

**Conchita M Braun
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August 14th, 2018

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street 2nd Floor
Harrisburg, PA 17120

**Re: Conchita M Braun v. Metropolitan Edison Company
Docket No. C-2018-3003001**

Dear Secretary Chiavetta:

Enclosed please find my Reply/Response to the Preliminary Objections and Answer and New Matter from Metropolitan Edison Company.

Copies of the reply/response are also being sent to the assigned Administrative Law Judge and to Metropolitan Edison Company.

Please feel free to contact me if you have any questions regarding this matter.

Sincerely,



Conchita M Braun

RECEIVED

AUG 14 2018

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

CONCHITA M BRAUN

v.

METROPOLITAN EDISON COMPANY:

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Docket No. C-2018-3003001

**CONCHITA M BRAUN'S REPLY TO THE PRELIMINARY OBJECTIONS
FILED BY METROPOLITAN EDISON COMPANY**

I, Conchita M Braun, as one of the People, claim all my rights known and unknown, waiving none, seek the Commission's protection of my rights and as stated in the Commission's Mission Statement seek the Commission's help to ensure my safety, my public interest and to help me make an independent decision in the matter here in question.

REPLY TO PRELIMINARY OBJECTIONS FROM

METROPOLITAN EDISON COMPANY

I, Conchita M Braun file the following reply to the Company's Preliminary Objections as follows:

1- Admitted that I filed a Formal Complaint.

Under this section Metropolitan Edison Company wrote:

"The Complainant states requested relief:

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

...Please see attached letters (dated 5-14-18 & 5-31-18) that explain in more detail why I cannot have a smart meter installed in my property..."

Under this Section Metropolitan Edison Company *fails to mention* the important detailed information in the attached letters I included, regarding the health hazard of the radiofrequency microwave radiation emission of these devices and how its installment would have a negative effect on my health due to my EMF sensitivity, my concern for privacy and safety and my request to have the installation of the Smart Meter delayed until 2023 (Act 129 gives the electrical companies until that year to implement the installment of such devices)

2- Admitted.

3- For the purpose of this Reply, much of paragraph 3 of the Company's Preliminary Objections, have been restated. The enactment by the Company is not completely accurate. I will explain below, to the best of my recollection and in the proper chronological order, the correct sequence of events. For that reason paragraph 3 is Admitted, in part – DENIED in part.

Metropolitan Edison Company writes:

"On March 13th 2018, the Company sent correspondence to the Complainant regarding installation of a smart meter at the Service Location."

Admitted that I received a few inconspicuous flyers earlier in the year saying they would be in my neighborhood installing Smart Meters in the future. *However* no specific dates were given.

Admitted that I contacted Metropolitan Edison Company through the company's website (email) to let them know I did not want a Smart Meter installed in my

property. Note: The Company says they received my email on May 11th, but I sent it on May 9th.

Also Metropolitan Edison Company writes:

“... The Company provided detailed response to the Complainant in attempt to address the Complainant’s concerns which included the contact information for the Commission...”

DENIED. My concerns were not addressed in their reply to my email. It is clear from the email I received on May 11th, included below, my concerns were not addressed, I was referred to look at the PA PUC website. I do not consider that as addressing my concerns. At no time did Metropolitan Edison in their reply, address my health concerns, which is one of the main (but not only) reasons why I don’t want a Smart Meter placed in my home.

The following is the content of the email I received from the Company on May 11th in response to the email I sent them on May 9th:

On May 11, 2018, fecustomerservice@firstenergycorp.com wrote:

Conchita Braun:

The company is required by Pennsylvania law to install a smart meter for all customers. You may obtain more information about the law by visiting the Pennsylvania Public Utility Commission's website at www.puc.state.pa.us and search for the keyword Smart Meter.

If the explanation given has not resolved this matter, you have the right to file an informal complaint with the PA Public Utility Commission. The informal complaint must be filed within the next 10 days in order to ensure preservation of all your rights. You may file an informal complaint by phoning the Public Utility Commission at 1-800-692-7380 or by writing to the following address: Pennsylvania Public Utility Commission, PO Box 3265 Harrisburg PA 17105.

What I will do for you today is delay installation of your smart meter to allow time for you to file a complaint with the Pennsylvania Public Utility Commission. (Emphasis added)

If you are not satisfied with this response or have additional comments or questions, please reply to this email within five business days or call us at 1-800-545-7741, Monday through Friday, between 8 a.m. and 6 p.m. If we do not hear from you within five business days, we will consider this course of action acceptable...

