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PA PUBLIC UTILITY COMMISSION
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July 19, 2018

VIA REGULAR MAIL

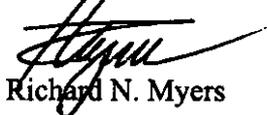
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Second Floor, North
P.O. Box 3625
Harrisburg, PA 17105-3265

Re: Richard N. Myers vs. PPL Electric Utilities Corporation
Docket No. C-2017-2620710

Dear Secretary Chiavetta:

Enclosed for filing is my Motion to reopen the record for the purpose of taking additional evidence. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,


Richard N. Myers

cc: Honorable Elizabeth H. Barnes

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Richard N. Myers,

Complainant,

v.

Docket No. C-2017-2620710

PPL Electric Utilities Corporation,

Respondent.

MOTION TO REOPEN THE RECORD
FOR THE PURPOSE OF TAKING ADDITIONAL EVIDENCE

July 19, 2018

TO ADMINISTRATIVE LAW JUDGE ELIZABETH H. BARNES

Your Honor:

Respectfully request the record be reopened to allow me to admit into the record recently announced findings by U.S. National Toxicology Program (NTP) officials that there is now ***clear evidence of cell phone RF radiation causing cancer in rats***. This new information was not made public in time to present it at the April 2 hearing. The 10-year, \$25 million dollar study was the largest, most comprehensive of its kind and the first time that a U.S. government appointed panel of expert scientists reported ***clear evidence*** of cancer in rats being caused by RF radiation exposure. The 2018 NTP expert panel review elevates the findings of the 2016 NTP expert panel review and reinforces findings of elevated cancer risks from RF radiation reported by other U.S. and international researchers over the past

several decades. **Clear evidence** of carcinogenic activity from U.S. government research represents a change in the conditions of fact. Reopening the record will serve the public interest.

In support of the above and in accordance with 52 Pa §5.571 I state the following:

- I request the enclosed document “**Actions from Peer Review of the Draft NTP Technical Reports on Cell Phone Radiation March 26-28, 2018**” be admitted into the record as Complainant Exhibit 29.
- Dr. Carpenter, my expert witness at the April 2 hearing, and I submitted our Direct Testimonies to PPL and PUC on March 16, 2018 in compliance with the Procedural Schedule.
- However, the government appointed Peer Review Panel did not convene until March 26-28, 2018. The purpose of the expert panel peer review was to analyze and vote on the NTP Cell Phone Study data. The results of their review were not made public until later that week.
- The rats which developed cancer were exposed to the microwave frequency of 900MHz. This is very close (approximately 1%) to the 902-928 MHz frequency which PPL reported in Discovery that their AMI smart meters emit.
- At the April 2 hearing Dr. Carpenter and I attempted to present and discuss the RF radiation-cancer finding by the NTP panel of expert scientists. However, because this information was not provided to PPL in written testimony by the March 16 due date PPL had no opportunity to review the findings in advance. Accordingly, Counsel for PPL objected to its introduction and the objection was sustained. Similarly, in their Motion of July 9, 2018 PPL has moved that the finding by the expert panel of *clear evidence* of cell phone radiation causing cancer in rats be stricken from my Reply Brief.
- Because the 381 page NTP Technical Report on Cell Phone Radiofrequency Radiation is still a draft document, I did not include it in Exhibit 29. ¹ However, the expert panel’s vote of *clear*

¹ NTP provides the link on page one of their expert Panel’s Action Report.

evidence of carcinogenic activity in male rats (8 yes, 3 no, and 0 abstentions) is a material fact and now a matter of record. This may change the RF radiation safety debate forever.

Accordingly, these latest findings require consideration by the Commission.

CONCLUSION

Based on the foregoing I respectfully request Complainant Exhibit No. 29 be accepted and entered into the record.

The below report is by the U.S National Institute of Environmental Health Sciences/NIH and can be found at https://ntp.niehs.nih.gov/ntp/about_ntp/trpanel/2018/march/actions20180328_508.pdf

**Actions from Peer Review of the Draft NTP Technical Reports on
Cell Phone Radiofrequency Radiation
March 26-28, 2018**

The National Toxicology Program (NTP) convened the NTP Technical Reports Peer Review Panel (“the Panel”) on March 26-28, 2018, to peer review two *Draft NTP Technical Reports on Cell Phone Radiofrequency Radiation*. Meeting information, including the draft reports, is available at the NTP website (<https://ntp.niehs.nih.gov/go/36144>). A meeting report will be prepared and posted to the NTP website when completed.

The Panel was divided into two groups: Panel 1 provided consultation on the reverberation chamber technology and Panel 2 provided recommendations on the study findings and NTP’s draft conclusions. NTP will consider these comments when finalizing the technical reports. When completed, the technical reports will be published on the NTP website (<https://ntp.niehs.nih.gov/go/189>).

