeters is very important.

Thank you very much for your help and all your good work,

willard

Our answer to the interim response which called for until May 30, to give any answers to the request. Please see this interim response following our emails here.

Subject: Re: RTK Willard Sunstein smartmeter complaints Interim

Date: Fri, 27 Apr 2018 14:47:00 -0400

From: Will <willardsunstein@fast.net>

To: Trout, Doreen <DOTROUT@pa.gov>

CC: Bainbridge, Steven <sbainbridg@pa.gov>

Thank you, Doreen.

i am pleased to learn my request is being worked on. My thanks to you and your team.

however, i find it very interesting that it should be so hard to at least quickly send me a complete list of cases filed regarding smart meters.

This would be a simple list of docket numbers, preferably with links clickable to the pages where you have them on your website.

even the docket numbers would be a big help, i can copy and paste them into your site and examine the cases then.

it speaks volumes that this info is not readily publicly available for people to quickly find from your website. Instead we are forced to inquire through your most invaluable service fulfilling the requirements of the Right to Know act.

with much appreciation for your help,

willard

Second Right to Know Request:

Subject: RTK request

Date: Tue, 1 May 2018 21:11:28 -0400

From: Will <****>

To: RA-PUCRightToKnow@pa.gov

Dear RTK Team,

i hereby request a list of every office and/or position at the PUC which requires an oath of office.

i also request for each such office and/or position a copy of what that oath of office is.

i also request a list of when which persons at the PUC took their required oath or if they did not yet do so.

Please be so kind as to send me whatever you have of the above info as soon as it is available and not hold back on it till all 3 requests or even one of them can be fully answered.

So for example, it would be a great help to begin with telling me what the oath is that is required for administrative law judges.

then it would be good to know who took this oath and when.

it would be nice to have this all conveniently accessible online; i could not find any of the above with a bit of searching.

With deep gratitude for your help which is so important,

willard

Third Right to Know Request

Subject: Right to Know Request for transcripts

Date: Sat, 5 May 2018 22:39:42 -0400

From: Will <****>

To: RA-PUCRightToKnow@pa.gov

Dear Right to Know Team Members,

We are in deep appreciation of your service, which is so essential for truth to be restored where it has been lost or threatens to be lost.

We hereby request all public transcripts for each and every case involving smart meters.

We also place a standing active request, in advance, for all public transcripts as they become available for all cases that pertain to smart meters that we have no delay when any becomes available to receive each and every transcript for other cases and for our case, should it go a hearing because PPL would continue to refuse our win-win offer.

In our case, we request that we receive our transcripts for our pending hearings in two forms. One, the public form in which all confidential information is redacted,

and Two, the form that is only for us and those who have signed the confidentiality agreements that we will provide for the confidential parts of the transcript.

Because all requests done in advance can be clearly approved in advance, and does not involve too many files at a time, we find it quite appropriate for you to provide the in advance requested documents as soon as they are in your hands.

We also place a standing active request, in advance, for a copy of each and every public filings of smart meter cases when these files are not directly accessible on the PUC website. For those that are directly and immediately accessible on the PUC website, we request notification for each such filing with a link to access it.

We also place a standing active request, in advance, for how many calls you have had each week from the public in any way concerned about the smart meter issues.

Thank you very much for all your help.

wishing you the very best for each and all of you and doing our best to extend faith that each of you will live up to your task of trying to truly fulfill the real needs of the public to know what is actually going on,

most sincerely,

willard



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

April 26, 2018

PUC RTK 2018-0040

Interim response sent via email only:

Dear Mr. Sunstein:

We are in receipt of your Right to Know request, filed pursuant to the provisions of the Right to Know Law, 65 P.S. Section 67.101 et seq., *as amended*. In your email received Monday, April 23, 2018, you requested:

“Please provide per email links to all public info, or the electronic info itself that pertains to complaints, both attempts at informal complaints and attempts toward formal complaints regarding smartmeters.

Of course, this includes actual filed formal complaints regarding smartmeters. i was not able to successfully search for such on the PUC website.

Please include statistics regarding inquires with concerns or outright issues regarding smartmeters.

Please have the info you provide ordered so i can look at all formal complaints separately. Also the statistic of how many people have contacted the PUC regarding smartmeters is very important.”

Pursuant to Section 902(a)(4) of the Act, you are hereby advised that a legal review is necessary to determine whether the record is a record subject to access under this act. In addition, pursuant to Section 902(a)(7) of the Act, you are hereby advised that due to the nature and extent of the request, a response within the five (5) day statutorily required period is precluded.

A response is expected to be provided to you on or before Wednesday, May 30, 2018.

Sincerely,

Rosemary Chiavetta
Secretary and Right to Know Officer
Pa Public Utility Commission

cc: Steven Bainbridge, Assistant Counsel
Right to Know File PUC RTK 2018-0040



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
400 North Street, Harrisburg, Pennsylvania 17120

IN REPLY PLEASE
REFER TO OUR FILE

May 9, 2018

PUC RTK 2018-0040

Final response sent via email only:

Dear Mr. Sunstein:

We are in receipt of your Right to Know request filed with the Pennsylvania Public Utility Commission's Official Right to Know Officer via email on Monday, April 23, 2018, pursuant to the provisions of the Pennsylvania Right-to-Know Law (RTKL), 65 P.S. §§ 67.101 et seq., *as amended*. In your email, you requested:

"Please provide per email links to all public info, or the electronic info itself that pertains to complaints, both attempts at informal complaints and attempts toward formal complaints regarding smartmeters.

Of course, this includes actual filed formal complaints regarding smartmeters. i was not able to successfully search for such on the PUC website.

Please include statistics regarding inquires with concerns or outright issues regarding smartmeters.

Please have the info you provide ordered so i can look at all formal complaints separately. Also the statistic of how many people have contacted the PUC regarding smartmeters is very important."

Your request is granted in part and denied in part.

The Commission cannot provide you with specific email links to informal or formal complaints, as the Commission does not have records listing formal or informal complaints by the categories such as smartmeters. The Commission also does not have records indicating statistics regarding inquiries concerning smart meters.

Please note that the Commission is not required to maintain in a certain way or create records to comply with Right-to-Know Law requests; it must provide records that already exist in the form the records are maintained. As stated in the Right-to-Know Law: "When responding to a

Exhibit 3

request for access, an agency shall not be required to create a record which does not currently exist or to compile, maintain, format or organize a record in a manner in which the agency does not currently compile, maintain, format or organize the record." 65 P.S. § 67.705.