Sincerely,
Helen
Customer Service

Please note that after receiving their email on May 11th, I took the time to look through the PUC website and decided to write an informal complaint letter. I always feel that it's best to put things in writing instead of talking over the phone. So, on May 14th I wrote a complaint letter and sent it to the PUC, to the address provided in the email the Company sent to me on May 11th. (Copy of this letter was also included when I filed the Formal Complaint). I also replied on May 14th to the email I received from the Company, letting them know that I was writing an informal Complaint.

Here is the content of my email:

On May 14, 2018, at 9:13 PM,
Conchita M Braun <conchitabraun@yahoo.com> wrote:

Helen,

Thank you for the information.
My complaint letter will go out this week. (Emphasis added)

Sincerely,

Conchita M Braun.

Further on Section 3 of their Preliminary Objections Metropolitan Edison writes:

On May 14th, 2018 the Company attempted to contact the Complainant to discuss her concerns regarding the smart meter installation and left a message. No return telephone call was received.

Admitted. I remember getting a message, but since by the time I heard it, it was after office hours and I had contacted the Company on May 14th via email, telling them that I would be sending a letter to the PUC. I didn't think a return call was necessary.

Continuing on this same section 3 of the Preliminary Objections, the Company writes:

On May 15th 2018, the Company sent correspondence to the Complainant in an attempt to schedule installation of a smart meter at the Service Location.

On or around May 19th I did receive the letter mentioned, dated May 15th, saying that they had made several attempts to contact me to discuss the installation of a Smart Meter. Re-iterating that they are required by Pennsylvania law Act 129 to install them for all their PA customers. To call them so they can discuss the installation of the Smart Meter... I didn't understand why I received this letter, since I had already emailed them informing them that I would be writing a letter to the PUC and given that on the May 11th email I received (included above) the Company had stated:

What I will do for you today is delay installation of your smart meter to allow time for you to file a complaint with the Pennsylvania Public Utility Commission. (Emphasis added)

So On May 22nd I wrote an email as follows:

Helen,

Please find attached a copy of the letter that sent last week to the PUC. (Emphasis added)

Sincerely,

Conchita Braun

Further in this same section 3 of the Preliminary Objections the Company writes:

On May 23, 2018, the Company received an email from the Complainant wherein she reiterated her refusal of the installation of a smart meter at the Service Location.

DENIED: The email I sent them on May 22nd, shown above was to re-iterate that I had sent a letter to the PUC.

Further in this same section 3 of the Preliminary Objections the Company writes:

On May 25th, 2018, a pre-disconnection warning letter was issued to the Complainant...

On or about May 29th, I did receive a letter dated May 25th from the Company, as a 10-DAY NOTICE. The letter stated the same thing as the letter they sent me dated May 15th, but adding that I had until June 4th to contact them to replace the new meter, or my account would be subject to being shut off.

At this point I still had not heard back from the PUC about the complaint letter I sent them. This was getting very confusing, as stated previously, I had notified the Company of the letter I had sent the PUC. So why weren't they allowing the time for PUC to reply?

Further in this same section 3 of the Preliminary Objections the Company writes:

On May 30th 2018 the Complainant contacted the Company to reiterate her refusal of the installation of a smart meter at the Service Location...

Since this had me perplexed, I did call the Company the next day in regards to the letter I received on May 29th. I asked to talk to Helen, the representative that had emailed me back in the past, the representative that answered my call said Helen was not available. I explained to her that I had already written a complaint letter to the PUC, so I didn't

understand why they were sending me this 10- Day Notice. The lady on the phone just kept repeating that Act 129 requires them to install the Smart Meters and if I refused, I would be subject to having the power shut off. I informed the representative that I was trying to convey that I had sent a letter to the PUC and still not heard back from them. The representative advised that I should contact PUC again.

I called PUC and was on hold for a long time. I couldn't stay holding on the line any longer since I had to work. Later in the day, I saw that there was a message from PUC calling me back. By the time I got this message PUC's office was closed. So I decided to write a second informal complaint letter to the PUC Bureau of Consumer Affairs and this time send it certified, to ensure that it was received. (This second letter written on May 31st, was also included in my Formal Complaint)

On June 1st, I emailed the Company again, letting them know that I still had not heard back from the PUC in regards to my first letter and that I had sent a 2nd complaint letter to the PUC, to please allow the PUC the time to review and respond. I also notified them in the email, that I had sent the Company, via certified mail, copies of the two (2) letters I had sent the PUC.

