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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

DORENE DOUGHERTY

vs.

**PENNSYLVANIA ELECTRIC
COMPANY**

Docket No. C-2018-3001474

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**RESPONSE TO ANSWER AND NEW MATTER OF
PENNSYLVANIA ELECTRIC COMPANY DATED
MAY 17, 2018 AND REQUEST FOR MOTION TO STRIKE**

COMES NOW, Dorene Dougherty, as one of the People, claiming all rights known and unknown, waiving none, seeking this commission's protection of her rights, Life and continued health and files her Reply/Response To Answer And New Matter Of Pennsylvania Electric Company (hereinafter "Penclec") Dated May 17, 2018.

PRELIMINARY STATEMENT

On April 24, 2018, Complainant's Formal Complaint was filed with the

Commission alleging, among other things, that Penelec threatened to terminate electric service to Complainants' home as a result her request to Penelec that the Company refrain from installing a smart meter that would negatively affect Complainant's already poor health. The Complainant requested in her Complaint that the Commission not allow Penelec to install a smart meter in her home. The Complaint was served on Penelec by the Commission.

ANALYSIS AND REQUEST TO STRIKE

Complainant has read Penelec's 'ANSWER AND NEW MATTER' dated May 17, 2018 and in essence, respondent argues that Penelec is compelled by Act 129 and the Commission's Orders to install smart meters in every customer's premises and there are no "opt-outs" to this requirement.

Complainant has compared the 'ANSWER AND NEW MATTER' to the "Preliminary Objection To The Formal Complaint of Dorene Dougherty" and is respectfully requesting that this Commission strike certain portions or all portions of the 'Answer and New Matter of Pennsylvania Electric Company' ("Penelec" or "Respondent") for failure to adhere to the Commission's regulations regarding New Matters. 52 Pa. Code §5.62.

In fact, there appears to be no "New Matter" contained therein, regardless of the subheading found on page 10. The 'New Matter' is not New Matter because beginning at page 10, Paragraph 12, under Penelec's 'new matter' and continuing to page 13 is verbatim text, copied and pasted from Penelec's "Preliminary Objection," beginning on page 5 and continuing to page 7 (paragraphs 7 & 8).

Specifically, Complainant requests to strike Penelec's "comments," superfluous padding and "Answers" contained in the "New Matter," which Penelec has attempted to incorporate by reference as "New Matter," which is not new matter.

Further, Penelec's " comments" and Answers to Complainant's formal Complaint are not "New Matter," as contemplated by the Commission's regulations. *See* 52 Pa. Code §5.62.

In effect, Penelec attempts to circumvent the Commission's regulations regarding New Matter by incorporating its Preliminary Objections directly into the alleged "new matter" and embellishing on the same points raised in their Preliminary Objection. These portions of the *Answer and New Matter* of Penelec total 15 pages and are , in fact, procedurally deficient. In addition to being procedurally deficient, this alleged "New Matter" is deceptive and misleading to the Commission because it does not consist of new material facts. *See* 52 Pa. Code §5.62 .

Penelec clearly states on ¶ 15, "*The Preliminary Objection filed contemporaneously with the subject Answer and New Matter in this proceeding, which is incorporated herein...*"

Penelec's attempt to incorporate by reference as "*New Matter*" (all 28 pages), which includes arguments, legal conclusions, and denials of Complainant's formal complaint, much of which is copied verbatim from the Preliminary Objection, is prejudicial to Complainant and she was forced to attempt to decipher their document, that was clearly procedurally deficient pursuant to 52 Pa. Code § 5.62(b). Moreover, Complainant cannot find any new material facts.

For the reasons set forth above, these defects are sufficient to warrant striking

Penelec's Answers and "New Matter" entirely or in part.

Based on the foregoing, Complainant, Dorene Dougherty, respectfully requests that Penelec's Answer and New Matter be stricken in part or in full and that the relief sought by Penelec in its Preliminary Objections and Answer and New Matter be denied.

Alternatively, Complainant respectfully requests that this matter be allowed to proceed to hearing or be referred to the Office of Administrative Law Judge's Mediation Unit for a possible resolution.

CERTIFICATION

I HEREBY CERTIFY THAT THE FOREGOING STATEMENTS MADE BY ME ARE TRUE. I AM AWARE THAT IF ANY OF THE STATEMENTS MADE BY ME ARE WILFULLY FALSE I AM SUBJECT TO PUNISHMENT

Respectfully Submitted by,

Dorene Dougherty July 26, 2018
Dorene Dougherty

Dated July , 2018

Dorene Dougherty
15 Margrow Road
Tunkhannock, PA 18657

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PENNSYLVANIA PUBLIC UTILITY COMMISSION**

DORENE DOUGHERTY

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**PENNSYLVANIA ELECTRIC
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Docket No. C-2018-3001474

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of "Response To Answer And New Matter Of Pennsylvania Electric Company Dated May 17, 2018 And Request For Motion To Strike" To the following:

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

Lauren M. Lepkoski
FirstEnergy Service Company
2800 Pottsville Pike
P.O. Box 16001
Reading, Pennsylvania 19612-6001

Dated July , 2018

Dorene Dougherty July 26, 2018
Dorene Dougherty
Dorene Dougherty

15 Margrow Road
Tunkhannock, PA 18657

Rosemary Chiavetta, Secy
PA PUC
Commonwealth Keystone Bldg.
400 North Street 2nd floor
Harrisburg, PA 17120

July 12, 2018

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Re: Doreen Dougherty vs. Pennsylvania Electric Co.
Docket No: C-2018-3001474

Dear Secy Chiavetta,

I am requesting to add a contact for all my
correspondence - from PA-PUC.

Please email eldonkib@yahoo.com and

US-mail: Eldon Kibler
420 Snyder Rd.
Reading, PA 19605
610-926-4340

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Thank you

Sincerely,

Doreen Dougherty

Doreen Dougherty July 26, 2018

GUNNAR HEUSER, M.D., Ph.D., F.A.C.P., F.A.C.F.E., B.C.F.E.
NeuroMed and NeuroTox Associates
A Medical Group

Fellow, American College of Physicians
Fellow, American EEG Society

Diplomate (McGill University), Internal Medicine
Diplomate, American College of Forensic Examiners

NEUROTOXICOLOGY

IMMUNOTOXICOLOGY

January 11, 2017

RE: Dorene Dougherty

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To Whom It May concern:

I have known Dorene since 1999 when she first contacted me regarding her medical problems. In 2002 I first saw her in person and evaluated her situation.

It turns out that she suffers from severe multiple chemical sensitivity and also from sensitivity to electromagnetic radiation. Her situation was brought on by herbicides and aggravated by mold exposure.


In view of the above she has become disabled and can survive only when accommodated for her extreme sensitivities.

For the above reasons she would suffer significant detrimental health effects if exposed to the radiation from smart meters. Avoidance of exposure to such smart meters in her home and her immediate neighborhood appears mandatory. She is intolerant of digital technology.

I have published in scientific peer reviewed medical journals on the potential ill effects of even small amounts of chemicals which can severely impair brain, immune, and other functions. More recently, I have found that exposure to electromagnetic fields can impair brain function (abnormal functional brain scans).

In view of the above, exposure to electromagnetic field radiation should be avoided at all costs since it will be detrimental to her health. Avoidance should be practiced not only by my patient but also by her neighbors who may well experience a gradual deterioration of their health.

The understanding and compassion of Penelec and her neighbors will be much appreciated.

A handwritten signature in black ink, appearing to read 'G H' followed by a stylized flourish.

Gunnar Heuser M.D.