However, the Commission does maintain electronically in a searchable system all formal complaint cases. All formal complaint cases (which would include those related to smartmeters) are publicly available and searchable on the PUC's website. To search our database, please go to our website at www.puc.pa.gov and click onto "About PUC." On the next page, scroll down the left-hand side and click onto "Utility/Authority Search." The next page will display two boxes. Use the first box by typing in the name of an electric distribution company (EDC), such as PPL, Metropolitan Edison, West Penn Power, Duquesne Light, PECO, Penelec, UGI Electric, or Penn Power, then hit "search." The name of the EDC will appear below and then click onto the box containing the utility code.

You must search each EDC individually. Give the system a few minutes to configure the data. When the next page appears, scroll down and you will see the docket numbers of every filing associated with the EDC, beginning with the most recently filed. Look for dockets with the prefix of C or F.

On the right-hand side, the allegation made by the complainant will appear, and if the complaint was about a smart meter, it will state so. You may then click onto that docket number, and the case will appear on the next screen, where you may review each public document listed, and review the issues stated in the complaint, which may or may not be responsive to the categories listed in your request.

While a search of the complaint database will provide records of smart meter issues by the complaint's docket number, the formal complaint form filed by the complainant and the answer filed by the EDC are not published to the website. This is the policy of the Commission to protect the personal information of the complainant, such as account numbers, telephone numbers, and home addresses. Such information is exempt from disclosure under the RTKL. 65 P.S. § 67.708(b)(6)(i)(A). Therefore, once your initial search is complete, and you have identified the complaint dockets in which you wish to review the complaint form and the answer, you may request those from my office, and a copy will be made with redactions of the personal information. Copies are 25 cents per page and payment is required prior to the release of the records.

Please note that the Commission is authorized under the RTKL to "make its records available through any publicly accessible electronic means." 65 P.S. § 67.704(a). The Commission "may respond to a request by notifying the requester that the record is available through publicly accessible electronic means or that the agency will provide access to inspect the record electronically." 65 P.S. § 67.704(b)(1).

Records relating to informal complaints (including informal complaints regarding smartmeters) are investigative records and are therefore exempt from disclosure under Section 708(b)(17) of the RTKL. 65 P.S. § 67.708(b)(17). Section (b)(17) of the RTKL exempts disclosure of records of an agency relating to an investigation, including records indicating the following: Complaints submitted to an agency; Investigative materials, notes, correspondence and reports; The identity of a confidential source; Information made confidential by law; Work papers underlying an audit; Reveal the institution, progress or result of an agency investigation; Deprive a person of the

Exhibit 3

right to an impartial adjudication; Constitute an unwarranted invasion of privacy; Hinder an agency's ability to secure an administrative or civil sanction; and/or Endanger the life or physical safety of an individual. 65 P.S. § 67.708(b)(17). Records relating to informal complaints regarding smartmeters fall within the exemptions provided in Section (b)(17) and are therefore exempt from disclosure pursuant to a RTKL request.

This response constitutes the final response of the Commission to your RTK Law Request.

NOTICE OF RIGHT TO APPEAL

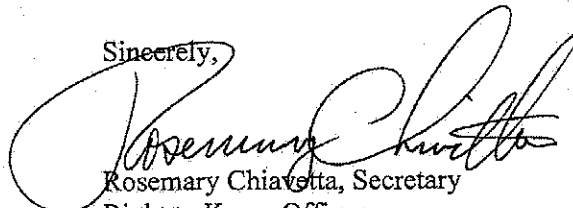
If you believe the PUC has wrongfully denied any part of your request, you may appeal within 15 business days from the date of this letter to:

Office of Open Records
16th Floor
333 Market Street
Harrisburg, PA 17126-0333

If you choose to file an appeal you must do so within 15 business days of the mailing date of the agency's response. 65 P.S. § 67.1101. Please note that a copy of your original Right-to-Know request and this denial letter must be included when filing an appeal. The law also requires that you state the reasons why the record is a public record and address the reasons the Agency denied your request. Visit the Office of Open Records website at <http://openrecords.pa.us> for further information on filing an appeal.

Please be advised that this correspondence will serve to close this record with our office as permitted by law.

Sincerely,



Rosemary Chiavetta, Secretary
Right to Know Officer
Pa Public Utility Commission

cc: Steven Bainbridge, Assistant Counsel
PUC RTK File 2018-0040

Exhibit 3



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
400 North Street, Harrisburg, Pennsylvania 17120

IN REPLY PLEASE
REFER TO OUR FILE

May 9, 2018

PUC RTK 2018-0044

Final response sent via email only:

Dear Mr. Sunstein:

We are in receipt of your Right to Know request filed with the Pennsylvania Public Utility Commission's Official Right to Know Officer via email on Wednesday, May 2, 2018, pursuant to the provisions of the Pennsylvania Right-to-Know Law (RTKL), 65 P.S. §§ 67.101 et seq., *as amended*. In your email, you requested:

"i hereby request a list of every office and/or position at the PUC which requires an oath of office.

i also request for each such office and/or position a copy of what that oath of office is.

i also request a list of when which persons at the PUC took their required oath or if they did not yet do so.

Please be so kind as to send me whatever you have of the above info as soon as it is available and not hold back on it till all 3 requests or even one of them can be fully answered.

So for example, it would be a great help to begin with telling me what the oath is that is required for administrative law judges.

then it would be good to know who took this oath and when.

it would be nice to have this all conveniently accessible online; i could not find any of the above with a bit of searching."

Your request is granted.

Sections 301 and 304 of the Pennsylvania Public Utility Code (66 Pa.C.S. §§ 301 and 304) establish the qualifications and criteria for the appointment of members of the Pennsylvania Public Utility Commission and Commission's Administrative Law Judges. You may review these sections on our website at www.puc.pa.gov. They are also available (along with the other Pennsylvania Statutes) at http://www.legis.state.pa.us/cfdocs/legis/LI/Public/cons_index.cfm.

After appointment by the Governor and confirmation by the State Senate of Pennsylvania, Public Utility Commissioners are administered an oath of office. This oath is established by the

Exhibit 3

Secretary of the Commonwealth, and you may request a copy of the oath by making an RTK request to that agency.

You may also review on our website at www.puc.pa.gov under the "About PUC" tab in the top right side and then click onto "Commissioners" information about the current Commissioners serving on the Commission.

