

Suzanne M Meyer

1137 Cornell Street
15212

Joseph C Beerens

2 July 2018

Paul Shane Miller esq
Jeremy V. Farrell esq.

c/o Tucker Arensberg
1500 One PPG Place
Pittsburgh PA.

RECEIVED

JUL 20 2018

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

RECEIVED
2018 JUL 10 AM 10:38
PA PUC
SECRETARY'S BUREAU

Re: Docket No. C2018-3002554 Formal Complaint filed against the PUC for initiating Trespassing Technology

Mr. Miller / Mr. Farrell,

Suzanne and Joseph are responding to your letters of representation of Duquesne Light Co (DLC) in response to the above complaint. We have the following rebuttal to your statements.

1. Your primary objection, stated repeatedly, about our complaint was to construe our refusal of a smart meter offer from DLC. as a request for an OPT OUT choice, which clearly ACT 129 provides no means to do so. Your interpretation of our intent is mischaracterized.

Under the Uniform Commercial Code, Suzanne's and Joseph's relationship with DLC is under an ongoing commercial contract since 2010 for the purchase of electrical power as Buyer and Seller respectively. As such, DLC has sent us a Notice to change our perfectly operable and safe analog meter to an unsafe and intrusive smart meter. For the Buyer, this changes the terms of the contract. We have a right to refuse the offer (hence our PUC complaint) or to make a counteroffer. All contracts commence with an offer and only become binding upon acceptance. See: Farnsworth on Contracts, ©2004 by E. Allen Farnsworth, Third Edition, Aspen Publishers, ISBN: 9780735541429 (vol.1).

2. In response to our concern of excessive and dangerous microwave radiation emitted by smart meters, you merely inserted a piece of DLC's promotional literature which contained inaccurate measurements of safety, neither does it include certified testing that would prove such safety claim. The literature's use of milliwatts per square centimeter is a measure of heat, not the dangers of microwave frequency which would be measured in Hertz, an example of misleading and inaccurate characterization of safety. The World Health Organization's safety standards are irrelevant, since their standards vary widely from recognized standards in the United States of America. Examples include:
 - a. Environmental Protection Agency' (EPA). 1993: "The FCC's exposure standards are seriously flawed." (Official comments to the FCC on guidelines for evaluation of electromagnetic effects of radio frequency radiation, FCC Docket ET 93-62, November 9, 1993.)
 - b. Food and Drug Administration (FDA), 1993: "FCC rules do not address the issue of long-term, chronic: exposure to RF fields." (comments of the FDA to the FCC, November 10, 1993.)

- c. National Institute for Occupational Safety and Health (NIOSH). 1994: The FCC's standard is inadequate because it "is based on only one dominant mechanism ie. adverse health effects caused by body heating" (Comments of NIOSH to the FCC January 11, 1994)
 - d. Amateur Radio Relay League Bio-Effects Committee, 1994: "The FCC's standard does not protect against non-thermal effects." (Comments of the ARRL Bio-Effects Committee to the FCC, January 1, 1994.)
 - e. Environmental Protection Agency (EPA). 2002: Norbert Hankin of the EPA's Office of Air and Radiation, Center for Science and Risk Assessment, Radiation Protection Division, wrote: "The FCC's current [radio frequency/microwave exposure guidelines, as well as those of the Institute of Electrical and Electronics Engineers (IEEE) and the International Commission on Non-ionizing Radiation Protection, are thermally based, and do not apply to chronic, non-thermal exposure situations.... the generalization by many that the guidelines protect human beings from harm by any or all mechanisms is not justified....There are reports that suggest that potentially adverse health effects, such as cancer, may occur. Federal health and safety agencies have not yet developed policies concerning possible risk from long term, non-thermal exposures."
 - f. The U.S. Department of Interior. 2014: "Study results have documented [bird] nest and site abandonment, plumage deterioration, locomotion problems, reduced survivorship, and death.... **The electromagnetic radiation standards used by the Federal Communications Commission (FCC) continue to be based on thermal heating, a criterion now nearly 30 years out of date and inapplicable today.**" Emphasis added.
 - g. In the FCC's mission statement, there is no indication whatsoever of any jurisdiction or mandated protection of men, women, and children for biological and medical harm caused by radio frequencies.
3. In response to our complaint about fire safety, you responded that smart meters have been found to meet all accuracy, safety, and reliability standards by the ANSI and UL, but none of this literature from the two agencies proving this claim was presented as certified evidence. Contrary evidence exist. Examples include:
- a. Due to fire and safety risks, PECO ENERGY CO (Pennsylvania) announced removal of 96,000 "smart meters" in 2012; <http://emfsafetynetwork.org/wp-content/uploads/2016/01/Summary-of-Evidence-on-Smart-Meter-Fires.pdf>
 - b. the PROVINCE OF SASKATCHEWAN (Canada) announced removal of all of their 105,000 "smart meters" in 2014: <http://thestarphoenix.com/business/devices-caught-fire-in-2014-more-smart-meters-coming-to-saskatchewan>
 - c. PORTLAND GENERAL ELECTRIC (Oregon) announced removal of 70,000 "smart meters" in 2014; https://www.oregonlive.com/business/index.ssf/2014/07/page_replacing_some_electricity.html