In regards to the statement I make above about my June 1st email to the company, on the Preliminary Objections the Company states:

On June 4th the Company received an email from the Complainant wherein she stated that she was still refusing the installation of a smart meter at the Service Location and that she had sent a second letter to the Commission.

Admitted in part. I did mail the email, but no mention is made about what I said that I had not heard back from the PUC about the first letter I sent and to allow the time, for the PUC to review my complaint and reply.

Here is exactly what my email to the Company on June 1st said:

This is to inform you that a second complaint letter has been sent to the PUC in regards to a proposed Smart Meter installation in my home. The first letter to PUC was sent on 5-14-18, after I contacted you first. (Was given a request #2317186 on your reply to my first message) The second letter is being sent out today, after I called First Energy in regards to a letter I received from you as a 10 day notice and again was advised to contact PUC.

You must allow the needed time for PUC to review my letters and respond. Before sending these type of notifications. I have not heard a response from them yet to my first letter dated May 14th. I will wait to hear a response now to both letters.

I'm also sending First Energy a certified letter with the letters I sent to PUC attached.

Thank you for your attention and understanding,
Sincerely, Conchita M Braun

On June 4th I received from the Company a reply to my June 1st email. Their email went as follows:

Conchita Braun:

Thank you for your reply. Once the PUC contacts us regarding your complaint, we will place a hold on your account until an investigation can be completed. We are showing that there is a note on your account that you have requested to not have the smart meter installed. However, Pennsylvania law does not allow customers to opt out of smart meter deployment. We must exchange the meters on all homes and businesses in our service area to be in compliance with the deployment plan that was approved by the Pennsylvania Public Utility Commission. We are required by Pennsylvania law (Act 129) to install a smart meter on all homes and businesses in our service area. Please be aware that because you are continuing to refuse the meter exchange, we may initiate a process that could ultimately lead to the disconnection of your electric service once the PUC investigation is completed.

If you are not satisfied with this response or have additional comments or questions, please reply to this email within five business days or call us at 1-800- 545-7741, Monday through Friday, between 8 a.m. and 6 p.m. If we do not hear from you within five business days, we will consider this course of action acceptable...

Sincerely,
Chris
Customer Service

By June 7th I had proof of delivery from the Post Office, of the second letter I sent to the PUC, so I emailed the Company. My email read as follows:

Jun 7 at 1:02 PM

Thank you for getting back to me and allowing the time for PUC to review the complaint and respond.

I got the confirmation of the proof of delivery for the letters I sent to PUC and First Energy.

I'm aware with Act 129, I think it's a dangerous Act that affects people's health and well being and that of our environment along with other privacy issues. Electric companies wouldn't be out of compliance until 2023. So I request to be put on the bottom of the list for now. Hopefully by then there will be an opt out option for residents of Pennsylvania, just as the residents of so many other states do.

Sincerely,
Conchita Braun

Further in this same section 3 of the Preliminary Objections the Company writes:

On June 5th, 2018 a service termination notice was issued to the Complainant...

On June 8th, I did receive the Company's letter, dated June 5th. Now does this make any sense? I just received the email from the Company the day before on June 4th, shown above. Why are they the next day sending me a termination letter? The letter said 10 DAY SHUT OFF NOTICE - saying that since I had failed to make arrangements for my

meter to be replaced with a Smart Meter, service to my home would be shut off on or after June 15th...

At this point this was just getting ridiculous, just a few days before I was corresponding with them about the second letter being sent to the PUC... This was getting very frustrating and stressful.

I decided to best wait to hear back from the PUC about my informal complaint letter/s, as I was getting conflicting statements from the Company in knowing what to expect or how to proceed.

Further in this same section 3 of the Preliminary Objections the Company writes:

On June 6th, 2018 the Complainant filed an informal complaint with the Bureau of Consumer Service ("BCS") at case number 3621334 refusing installation of a smart meter at the Service Location. The informal complaint was dismissed by the BCS on June 29, 2018.