Attached please find a list of the current members of the Commission and when they took their oath of office.

Administrative Law Judges are hired under the Civil Service system of the Commonwealth of Pennsylvania, and no oath of office is required.

This response constitutes the final response of the Commission to your RTK Law Request.

NOTICE OF RIGHT TO APPEAL

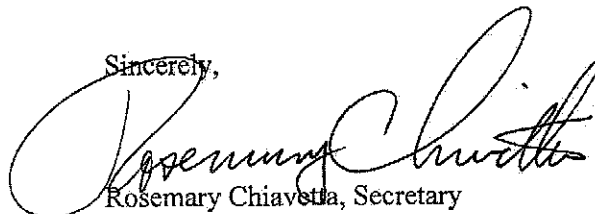
If you believe the PUC has wrongfully denied any part of your request, you may appeal within 15 business days from the date of this letter to:

Office of Open Records
16th Floor
333 Market Street
Harrisburg, PA 17126-0333

If you choose to file an appeal you must do so within 15 business days of the mailing date of the agency's response. 65 P.S. § 67.1101. Please note that a copy of your original Right-to-Know request and this denial letter must be included when filing an appeal. The law also requires that you state the reasons why the record is a public record and address the reasons the Agency denied your request. Visit the Office of Open Records website at <http://openrecords.pa.us> for further information on filing an appeal.

Please be advised that this correspondence will serve to close this record with our office as permitted by law.

Sincerely,



Rosemary Chiavetta, Secretary
Right to Know Officer
Pa Public Utility Commission

cc: Steven Bainbridge, Assistant Counsel
PUC RTK File 2018-0044

Exhibit 3

2018

<p>5 Yr. Term 4/1/17 - 3/31/22 John F. Coleman Jr. Renominated 6/19/17 Conf. 7/8/17 Oath 7/13/17</p>	<p>5 Yr. Term 4/1/15 - 3/31/20 <u>Andrew G. Place</u> Apt. 5/18/15 Conf: 9/30/15 Oath: 10/1/15 @ 11 am Appt VC 1/1/16</p>	<p>5 Yr. Term 4/1/2018 - 3/31/23 <u>Gladys M. Brown</u> Renominated 2/13/18 Conf: 4/17/18 Oath: 4/19/18 <u>Chairman: 5/7/15</u></p>	<p>5 Yr. Term 4/1/16 - 3/31/21 <u>David W. Sweet</u> Conf. 6/15/16 Oath 6/16/16</p>	<p>5 yr Term 4/01/14 - 3/31/19 <u>Norman J. Kennard</u> Nom. 10/27/17 Conf. 11/14/17 Oath 11/16/17</p>
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Exhib. 73



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
400 North Street, Harrisburg, Pennsylvania 17120

IN REPLY PLEASE
REFER TO OUR FILE

May 9, 2018

PUC RTK 2018-0045

Final response sent via email only:

Dear Mr. Sunstein:

We are in receipt of your Right to Know request filed with the Pennsylvania Public Utility Commission's Official Right to Know Officer via email on Monday, May 7, 2018, pursuant to the provisions of the Pennsylvania Right-to-Know Law (RTKL), 65 P.S. §§ 67.101 et seq., *as amended*. In your email, you requested:

"We hereby request all public transcripts for each and every case involving smart meters.

We also place a standing active request, in advance, for all public transcripts as they become available for all cases that pertain to smart meters that we have no delay when any becomes available to receive each and every transcript for other cases and for our case, should it go a hearing because PPL would continue to refuse our win-win offer.

In our case, we request that we receive our transcripts for our pending hearings in two forms. One, the public form in which all confidential information is redacted, and Two, the form that is only for us and those who have signed the confidentiality agreements that we will provide for the confidential parts of the transcript.

Because all requests done in advance can be clearly approved in advance, and does not involve too many files at a time, we find it quite appropriate for you to provide the in advance requested documents as soon as they are in your hands.

We also place a standing active request, in advance, for a copy of each and every public filings of smart meter cases when these files are not directly accessible on the PUC website. For those that are directly and immediately accessible on the PUC website, we request notification for each such filing with a link to access it.

We also place a standing active request, in advance, for how many calls you have had each week from the public in any way concerned about the smart meter issues."

Exhibit 3

Your request is granted in part and denied in part, for the following reasons.

Regarding the first paragraph of your request, to obtain a transcript, you must purchase a transcript directly from the court reporting company if the proceeding is not final, binding, and nonappealable. Once a proceeding is final, binding, nonappealable, then transcripts may be obtained from the Commission at the usual rates for copying for Right-to-Know requests. See 65 P.S. § 67.707(c). For your convenience, Section 707(c) of the RTKL provides:

Section 707. Production of certain records

(c) Transcripts.--

(1) Prior to an adjudication becoming final, binding and nonappealable, a transcript of an administrative proceeding shall be provided to a requester by the agency stenographer or a court reporter, in accordance with agency procedure or an applicable contract.

(2) Following an adjudication becoming final, binding and nonappealable, a transcript of an administrative proceeding shall be provided to a requester in accordance with the duplication rates established in section 1307(b).

65 P.S. § 67.707(c).

Please consult the Commission's May 9, 2018 response to your previous RTK request at 2018-0040, as it indicates how to search for smartmeter cases in the Commission's searchable database. Once you identify the cases for which you want transcripts, then the Commission can determine if the matter is final, binding, and nonappealable, and direct you to the court reporter company to purchase the transcript (if the matter is not final, binding, and nonappealable, in other words, still ongoing before the Commission or appealable to Commonwealth Court or the Supreme Court), or if the matter is fully completed, then the Commission can provide the transcript to you in the normal manner and at normal rates for a RTKL request.

Regarding the second paragraph of your request, the Commission is not required to honor "standing active" RTKL requests. The Commission processes each RTKL request following the time requirements instituted by the Right-to-Know Law. These timelines (for example, five days for an initial response) are calculated from the receipt of the RTKL request by the Commission's Open Records Officer. A standing request would not allow the Commission to be able to have a receipt date to start the deadlines for processing the Request, nor to perform a search as of that date for responsive records. Therefore, the Commission does not (and cannot) accept standing (ongoing) Right-to-Know Law requests.