- d. CITY OF LAKELAND (Florida) announced removal of more than 10,000 "smart meters" in 2014. <https://www.metering.com/regional-news/north-america/smart-meter-fires-lakeland-electric-recalls-10-5k-sensus-meters/>

4. In response to our complaint of the smart meter being an unwarranted trespassing technology, and therefore in violation of our Fourth Amendment rights, you have stated simply that the PUC has no jurisdiction and thus seeks dismissal of the claim. The fact that the Pennsylvania Legislature has passed ACT 129 does not make this legal order valid. Article IX. Section VII of the Pennsylvania Constitution states:

That the people shall be secure in their persons, houses, papers and possessions, from unreasonable searches and seizures: And that no warrant to search any place, or to seize any person or things, shall issue, without describing them as nearly as may be, nor without probable cause supported by oath or affirmation.

"...acts of ... government which are NOT PURSUANT to its constitutional powers ... will [not] become the supreme law of the land. These will be merely acts of usurpation, and will deserve to be treated as such..." (Federalist No. 33, 6th para).

Furthermore, prima fascia evidence of what a smart meter does clearly proves the point of unreasonable searches and seizure of information, not granted by the person, with no probable cause or sworn warrant.

This unwarranted Trespassing Technology is designed with the explicit intention and capability to extract information from within private dwellings and or workplaces, about specific appliance usage details and other data pertaining to activities of the living occupants.

- a. A U.S. Congressional Research report entitled "Smart Meter Data: Privacy und Cybersecurity" (February 3, 20 12) states, "With smart meters, police will have access to data that might be used to track residents' daily lives and routines while in their homes, including their eating, sleeping, and showering habits, what appliances they use and when, and whether they prefer the television to the treadmill, among a host of other details."
- b. A senior official with the National Association of Regulatory Utility Commissioners (NARUC) admitted in an interview with Politico.com (January 1 , 2015), "I think the data [of in-home activities, harvested via so named "smart meters"] is going to be worth a lot more than the commodity that's being consumed [electricity] to generate the data."
- c. In 2016, a major "smart" meter data aggregator with , Onzo Ltd (UK), released a marketing video which stated, "We use this characterized profile to give the utility... the ability to monetize their customer data by providing a direct link to appropriate third party organizations based on the customer's identified character'.

It appears that Duquesne Light is offering mediation as a way of resolving this matter. As the outcome of such discussions is uncertain, we will keep with our proposal to work within the limits of contract law in resolving this matter.

We will be presenting to DLC's CEO and others as living persons, not as official actors, NOTICE OF LIABILITY as a counteroffer to their proposal to install a smart meter on our home. This notice states the terms in which they can accept the contract based on our counteroffer, or ignore the contract and proceed with installing a smart meter and be held liable to the counteroffer's terms under UCC contract law. If the latter is pursued by DLC either willfully or at the instructions of the PUC, after a period of grace, we will send a notice of default and follow up with daily charges and liens against the unpaid amounts to all parties of the contract. Commercial law is clearly defined and stands above ACT 129.

A copy of this NOTICE OF LIABILITY is attached for your instruction.

Respectfully submitted,



Suzanne M. Meyer

Joseph C. Beerens



cc: Rosemary Chiavetta, PUC secretary

~~RECEIVED
2018 JUL 10 AM 10:38
PA PUC
SECRETARY'S BUREAU~~

RECEIVED

JUL 20 2018

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

1137 Cornell St.
15212

PITTSBURGH PA 150
PITTSBURGH PA 150

03 JUL 2018 PM 5 L



Rosemary Chiavetta, Secretary 21

P. O. C.

Keystone Bldg. 2nd floor W.; 400 N. St.

Harrisburg PA 17120

17120\$9999



BEERENS / MEYER
1137 CORNELL ST.
PITTSBURGH, PA 15212

PITTSBURGH PA 150

18 JUL 2018 PM 4 L



ROSEMARY CHIAVETTA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
400 NORTH STREET
HARRISBURG, PA 17120

17120-007999