Panel 1 agreed that the reverberations chamber technology was adequate for generating the fields used to assess the effects of cell phone radiofrequency (RFR) exposure in rats and mice.

Working from NTP’s scale of *clear evidence, some evidence, equivocal evidence, and no evidence*, Panel 2 made the following recommendations:

Technical Report TR 596: Cell Phone Radiofrequency Radiation Studies in Mice

Neoplastic Lesions: GSM Modulation

Male B63F1/N mice, exposed to GSM-modulated cell phone RFT at 1,900 MHz

- Panel 2 voted to accept (8 yes, 3 no, 0 abstentions) the conclusion as written, ***equivocal evidence of carcinogenic activity*** of male B63F1/N mice based on combined incidences of fibrosarcoma, sarcoma, or malignant fibrous histiocytoma in the skin.
- Panel 2 voted to accept unanimously (11 yes, 0 no, 0 abstentions) the conclusion as written, ***equivocal evidence of carcinogenic activity*** of male B6C3F1/N mice based on incidences of alveolar/bronchiolar adenoma or carcinoma (combined) in the lung.

Female B6C3F1/N mice, exposed to GSM-modulated cell phone RFR at 1,900 MHz

- Panel 2 voted to accept (9 yes, 2 no, 0 abstentions) the conclusions as written, ***equivocal evidence of carcinogenic activity*** of female B6C3F1/N mice based on incidences of malignant lymphoma (all organs).

Neoplastic Lesions: CDMA Modulation

Male B6C3F1/N mice, exposed to CDMA-modulated cell phone RFR at 1,900 MHz

- Panel 2 voted to accept (10 yes, 1 no, 0 abstentions) the conclusion as written, ***equivocal evidence of carcinogenic activity*** of male B6C3F1/N mice based on incidences of hepatoblastoma in the liver.

Female B6C3F1/N mice, exposed to CDMA-modulated cell phone RFR at 1900 MHz

- Panel 2 voted to accept unanimously (11 yes, 0 no, 0 abstentions) the conclusion as written, ***equivocal evidence of carcinogenic activity*** of female B6C3F1/N mice based on incidences of malignant lymphoma (all organs).

Myers’ Exhibit No. 29

Nonneoplastic lesions: GSM and CDMA Modulations

- Panel 2 voted to accept unanimously (11 yes, 0 no, 0 abstentions) the conclusions as written, *Exposure to GSM-CDMA-modulated cell phone RFR at 1,900 MHz did not increase the incidence of any nonneoplastic lesions in male or female B6C3F1/N mice.*

Technical Report TR 595: Cell Phone Radiofrequency Radiation Studies in Rats.

Neoplastic Lesions: GSM Modulation

Male Hsd: Sprague Dawley SD rats, exposed to GSM-modulated cell phone RFR at 900 MHz

- Panel 2 voted to recommend (8 yes, 3 no, 0 abstentions) the conclusion, ***clear evidence of carcinogenic activity*** of male Hsd:Sprague Dawley SD rats based on incidences of malignant schwannoma in the heart.
- Panel 2 voted to accept unanimously (11 yes, 0 no, 0 abstentions) the conclusions as written, ***equivocal evidence of carcinogenic activity*** of male Hsd:Sprague Dawley SD rats based on incidences of adenoma or carcinoma (combined) in the prostate gland.
- Panel 2 voted to recommend (7 yes, 4 no, 0 abstentions) the conclusion, ***some evidence of carcinogenic activity*** of male Hsd: Sprague Dawley SD rats based on incidences of malignant glioma in the brain.
- Panel 2 voted to accept unanimously (11 yes, 0 no, 0 abstentions) the conclusion as written, ***equivocal evidence of carcinogenic activity*** of male Hsd: Sprague Dawley SD rats based on benign or malignant granular cell tumors in the brain.
- Panel 2 voted to accept (10 yes, 1 no, 0 abstentions) the conclusion as written, ***equivocal evidence of carcinogenic activity*** of male Hsd: Sprague Dawley SD rats based on incidences of adenoma in the pars distalis of the pituitary gland.
- Panel 2 voted to recommend (6 yes, 4 no, 1 abstention) the conclusion, ***some evidence of carcinogenic activity*** of male Hsd:Sprague Dawley SD rats based on incidences of pheochromocytoma (benign, malignant, or complex combined) in the adrenal medulla.
- Panel 2 voted to accept unanimously (11 yes, 0 no, 0 abstentions) the conclusion as written, ***equivocal evidence of carcinogenic activity*** of male Hsd:Sprague Dawley SD rates based on incidences of pancreatic islet cell adenoma or carcinoma (combined).