Regarding the third paragraph of your request, to obtain a transcript, you must purchase a transcript directly from the court reporting company, if the proceeding is not final, binding, and nonappealable. Once a proceeding is final, binding, nonappealable, then transcripts may be obtained from the Commission at the usual rates for copying for Right-to-Know requests. See 65

Exh. b. f 3

P.S. § 67.707(c). With regard to confidential portions of transcripts, for the Commission to release confidential sections of transcripts to you will require an analysis on a case by case basis of the confidential sections you wish to view. It is not possible for the Commission to consider this issue without facts relating to the confidential material at issue. If you obtain a transcript with redactions based on confidentiality agreements with the parties and you wish to view the redacted sections, the Commission will address that issue at the time it arises so that it may have an adequate factual basis to do so.

Regarding the fourth paragraph of your request, the Commission processes Right-to-Know Law requests following the timeframes indicated in the Right-to-Know Law. The response process requires many levels of review and is not able to be accelerated beyond the timeframes indicated in the Right-to-Know Law. Moreover, the Commission also does not have the capability to honor standing RTKL requests. The Commission processes each RTKL request following the time requirements instituted by the Right-to-Know Law. These timelines (for example, five days for an initial response) are calculated from the receipt of the RTKL request by the Commission's Open Records Officer. A standing request would not allow the Commission to be able to have a receipt date to start the deadlines for processing the Request, nor to perform a search as of that date for responsive records. Therefore, the Commission does not accept standing (ongoing) Right-to-Know Law requests.

Regarding the fifth paragraph of your request, the Commission does not track and therefore does not have records indicating filings of smart meter cases. However, you may access our website through "Daily Actions and Hearings" found at the bottom of our main web page www.puc.pa.gov to review public filings made with the Commission each business day. The docket number of a newly filed case is provided which will allow you to regularly search for any new filings made to that docket as the case proceeds through the Commission. In this way you may search the website regularly for newly filed complaint cases regarding smart meters. Please note that the RTKL indicates that "when responding to a request for access, an agency shall not be required to create a record which does not currently exist or to compile, maintain, format or organize a record in a manner in which the agency does not currently compile, maintain, format or organize the record." 65 P.S. § 67.705. Therefore, the Commission is not required to create such a record for you, nor initiate the start of tracking of such information for you.

Regarding the sixth paragraph of your request, the Commission does not track and therefore does not have records indicating how many calls the Commission receives from the public regarding smart meters, on a weekly or on any other basis. Please note that the RTKL indicates that "when responding to a request for access, an agency shall not be required to create a record which does not currently exist or to compile, maintain, format or organize a record in a manner in which the agency does not currently compile, maintain, format or organize the record." 65 P.S. § 67.705. Therefore, the Commission is not required to create such a record for you, nor initiate the start of tracking of such information for you.

This response constitutes the final response of the Commission to your RTK Law Request.

Exhibit 3

NOTICE OF RIGHT TO APPEAL

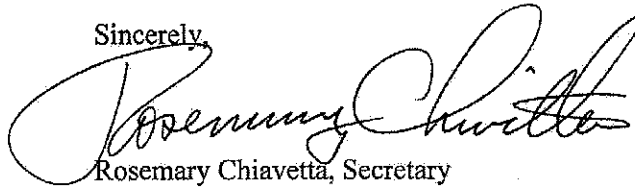
If you believe the PUC has wrongfully denied any part of your request, you may appeal within 15 business days from the date of this letter to:

Office of Open Records
16th Floor
333 Market Street
Harrisburg, PA 17126-0333

If you choose to file an appeal you must do so within 15 business days of the mailing date of the agency's response. 65 P.S. § 67.1101. Please note that a copy of your original Right-to-Know request and this denial letter must be included when filing an appeal. The law also requires that you state the reasons why the record is a public record and address the reasons the Agency denied your request. Visit the Office of Open Records website at <http://openrecords.pa.us> for further information on filing an appeal.

Please be advised that this correspondence will serve to close this record with our office as permitted by law.

Sincerely,



Rosemary Chiavetta, Secretary
Right to Know Officer
Pa Public Utility Commission

cc: Steven Bainbridge, Assistant Counsel
PUC RTK File 2018-0045

Exhibit 3

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Maria Povacz

:

v.

PECO Energy Company

:
:
:
:

C-2015-2475023

INTERIM ORDER
ON PECO ENERGY COMPANY'S PRELIMINARY OBJECTIONS

On April 28, 2016, PECO filed a Preliminary Objection to Complainant's Amended Complaint. As Complainant states that she is not seeking an "opt out" of smart meter installation, the Preliminary Objection is overruled.

HISTORY

On March 28, 2015, Maria Povacz (Complainant) filed a formal Complaint with the Pennsylvania Public Utility Commission against PECO Energy Company. In her Complaint, Ms. Povacz contends that PECO is threatening to shut off her service and that the smart meter PECO wants to install at her home in New Hope, Pennsylvania will create safety and health risks. She also contends that she suffers from severe electromagnetic and radio frequency sensitivity and that installation of a smart meter will exacerbate her condition.

On April 9, 2015, PECO Energy Company (PECO or respondent) filed an Answer and New Matter and Preliminary Objections.

On April 18, 2015, the Complainant filed a Reply to PECO's New Matter and an Answer to PECO's Preliminary Objections.

Exhibit 4 Interim Order.

On April 28, 2015 by Motion Judge Assignment, the Preliminary Objections were assigned to Administrative Law Judge Elizabeth H. Barnes.

On June 2, 2015, ALJ Barnes issued an order that the Answer to Preliminary Objections filed by the complainant would be treated as an Amended Complaint and that the Preliminary Objections filed by PECO were dismissed as moot.

On June 18, 2015, PECO filed an Answer to the Amended Complaint.

Also, on June 18, 2015, PECO filed Preliminary Objections to the Amended Complaint, contending that the matter should be dismissed because Act 129 does not allow a customer to opt out of smart meter installation and, therefore, the Complainant failed to state a claim upon which relief could be granted.

On July 1, 2015, ALJ Barnes granted in part and denied in part the Preliminary Objections. She determined:

The Amended Complaint is essentially the same cause of action filed previously on July 13, 2012, *Maria Povacz v. PECO Energy Company*, Docket No. C-2012-2317176, Opinion and Order entered January 23, 2014. The Commission dismissed Complainant's complaint with prejudice on January 23, 2014, finding that PECO's installation of smart meters was consistent with, rather than a violation of, the Public Utility Code, a Commission Regulation or Order. *Id.* at 10. In the instant case, Complainant again requests permission to opt out of a smart meter installation at her residence for health, privacy, and safety reasons. The only difference in the instant Complaint is that Complainant offers evidence of a signed medical certificate showing she is sensitive to electromagnetic waves emitted by smart meters.

