

August 6, 2018

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

CC: Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Keystone Bldg. 2<sup>nd</sup> Floor W  
400 N. St.  
Harrisburg, PA 17120

RE: Kathrine E. Hubel v. Duquesne Light Com-  
pany  
DOCKET NO. C-2018-3002620

Response to Preliminary Objections:

### I. Introduction

PA law does not require that every home & business receive a smart meter. Indeed, significant portions of the state are served by small utilities which have less than 100,000 customers & have no requirement to provide anyone a smart meter, let alone compel people against their will with their installation. The law, I assume, being referred to here is Act 129. Act 129 does require Duquesne Light & other large utilities

to file a smart meter technology procurement & installation plan with a mandate to install them for any customer that requests one (providing they pay for it's cost) & in new building construction. My home does not fall into that mandate.

In the second paragraph of Act 129, it states: "The General Assembly recognizes the following public policy findings and declares that the following objectives of the Commonwealth are served by this act: (1) The HEALTH, SAFETY, and prosperity of all citizens of this Commonwealth are inherently dependent upon the availability of adequate, reliable, affordable, efficient, & environmentally sustainable electric service at the least cost, taking into account any benefits of price stability over time & the impact on the environment." I contend that if it was the intention of the General Assembly for these large utilities to install, even forcibly, these smart meters on all homes & businesses, it would have said as such & there would have been no need to single out the new buildings & customers that requested them. PA state senator Fumo is on record in PA senate Journal Oct. 8,

2008 (pp. 2626-2631) stating, "In addition we did not mandate smart meters, but we made them optional". It is clear to me that the PA utility Commission in coordination with the utilities, then decided that there was just enough ambiguity in it that with some twisting of meaning, they could still use it to justify a mandate for everyone, clearly with questionable motivations.

Additionally, The Energy Policy Act of 2005, from which Act 129 was created, describes in section 1252 on smart metering, a system whereby utilities acquire capability to offer their customers, by choice (in other words, only with their consent), smart meters in order to incentivize the use of energy during non-peak hours.

Beyond this, Duquesne Light has ignored the concerns of my doctor who strongly recommended I not be exposed to the pulsed microwave radiation & dirty electricity of the smart meter. For this, I hold that Duquesne Light & the PA utility Commission is still supportive of Duquesne

Light's wanting to force me into accepting a smart meter, are in violation of their mission statement to ensure safe & reliable utility service & to protect the public interest. The 4th Amendment of the Constitution, also, gives all people the right to be secure in their persons, houses, papers, & effects. Additionally, I call your attention to the American Disabilities Act, section 504 & assert that as a person who suffers from Electromagnetic Hypersensitivity, Duquesne Light is not providing reasonable accommodations for people with such disabilities.

## II. Relevant Allegations

2. This is correct information
3. I object to such a plan as laid out in my introduction.
4. I never "opted-in". I am transgressing no law by not having a smart meter.
5. This is correct.

## III. Argument

6. I am well within my legal rights to retain my present meter as explained in my Introduction.
7. I haven't the slightest idea what this

means.

8. I disagree. Act 129 of 2008 requires electric distribution companies with more than 100,000 customers to submit procurement & installation plans to The PA Utility Commission, but only mandates them in new construction & for customers who request them. (page 16 of Act 129).

9. This is true

10. I believe it would be illegal & inappropriate for Duquesne Light to have installed a smart meter on any existing home or business whose owner objected, especially upon a physician's recommendation.

11. I believe you.

12. Duquesne Light can have any plan it wishes, but it cannot provide a legal basis for any plan it wishes. Forcing me to accept a smart meter against the interests of my health & well-being does not sound to me like something legal.

13. There is no law that requires me to have a smart meter & no law that coerces Duquesne Light to install one on my home.

14. I cannot comment on the Code and Commission regulations and orders, but I will say that there is sufficient evidence

That the radiation emitted by Duquesne Light's smart meters has the potential of being harmful to the health of human beings & for that reason should have been very objected to by the PUC & the utilities who are obligated to safeguard the health & safety of their customers. Additionally, no customer is more vulnerable than one who suffers with Electromagnetic Hypersensitivity as I do.

15. I reject this idea that Duquesne Light would be breaking the law by continuing to measure my electricity usage with my present meter or even better, an analog meter.

16. You will have to send me the specific references for the word "shall" for me to respond to the statement. Regardless, I have read Act 129 many times & the only circumstances mandated to receive a smart meter are customers that request one & on new buildings. Any claim otherwise is an overreach with questionable motivations. Also, nothing in Act 129, even if stated very clearly, could stand on good legal ground if it violated their mission statement which supersedes all other laws, rules, and codes.

17. There is nothing in Act 129 that legitimizes the installation of a meter that has the potential of harming the health of the customer.

18. I disagree as per previously mentioned arguments.

19. I disagree with the PA Utility Commission's decision.

20. Regarding Duquesne's ruling that the installation of a smart meter is required to receive electric service, I do not believe this is legally tenable due to its potential to be harmful to my health & well-being.

Wherefore, Respondent Katherine E. Hubel respectfully requests that the Commission decline Duquesne Light's Preliminary Objections.

Respectfully Submitted,

Katherine E. Hubel

611 Edgewood Rd.

Pittsburgh, PA 15221

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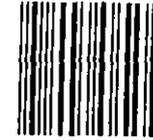


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FROM:

Kathy Hubel  
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TO:

Rosemary Chiavetta  
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