My first knowledge that the PUC's BCS had confirmed on June 6th my informal complaint was when I read about it in the Preliminary Objections documents I received from the Company. I was not contacted directly at the time by the PUC's BCS about my informal complaint being received. (More on this subject further down)

Further in this same section 3 of the Preliminary Objections the Company writes:

On June 8, 2018 the Company received another email from the Complainant regarding her refusal of the installation of a smart meter at the Service Location and stating that she received confirmation that the Commission had received her letters.

Admitted in part. Agreed that I did email them, (the email I sent July 7th, mentioned earlier) but it was to let them know that I had confirmation that the PUC had received my letters, not to reiterate the refusal of the installation. The company also fails to mention

that on that email I also mention that since the electric company would not be out of compliance until the year 2023, I requested to be put at the bottom of the list.

I had a trip overseas coming up towards the end of June, of which I had informed the PUC in my informal complaint letters, stating that I was going to be away until the middle of July. Since I was a couple of days away from my departure and I had still not heard anything from the PUC in regards to the informal complaint letters I sent them, I decided to call the PUC and ask about the status of my informal complaint. So on or about June 20th I called the PUC. The man with whom I spoke, said he didn't know anything about my letters, he kept speaking over me as I explained my situation and reiterated to him that I had proof of delivery from the post office, that my second letter was received. He insisted that he knew nothing about it and that I should call the Secretary's office. I called the PUC Secretary's office and the lady that answered, could not give me any information either about my letters, she didn't know anything about them. I explained my situation, that I was worried by the threatening letters from Met-Ed, and feared my power might be turned off while I was away, being that I could not get any information on the status of my informal complaint. The lady told me that the only way to stop that from happening would be to file a Formal Complaint.

Based on the statement above, where the Company mentions in their Preliminary Objections of their knowledge of my Informal Complaint with the BCS as of June 6th, I now wonder... How come when I called PUC- BCS and the PUC Secretary's office on or around June 20th no one knew anything about it?

From the lack of information I was getting from the PUC and feeling I had no other option based on the prior threats from the Company to have my power shut off, on

June 21st I wrote my formal Complaint. It was mailed on June 22nd, along with the copies of the two informal complaint letters.

Upon my return from my trip overseas in mid July, I had a letter from PUC, dated July 2nd, that said that my Informal Complaint would be dismissed, since I had filed a Formal Complaint. Letter signed by Jeremy Plague/ Pa PUC Utility Complaint Investigator. This is the first notice I ever got from PUC in regards to my informal complaint. After sending two letters and later calling inquiring about the status of my informal complaint and no one being able to even confirm that they had received them. I was a bit baffled by the whole experience.

4. DENIED. The company states that even if my statements are accepted as true, they do not constitute a violation of any law which the Commission has jurisdiction to administer or of any regulation or order of the Commission, such that relief can be granted.

I have a different interpretation of the law, as forcing to place a Smart Meter in my home, which is a device that emits electromagnetic frequency/radiation, which has scientifically been proven is dangerous to humans, animals and the environment and that in consequence would have adverse effects on my health and well being and that of any other occupants at the Service Location, a device that if installed will invade my privacy and that of any other occupants by means of monitoring what I use and do inside my home, by collecting data, that is shared and used with unknown parties and possibly illegally intercepted by unknown third parties, and other safety concerns, such as fire hazards, among others, violates my Fourth Amendment Right: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches."

It also violates the Consumer Bill of Rights “The right to safety, the right to be informed, the right to choose, and the right to be heard, the right to satisfaction of basic needs, the right to redress, the right to consumer education, and the right to a healthy environment”. Metropolitan Edison Company also has the obligation under Section 1501 of the Public Utility Code to “furnish and maintain adequate, efficient, safe and reasonable service and facilities.” 66 Pa. C.S. Section 1501 (emphasis added). Also Metropolitan Edison Company is obligated to “make all such repairs, changes, alterations, substitutions and improvements in or to such service and facilities as shall be necessary or proper for the accommodation, convenience and safety of its patrons, employees and the public. (Emphasis added) Furthermore, the original bill SB2200/Act 129 (2008) as originally signed and published on public record, declared that AMI Meters are not mandated, being instead an OPT-IN bill *Re HB2200 Statute 2807 (f) 7 (2) (i)*; Act 129 also says it is to be done upon customer request and to be implemented in new construction, federal housing and federal buildings. None of which applies to me.