ALJ Barnes referred the following issues to the Mediation Unit: a) whether Complainant is entitled to a stay of termination based upon a medical certificate; b) whether PECO Energy Company followed the Commission's regulations and the statutory provisions of Chapter 14 of the Public Utility Code regarding Complainant's medical certificate; and c) whether Respondent's service is reasonable and in compliance with 66 Pa.C.S. §1501.

Exhibit 4 2

On July 21, 2015, a telephonic hearing before ALJ Barnes was set for October 5, 2015.

On July 30, 2015, ALJ Barnes issued a Prehearing Order.

On September 22, 2015, Edward Lanza, Esq., filed a Notice of Appearance as counsel of record for Complainant.

On September 30, 2015, Ward Smith, Esq., PECO's Assistant General Counsel, filed a Notice of Appearance with the Commission's Secretary.

Also on September 30, 2015, ALJ Barnes issued an order indicating that the hearing was cancelled and would be rescheduled.

On October 1, 2015, the Complainant filed a request for change of venue for an in person hearing and a continuance of the hearing date.

On October 23, 2015, the matter was transferred to Administrative Law Judge Eranda Vero in Philadelphia for an in person hearing.

On December 3, 2015, PECO filed objections to the Complainant's interrogatories, Set 1, Questions 1-22.

On December 8, 2015, ALJ Vero set a prehearing conference for December 15, 2015 and issued a Prehearing Conference Order.

On December 14, 2015, the Complainant filed a Motion to Dismiss Objections to Interrogatories and Compel Answers.

On December 15, 2015, the in-person prehearing conference convened as scheduled. During that prehearing conference, ALJ Vero informed the parties that, since the

Exhibit 4

Complainant was going to file an amended Complaint, she would not issue a ruling on complainant's outstanding Motion to Dismiss Objections to Interrogatories and Compel Answers.

On February 9, 2016, this matter was reassigned to Administrative Law Judges Darlene D. Heep and Christopher P. Pell.

On February 11, 2016, a Prehearing Conference Order was issued setting a telephonic Prehearing Conference for March 15, 2016.

On February 24, 2016, PECO filed a Motion to admit Thomas Carl Watson, Esq. Pro Hac Vice.

On April 6, 2016, an Order was issued admitting Mr. Watson Pro Hac Vice and setting forth procedural matters for this action.

On April 8, 2016, Complainant filed an Amended Complaint.

On April 28, 2016, PECO filed an Answer and a Preliminary Objection to the Amended Complaint.

On May 5, 2016, Complainant filed an Answer to the Preliminary Objection.

PECO's Preliminary Objection is now ripe for a ruling. As discussed below, PECO's Preliminary Objection is overruled.

DISCUSSION

Section 5.101 of Commission regulations, 52 Pa.Code § 5.101, sets forth the grounds for granting preliminary objections. That section provides as follows:

§ 5.101. Preliminary objections.

Exhibit 4

(a) Grounds. Preliminary objections are available to parties and may be filed in response to a pleading except motions and prior preliminary objections. Preliminary objections must be accompanied by a notice to plead, must state specifically the legal and factual grounds relied upon and be limited to the following:

- (1) Lack of Commission jurisdiction or improper service of the pleading initiating the proceeding.
- (2) Failure of a pleading to conform to this chapter or the inclusion of scandalous or impertinent matter.
- (3) Insufficient specificity of a pleading.
- (4) Legal insufficiency of a pleading.
- (5) Lack of capacity to sue, nonjoinder of a necessary party or misjoinder of a cause of action.
- (6) Pendency of a prior proceeding or agreement for alternative dispute resolution.
- (7) Standing of a party to participate in the proceeding.

52 Pa.Code § 5.101(a).

Commission procedure regarding the disposition of preliminary objections is similar to the procedure utilized in Pennsylvania civil practice. A preliminary objection in civil practice seeking dismissal of a pleading will be granted only where relief is clearly warranted and free from doubt. *Interstate Traveller Services, Inc. v. Pa. Dep't of Environmental Resources*, 486 Pa. 536, 406 A.2d 1020 (1979). The moving party may not rely on its own factual assertions, but must accept for the purposes of disposition of the preliminary objection all well-pleaded, material facts of the other party, as well as every inference fairly deducible from those facts. *County of Allegheny v. Commonwealth of Pa.*, 507 Pa. 360, 490 A.2d 402 (1985). The preliminary objection may be granted only if the moving party prevails as a matter of law. *Rok v. Flaherty*, 527 A.2d 211 (Pa. Cmwlth. 1987). Any doubt must be resolved in favor of the non-moving party by refusing to sustain the preliminary objections. *Dep't. of Auditor General, et al. v. State Employees' Retirement System, et al.*, 836 A.2d 1053, 1064 (Pa. Cmwlth. 2003) (citing *Boyd v. Ward*, 802 A.2d 705 (Pa. Cmwlth. 2002)).

Exhibit 4 5

In order to be legally sufficient, a complaint must set forth “an act or thing done or omitted to be done or about to be done or omitted to be done by the respondent in violation, or claimed violation, of a statute which the Commission has jurisdiction to administer, or of a regulation or order of the Commission.” 52 Pa.Code § 5.22(a)(4). Further, a complainant must be able to recover under law to survive a preliminary objection. *Milliner v. Enck*, 709 A. 2nd 417, 418 (Pa. Super. Ct. 1998).

In its Preliminary Objection, PECO contends that Complainant is seeking to “opt out” of a smart meter, that “opt out” is not permissible under Pennsylvania law, that Complainant is therefore unable to recover under the law and therefore the Preliminary Objection should be sustained.

Act 129 of 2008 directed the Respondent and other EDCs to file smart meter procurement and installation plans with the Commission. The Respondent filed a smart meter procurement and installation plan with the Commission. By Order entered May 6, 2010, at M-2009-2123944, the Commission approved the Respondent’s smart meter procurement and installation plan. The Respondent is complying with the Commission’s directives by attempting to install a smart meter at the property. Further, the Commission has stated that there is no provision in the Code, the Commission’s Regulations or Orders that allows a PECO customer to “opt out” of smart meter installation. See *Maria Povacz v. PECO Energy Company*, Docket No. C-2012-2317176 (Order adopted January 24, 2013).