Female Hsd: Sprague Dawley SD rats, exposed to GSM-modulated cell phone RFR at 900 MHz

- Panel 2 voted to recommend (9 yes, 2 no, 0 abstentions) the conclusion, ***equivocal evidence of carcinogenic activity*** of female Hsd:Sprague Dawley SD rates based on incidences of malignant schwannomas in the heart.

Nonneoplastic Lesions: GSM Modulation

- Panel 2 voted to accept unanimously (11 yes, 0 no, 0 abstentions) the conclusion as written, *Increases in nonneoplastic lesions in the heart, brain, and prostate gland of male rats occurred with exposures to GSM cell phone RFR at 900 MHz.*
- Panel 2 voted to accept unanimously (11 yes, 0 no, 0 abstentions) the conclusion as written, *Increases in nonneoplastic lesions in the heart, thyroid gland, and adrenal gland in female rats occurred with exposures to GSM cell phone RFR at 900 MHz.*

Myers' Exhibit No. 29

Neoplastic Lesions: CDMA Modulation

Male Hsd: Sprague Dawley SD rats, exposed to CDMA-modulated cell phone RFR at 900 MHz

- Panel 2 voted to recommend (8 yes, 3 no, 0 abstentions) the conclusion of ***clear evidence of carcinogenic activity*** of male Hsd:Sprague Dawley SD rats based on incidences of malignant schwannoma in the heart.
- Panel 2 voted to recommend (6 yes, 4 no, 1 abstention) the conclusion, ***some evidence of carcinogenic activity*** of male Hsd: Sprague Dawley SD rats based on incidences of malignant glioma in the brain.
- Panel 2 voted to accept unanimously (11 yes, 0 no, 0 abstentions) the conclusion as written, ***equivocal evidence of carcinogenic activity*** of male Hsd:Sprague Dawley SD rats based on incidences of adenoma in the pars distalis of the pituitary gland.
- Panel 2 voted to accept unanimously (11 yes, 0 no, 0 abstentions) the conclusion as written, ***equivocal evidence of carcinogenic activity*** of male Hsd:Sprague Dawley SD rats based on incidences of adenoma or carcinoma (combined) in the liver.

Female Hsd:Sprague Dawley SD rats, exposed to DCMA-modulated cell phone RFR at 900 MHz

- Panel 2 voted to accept (8 yes, 3 no, 0 abstentions) the conclusion as written, ***equivocal evidence of carcinogenic activity*** of female Hsd:Sprague Dawley SD rats based on incidences of malignant glioma in the brain.
- Panel 2 voted to accept (10 yes, 0 no, 1 abstention) the conclusion as written, ***equivocal evidence of carcinogenic activity*** of female Hsd: Sprague Dawley SD rats based on incidences of pheochromocytoma (benign malignant, or complex combined) in the adrenal medulla.
- Panel 2 voted to recommend (9 yes, 2 no, 0 abstentions) the conclusion, ***equivocal evidence of carcinogenic activity*** of female Hsd:Sprague Dawley SD rats based on incidences of malignant schwannoma in the heart.

Nonneoplastic Lesions: CDMA Modulation

- Panel 2 voted to accept unanimously (11 yes, 0 no, 0 abstentions) the conclusion as written, ***Increases in nonneoplastic lesions of the heart, brain and prostate gland occurred in males exposed to CDMA cell phone RFR at 900 MHz.***
- Panel 2 voted to accept unanimously (11 yes, 0 no, 0 abstentions) the conclusion as written, ***Increases in nonneoplastic lesions of the brain in females exposed to CDMA cell phone RFR at 900 MHz.***

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served 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)

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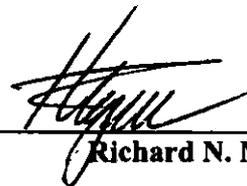
Honorable Elizabeth H. Barnes
Office of Administrative Law Judge
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Harrisburg, PA 17105-3265

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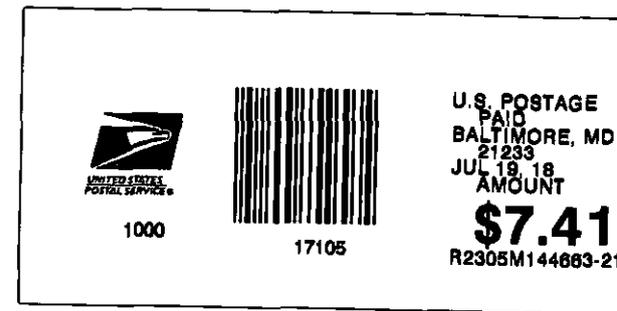
PA PUBLIC UTILITY COMMISSION
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Date: July 19, 2018



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