5. DENIED. As stated above I have rights, among them the right to be heard and to choose and therefore the Company should not request to strike my Formal Complaint. The Company fails to mention that in my Formal Complaint I request to have the installment postponed until 2023, which is the due date for the electric companies to install the Smart Meters as stated in Act 129.

ARGUMENT

Metropolitan Edison Company argument is that my Formal Complaint should be dismissed because the Company has not violated the Public Utility Code or the orders or

regulations of the Commission that the Company's actions have been in compliance with Act 129.

As stated above, I disagree, as I believe that by forcing an unsafe device against my wishes the Fourth Amendment Right, the Consumer Bill of Rights, and the Public Utility Code are being violated. Furthermore, the original bill SB2200/Act 129 (2008) as **originally signed and published on public record, declared that AMI Meters are not mandated, being instead an OPT-IN bill *Re HB2200 Statute 2807 (f) 7 (2) (i)***

As well as be done upon customer request and to be implemented in new construction, **federal housing and federal buildings. None of which applies to me.**

Act 129 also states that PA homes need a Smart Meter installed by 2023.

It is not 2023 yet, therefore, Metropolitan Edison Company is not out of compliance with the law and neither am I, by refusing to have one installed at this time. If it were to be determined that a Smart Meter must be installed, this should be timed when the consumer/property owner feels it's adequate and at the convenience of the property owner. Which in my case would not be until 2023. Why would the utility company have **all the say of what, when and how things are to be taking place? By allowing only the Company to decide what's to take place, I the consumer would be denied of the right to choose and make a safe informed decision.**

Other complaint cases mentioned in their Preliminary Objections by the Company should not be the basis or influence the Commission's decision in regards to my Complaint. Every case is different and by law should be evaluated independently, regardless of what the rulings or outcome of previous cases might have been.

CONCLUSION

Due to the confusing information and conflicting procedures that I received from the beginning from Metropolitan Edison Company and the lack of information provided to me by the PUC, in regards to my informal Complaint, I was left with no other choice, but to file a Formal Complaint.

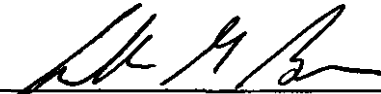
I was rushed at the time when I filed the Formal Complaint due to my trip overseas at the end of June. Due to time constrictions, I couldn't properly elaborate on the many issues that concern me and for which I believe that my current Analog Meter should not be replaced. I have much more to add over the health, privacy, safety, environmental concerns that I have, as well as the legal concerns. I will be happy to add to my Complaint more information to be able to explain in more detail my objection to the Smart Meter, if allowed the opportunity to do so by the Commission.

As a resolution I have requested from the time I filed the Informal Complaint and also in the Formal Complaint, to postpone the installation of the device in question until 2023. By doing so, Metropolitan Edison Company would not be out of compliance with Act 129.

Based on the information provided in this document, I, Conchita M Braun, the Complainant, respectfully request that Metropolitan Edison Company's Preliminary Objections be overruled and dismissed and that the relief sought by the Company be denied.

Respectfully submitted,

Dated: August 14th, 2018



Conchita M Braun
1220 Parkside Drive South- Reading PA 19611

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

CONCHITA M BRAUN

v.

METROPOLITAN EDISON COMPANY:

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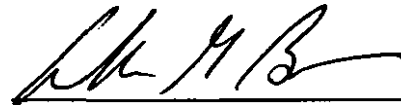
Docket No. C-2018-3003001

CERTIFICATE

I hereby certify that the Statements made by me are true. I am aware that if any of the statements made by me are willfully false I am subject to punishment.

Submitted by,

Dated: August 14th 2018



Conchita M Braun
1220 Parkside Drive South
Reading, PA 19611 (610) 375-3501

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

CONCHITA M BRAUN

v.

METROPOLITAN EDISON COMPANY:

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Docket No. C-2018-3003001

CERTIFICATE OF SERVICE

I hereby certify that on this day, August 14th 2018 I served my reply to the Preliminary Objections by Metropolitan Edison Company to the following:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor.
Harrisburg, PA 17120

Commonwealth of Pennsylvania
Office of Administrative Law Judge
Jeffrey A Watson
301 Fifth Ave., Suite 220, Platt Place
Pittsburgh, PA 15222

Lauren M. Lepkoski
Tori L Giesler
First Energy Service Company
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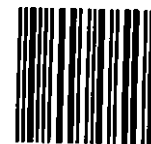
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