In her written response to the Preliminary Objection, Complainant states that she is not requesting an “opt out.” Answer of Complainant To Preliminary Objection of PECO Energy Company at 4. She contends that the PECO smart meter causes her adverse health effects and that she is pursuing this action under Section 1501 of the Public Utility Code, under which PECO has an obligation to furnish safe and reasonable service. She further contends that she should not be precluded from presenting evidence at a hearing and that the Commission can order remedies short of “opt out.”

Exhibit 4

Although an “opt out” is clearly not an available remedy under the law, the Complainant has not specifically requested an “opt out” of a smart meter installation. However, to any extent that she is seeking an “opt out,” Complainant is advised that such a remedy is not available.

Complainant has, however, requested “safe and reasonable service” and “accommodations” due to her medical condition. Under these circumstances, the Complainant has presented a claim for which a remedy is not excluded by law, regulation or Commission Order – whether there is a violation of Section 1501 of the Public Utility Code. Accordingly, this matter will proceed as scheduled on June 7, 2016.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Preliminary Objection filed by PECO in the matter of Maria Povacz v. PECO Energy Company at Docket Number C-2015-2475023 is denied;
2. That the hearing scheduled for June 7-8, 2016 will proceed as scheduled to address whether installation of a smart meter at the Complainant’s residence, and the alleged threat to terminate Complainant’s service, in light of her health concerns, constitutes unsafe and unreasonable service in violation of 66 Pa.C.S. § 1501.

Date: May 26, 2016

Darlene D. Heep
Administrative Law Judge

Christopher P. Pell
Administrative Law Judge

Exhibit 4

Maria Povacz v. PECO Energy Company
Docket Number C-2015-2475023

SERVICE LIST

Maria Povacz
533 Tori Court
New Hope, PA 18938

Edward G. Lanza, Esquire
The Lanza Firm
P.O. Box 61336
Harrisburg, PA 17106-1336

Ward Smith, Esquire
Shawane Lee, Esquire
Thomas Carl Watson, Esquire
Exelon Business Services Company LLC
Legal Department
2301 Market Street, S23-1
Philadelphia, PA 19103

Exhibit 4

Rule 1012.1. Admission Pro Hac Vice. Motion. Content.

(a) As used in this rule,

“candidate” means an attorney who is not admitted to the bar of the Commonwealth of Pennsylvania, but is admitted to the bar of and authorized to practice law in the highest court of another state or foreign jurisdiction and seeks admission *pro hac vice*;

Official Note

Pa.B.A.R. 301 states that the attorney seeking admission *pro hac vice* cannot act as the attorney of record.

“sponsor” means an attorney who is admitted to the bar of the Commonwealth of Pennsylvania and moves for the admission of a candidate *pro hac vice*.

(b)(1) The sponsor shall file a written motion for admission *pro hac vice* in the action for which admission is sought. The motion shall: (i) aver that the information required by Section 81.504 of the IOLTA regulations has been provided to the IOLTA Board, and (ii) either aver that the fee required by Section 81.505(a) of the IOLTA regulations has been paid, include as an attachment a copy of a fee payment certification from the IOLTA Board, or aver that the payment of the fee is not required pursuant to Section 81.505(c) of the IOLTA regulations.

(2) The verifications required by subdivisions (c) and (d)(2) shall be attached to the motion.

(c) A candidate shall submit a verified statement

(1) identifying the jurisdictions in which he or she is or has been licensed and the corresponding bar license numbers. With respect to each jurisdiction identified, the candidate shall state whether he or she

(i) is or has ever been suspended, disbarred, or otherwise disciplined. The candidate shall provide a description of the circumstances for each occurrence of suspension, disbarment or other disciplinary action,

(ii) is subject to any disciplinary proceedings. The candidate shall provide a description of the circumstances under which the disciplinary action has been brought,

(2) setting forth the number of pending actions in all courts of record in Pennsylvania in which the candidate has applied for admission *pro hac vice*, and the number of actions in which the motion has been denied. If any motion for admission *pro hac vice* has been

denied, the candidate shall list the caption, court and docket number of the action, and describe the reasons for the denial of the motion.

(3) stating that he or she shall comply with and be bound by the applicable statutes, case law and procedural rules of the Commonwealth of Pennsylvania, including the Pennsylvania Rules of Professional Conduct,

(4) stating that he or she shall submit to the jurisdiction of the Pennsylvania courts and the Pennsylvania Disciplinary Board with respect to acts and omissions occurring during the appearance in the matter for which admission *pro hac vice* is being sought,

(5) stating that he or she has consented to the appointment of the sponsor as the agent upon whom service of process shall be made for all actions, including disciplinary actions, that may arise out of the practice of law in the matter for which admission *pro hac vice* is sought.

(d)(1) The sponsor shall enter an appearance as attorney of record in the action on behalf of the party whom the candidate seeks to represent. Upon the motion being granted, the sponsor shall remain the attorney of record for that party, and shall sign and serve, or be served with as the case may be, all notices, orders, pleadings or other papers filed in the action, and shall attend all proceedings before the court unless excused by the court. Attendance of the sponsor at a deposition in discovery shall not be required unless ordered by the court.

(2) The sponsor shall submit a verified statement

(i) stating that after reasonable investigation, he or she reasonably believes the candidate to be a reputable and competent attorney and is in a position to recommend the candidate's admission,

(ii) setting forth the number of cases in all courts of record in this Commonwealth in which he or she is acting as the sponsor of a candidate for admission *pro hac vice*, and

(iii) stating that the proceeds from the settlement of a cause of action in which the candidate is granted admission *pro hac vice* shall be received, held, distributed and accounted for in accordance with Rule 1.15 of the Pennsylvania Rules of Professional Conduct, including the IOLTA provisions thereof, if applicable.

(e) The court shall grant the motion unless the court, in its discretion, finds good cause for denial.

Official Note

Good cause may include one or more of the following grounds:

(1) the admission may be detrimental to the prompt, fair and efficient administration of justice,

(2) the admission may be detrimental to legitimate interests of the parties to the proceedings other than the client whom the candidate proposes to represent,

(3) the client who the candidate proposes to represent may be at risk of receiving inadequate representation and cannot adequately appreciate that risk,

(4) the candidate is not competent or ethically fit to practice law,

(5) the candidate is, in effect, practicing as a Pennsylvania attorney, in light of the nature and extent of the activities of the candidate in the Commonwealth, without complying with the Pennsylvania requirements for the admission to the bar. The court may weigh the number of other admissions to practice sought and/or obtained by the candidate from Pennsylvania courts, the question of whether or not the candidate maintains an office in Pennsylvania although the candidate is not admitted to practice in Pennsylvania courts, and other relevant factors,

(6) the number of cases in all courts of record in this Commonwealth in which the Pennsylvania attorney is acting as the sponsor prohibits the adequate supervision of the candidate,

(7) failure to comply with this rule, or

(8) any other reason the court, in its discretion, deems appropriate.

(f) The court may revoke an admission *pro hac vice sua sponte* or upon the motion of a party, if it determines, after a hearing or other meaningful opportunity to respond, the continued admission *pro hac vice* is inappropriate or inadvisable.

Source

The provisions of this Rule 1012.1 adopted June 29, 2007, effective September 4, 2007, 37 Pa.B. 3225; amended December 10, 2013, effective February 10, 2014, 43 Pa.B. 7544. Immediately preceding text appears at serial pages (338885) to (338887).

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Here are relevant parts of the Email chain with confidential parts redacted

Please note in particular the original communication on April 4th, 2018 on page 9 where we were addressed together with Curtis and Renner. Please note on page 3, our reply later in the chain, on April 9th, 2018 where we addressed not only Your Honor, but also Curtis and Renner as lawyers for PPL in our proceeding. We could only assume that was the situation, and had no idea that Renner was not admitted to practice law in PA.

Subject: RE: Sunstein v PPL C-2018-3000078

Date: Wed, 11 Apr 2018 12:45:35 +0000

From: Barnes, Elizabeth <@pa.gov>

To: 'Will' <>, Ryan, Devin <DRyan@PostSchell.com>, Curtis S. Renner (crenner@w-r.com) <crenner@w-r.com>

CC: Amy E. Hirakis (aehirakis@pplweb.com) <aehirakis@pplweb.com>, Lent, Garrett <GLent@PostSchell.com>

Is PPL available Tuesday, April 24th at 2 p.m.? The call in number is 1-855-750-, PIN 99
. Thanks.

Elizabeth H. Barnes
Administrative Law Judge
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17015
phone: (717)772-
e-mail:

-----Original Message-----

From: Will <> Sent: Tuesday, April 10, 2018 10:11 PM

To: Ryan, Devin <DRyan@PostSchell.com>; Barnes, Elizabeth <>; Curtis S. Renner (crenner@w-r.com) <crenner@w-r.com>

Cc: Amy E. Hirakis (aehirakis@pplweb.com) <aehirakis@pplweb.com>; Lent, Garrett <GLent@PostSchell.com>

Subject: Re: Sunstein v PPL C-2018-3000078

Tbank you, Your Honor,

we very much appreciate your willingness to make the hearing in person.

we would be available for an off the record telephonic prehearing conference on Tuesday the 24 or Friday the 27 anytime in the afternoon after 1 pm.

we thank you for your understanding.

sincerely,

willard

On 10-Apr-18 10:40, Ryan, Devin wrote:

> Your Honor,

>

> Counsel for PPL Electric is available for an off-the-record telephonic prehearing conference next Tuesday, Wednesday, or Thursday.

>

> Thank you.

>

> Devin Ryan

> Associate

> Post & Schell, P.C.

> 17 North Second Street

> 12th Floor

> Harrisburg, PA 17101

>

> 717-612-6052 (Phone)

> 717-574-7209 (Cell)

> 717-731-1985 (Fax)

> DRyan@PostSchell.com

> <https://na01.safelinks.protection.outlook.com/?url=www.postschell.com&data=02%7C01%7CEBARNES%40pa.gov%7Ca897ac64f3244927120b08d59f516e8f%7C418e284101284dd59b6c47fc5a9a1bde%7C1%7C1%7C636590094459684873&sdata=La6BamG5eU%2FkNXXzJmcNyIjuH2JGq7JRN1cfzpdwt8%3D&reserved=0>

> 18e284101284dd59b6c47fc5a9a1bde%7C1%7C1%7C636590094459684873&sdata=La6

> BamG5eU%2FkNXXzJmcNyIjuH2JGq7JRN1cfzpdwt8%3D&reserved=0

>

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

> From: Barnes, Elizabeth [mailto:@pa.gov]

> Sent: Monday, April 09, 2018 3:28 PM
> To: 'Will'; Ryan, Devin; Curtis S. Renner (crenner@w-r.com)
> Subject: RE: Sunstein v PPL C-2018-3000078

>
> Mr. Sunstein, Mr. Ryan and Mr. Renner:

>
> I'm willing to hold an off-the-record telephonic prehearing conference with the parties to discuss Mr. and Mrs. Sunstein's e-mail below. I'm willing to convert the telephonic hearing into an in person hearing. As far as the request to continue the July 10 hearing to September, I would like to hear from PPL's counsel. Cases similar to the Sunstein's case have been heard in one full day. However, I am willing to discuss how Complainants intend to amend their complaint and the number of witnesses expected to testify, etc.

>
> Please let me know your availability to participate in a phone conference over the next two weeks and I'll schedule a brief conference. Thank you.

>
>
> Elizabeth H. Barnes
> Administrative Law Judge
> Pennsylvania Public Utility Commission P.O. Box 3265 Harrisburg, PA
> 17015
> phone: (717)772-
> e-mail: @pa.gov

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

> From: Will <*****>
> Sent: Monday, April 09, 2018 10:34 AM
> To: Barnes, Elizabeth <pa.gov>; dryan@postschell.com; Curtis
> S. Renner (crenner@w-r.com) <crenner@w-r.com>
> Subject: Re: Sunstein v PPL C-2018-3000078
> Importance: High

>
> Your Honor Elizabeth H. Barnes,

>
> and lawyers for PPL,

> i sent the email below when in a very compromised condition, and didn't have the presence of mind to mark all sentences pertaining to our health and finances as confidential.

>

> Please recognize that all statements of ours regarding health and all statements regarding finances should be considered as if marked "Highly confidential". We will do our very best to properly mark any future communications, however, because omissions are possible in the stress of the moment, please recognize this request not only in the case of the email below, but also in all other communications.

>

> This is extremely important to us.

>

> We thank you very much for your understanding and observance of this need.

>

> Willard

>

>

>

> On 08-Apr-18 21:15, Will wrote:

>> Your Honor Elizabeth H. Barnes,

>>

>> We thank You for the protective order You have issued.

>>

>> *****Begin Highly Confidential:

>>

>>

>> End highly confidential.*****

>>

>> For multiple earnest reasons we set forth below, as elderly

>> individuals dealing with

confidential begin

confidential end

we politely and fervently request:

>>

>> 1. a very substantial increase in time till the prehearing and hearing.

>>
>> 2. an in person hearing.
>>
>> 3. a minimum of 3 days for presenting our expert testimony and
>> questioning respondents' presenters. We will also need time between
>> days to recover our health from the stress of the trial.
>>
>> Contrary to the denials of the Respondent's lawyers, PPL refused to
>> enter into any discussion with us of the issues to seek a mutually
>> acceptable solution and thus PPL forced us to file the formal complaint.
>>
>> PPL has hired high powered lawyers whose attitude contributes to this
>> being a very intimidating and stressful situation that PPL has put us in.
>>
>> We do not have resources to hire a lawyer; to defend our rights we
>> are forced to defend ourselves in this legal proceeding.
>>
>> This is totally new for us. There is a steep learning curve that must
>> be negotiated.
>>
>> We are not doing this as professionals to make money, we are doing
>> this as common individuals in the starkest necessity to defend our
>> right to survive unmolested. We are elderly, dealing with health
>> issues, and would have more than enough to deal with in life without
>> this extra entirely unwarranted burden slammed upon us.
>>
>> Immensely more has come to light for us since writing our complaint
>> and we are in the process of very significantly amending it and
>> greatly expanding it. We hope to file this amendment in two week's
>> time. The points of expansion will require much more preparation
>> than the already overwhelming burden PPL's intransigence and
>> distortion of truth has imposed upon us. (if it should become
>> necessary to go to trial, we can prove beyond any possibility of
>> doubt that PPL has gravely distorted the truth in multiple ways.)
>>
>> After completing the amendment to the complaint, we need to do
>> significant work to write interrogatories to try and get through the
>> facade to the frightening reality of the situation.

>>
>> Once the process of discovery is complete, we hope there will be
>> enough clarity on the table for PPL to finally want to negotiate a
>> reasonable settlement.
>>
>> We anticipate such a negotiation may well finally be offered, but,
>> even then, most likely it will take further time, particularly
>> because we will necessarily be expanding our requests for justice quite significantly.
>>
>> Particularly with all the other complaints caused by the meter
>> issues, You surely have enough work on your plate and we hope a
>> sufficient extension will enable pretrial settlement and lessen Your Honor's burdens.
>>
>> Further it may be much more difficult for us to get expert testimony
>> scheduled for the summer vacation months. This is all the more so,
>> because of our limited resources, we must seek out experts who are
>> willing to work for free as a public service.
>>
>> In light of all the above, we feel the necessity of scheduling in
>> September at the very earliest.
>>
>> Should we be forced to go to trial, we really need to do it in
>> person, health permitting, because it is very much harder to
>> understand and follow proceedings by phone than in person. Doing it
>> by phone would limit communication abilities, such as raising a hand
>> to ask Your Honor a procedural question, or seeing a person's facial
>> expression to better sense if they understand what is trying to be communicated.
>> Even beyond the visual, there is an entirely different meeting of
>> human individuals in physical presence that we feel very important to
>> support our pleas for justice in revealing the truth and deciding accordingly.
>>
>> There will be a great many aspects to cover in a possible trial, and
>> i know for a fact that in a case that was focused on the health
>> issues, it required two days for the lawyer of the utility customer
>> to complete presentations and questioning. it took the professional
>> lawyer a full two hours till he finally got the utility's "expert"
>> witness to admit the exact opposite of what he was earlier claiming.
>> We will not have the same skills as a professional lawyer, so more

>> time is most likely needed to get the truth admitted to, and there
>> are other issues we will be adding to the complaint that will require
>> more time. It is easy to imagine we may well need a full 5 days or more of trial time
for our case.

>>

>> We thank Your Honor for Your consideration of the above necessary
>> three requests.

>>

>> sincerely,

>>

>> willard

>

>> On 04-Apr-18 11:44, Barnes, Elizabeth wrote:

>>> Mr. and Mrs. Sunstein, Mr. Ryan and Mr. Renner:

>>> I will be assigned the case of /Sunstein v PPL/ at Docket No.

>>> C-2018-3000078. Is there any objection to me issuing a Protective

>>> Order regarding the medical health/treatments in the record in this

>>> case? With a Protective Order, information stamped "confidential"

>>> will be kept in a proprietary file in the Secretary's Office and

>>> will not be released to the public. The hearing will be scheduled for 10 a.m.

>>> on July 10 as a telephonic hearing unless Complainants request an in

>>> person hearing in Harrisburg.

>>> Regards,

>>> Elizabeth H. Barnes

>>> Administrative Law Judge

>>> Pennsylvania Public Utility Commission P.O. Box 3265 Harrisburg, PA

>>> 17015

>>> phone: (717)772-

>>> e-mail: @pa.gov

>

>

> This message is from the law firm Post & Schell, P.C. . This message and any
attachments may contain legally privileged or confidential information, and are intended
only for the individual or entity identified above as the addressee. If you are not the
addressee, or if this message has been addressed to you in error, you are not authorized
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>

Subject: Sunstein v PPL C-2018-3000078 Date: Wed, 4 Apr 2018 15:44:58
+0000
From: Barnes, Elizabeth <@pa.gov>
To: 'Will' < >, dryan@postschell.com <dryan@postschell.com>, Curtis S. Renner
(crenner@w-r.com) <crenner@w-r.com>

Mr. and Mrs. Sunstein, Mr. Ryan and Mr. Renner:

I will be assigned the case of /Sunstein v PPL/ at Docket No. C-2018-3000078. Is there any objection to me issuing a Protective Order regarding the medical health/treatments in the record in this case? With a Protective Order, information stamped "confidential" will be kept in a proprietary file in the Secretary's Office and will not be released to the public. The hearing will be scheduled for 10 a.m. on July 10 as a telephonic hearing unless Complainants request an in person hearing in Harrisburg.

Regards,

Elizabeth H. Barnes

Administrative Law Judge

Pennsylvania Public Utility Commission

P.O. Box 3265

Harrisburg, PA 17015

phone: (717)772-

e-mail: @pa.gov

